

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE FIRST SESSION OF THE
ONE HUNDRED SIXTEENTH CONGRESS
OF THE UNITED STATES OF AMERICA

2019

AND

PROCLAMATIONS

VOLUME 133

PUBLIC LAWS 116-1 THROUGH 116-108



UNITED STATES
GOVERNMENT PUBLISHING OFFICE
WASHINGTON : 2024

PUBLISHED BY AUTHORITY OF LAW UNDER THE DIRECTION OF THE ARCHIVIST OF THE UNITED STATES BY THE OFFICE OF THE FEDERAL REGISTER,
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

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9918	National Childhood Cancer Awareness Month, 2019	Aug. 30, 2019	3428
9919	National Preparedness Month, 2019	Aug. 30, 2019	3429
9920	Labor Day, 2019	Aug. 30, 2019	3431
9921	National Days of Prayer and Remembrance, 2019	Sept. 5, 2019	3432
9922	National Historically Black Colleges and Universities Week, 2019.	Sept. 6, 2019	3433
9923	Opioid Crisis Awareness Week, 2019	Sept. 6, 2019	3434
9924	Minority Enterprise Development Week, 2019	Sept. 9, 2019	3436
9925	Patriot Day, 2019	Sept. 10, 2019	3437
9926	National Farm Safety and Health Week, 2019	Sept. 13, 2019	3439
9927	National Hispanic Heritage Month, 2019	Sept. 13, 2019	3440
9928	National Gang Violence Prevention Week, 2019	Sept. 13, 2019	3441
9929	Constitution Day, Citizenship Day, and Constitution Week, 2019.	Sept. 16, 2019	3442
9930	National POW/MIA Recognition Day, 2019	Sept. 19, 2019	3443
9931	Suspension of Entry as Immigrants and Non-immigrants of Persons Responsible for Policies or Actions That Threaten Venezuela's Democratic Institutions.	Sept. 25, 2019	3445
9932	Suspension of Entry as Immigrants and Non-immigrants of Senior Officials of the Government of Iran.	Sept. 25, 2019	3447
9933	National Domestic Violence Awareness Month, 2019	Sept. 27, 2019	3449
9934	Gold Star Mother's and Family's Day, 2019	Sept. 27, 2019	3450
9935	National Hunting and Fishing Day, 2019	Sept. 27, 2019	3451
9936	National Breast Cancer Awareness Month, 2019	Sept. 30, 2019	3452
9937	National Cybersecurity Awareness Month, 2019	Sept. 30, 2019	3453
9938	National Disability Employment Awareness Month, 2019.	Sept. 30, 2019	3455
9939	National Energy Awareness Month, 2019	Sept. 30, 2019	3456
9940	National Substance Abuse Prevention Month, 2019	Sept. 30, 2019	3458
9941	National Manufacturing Day, 2019	Oct. 3, 2019	3459
9942	Fire Prevention Week, 2019	Oct. 4, 2019	3461
9943	German-American Day, 2019	Oct. 4, 2019	3462
9944	Child Health Day, 2019	Oct. 4, 2019	3463
9945	Suspension of Entry of Immigrants Who Will Financially Burden the United States Healthcare System, in Order to Protect the Availability of Healthcare Benefits for Americans.	Oct. 4, 2019	3465
9946	Leif Erikson Day, 2019	Oct. 8, 2019	3469
9947	General Pulaski Memorial Day, 2019	Oct. 10, 2019	3470
9948	National School Lunch Week, 2019	Oct. 11, 2019	3471
9949	Columbus Day, 2019	Oct. 11, 2019	3472
9950	Blind Americans Equality Day, 2019	Oct. 11, 2019	3473
9951	Death of Elijah E. Cummings	Oct. 17, 2019	3474
9952	National Character Counts Week, 2019	Oct. 18, 2019	3474
9953	National Forest Products Week, 2019	Oct. 18, 2019	3475
9954	United Nations Day, 2019	Oct. 23, 2019	3477
9955	To Modify Duty-Free Treatment Under the Generalized System of Preferences and for Other Purposes.	Oct. 25, 2019	3478
9956	Critical Infrastructure Security and Resilience Month, 2019.	Oct. 31, 2019	3506
9957	National Adoption Month, 2019	Oct. 31, 2019	3508
9958	National American History and Founders Month, 2019	Oct. 31, 2019	3509
9959	National Entrepreneurship Month, 2019	Oct. 31, 2019	3510

LIST OF PROCLAMATIONS

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9960 National Family Caregivers Month, 2019	Oct. 31, 2019	3512
9961 National Native American Heritage Month, 2019	Oct. 31, 2019	3513
9962 National Veterans and Military Families Month, 2019	Oct. 31, 2019	3514
9963 Veterans Day, 2019	Nov. 7, 2019	3516
9964 National Apprenticeship Week, 2019	Nov. 8, 2019	3517
9965 World Freedom Day, 2019	Nov. 8, 2019	3518
9966 American Education Week, 2019	Nov. 15, 2019	3519
9967 National Family Week, 2019	Nov. 22, 2019	3521
9968 Thanksgiving Day, 2019	Nov. 27, 2019	3522
9969 National Impaired Driving Prevention Month, 2019	Nov. 27, 2019	3524
9970 World AIDS Day, 2019	Nov. 27, 2019	3525
9971 National Pearl Harbor Remembrance Day, 2019	Dec. 6, 2019	3527
9972 Human Rights Day, Bill of Rights Day, and Human Rights Week, 2019.	Dec. 9, 2019	3528
9973 Wright Brothers Day, 2019	Dec. 16, 2019	3530
9974 To Take Certain Actions Under the African Growth and Opportunity Act and for Other Purposes.	Dec. 26, 2019	3531
9975 National Slavery and Human Trafficking Prevention Month, 2020.	Dec. 31, 2019	3557

PUBLIC LAWS

ENACTED DURING

FIRST SESSION OF THE ONE HUNDRED SIXTEENTH CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Thursday, January 3, 2019, adjourned sine die on Friday, January 3, 2020. DONALD J. TRUMP, President; MICHAEL R. PENCE, Vice President; NANCY PELOSI, Speaker of the House of Representatives.

Public Law 116–1
116th Congress

An Act

To provide for the compensation of Federal and other government employees affected by lapses in appropriations.

Jan. 16, 2019
[S. 24]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Government Employee Fair Treatment Act of 2019”.

Government
Employee Fair
Treatment Act
of 2019.
31 USC 1301
note.

SEC. 2. COMPENSATION FOR FEDERAL AND OTHER GOVERNMENT EMPLOYEES AFFECTED BY A LAPSE IN APPROPRIATIONS.

Section 1341 of title 31, United States Code, is amended—

(1) in subsection (a)(1), by striking “An officer” and inserting “Except as specified in this subchapter or any other provision of law, an officer”; and

(2) by adding at the end the following:

“(c)(1) In this subsection—

“(A) the term ‘covered lapse in appropriations’ means any lapse in appropriations that begins on or after December 22, 2018;

“(B) the term ‘District of Columbia public employer’ means—

“(i) the District of Columbia Courts;

“(ii) the Public Defender Service for the District of Columbia; or

“(iii) the District of Columbia government;

“(C) the term ‘employee’ includes an officer; and

“(D) the term ‘excepted employee’ means an excepted employee or an employee performing emergency work, as such terms are defined by the Office of Personnel Management or the appropriate District of Columbia public employer, as applicable.

“(2) Each employee of the United States Government or of a District of Columbia public employer furloughed as a result of a covered lapse in appropriations shall be paid for the period of the lapse in appropriations, and each excepted employee who is required to perform work during a covered lapse in appropriations shall be paid for such work, at the employee’s standard rate of pay, at the earliest date possible after the lapse in appropriations ends, regardless of scheduled pay dates.

“(3) During a covered lapse in appropriations, each excepted employee who is required to perform work shall be entitled to use leave under chapter 63 of title 5, or any other applicable law governing the use of leave by the excepted employee, for which

Definitions.

compensation shall be paid at the earliest date possible after the lapse in appropriations ends, regardless of scheduled pay dates.”.

Approved January 16, 2019.

LEGISLATIVE HISTORY—S. 24:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Jan. 10, considered and passed Senate.

Jan. 11, considered and passed House.

Public Law 116–2
116th Congress

An Act

To extend by 15 months the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security, and for other purposes.

Jan. 18, 2019
[H.R. 251]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Chemical Facility Anti-Terrorism Standards Program Extension Act”.

SEC. 2. EXTENSION OF CHEMICAL FACILITY ANTI-TERRORISM STANDARDS PROGRAM OF THE DEPARTMENT OF HOMELAND SECURITY.

Section 5 of the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 (Public Law 113–254; 6 U.S.C. 621 note) is amended by striking “4 years” and inserting “5 years and 3 months”.

Approved January 18, 2019.

Chemical Facility
Anti-Terrorism
Standards
Program
Extension Act.
6 USC 101 note.

LEGISLATIVE HISTORY—H.R. 251:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Jan. 8, considered and passed House.

Jan. 16, considered and passed Senate, amended.

Jan. 17, House concurred in Senate amendments.

Public Law 116–3
116th Congress

An Act

Jan. 24, 2019
[H.R. 259]

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

Medicaid
Extenders Act
of 2019.
42 USC 1305
note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Medicaid Extenders Act of 2019”.

SEC. 2. EXTENSION OF MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION.

(a) **GENERAL FUNDING.**—Section 6071(h) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking “and” after the semicolon;

(B) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(F) subject to paragraph (3), \$112,000,000 for fiscal year 2019.”;

(2) in paragraph (2)—

(A) by striking “Amounts made” and inserting “Subject to paragraph (3), amounts made”; and

(B) by striking “September 30, 2016” and inserting “September 30, 2021”; and

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

“(3) **SPECIAL RULE FOR FY 2019.**—Funds appropriated under paragraph (1)(F) shall be made available for grants to States only if such States have an approved MFP demonstration project under this section as of December 31, 2018.”.

(b) **FUNDING FOR QUALITY ASSURANCE AND IMPROVEMENT; TECHNICAL ASSISTANCE; OVERSIGHT.**—Section 6071(f) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended by striking paragraph (2) and inserting the following:

“(2) **FUNDING.**—From the amounts appropriated under subsection (h)(1)(F) for fiscal year 2019, \$500,000 shall be available to the Secretary for such fiscal year to carry out this subsection.”.

(c) **TECHNICAL AMENDMENT.**—Section 6071(b) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended by adding at the end the following:

“(10) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Health and Human Services.”.

Grants.
State and local
governments.
Deadline.

Definition.

SEC. 3. EXTENSION OF PROTECTION FOR MEDICAID RECIPIENTS OF HOME AND COMMUNITY-BASED SERVICES AGAINST SPOUSAL IMPOVERISHMENT.

(a) **IN GENERAL.**—Section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) is amended by striking “the 5-year period that begins on January 1, 2014,” and inserting “the period beginning on January 1, 2014, and ending on March 31, 2019,”.

Time period.

(b) **RULE OF CONSTRUCTION.**—

42 USC 1396r–5 note.

(1) **PROTECTING STATE SPOUSAL INCOME AND ASSET DISREGARD FLEXIBILITY UNDER WAIVERS AND PLAN AMENDMENTS.**—Nothing in section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) or section 1924 of the Social Security Act (42 U.S.C. 1396r–5) shall be construed as prohibiting a State from disregarding an individual’s spousal income and assets under a State waiver or plan amendment described in paragraph (2) for purposes of making determinations of eligibility for home and community-based services or home and community-based attendant services and supports under such waiver or plan amendment.

(2) **STATE WAIVER OR PLAN AMENDMENT DESCRIBED.**—A State waiver or plan amendment described in this paragraph is any of the following:

(A) A waiver or plan amendment to provide medical assistance for home and community-based services under a waiver or plan amendment under subsection (c), (d), or (i) of section 1915 of the Social Security Act (42 U.S.C. 1396n) or under section 1115 of such Act (42 U.S.C. 1315).

(B) A plan amendment to provide medical assistance for home and community-based services for individuals by reason of being determined eligible under section 1902(a)(10)(C) of such Act (42 U.S.C. 1396a(a)(10)(C)) or by reason of section 1902(f) of such Act (42 U.S.C. 1396a(f)) or otherwise on the basis of a reduction of income based on costs incurred for medical or other remedial care under which the State disregarded the income and assets of the individual’s spouse in determining the initial and ongoing financial eligibility of an individual for such services in place of the spousal impoverishment provisions applied under section 1924 of such Act (42 U.S.C. 1396r–5).

(C) A plan amendment to provide medical assistance for home and community-based attendant services and supports under section 1915(k) of such Act (42 U.S.C. 1396n(k)).

SEC. 4. REDUCTION IN FMAP AFTER 2020 FOR STATES WITHOUT ASSET VERIFICATION PROGRAM.

Section 1940 of the Social Security Act (42 U.S.C. 1396w) is amended by adding at the end the following new subsection:

“(k) **REDUCTION IN FMAP AFTER 2020 FOR NON-COMPLIANT STATES.**—

“(1) **IN GENERAL.**—With respect to a calendar quarter beginning on or after January 1, 2021, the Federal medical assistance percentage otherwise determined under section 1905(b) for a non-compliant State shall be reduced—

Time periods.

“(A) for calendar quarters in 2021 and 2022, by 0.12 percentage points;

“(B) for calendar quarters in 2023, by 0.25 percentage points;

“(C) for calendar quarters in 2024, by 0.35 percentage points; and

“(D) for calendar quarters in 2025 and each year thereafter, by 0.5 percentage points.

“(2) NON-COMPLIANT STATE DEFINED.—For purposes of this subsection, the term ‘non-compliant State’ means a State—

“(A) that is one of the 50 States or the District of Columbia;

“(B) with respect to which the Secretary has not approved a State plan amendment submitted under subsection (a)(2); and

“(C) that is not operating, on an ongoing basis, an asset verification program in accordance with this section.”.

SEC. 5. MEDICAID IMPROVEMENT FUND.

Section 1941(b)(1) of the Social Security Act (42 U.S.C. 1396w–1(b)(1)) is amended by striking “\$31,000,000” and inserting “\$6,000,000”.

Approved January 24, 2019.

LEGISLATIVE HISTORY—H.R. 259:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Jan. 8, considered and passed House.

Jan. 17, considered and passed Senate.

Public Law 116–4
116th Congress

An Act

To extend the program of block grants to States for temporary assistance for needy families and related programs through June 30, 2019.

Jan. 24, 2019
[H.R. 430]

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

TANF Extension
Act of 2019.

SECTION 1. SHORT TITLE.

This Act may be cited as the “TANF Extension Act of 2019”.

SEC. 2. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM AND RELATED PROGRAMS THROUGH JUNE 30, 2019.

Activities authorized by part A of title IV and section 1108(b) of the Social Security Act shall continue through June 30, 2019, in the manner authorized for fiscal year 2018, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

Approved January 24, 2019.

LEGISLATIVE HISTORY—H.R. 430:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Jan. 14, considered and passed House.

Jan. 22, considered and passed Senate.

Public Law 116–5
116th Congress

Joint Resolution

Jan. 25, 2019
[H.J. Res. 28]

Making further continuing appropriations for fiscal year 2019, and for other purposes.

Further
Additional
Continuing
Appropriations
Act, 2019.

132 Stat. 3124.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. This joint resolution may be cited as the “Further Additional Continuing Appropriations Act, 2019”.

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

(1) by striking the date specified in section 105(3) and inserting “February 15, 2019”; and

(2) by adding after section 136 the following:

“SEC. 137. Amounts made available in this Act for personnel pay, allowances, and benefits in each department and agency shall be available for obligations incurred pursuant to subsection (c) of section 1341 of title 31, United States Code.

“SEC. 138. All obligations incurred and in anticipation of the appropriations made and authority granted by this Act for the purposes of maintaining the essential level of activity to protect life and property and bringing about orderly termination of Government function, and for purposes as otherwise authorized by law, are hereby ratified and approved if otherwise in accord with the provisions of this Act.

State and local
governments.
Furlough.
Reimbursements.

“SEC. 139. (a) If a State (or another Federal grantee) used State funds (or the grantee’s non-Federal funds) to continue carrying out a Federal program or furloughed State employees (or the grantee’s employees) whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

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

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

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

Definitions.

“(b) For purposes of this section, the term ‘State’ and the term ‘grantee’ shall have the meaning as such term is defined under the applicable Federal program under subsection (a). In addition, ‘to continue carrying out a Federal program’ means the

continued performance by a State or other Federal grantee, during the period of a lapse in appropriations, of a Federal program that the State or such other grantee had been carrying out prior to the period of the lapse in appropriations.

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

Applicability.

“SEC. 140. Notwithstanding section 251(a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 and the timetable in section 254(a) of such Act, the final sequestration report for fiscal year 2019 pursuant to section 254(f)(1) of such Act and any order for fiscal year 2019 pursuant to section 254(f)(5) of such Act shall be issued, for the Congressional Budget Office, 10 days after the date specified in section 105(3), and for the Office of Management and Budget, 15 days after the date specified in section 105(3).

Time periods.

“SEC. 141. Section 319L(e)(1)(A) of the Public Health Service Act (42 U.S.C. 247d–7e(e)(1)(A)) shall continue in effect through the date specified in section 105(3) of this Act.

Extension date.

“SEC. 142. Section 405(a) of the Pandemic and All Hazards Preparedness Act (42 U.S.C. 247d–6a note) shall continue in effect through the date specified in section 105(3) of this Act.”.

Extension date.

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

Time period.

SEC. 103. Subsection (c)(2) of section 1341 of title 31, United States Code, is amended by inserting “, and subject to the enactment of appropriations Acts ending the lapse” before the period.

SEC. 104. For the purposes of the annual report issued pursuant to section 5 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 934) after adjournment of the second session of the 115th Congress, and for determining whether a sequestration order is necessary under such section, the debit for the budget year on the 5-year

Determination.
Time periods.

scorecard, if any, and the 10-year scorecard, if any, shall be deducted from such scorecard in 2019 and added to such scorecard in 2020.

Approved January 25, 2019.

LEGISLATIVE HISTORY—H.J. Res. 28:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Jan. 17, considered and passed House; proceedings vacated and further consideration postponed.

Jan. 23, considered and passed House.

Jan. 25, considered and passed Senate, amended. House concurred in Senate amendment.

Public Law 116–6
116th Congress

Joint Resolution

Making consolidated appropriations for the fiscal year ending September 30, 2019,
and for other purposes.

Feb. 15, 2019
[H.J. Res. 31]

*Resolved by the Senate and House of Representatives of the
United States of America in Congress assembled,*

Consolidated
Appropriations
Act, 2019.

SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF CONTENTS.

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Statement of appropriations.
- Sec. 5. Availability of funds.
- Sec. 6. Adjustments to compensation.
- Sec. 7. Technical correction.

**DIVISION A—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS
ACT, 2019**

- Title I—Departmental Management, Operations, Intelligence, and Oversight
- Title II—Security, Enforcement, and Investigations
- Title III—Protection, Preparedness, Response, and Recovery
- Title IV—Research, Development, Training, and Services
- Title V—General Provisions

**DIVISION B—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG
ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2019**

- Title I—Agricultural Programs
- Title II—Farm Production and Conservation Programs
- Title III—Rural Development Programs
- Title IV—Domestic Food Programs
- Title V—Foreign Assistance and Related Programs
- Title VI—Related Agency and Food and Drug Administration
- Title VII—General Provisions

**DIVISION C—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS ACT, 2019**

- Title I—Department of Commerce
- Title II—Department of Justice
- Title III—Science
- Title IV—Related Agencies
- Title V—General Provisions

**DIVISION D—FINANCIAL SERVICES AND GENERAL GOVERNMENT
APPROPRIATIONS ACT, 2019**

- Title I—Department of the Treasury
- Title II—Executive Office of the President and Funds Appropriated to the President
- Title III—The Judiciary
- Title IV—District of Columbia

Title V—Independent Agencies
 Title VI—General Provisions—This Act
 Title VII—General Provisions—Government-wide
 Title VIII—General Provisions—District of Columbia

**DIVISION E—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND
 RELATED AGENCIES APPROPRIATIONS ACT, 2019**

Title I—Department of the Interior
 Title II—Environmental Protection Agency
 Title III—Related Agencies
 Title IV—General Provisions

**DIVISION F—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND
 RELATED PROGRAMS APPROPRIATIONS ACT, 2019**

Title I—Department of State and Related Agency
 Title II—United States Agency for International Development
 Title III—Bilateral Economic Assistance
 Title IV—International Security Assistance
 Title V—Multilateral Assistance
 Title VI—Export and Investment Assistance
 Title VII—General Provisions
 Title VIII—Overseas Contingency Operations/Global War on Terrorism

**DIVISION G—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT,
 AND RELATED AGENCIES APPROPRIATIONS ACT, 2019**

Title I—Department of Transportation
 Title II—Department of Housing and Urban Development
 Title III—Related Agencies
 Title IV—General Provisions—This Act

**DIVISION H—EXTENSIONS, TECHNICAL CORRECTIONS, AND OTHER
 MATTERS**

Title I—Immigration Extensions
 Title II—Technical Corrections
 Title III—Budgetary Effects

1 USC 1 note.

SEC. 3. REFERENCES TO ACT.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2019.

SEC. 5. AVAILABILITY OF FUNDS.

Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 6. ADJUSTMENTS TO COMPENSATION.

Joe Anne Jones.

For a payment to Joe Anne Jones, widow of Walter B. Jones Jr., late a Representative from North Carolina, \$174,000.

SEC. 7. TECHNICAL CORRECTION.

Division O of the Consolidated Appropriations Act, 2018 (Public Law 115–141) is amended—

132 Stat. 1059.

(1) in the heading, by inserting “Stephen Sepp” before “Wildfire”; and

43 USC 1701
 note.

(2) by amending section 101 to read as follows:

“SEC. 101. SHORT TITLE.

“(a) **SHORT TITLE.**—This division may be cited as the ‘Stephen Sepp Wildfire Suppression Funding and Forest Management Activities Act’.

43 USC 1701
note.

“(b) **REFERENCES.**—A reference to the Wildfire Suppression Funding and Forest Management Activities Act, including a reference in a regulation, order, or other law, is deemed to refer to the Stephen Sepp Wildfire Suppression Funding and Forest Management Activities Act.”.

43 USC 1701
note.**DIVISION A—DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS ACT, 2019**Department of
Homeland
Security
Appropriations
Act, 2019.**TITLE I****DEPARTMENTAL MANAGEMENT, OPERATIONS,
INTELLIGENCE, AND OVERSIGHT****OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT****OPERATIONS AND SUPPORT**

For necessary expenses of the Office of the Secretary and for executive management for operations and support, \$141,381,000: *Provided*, That not to exceed \$30,000 shall be for official reception and representation expenses: *Provided further*, That of the funds provided under this heading, \$13,000,000 shall be withheld from obligation until the Secretary complies with section 106 of this Act and \$13,000,000 shall be withheld from obligation until the Secretary provides the first report on border apprehensions required under this heading by the report accompanying this Act.

MANAGEMENT DIRECTORATE**OPERATIONS AND SUPPORT**

For necessary expenses of the Management Directorate for operations and support, \$1,083,837,000: *Provided*, That not to exceed \$2,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Management Directorate for procurement, construction, and improvements, \$175,920,000, of which \$55,920,000 shall remain available until September 30, 2021; and of which \$120,000,000 shall remain available until September 30, 2023, and shall be transferred to and merged with the General Services Administration’s Federal Buildings Fund for Department of Homeland Security headquarters consolidation at St. Elizabeths: *Provided*, That not later than 30 days prior to any such transfer of funds, the Secretary of Homeland Security and the Administrator of General Services shall provide to the Committees on Appropriations of the Senate and the House of Representatives a detailed plan delineating the proposed use of such transferred funds for such headquarters consolidation project.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Management Directorate for research and development, \$2,545,000, to remain available until September 30, 2020.

INTELLIGENCE, ANALYSIS, AND OPERATIONS COORDINATION

OPERATIONS AND SUPPORT

For necessary expenses of the Office of Intelligence and Analysis and the Office of Operations Coordination for operations and support, \$253,253,000, of which \$78,299,000 shall remain available until September 30, 2020: *Provided*, That not to exceed \$3,825 shall be for official reception and representation expenses and not to exceed \$2,000,000 is available for facility needs associated with secure space at fusion centers, including improvements to buildings.

OFFICE OF INSPECTOR GENERAL

OPERATIONS AND SUPPORT

For necessary expenses of the Office of Inspector General for operations and support, \$168,000,000: *Provided*, That not to exceed \$300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

ADMINISTRATIVE PROVISIONS

SEC. 101. Not later than 30 days after the last day of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations of the Department for that month and for the fiscal year at the appropriation and program, project, and activity levels, by the source year of the appropriation.

SEC. 102. (a) The Secretary of Homeland Security shall submit a report not later than October 15, 2019, to the Inspector General of the Department of Homeland Security listing all grants and contracts awarded by any means other than full and open competition during fiscal years 2018 and 2019.

(b) The Inspector General shall review the report required by subsection (a) to assess departmental compliance with applicable laws and regulations and report the results of that review to the Committees on Appropriations of the Senate and the House of Representatives not later than February 15, 2020.

SEC. 103. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes, which shall be specified in terms of cost, schedule, and performance.

SEC. 104. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9705(g)(4)(B) of title 31, United States Code from the Department

of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: *Provided*, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives are notified of the proposed transfers.

SEC. 105. All official costs associated with the use of Government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Office of the Secretary.

SEC. 106. Section 107 of the Department of Homeland Security Appropriations Act, 2018 (division F of Public Law 115–141), related to visa overstay data, shall apply in fiscal year 2019, except that the reference to “this Act” shall be treated as referring to this Act, and the reference to “2017” shall be treated as referring to “2018”.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Customs and Border Protection for operations and support, including the transportation of unaccompanied minor aliens; the provision of air and marine support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; at the discretion of the Secretary of Homeland Security, the provision of such support to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; the purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems; and contracting with individuals for personal services abroad; \$12,179,729,000; of which \$3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which \$2,000,000,000 shall be available until September 30, 2020; and of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; and of which \$58,710,000 is for additional customs officers: *Provided*, That not to exceed \$34,425 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations: *Provided further*, That not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Customs and Border Protection for procurement, construction, and improvements, including procurements to buy marine vessels, aircraft, and unmanned aerial systems, \$2,515,878,000, of which \$870,656,000 shall remain available until September 30, 2021, and of which \$1,645,222,000 shall remain available until September 30, 2023.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Immigration and Customs Enforcement for operations and support, including the purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; overseas vetted units; and maintenance, minor construction, and minor leasehold improvements at owned and leased facilities; \$7,542,153,000; of which \$6,000,000 shall remain available until expended for efforts to enforce laws against forced child labor; of which \$75,448,000 shall remain available until September 30, 2020; of which \$1,500,000 is for paid apprenticeships for participants in the Human Exploitation Rescue Operative Child-Rescue Corps; of which not less than \$15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center; and of which not less than \$4,273,857,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied minor aliens: *Provided*, That not to exceed \$11,475 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081): *Provided further*, That not to exceed \$2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided further*, That of the funds made available under this heading, \$10,000,000 shall be withheld from obligation until the first report required by section 226 has been made available on a publicly accessible website.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Immigration and Customs Enforcement for procurement, construction, and improvements, \$45,559,000, to remain available until September 30, 2021; of which not less than \$10,000,000 shall be available for facilities repair and maintenance projects.

TRANSPORTATION SECURITY ADMINISTRATION

OPERATIONS AND SUPPORT

For necessary expenses of the Transportation Security Administration for operations and support, \$7,410,079,000, to remain available until September 30, 2020: *Provided*, That not to exceed \$7,650 shall be for official reception and representation expenses: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2019 so as to result in a final fiscal year appropriation from the general fund estimated at not more than \$4,740,079,000.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Transportation Security Administration for procurement, construction, and improvements, \$169,789,000, to remain available until September 30, 2021.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Transportation Security Administration for research and development, \$20,594,000, to remain available until September 30, 2020.

COAST GUARD

OPERATIONS AND SUPPORT

For necessary expenses of the Coast Guard for operations and support including purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of not more than \$700,000) and repairs and service-life replacements, not to exceed a total of \$31,000,000; purchase, lease, or improvements of boats necessary for overseas deployments and activities; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; \$7,808,201,000, of which \$505,000,000 shall be for defense-related activities, of which \$165,000,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985; of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which \$11,000,000 shall remain available until September 30, 2021; and of which \$13,469,000 shall remain available until September 30, 2023, for environmental compliance and restoration: *Provided*, That not to exceed \$23,000 shall be for official reception and representation expenses: *Provided further*, That \$25,000,000 shall be withheld from obligation for Coast Guard Headquarters Directorates until a future-years capital investment

plan for fiscal years 2020 through 2024 is submitted to the Committees on Appropriations of the Senate and the House of Representatives pursuant to section 217 of this Act.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Coast Guard for procurement, construction, and improvements, including aids to navigation, shore facilities (including facilities at Department of Defense installations used by the Coast Guard), and vessels and aircraft, including equipment related thereto, \$2,248,260,000, to remain available until September 30, 2023, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

RESEARCH AND DEVELOPMENT

For necessary expenses of the Coast Guard for research and development; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; \$20,256,000, to remain available until September 30, 2021, of which \$500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, payment of continuation pay under section 356 of title 37, United States Code, concurrent receipts, combat-related special compensation, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,739,844,000, to remain available until expended.

UNITED STATES SECRET SERVICE

OPERATIONS AND SUPPORT

For necessary expenses of the United States Secret Service for operations and support, including purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; rental of buildings in the District of Columbia; fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; conduct of and participation in firearms matches; presentation of awards; conduct of behavioral research in support of protective intelligence and operations; payment in advance for commercial accommodations as may be necessary to perform protective functions; and payment, without regard to section 5702 of title 5, United States Code,

of subsistence expenses of employees who are on protective missions, whether at or away from their duty stations; \$2,148,528,000; of which \$40,036,000 shall remain available until September 30, 2020, and of which \$6,000,000 shall be for a grant for activities related to investigations of missing and exploited children; and of which up to \$9,500,000 may be for calendar year 2018 premium pay in excess of the annual equivalent of the limitation on the rate of pay contained in section 5547(a) of title 5, United States Code, pursuant to section 2 of the Overtime Pay for Protective Services Act of 2016 (5 U.S.C. 5547 note), as amended by Public Law 115–160: *Provided*, That not to exceed \$19,125 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in criminal investigations within the jurisdiction of the United States Secret Service.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the United States Secret Service for procurement, construction, and improvements, \$97,131,000, to remain available until September 30, 2021.

RESEARCH AND DEVELOPMENT

For necessary expenses of the United States Secret Service for research and development, \$2,500,000, to remain available until September 30, 2020.

ADMINISTRATIVE PROVISIONS

SEC. 201. Section 201 of the Department of Homeland Security Appropriations Act, 2018 (division F of Public Law 115–141), related to overtime compensation limitations, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act, except that “fiscal year 2019” shall be substituted for “fiscal year 2018”.

SEC. 202. Funding made available under the headings “U.S. Customs and Border Protection—Operations and Support” and “U.S. Customs and Border Protection—Procurement, Construction, and Improvements” shall be available for customs expenses when necessary to maintain operations and prevent adverse personnel actions in Puerto Rico in addition to funding provided by section 740 of title 48, United States Code.

SEC. 203. As authorized by section 601(b) of the United States-Colombia Trade Promotion Agreement Implementation Act (Public Law 112–42), fees collected from passengers arriving from Canada, Mexico, or an adjacent island pursuant to section 13031(a)(5) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) shall be available until expended.

SEC. 204. For an additional amount for “U.S. Customs and Border Protection—Operations and Support”, \$31,000,000, to remain available until expended, to be reduced by amounts collected and credited to this appropriation in fiscal year 2019 from amounts authorized to be collected by section 286(i) of the Immigration and Nationality Act (8 U.S.C. 1356(i)), section 10412 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8311), and section 817 of the Trade Facilitation and Trade Enforcement Act

of 2015 (Public Law 114–25), or other such authorizing language: *Provided*, That to the extent that amounts realized from such collections exceed \$31,000,000, those amounts in excess of \$31,000,000 shall be credited to this appropriation, to remain available until expended.

SEC. 205. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 206. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall be used to approve a waiver of the navigation and vessel-inspection laws pursuant to section 501(b) of title 46, United States Code, for the transportation of crude oil distributed from and to the Strategic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 2 business days of any request for waivers of navigation and vessel-inspection laws pursuant to section 501(b) of title 46, United States Code, with respect to such transportation, and the disposition of such requests.

SEC. 207. (a) Beginning on the date of enactment of this Act, the Secretary of Homeland Security shall not—

(1) establish, collect, or otherwise impose any new border crossing fee on individuals crossing the Southern border or the Northern border at a land port of entry; or

(2) conduct any study relating to the imposition of a border crossing fee.

(b) In this section, the term “border crossing fee” means a fee that every pedestrian, cyclist, and driver and passenger of a private motor vehicle is required to pay for the privilege of crossing the Southern border or the Northern border at a land port of entry.

SEC. 208. Without regard to the limitation as to time and condition of section 503(d) of this Act, the Secretary may reprogram within and transfer funds to “U.S. Immigration and Customs Enforcement—Operations and Support” as necessary to ensure the detention of aliens prioritized for removal.

SEC. 209. None of the funds provided under the heading “U.S. Immigration and Customs Enforcement—Operations and Support” may be used to continue a delegation of law enforcement authority

authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been materially violated.

SEC. 210. None of the funds provided under the heading “U.S. Immigration and Customs Enforcement—Operations and Support” may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than “adequate” or the equivalent median score in any subsequent performance evaluation system.

SEC. 211. Members of the United States House of Representatives and the United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

SEC. 212. Any award by the Transportation Security Administration to deploy explosives detection systems shall be based on risk, the airport’s current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness.

SEC. 213. Notwithstanding section 44923 of title 49, United States Code, for fiscal year 2019, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a) of such title.

SEC. 214. None of the funds made available by this or any other Act may be used by the Administrator of the Transportation Security Administration to implement, administer, or enforce, in abrogation of the responsibility described in section 44903(n)(1) of title 49, United States Code, any requirement that airport operators provide airport-financed staffing to monitor exit points from the sterile area of any airport at which the Transportation Security Administration provided such monitoring as of December 1, 2013.

SEC. 215. None of the funds made available by this Act under the heading “Coast Guard—Operations and Support” shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to the appropriation made available by this Act under the heading “Coast Guard—Operations and Support”: *Provided*, That to the extent such fees are insufficient to pay expenses of recreational vessel documentation under such section 12114, and there is a backlog of recreational vessel applications, personnel performing non-recreational vessel documentation functions under subchapter II of chapter 121 of title 46, United States Code, may perform documentation under section 12114.

SEC. 216. Without regard to the limitation as to time and condition of section 503(d) of this Act, after June 30, up to \$10,000,000 may be reprogrammed to or from the Military Pay and Allowances funding category within “Coast Guard—Operations

and Support” in accordance with subsection (a) of section 503 of this Act.

SEC. 217. Notwithstanding any other provision of law, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives a future-years capital investment plan as described in the second proviso under the heading “Coast Guard—Acquisition, Construction, and Improvements” in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4), which shall be subject to the requirements in the third and fourth provisos under such heading.

SEC. 218. The United States Secret Service is authorized to obligate funds in anticipation of reimbursements from executive agencies, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under the heading “United States Secret Service—Operations and Support” at the end of the fiscal year.

SEC. 219. None of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided*, That the Director of the United States Secret Service may enter into agreements to provide such protection on a fully reimbursable basis.

SEC. 220. For purposes of section 503(a)(3) of this Act, up to \$15,000,000 may be reprogrammed within “United States Secret Service—Operations and Support”.

SEC. 221. Funding made available in this Act for “United States Secret Service—Operations and Support” is available for travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if the Director of the United States Secret Service or a designee notifies the Committees on Appropriations of the Senate and the House of Representatives 10 or more days in advance, or as early as practicable, prior to such expenditures.

SEC. 222. Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit an expenditure plan for the amounts made available for “U.S. Customs and Border Protection—Procurement, Construction, and Improvements” to the Committees on Appropriations of the Senate and the House of Representatives: *Provided*, That no such amounts may be obligated prior to the submission of such plan.

SEC. 223. Funds made available for Overseas Contingency Operations/Global War on Terrorism under the heading “Coast Guard—Operations and Support” may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

SEC. 224. (a) None of the funds provided by this Act or any other Act, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, may be used by the Secretary of Homeland Security to place in detention, remove, refer for a decision whether to initiate removal proceedings, or initiate removal proceedings against a sponsor, potential sponsor, or member of a household of a sponsor or potential sponsor of an unaccompanied alien child (as defined in section 462(g) of the Homeland Security

Act of 2002 (6 U.S.C. 279(g))) based on information shared by the Secretary of Health and Human Services.

(b) Subsection (a) shall not apply if a background check of a sponsor, potential sponsor, or member of a household of a sponsor or potential sponsor reveals—

(1) a felony conviction or pending felony charge that relates to—

(A) an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)));

(B) child abuse;

(C) sexual violence or abuse; or

(D) child pornography;

(2) an association with any business that employs a minor who—

(A) is unrelated to the sponsor, potential sponsor, or member of a household of a sponsor or potential sponsor; and

(B) is—

(i) not paid a legal wage; or

(ii) unable to attend school due to the employment;

or

(3) an association with the organization or implementation of prostitution.

SEC. 225. (a) Subject to the provisions of this section, the Administrator of the Transportation Security Administration (hereafter in this section referred to as “the Administrator”) may conduct a pilot program to provide screening services outside of an existing primary passenger terminal screening area where screening services are currently provided or would be eligible to be provided under the Transportation Security Administration’s annually appropriated passenger screening program as a primary passenger terminal screening area.

49 USC 44901
note.

(b) Any request for screening services under subsection (a) shall be initiated only at the request of a public or private entity regulated by the Transportation Security Administration; shall be made in writing to the Administrator; and may only be submitted to the Transportation Security Administration after consultation with the relevant local airport authority.

(c) The Administrator may provide the requested screening services under subsection (a) if the Administrator provides a certification to the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate that implementation of subsection (a) does not reduce the security or efficiency of screening services already provided in primary passenger terminals at any impacted airports.

(d) No screening services may be provided under subsection (a) unless the requesting entity agrees in writing to the scope of the screening services to be provided, and agrees to compensate the Transportation Security Administration for all reasonable personnel and non-personnel costs, including overtime, of providing the screening services.

(e) The authority available under this section is effective for fiscal years 2019 through 2021 and may be utilized at not more than eight locations for transportation security purposes.

(f) Notwithstanding any other provision of law, an airport authority, air carrier, or other requesting entity shall not be liable for any claims for damages filed in State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to—

(1) an airport authority's or other entity's decision to request that the Transportation Security Administration provide passenger screening services outside of a primary passenger terminal screening area; or

(2) any act of negligence, gross negligence, or intentional wrongdoing by employees of the Transportation Security Administration providing passenger and property security screening services at a pilot program screening location.

(g) Notwithstanding any other provision of law, any compensation received by the Transportation Security Administration under subsection (d) shall be credited to the account used to finance the provision of reimbursable security screening services under subsection (a).

(h) The Administrator shall submit to the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate—

(1) an implementation plan for the pilot programs under subsection (a), including the application process, that is due by 90 days after the date of enactment of this Act;

(2) an evaluation plan for the pilot programs; and

(3) annual performance reports, by not later than 60 days after the end of each fiscal year in which the pilot programs are in operation, including—

(A) the amount of reimbursement received by the Transportation Security Administration from each entity in the pilot program for the preceding fiscal year, delineated by personnel and non-personnel costs;

(B) an analysis of the results of the pilot programs corresponding to the evaluation plan required under paragraph (2);

(C) any Transportation Security Administration staffing changes created at the primary passenger screening checkpoints and baggage screening as a result of the pilot program; and

(D) any other unintended consequences created by the pilot program.

(i) Except as otherwise provided in this section, nothing in this section may be construed as affecting in any manner the responsibilities, duties, or authorities of the Transportation Security Administration.

(j) For the purposes of this section, the term “airport” means a commercial service airport as defined by section 47107(7) of title 49 United States Code.

(k) For the purposes of this section, the term “screening services” means the screening of passengers, flight crews, and their carry-on baggage and personal articles, and may include checked baggage screening if that type of screening is performed at an offsite location that is not part of a passenger terminal of a commercial airport.

(1) For the purpose of this section, the term “primary passenger terminal screening area” means the security checkpoints relied upon by airports as the principal points of entry to a sterile area of an airport.

SEC. 226. Not later than 90 days after the date of enactment of this Act and weekly thereafter, the Director of U.S. Immigration and Customs Enforcement shall submit to the Committees on Appropriations of the Senate and the House of Representatives, and make available on a publicly accessible website, a report detailing—

8 USC 1378a.

(1) data on aliens detained; including average fiscal year to date daily populations of aliens detained; daily counts of the number of aliens detained as of the date of each report, total fiscal year-to-date book-ins; and average lengths of stay of aliens detained (including average post-determination length of stay in the case of detainees described in subparagraph (B)) for—

(A) single adults and for members of family units detained in the custody of U.S. Immigration and Customs Enforcement, disaggregated by whether the detainees were—

(i) transferred to the custody of U.S. Immigration and Customs Enforcement by U.S. Customs and Border Protection after being deemed inadmissible at a port of entry or after being apprehended within 14 days of entering the United States; or

(ii) arrested by U.S. Immigration and Customs Enforcement;

(B) detainees in the custody of U.S. Immigration and Customs Enforcement who are determined to have a credible or reasonable fear of—

(i) persecution, as defined in section 235(b)(1)(B)(v) of the Immigration and Nationality Act; or

(ii) torture, as defined in section 208.30 of title 8, Code of Federal Regulations (as in effect on January 1, 2018);

(C) detainees in the custody of U.S. Immigration and Customs Enforcement who have been issued a Notice to Appear pursuant to section 239 of the Immigration and Nationality Act, disaggregated by single adults and members of family units; and

(2) the total number of enrollees in the Alternatives to Detention program and the average length of participation, disaggregated by—

(A) single adults and family heads of household;

(B) participants in the family case management program;

(C) level of supervision; and

(D) the locations of supervision, by field office.

SEC. 227. None of the funds in this Act shall be used to reduce the Coast Guard’s Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 228. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 229. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any civil engineering unit unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 230. (a) Of the total amount made available under “U.S. Customs and Border Protection—Procurement, Construction, and Improvements”, \$2,370,222,000 shall be available only as follows:

(1) \$1,375,000,000 is for the construction of primary pedestrian fencing, including levee pedestrian fencing, in the Rio Grande Valley Sector;

(2) \$725,000,000 is for the acquisition and deployment of border security technologies and trade and travel assets and infrastructure, to include \$570,000,000 for non-intrusive inspection equipment at ports of entry; and

(3) \$270,222,000 is for construction and facility improvements, to include \$222,000,000 for humanitarian needs, \$14,775,000 for Office of Field Operations facilities, and \$33,447,000 for Border Patrol station facility improvements.

(b) The amounts designated in subsection (a)(1) shall only be available for operationally effective designs deployed as of the date of the Consolidated Appropriations Act, 2017 (Public Law 115–31), such as currently deployed steel bollard designs, that prioritize agent safety.

(c) Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Comptroller General of the United States an updated risk-based plan for improving security along the borders of the United States that includes the elements required under subsection (a) of section 231 of division F of the Consolidated Appropriations Act, 2018 (Public Law 115–141), which shall be evaluated in accordance with subsection (b) of such section.

SEC. 231. None of the funds made available by this Act or prior Acts are available for the construction of pedestrian fencing—

(1) within the Santa Ana Wildlife Refuge;

(2) within the Bentsen-Rio Grande Valley State Park;

(3) within La Lomita Historical park;

(4) within the National Butterfly Center; or

(5) within or east of the Vista del Mar Ranch tract of the Lower Rio Grande Valley National Wildlife Refuge.

SEC. 232. (a) Prior to use of any funds made available by this Act for the construction of physical barriers within the city limits of any city or census designated place described in subsection (c), the Department of Homeland Security and the local elected officials of such a city or census designated place shall confer and seek to reach mutual agreement regarding the design and alignment of physical barriers within that city or the census designated place (as the case may be). Such consultations shall continue until September 30, 2019 (or until agreement is reached, if earlier) and may be extended beyond that date by agreement of the parties, and no funds made available in this Act shall be used for such construction while consultations are continuing.

(b) Not later than July 1, 2019, the Secretary shall issue notices for public comment regarding construction of pedestrian fencing in the places identified in subsection (c). The notices shall afford the public not less than 60 days to submit comments on the location of proposed fencing in the affected areas. Not later than 90 days following the end of the comment period identified in this subsection, the Department shall publish in the Federal Register its responses to the comments received along with its plans for construction in the areas identified in the notice to which it is responding.

(c) The cities and census designated place described in this subsection are as follows:

- (1) Roma, Texas.
- (2) Rio Grande City, Texas.
- (3) Escobares, Texas.
- (4) La Grulla, Texas.
- (5) The census designated place of Salineno, Texas.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

OPERATIONS AND SUPPORT

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for operations and support, \$1,345,802,000, of which \$18,650,000 shall remain available until September 30, 2020: *Provided*, That not to exceed \$3,825 shall be for official reception and representation expenses.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for procurement, construction, and improvements, \$322,829,000, to remain available until September 30, 2021.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for research and development, \$13,126,000, to remain available until September 30, 2020.

FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Emergency Management Agency for operations and support, \$1,066,258,000: *Provided*, That not to exceed \$2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Emergency Management Agency for procurement, construction, and improvements, \$133,830,000, of which \$61,834,000 shall remain available until September 30, 2021, and of which \$71,996,000 shall remain available until September 30, 2023.

FEDERAL ASSISTANCE

For activities of the Federal Emergency Management Agency for Federal assistance through grants, contracts, cooperative agreements, and other activities, \$3,094,210,000, which shall be allocated as follows:

(1) \$525,000,000 for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), of which \$90,000,000 shall be for Operation Stonegarden, and \$10,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack: *Provided*, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2019, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) \$640,000,000 for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which \$50,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) \$100,000,000 for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135, 1163, and 1182), of which \$10,000,000 shall be for Amtrak security and \$2,000,000 shall be for Over-the-Road Bus Security: *Provided*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(4) \$100,000,000 for Port Security Grants in accordance with section 70107 of title 46, United States Code.

(5) \$700,000,000, to remain available until September 30, 2020, of which \$350,000,000 shall be for Assistance to Firefighter Grants and \$350,000,000 shall be for Staffing for Adequate Fire and Emergency Response Grants under sections 33 and 34 respectively of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

(6) \$350,000,000 for emergency management performance grants under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701), section 762 of title 6, United States Code, and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.).

(7) \$262,531,000 for necessary expenses for Flood Hazard Mapping and Risk Analysis, in addition to and to supplement any other sums appropriated under the National Flood Insurance Fund, and such additional sums as may be provided by States or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)), to remain available until expended.

(8) \$10,000,000 for Regional Catastrophic Preparedness Grants.

(9) \$10,000,000 for Rehabilitation of High Hazard Potential Dams under section 8A of the National Dam Safety Program Act (33 U.S.C. 467f–2).

(10) \$120,000,000 for the emergency food and shelter program under title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331), to remain available until expended: *Provided*, That not to exceed 3.5 percent shall be for total administrative costs.

(11) \$276,679,000 to sustain current operations for training, exercises, technical assistance, and other programs.

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$12,558,000,000, to remain available until expended, of which \$3,000,000 may be transferred to the Disaster Assistance Direct Loan Program for administrative expenses to carry out the program as authorized by section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184): *Provided*, That of the amount provided under this heading, \$12,000,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amounts set aside from funds provided under this heading pursuant to subsection (i)(1) of section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(i)(1)), \$250,000,000 shall be available to carry out activities for the National Predisaster Mitigation Fund under that section of that Act (as in effect on the day before the amendments made by section 1234 of the Disaster Recovery Reform Act of 2018 (division D of Public Law 115–254) took effect), in addition to any amounts otherwise made available for such purpose by this or any other Act and may be merged in this account for all purposes with funds for the revised National Public Infrastructure Predisaster Mitigation Assistance, as authorized by the amendments made to section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) by section 1234 of the Disaster Recovery Reform Act of 2018 (division D of Public Law 115–254), once that assistance has been fully implemented: *Provided further*, That \$300,000,000 of the amounts provided under this heading in this Act shall be derived from unobligated balances from prior year appropriations available under this

heading: *Provided further*, That none of the amounts derived from unobligated balances in the previous proviso shall be from amounts that were designated by the Congress as being for an emergency requirement pursuant to a Concurrent Resolution on the budget or section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141, 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113–89; 128 Stat. 1020), \$202,153,000, to remain available until September 30, 2020, which shall be derived from offsetting amounts collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which \$13,858,000 shall be available for mission support associated with flood management; and of which \$188,295,000 shall be available for flood plain management and flood mapping: *Provided*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as offsetting collections to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2019, no funds shall be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) in excess of—

(1) \$176,304,000 for operating expenses and salaries and expenses associated with flood insurance operations;

(2) \$1,123,000,000 for commissions and taxes of agents;

(3) such sums as are necessary for interest on Treasury borrowings; and

(4) \$175,000,000, which shall remain available until expended, for flood mitigation actions and for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding sections 1366(e) and 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)), shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding section 102(f)(8), section 1366(e) of the National Flood Insurance Act of 1968, and paragraphs (1) through (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e), 4104d(b)(1)–(3)): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation: *Provided further*, That up to \$5,000,000 is available to carry out section 24 of the Homeowner Flood Insurance Affordability Act of 2014 (42 U.S.C. 4033).

ADMINISTRATIVE PROVISIONS

SEC. 301. Not later than 180 days after the date of enactment of this Act, the Federal Protective Service, in conjunction with the Office of Management and Budget, shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives providing no fewer than three options for a revised method to assess and allocate costs for countermeasures.

SEC. 302. Notwithstanding section 2008(a)(12) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(12)) or any other provision of law, not more than 5 percent of the amount of a grant made available in paragraphs (1) through (4) under “Federal Emergency Management Agency—Federal Assistance”, may be used by the grantee for expenses directly related to administration of the grant.

SEC. 303. Applications for grants under the heading “Federal Emergency Management Agency—Federal Assistance”, for paragraphs (1) through (4), shall be made available to eligible applicants not later than 60 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 80 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act within 65 days after the receipt of an application.

SEC. 304. Under the heading “Federal Emergency Management Agency—Federal Assistance”, for grants under paragraphs (1) through (4), (8), and (9), the Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award.

SEC. 305. Under the heading “Federal Emergency Management Agency—Federal Assistance”, for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility.

SEC. 306. The reporting requirements in paragraphs (1) and (2) under the heading “Federal Emergency Management Agency—Disaster Relief Fund” in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4) shall be applied in fiscal year 2019 with respect to budget year 2020 and current fiscal year 2019, respectively—

(1) in paragraph (1) by substituting “fiscal year 2020” for “fiscal year 2016”; and

(2) in paragraph (2) by inserting “business” after “fifth”.

SEC. 307. In making grants under the heading “Firefighter Assistance Grants”, the Secretary may grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a).

SEC. 308. The aggregate charges assessed during fiscal year 2019, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security to be necessary for its Radiological Emergency Preparedness Program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such

services, including administrative costs of collecting such fees: *Provided further*, That such fees shall be deposited in a Radiological Emergency Preparedness Program account as offsetting collections and will become available for authorized purposes on October 1, 2019, and remain available until expended.

SEC. 309. (a) The Federal share of assistance, including direct Federal assistance, provided under sections 403 and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b and 42 U.S.C. 5173), with respect to a major disaster declared pursuant to such Act for damages resulting from a wildfire in calendar year 2018, shall be not less than 90 percent of the eligible costs under such section.

(b) The Federal share provided by subsection (a) shall apply to assistance provided before, on, or after the date of enactment of this Act.

TITLE IV

RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Citizenship and Immigration Services for operations and support of the E-Verify Program, \$109,688,000.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Citizenship and Immigration Services for procurement, construction, and improvements of the E-Verify Program, \$22,838,000, to remain available until September 30, 2021.

FEDERAL ASSISTANCE

For necessary expenses of U.S. Citizenship and Immigration Services for Federal assistance for the Citizenship and Integration Grant Program, \$10,000,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Law Enforcement Training Centers for operations and support, including the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, \$277,876,000, of which \$20,000,000 shall remain available until September 30, 2020: *Provided*, That not to exceed \$7,180 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Law Enforcement Training Centers for procurement, construction, and improvements, \$50,943,000, to remain available until September 30, 2023.

SCIENCE AND TECHNOLOGY DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Science and Technology Directorate for operations and support, including the purchase or lease of not to exceed 5 vehicles, \$308,520,000, of which \$170,462,000 shall remain available until September 30, 2020: *Provided*, That not to exceed \$10,000 shall be for official reception and representation expenses.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Science and Technology Directorate for research and development, \$511,265,000, to remain available until September 30, 2021.

COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

OPERATIONS AND SUPPORT

For necessary expenses of the Countering Weapons of Mass Destruction Office for operations and support, \$187,095,000: *Provided*, That not to exceed \$2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Countering Weapons of Mass Destruction Office for procurement, construction, and improvements, \$100,096,000, to remain available until September 30, 2021.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Countering Weapons of Mass Destruction Office for research and development, \$83,043,000, to remain available until September 30, 2021.

FEDERAL ASSISTANCE

For necessary expenses of the Countering Weapons of Mass Destruction Office for Federal assistance through grants, contracts, cooperative agreements, and other activities, \$64,663,000, to remain available until September 30, 2021.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 401. Notwithstanding any other provision of law, funds otherwise made available to U.S. Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to 5 vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided*, That the Director of U.S. Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

SEC. 402. None of the funds made available in this Act may be used by U.S. Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by U.S. Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 403. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided by employees (including employees serving on a temporary or term basis) of U.S. Citizenship and Immigration Services of the Department of Homeland Security who are known as Immigration Information Officers, Immigration Service Analysts, Contact Representatives, Investigative Assistants, or Immigration Services Officers.

SEC. 404. The Director of the Federal Law Enforcement Training Centers is authorized to distribute funds to Federal law enforcement agencies for expenses incurred participating in training accreditation.

SEC. 405. The Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 406. The Director of the Federal Law Enforcement Training Centers may accept transfers to the account established by section 407(a) of division F of the Consolidated Appropriations Act, 2018 (Public Law 115–141) from Government agencies requesting the construction of special use facilities, as authorized by the Economy Act (31 U.S.C. 1535(b)): *Provided*, That the Federal Law Enforcement Training Centers maintain administrative control and ownership upon completion of such facilities.

SEC. 407. The functions of the Federal Law Enforcement Training Centers instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 408. The Secretary of Homeland Security may transfer personnel and up to \$15,000,000 in unexpended balances of amounts made available to the Department of Homeland Security under the heading “Science and Technology Directorate—Operations and Support” in division F of the Consolidated Appropriations Act, 2018 (Public Law 115–141) to the Department of Agriculture for the purpose of contract and associated support of the operations of the National Bio and Agro-defense Facility: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives at least 30 days in advance of such transfer.

TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the components in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2019, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or eliminates a program, project, or activity, or increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;

(2) contracts out any function or activity presently performed by Federal employees or any new function or activity proposed to be performed by Federal employees in the President's budget proposal for fiscal year 2019 for the Department of Homeland Security;

(3) augments funding for existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less;

(4) reduces funding for any program, project, or activity, or numbers of personnel, by 10 percent or more; or

(5) results from any general savings from a reduction in personnel that would result in a change in funding levels for programs, projects, or activities as approved by the Congress.

(b) Subsection (a) shall not apply if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of such reprogramming.

(c) Up to 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 30 days in advance of such transfer, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfer.

(d) Notwithstanding subsections (a), (b), and (c), no funds shall be reprogrammed within or transferred between appropriations based upon an initial notification provided after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) The notification thresholds and procedures set forth in subsections (a), (b), (c), and (d) shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts that remain available for obligation in the current year.

(f) Notwithstanding subsection (c), the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to \$20,000,000 from appropriations available to the Department of Homeland Security: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives at least 5 days in advance of such transfer.

31 USC 501 note.

SEC. 504. Section 504 of the Department of Homeland Security Appropriations Act, 2017 (division F of Public Law 115–31), related to the operations of a working capital fund, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2019, as recorded in the financial records at the time of a reprogramming notification, but not later than June 30, 2020, from appropriations for “Operations and Support” for fiscal year 2019 in this Act shall remain available through September 30, 2020, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a notification shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2019 until the enactment of an Act authorizing intelligence activities for fiscal year 2019.

SEC. 507. (a) The Secretary of Homeland Security, or the designee of the Secretary, shall notify the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of—

(1) making or awarding a grant allocation, grant, contract, other transaction agreement, or task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of \$1,000,000;

(2) awarding a task or delivery order requiring an obligation of funds in an amount greater than \$10,000,000 from multi-year Department of Homeland Security funds;

(3) making a sole-source grant award; or

(4) announcing publicly the intention to make or award items under paragraph (1), (2), or (3), including a contract covered by the Federal Acquisition Regulation.

(b) If the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after such an award is made or letter issued.

(c) A notification under this section—

(1) may not involve funds that are not available for obligation; and

(2) shall include the amount of the award; the fiscal year for which the funds for the award were appropriated; the type of contract; and the account from which the funds are being drawn.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without advance notification to the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Centers is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Centers facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 520, 522, and 530 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110-161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act: *Provided*, That for purposes of the preceding sentence, the term “Buy American Act” means chapter 83 of title 41, United States Code.

SEC. 512. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 513. None of the funds provided or otherwise made available in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452) unless explicitly authorized by the Congress.

SEC. 514. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 515. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 516. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 517. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded

by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 518. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 519. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 520. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any Federal contract unless such contract is entered into in accordance with the requirements of subtitle I of title 41, United States Code, or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 521. (a) For an additional amount for financial systems modernization, \$51,000,000, to remain available until September 30, 2020.

(b) Funds made available in subsection (a) for financial systems modernization may be transferred by the Secretary of Homeland Security between appropriations for the same purpose, notwithstanding section 503 of this Act.

(c) No transfer described in subsection (b) shall occur until 15 days after the Committees on Appropriations of the Senate and the House of Representatives are notified of such transfer.

SEC. 522. (a) The funds appropriated to the Department of Homeland Security in this Act for “Operations and Support” shall be hereby reduced, as determined by the Chief Financial Officer, by a total of \$12,000,000 to realize administrative savings, including savings from requirements, supplies, or materials that were funded by the Department using fiscal year 2018 appropriations for contracts with periods of performance in fiscal year 2019.

(b) Funds may only be reduced for the respective appropriations from amounts identified in the budget appendix, as modified by the report accompanying this Act, by object classes 25.1, 25.2, 25.3, and 26.2.

(c) No funds may be reduced from amounts provided under the following headings and activities:

(1) “Cybersecurity and Infrastructure Security Agency—Operations and Support”;

(2) “Coast Guard—Operations and Support” for defense-related activities; and

(3) “Federal Emergency Management Agency—Operations and Support” for National Continuity Programs in the Preparedness and Protection program, project, and activity.

(d) No amounts may be reduced from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to a concurrent resolution on the budget or section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or from amounts that were designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) The Secretary shall submit a notification to the Committees on Appropriations of the Senate and the House of Representatives specifying the account and amount of each reduction made pursuant to this section.

SEC. 523. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 524. None of the funds made available in this Act may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 525. None of the funds made available in this Act may be used to pay for the travel to or attendance of more than 50 employees of a single component of the Department of Homeland Security, who are stationed in the United States, at a single international conference unless the Secretary of Homeland Security, or a designee, determines that such attendance is in the national interest and notifies the Committees on Appropriations of the Senate and the House of Representatives within at least 10 days of that determination and the basis for that determination: *Provided*, That for purposes of this section the term “international conference” shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or non-governmental organizations: *Provided further*, That the total cost to the Department of Homeland Security of any such conference shall not exceed \$500,000.

SEC. 526. None of the funds made available in this Act may be used to reimburse any Federal department or agency for its participation in a National Special Security Event.

SEC. 527. None of the funds made available to the Department of Homeland Security by this or any other Act may be obligated for any structural pay reform that affects more than 100 full-time positions or costs more than \$5,000,000 in a single year before the end of the 30-day period beginning on the date on which the Secretary of Homeland Security submits to Congress a notification that includes—

- (1) the number of full-time positions affected by such change;
- (2) funding required for such change for the current year and through the Future Years Homeland Security Program;
- (3) justification for such change; and
- (4) an analysis of compensation alternatives to such change that were considered by the Department.

SEC. 528. (a) Any agency receiving funds made available in this Act shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Committees on Appropriations of the Senate and the House

of Representatives in this Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises homeland or national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the Committees on Appropriations of the Senate and the House of Representatives for not less than 45 days except as otherwise specified in law.

SEC. 529. (a) Funding provided in this Act for “Operations and Support” may be used for minor procurement, construction, and improvements.

(b) For purposes of subsection (a), “minor” refers to end items with a unit cost of \$250,000 or less for personal property, and \$2,000,000 or less for real property.

SEC. 530. The authority provided by section 532 of the Department of Homeland Security Appropriations Act, 2018 (Public Law 115–141) regarding primary and secondary schooling of dependents shall continue in effect during fiscal year 2019.

SEC. 531. (a) For an additional amount for “Federal Emergency Management Agency—Federal Assistance”, \$41,000,000, to remain available until September 30, 2020, exclusively for providing reimbursement of extraordinary law enforcement personnel costs for protection activities directly and demonstrably associated with any residence of the President that is designated or identified to be secured by the United States Secret Service.

(b) Subsections (b) through (f) of section 534 of the Department of Homeland Security Appropriations Act, 2018 (Public Law 115–141), shall be applied with respect to amounts made available by subsection (a) of this section by substituting “October 1, 2019” for “October 1, 2018” and “October 1, 2018” for “October 1, 2017”.

SEC. 532. None of the funds made available by this Act may be used to prevent a Member of Congress from entering, for the purpose of conducting oversight, any facility operated by or for the Department of Homeland Security used to detain or otherwise house alien minors, or to make any temporary modification at any such facility that in any way alters what is observed by a visiting Member of Congress, compared to what would be observed in the absence of such modification.

SEC. 533. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used to place restraints on a woman in the custody of the Department of Homeland Security (including during transport, in a detention facility, or at an outside medical facility) who is pregnant or in post-delivery recuperation.

(b) Subsection (a) shall not apply with respect to a pregnant woman if—

(1) an appropriate official of the Department of Homeland Security makes an individualized determination that the woman—

(A) is a serious flight risk, and such risk cannot be prevented by other means; or

(B) poses an immediate and serious threat to harm herself or others that cannot be prevented by other means; or

(2) a medical professional responsible for the care of the pregnant woman determines that the use of therapeutic restraints is appropriate for the medical safety of the woman.

(c) If a pregnant woman is restrained pursuant to subsection (b), only the safest and least restrictive restraints, as determined by the appropriate medical professional treating the woman, may be used. In no case may restraints be used on a woman who is in active labor or delivery, and in no case may a pregnant woman be restrained in a face-down position with four-point restraints, on her back, or in a restraint belt that constricts the area of the pregnancy. A pregnant woman who is immobilized by restraints shall be positioned, to the maximum extent feasible, on her left side.

SEC. 534. None of the funds made available by this Act may be used to destroy any document, recording, or other record pertaining to any potential sexual assault or abuse perpetrated against any individual held in the custody of the Department of Homeland Security.

SEC. 535. Section 513 of division F of Public Law 114–113, regarding a prohibition on funding for any position designated as a Principal Federal Official, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act.

SEC. 536. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 537. Within 60 days of any budget submission for the Department of Homeland Security for fiscal year 2020 that assumes revenues or proposes a reduction from the previous year based on user fees proposals that have not been enacted into law prior to the submission of the budget, the Secretary of Homeland Security shall provide the Committees on Appropriations of the Senate and the House of Representatives specific reductions in proposed discretionary budget authority commensurate with the revenues assumed in such proposals in the event that they are not enacted prior to October 1, 2019.

(RESCISSIONS)

SEC. 538. The following unobligated balances made available to the Department of Homeland Security pursuant to section 505 of the Department of Homeland Security Appropriations Act, 2018 (Public Law 115–141) are rescinded:

- (1) \$169,000 from “Office of the Secretary and Executive Management—Operations and Support”;
- (2) \$328,000 from “Management Directorate—Operations and Support”;
- (3) \$366,000 from “Intelligence, Analysis, and Operations Coordination—Operations and Support”;
- (4) \$427,000 from “U.S. Customs and Border Protection—Operations and Support”;
- (5) \$30,000 from “Coast Guard—Operating Expenses”;
- (6) \$1,040,000 from “Coast Guard—Acquisition, Construction, and Improvements”;
- (7) \$5,166,000 from “United States Secret Service—Operations and Support”;

(8) \$1,589,000 from “National Protection and Programs Directorate—Operations and Support”;

(9) \$362,000 from “Office of Health Affairs—Operations and Support”;

(10) \$362,000 from “Federal Emergency Management Agency—Operations and Support”;

(11) \$206,000 from “U.S. Citizenship and Immigration Services—Operations and Support”;

(12) \$63,000 from “Science and Technology Directorate—Operations and Support”; and

(13) \$437,000 from “Domestic Nuclear Detection Office—Operations and Support”.

(RESCISSIONS)

SEC. 539. Of the funds appropriated to the Department of Homeland Security, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177):

(1) \$33,870,000 from Public Law 115–141 under the heading “Transportation Security Administration—Operations and Support”.

(2) \$17,045,000 from Public Law 115–31 under the heading “Coast Guard—Research, Development, Test, and Evaluation”.

(3) \$17,200,000 from Public Law 115–141 under the heading “Domestic Nuclear Detection Office—Federal Assistance”.

(4) \$7,400,000 from Public Law 114–4 under the heading “Coast Guard—Acquisition, Construction, and Improvements”.

(5) \$5,200,000 from Public Law 114–113 under the heading “Coast Guard—Acquisition, Construction, and Improvements”.

(RESCISSION)

SEC. 540. From the unobligated balances available in the Department of the Treasury Forfeiture Fund established by section 9703 of title 31, United States Code (added by section 638 of Public Law 102–393), \$200,000,000 shall be permanently rescinded not later than September 30, 2019.

This division may be cited as the “Department of Homeland Security Appropriations Act, 2019”.

**DIVISION B—AGRICULTURE, RURAL DEVELOPMENT,
FOOD AND DRUG ADMINISTRATION, AND RELATED
AGENCIES APPROPRIATIONS ACT, 2019**

Agriculture,
Rural
Development,
Food and Drug
Administration,
and Related
Agencies
Appropriations
Act, 2019.

TITLE I

AGRICULTURAL PROGRAMS

PROCESSING, RESEARCH, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary, \$46,603,000, of which not to exceed \$5,051,000 shall be available for the immediate Office of the Secretary; not to exceed \$800,000 shall be available for the Office of the Assistant to the Secretary for Rural Development: *Provided*, That funds made available by this Act to an agency in the Rural Development mission area for salaries and expenses are available to fund up to one administrative support staff for the Office; not to exceed \$1,496,000 shall be available for the Office of Homeland Security; not to exceed \$4,711,000 shall be available for the Office of Partnerships and Public Engagement; not to exceed \$23,176,000 shall be available for the Office of the Assistant Secretary for Administration, of which \$22,301,000 shall be available for Departmental Administration to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided further*, That funds made available by this Act to an agency in the Administration mission area for salaries and expenses are available to fund up to one administrative support staff for the Office; not to exceed \$3,869,000 shall be available for the Office of Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch; and not to exceed \$7,500,000 shall be available for the Office of Communications: *Provided further*, That the Secretary of Agriculture is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent: *Provided further*, That not to exceed \$22,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That the amount made available under this heading for Departmental Administration shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: *Provided further*, That funds made available under this heading for the Office of the Assistant Secretary for Congressional Relations may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available under this heading for the Office

of Assistant Secretary for Congressional Relations may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, \$21,286,000, of which \$5,000,000 shall be for grants or cooperative agreements for policy research under 7 U.S.C. 3155.

OFFICE OF HEARINGS AND APPEALS

For necessary expenses of the Office of Hearings and Appeals, \$15,222,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, \$9,525,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, \$55,630,000, of which not less than \$38,000,000 is for cybersecurity requirements of the department.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, \$6,028,000.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, \$901,000: *Provided*, That funds made available by this Act to an agency in the Civil Rights mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$24,206,000.

AGRICULTURE BUILDINGS AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 121, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations

suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, \$59,967,000, to remain available until expended.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), \$3,503,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978 (Public Law 95-452; 5 U.S.C. App.), \$98,208,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978 (Public Law 95-452; 5 U.S.C. App.), and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to the Inspector General Act of 1978 (Public Law 95-452; 5 U.S.C. App.) and section 1337 of the Agriculture and Food Act of 1981 (Public Law 97-98).

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$45,146,000.

OFFICE OF ETHICS

For necessary expenses of the Office of Ethics, \$4,136,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education, and Economics, \$800,000: *Provided*, That funds made available by this Act to an agency in the Research, Education, and Economics mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, \$86,757,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, \$174,517,000, of which up to \$45,300,000 shall be available until expended for the Census of Agriculture: *Provided*, That amounts made available for the Census of Agriculture may be used to conduct Current Industrial Report surveys subject to 7 U.S.C. 2204g(d) and (f).

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

7 USC 2254.

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$1,303,266,000, of which \$10,600,000, to remain available until expended, shall be used to carry out the science program at the National Bio- and Agro-defense Facility located in Manhattan, Kansas: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$500,000, except for headhouses or greenhouses which shall each be limited to \$1,800,000, except for 10 buildings to be constructed or improved at a cost not to exceed \$1,100,000 each, and except for two buildings to be constructed at a cost not to exceed \$3,000,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$500,000, whichever is greater: *Provided further*, That appropriations hereunder shall be available for entering into lease agreements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by the Agricultural Research Service and a condition of the lease shall be that any facility shall be owned, operated, and maintained by the non-Federal entity and shall be removed upon the expiration or termination of the lease agreement: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That appropriations hereunder shall be available for granting easements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by, and acceptable to, the Agricultural Research Service and a condition of the easements shall be that upon completion the facility shall be accepted by the Secretary, subject to the availability of funds herein, if the Secretary finds that acceptance of the facility is in the interest of the United

States: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

BUILDINGS AND FACILITIES

For the acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$381,200,000 to remain available until expended, of which \$247,700,000 shall be allocated for ARS facilities co-located with university partners.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$927,649,000, which shall be for the purposes, and in the amounts, specified in the table titled “National Institute of Food and Agriculture, Research and Education Activities” in the joint explanatory statement accompanying this Act: *Provided*, That funds for research grants for 1994 institutions, education grants for 1890 institutions, capacity building for non-land-grant colleges of agriculture, the agriculture and food research initiative, veterinary medicine loan repayment, multicultural scholars, graduate fellowship and institution challenge grants, and grants management systems shall remain available until expended: *Provided further*, That each institution eligible to receive funds under the Evans-Allen program receives no less than \$1,000,000: *Provided further*, That funds for education grants for Alaska Native and Native Hawaiian-serving institutions be made available to individual eligible institutions or consortia of eligible institutions with funds awarded equally to each of the States of Alaska and Hawaii: *Provided further*, That funds for education grants for 1890 institutions shall be made available to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222: *Provided further*, That not more than 5 percent of the amounts made available by this or any other Act to carry out the Agriculture and Food Research Initiative under 7 U.S.C. 450i(b) may be retained by the Secretary of Agriculture to pay administrative costs incurred by the Secretary in carrying out that authority.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), \$11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, \$505,692,000, which shall be for the purposes,

and in the amounts, specified in the table titled “National Institute of Food and Agriculture, Extension Activities” in the joint explanatory statement accompanying this Act: *Provided*, That funds for facility improvements at 1890 institutions shall remain available until expended: *Provided further*, That institutions eligible to receive funds under 7 U.S.C. 3221 for cooperative extension receive no less than \$1,000,000: *Provided further*, That funds for cooperative extension under sections 3(b) and (c) of the Smith-Lever Act (7 U.S.C. 343(b) and (c)) and section 208(c) of Public Law 93–471 shall be available for retirement and employees’ compensation costs for extension agents.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, \$38,000,000, which shall be for the purposes, and in the amounts, specified in the table titled “National Institute of Food and Agriculture, Integrated Activities” in the joint explanatory statement accompanying this Act: *Provided*, That funds for the Food and Agriculture Defense Initiative shall remain available until September 30, 2020: *Provided further*, That notwithstanding any other provision of law, indirect costs shall not be charged against any Extension Implementation Program Area grant awarded under the Crop Protection/Pest Management Program (7 U.S.C. 7626).

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, \$901,000: *Provided*, That funds made available by this Act to an agency in the Marketing and Regulatory Programs mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to \$30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), \$1,011,136,000, of which \$470,000, to remain available until expended, shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds (“contingency fund”) to the extent necessary to meet emergency conditions; of which \$11,520,000, to remain available until expended, shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which \$37,857,000, to remain available until expended, shall be for Animal Health Technical Services; of which \$705,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831); of which \$62,840,000, to remain available until expended, shall be used to support avian health; of which \$4,251,000, to remain available

until expended, shall be for information technology infrastructure; of which \$186,013,000, to remain available until expended, shall be for specialty crop pests; of which, \$11,826,000, to remain available until expended, shall be for field crop and rangeland ecosystem pests; of which \$16,523,000, to remain available until expended, shall be for zoonotic disease management; of which \$40,966,000, to remain available until expended, shall be for emergency preparedness and response; of which \$60,000,000, to remain available until expended, shall be for tree and wood pests; of which \$5,725,000, to remain available until expended, shall be for the National Veterinary Stockpile; of which up to \$1,500,000, to remain available until expended, shall be for the scrapie program for indemnities; of which \$2,500,000, to remain available until expended, shall be for the wildlife damage management program for aviation safety: *Provided*, That of amounts available under this heading for wildlife services methods development, \$1,000,000 shall remain available until expended: *Provided further*, That of amounts available under this heading for the screwworm program, \$4,990,000 shall remain available until expended; of which \$13,600,000, to remain available until expended, shall be used to carry out the science program at the National Bio- and Agro-defense Facility located in Manhattan, Kansas: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed five, of which two shall be for replacement only: *Provided further*, That in addition, in emergencies which threaten any segment of the agricultural production industry of the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2019, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be reimbursed to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$3,175,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, \$159,095,000, of which \$4,000,000 shall be available for the purposes of section 12306 of Public Law 113-79; and of which \$1,500,000 shall be available for marketing activities authorized under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)) to provide to State departments of agriculture, State cooperative extension services, institutions of higher education, and nonprofit organizations grants to carry out programs and provide technical assistance to promote innovation, process improvement, and marketing relating to dairy products: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$61,227,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY
(SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.); (2) transfers otherwise provided in this Act; and (3) not more than \$20,705,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961 (Public Law 87-128).

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,235,000.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$55,000,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, \$800,000: *Provided*, That funds made available by this Act to an agency in the Food Safety mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$10,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$1,049,344,000; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: *Provided further*, That no fewer than 148 full-time equivalent positions shall be employed during fiscal year 2019 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act (7 U.S.C. 1901 et seq.): *Provided further*, That the Food Safety and Inspection Service shall continue implementation of section 11016 of Public Law 110–246 as further clarified by the amendments made in section 12106 of Public Law 113–79: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

TITLE II

FARM PRODUCTION AND CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FARM PRODUCTION AND
CONSERVATION

For necessary expenses of the Office of the Under Secretary for Farm Production and Conservation, \$901,000: *Provided*, That funds made available by this Act to an agency in the Farm Production and Conservation mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FARM PRODUCTION AND CONSERVATION BUSINESS CENTER

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Production and Conservation Business Center, \$216,350,000: *Provided*, That \$60,228,000 of amounts appropriated for the current fiscal year pursuant to section 1241(a) of the Farm Security and Rural Investment Act of 1985 (16 U.S.C. 3841(a)) shall be transferred to and merged with this account.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, \$1,081,655,000, of which not less than \$20,000,000 shall be for the hiring of new employees to fill vacancies at Farm Service Agency county offices and farm loan officers and shall be available until September 30, 2020: *Provided*, That not more than 50 percent of the funding made available under this heading for information technology related to farm program delivery may be obligated until the Secretary submits to the Committees on Appropriations of both Houses of Congress, and receives written or electronic notification of receipt from such Committees of, a plan for expenditure that (1) identifies for each project/investment over \$25,000 (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost for the entirety of the project/investment, including estimates for development as well as maintenance and operations, and (c) key milestones to be met; (2) demonstrates that each project/investment is, (a) consistent with the Farm Service Agency Information Technology Roadmap, (b) being managed in accordance with applicable lifecycle management policies and guidance, and (c) subject to the applicable Department's capital planning and investment control requirements; and (3) has been reviewed by the Government Accountability Office and approved by the Committees on Appropriations of both Houses of Congress: *Provided further*, That the agency shall submit a report by the end of the fourth quarter of fiscal year 2019

to the Committees on Appropriations and the Government Accountability Office, that identifies for each project/investment that is operational (a) current performance against key indicators of customer satisfaction, (b) current performance of service level agreements or other technical metrics, (c) current performance against a pre-established cost baseline, (d) a detailed breakdown of current and planned spending on operational enhancements or upgrades, and (e) an assessment of whether the investment continues to meet business needs as intended as well as alternatives to the investment: *Provided further*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That funds made available to county committees shall remain available until expended: *Provided further*, That none of the funds available to the Farm Service Agency shall be used to close Farm Service Agency county offices: *Provided further*, That none of the funds available to the Farm Service Agency shall be used to permanently relocate county based employees that would result in an office with two or fewer employees without prior notification and approval of the Committees on Appropriations of both Houses of Congress.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), \$3,904,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), \$6,500,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, emergency loans (7 U.S.C. 1961 et seq.), Indian tribe land acquisition loans (25 U.S.C. 488), boll

weevil loans (7 U.S.C. 1989), guaranteed conservation loans (7 U.S.C. 1924 et seq.), and Indian highly fractionated land loans (25 U.S.C. 488) to be available from funds in the Agricultural Credit Insurance Fund, as follows: \$2,750,000,000 for guaranteed farm ownership loans and \$1,500,000,000 for farm ownership direct loans; \$1,960,000,000 for unsubsidized guaranteed operating loans and \$1,530,000,000 for direct operating loans; emergency loans, \$37,668,000; Indian tribe land acquisition loans, \$20,000,000; guaranteed conservation loans, \$150,000,000; Indian highly fractionated land loans, \$10,000,000; and for boll weevil eradication program loans, \$30,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm operating loans, \$59,670,000 for direct operating loans, \$21,168,000 for unsubsidized guaranteed operating loans, emergency loans, \$1,567,000 and \$2,134,000 for Indian highly fractionated land loans to remain available until expended.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$317,068,000: *Provided*, That of this amount, \$290,917,000 shall be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”: *Provided further*, That of this amount \$16,081,000 shall be transferred to and merged with the appropriation for “Farm Production and Conservation Business Center, Salaries and Expenses”.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

SALARIES AND EXPENSES

For necessary expenses of the Risk Management Agency, \$58,361,000: *Provided*, That not to exceed \$1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation,

exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$819,492,000, to remain available until September 30, 2020: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That of the amounts made available under this heading, \$5,600,000, shall remain available until expended for the authorities under 16 U.S.C. 1001–1005 and 1007–1009 for authorized ongoing watershed projects with a primary purpose of providing water to rural communities.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to surveys and investigations, engineering operations, works of improvement, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009) and in accordance with the provisions of laws relating to the activities of the Department, \$150,000,000, to remain available until expended: *Provided*, That for funds provided by this Act or any other prior Act, the limitation regarding the size of the watershed or subwatershed exceeding two hundred and fifty thousand acres in which such activities can be undertaken shall only apply for activities undertaken for the primary purpose of flood prevention (including structural and land treatment measures): *Provided further*, That of the amounts made available under this heading, \$50,000,000 shall be allocated to projects and activities that can commence promptly following enactment; that address regional priorities for flood prevention, agricultural water management, inefficient irrigation systems, fish and wildlife habitat, or watershed protection; or that address authorized ongoing projects under the authorities of section 13 of the Flood Control Act of December 22, 1944 (Public Law 78–534) with a primary purpose of watershed protection by preventing floodwater damage and stabilizing stream channels, tributaries, and banks to reduce erosion and sediment transport.

WATERSHED REHABILITATION PROGRAM

Under the authorities of section 14 of the Watershed Protection and Flood Prevention Act, \$10,000,000 is provided: *Provided*, That of the amounts made available under this heading, \$5,000,000 shall remain available until expended for watershed rehabilitation projects in states with high-hazard dams and other watershed structures and that have recently incurred flooding events which caused fatalities.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing

authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to \$5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Solid Waste Disposal Act (42 U.S.C. 6961).

TITLE III

RURAL DEVELOPMENT PROGRAMS

RURAL DEVELOPMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of Rural Development programs, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$236,835,000: *Provided*, That no less than \$6,000,000 shall be for

information technology investments: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support Rural Development programs: *Provided further*, That in addition to any other funds appropriated for purposes authorized by section 502(i) of the Housing Act of 1949 (42 U.S.C. 1472(i)), any amounts collected under such section, as amended by this Act, will immediately be credited to this account and will remain available until expended for such purposes.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$1,000,000,000 shall be for direct loans and \$24,000,000,000 shall be for unsubsidized guaranteed loans; \$28,000,000 for section 504 housing repair loans; \$40,000,000 for section 515 rental housing; \$230,000,000 for section 538 guaranteed multi-family housing loans; \$10,000,000 for credit sales of single family housing acquired property; \$5,000,000 for section 523 self-help housing land development loans; and \$5,000,000 for section 524 site development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$67,700,000 shall be for direct loans; section 504 housing repair loans, \$3,419,000; section 523 self-help housing land development loans, \$431,000; section 524 site development loans, \$176,000; and repair, rehabilitation, and new construction of section 515 rental housing, \$9,484,000: *Provided*, That to support the loan program level for section 538 guaranteed loans made available under this heading the Secretary may charge or adjust any fees to cover the projected cost of such loan guarantees pursuant to the provisions of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), and the interest on such loans may not be subsidized: *Provided further*, That applicants in communities that have a current rural area waiver under section 541 of the Housing Act of 1949 (42 U.S.C. 1490q) shall be treated as living in a rural area for purposes of section 502 guaranteed loans provided under this heading: *Provided further*, That of the amounts available under this paragraph for section 502 direct loans, no less than \$5,000,000 shall be available for direct loans for individuals whose homes will be built pursuant to a program funded with a mutual and self-help housing grant authorized by section 523 of the Housing Act of 1949 until June 1, 2019: *Provided further*, That the Secretary shall implement provisions to provide incentives to nonprofit organizations and public housing authorities to facilitate the acquisition of Rural Housing Service (RHS) multifamily housing properties by such nonprofit organizations and public housing authorities that commit to keep such properties in the RHS multifamily housing program for a period of time as determined by the Secretary, with such incentives to include, but not be limited to, the following: allow such nonprofit

entities and public housing authorities to earn a Return on Investment on their own resources to include proceeds from low income housing tax credit syndication, own contributions, grants, and developer loans at favorable rates and terms, invested in a deal; and allow reimbursement of organizational costs associated with owner's oversight of asset referred to as "Asset Management Fee" of up to \$7,500 per property.

In addition, for the cost of direct loans, grants, and contracts, as authorized by sections 514 and 516 of the Housing Act of 1949 (42 U.S.C. 1484, 1486), \$16,853,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts: *Provided*, That any balances available for the Farm Labor Program Account shall be transferred to and merged with this account.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$412,254,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Housing Act of 1949 or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$1,331,400,000, of which \$40,000,000 shall be available until September 30, 2020; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further*, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance provided under agreements entered into prior to fiscal year 2019 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further*, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act: *Provided further*, That except as provided in the third proviso under this heading and notwithstanding any other provision of the Act, the Secretary may recapture rental assistance provided under agreements entered into prior to fiscal year 2019 for a project that the Secretary determines no longer needs rental assistance and use such recaptured funds for current needs.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, \$51,500,000, to remain available until expended: *Provided*, That of the funds made available under this heading, \$27,000,000, shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That funds made available for such vouchers shall be subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: *Provided further*, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph: *Provided further*, That of the funds made available under this heading, \$24,500,000 shall be available for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided further*, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: *Provided further*, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further*, That if Congress enacts legislation to permanently authorize a multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That in addition to any other available funds, the Secretary may expend not more than \$1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$30,000,000, to remain available until expended.

RURAL HOUSING ASSISTANCE GRANTS

For grants for very low-income housing repair and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, and 1490m, \$45,000,000, to remain available until expended.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$2,800,000,000 for direct loans and \$148,287,000 for guaranteed loans.

For the cost of guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, \$4,285,000, to remain available until expended.

For the cost of grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$45,778,000, to remain available until expended: *Provided*, That \$6,000,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That \$5,778,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with up to 5 percent for administration and capacity building in the State rural development offices: *Provided further*, That \$4,000,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by section 310B and described in subsections (a), (c), (f) and (g) of section 310B of the Consolidated Farm and Rural Development Act, \$65,040,000, to remain available until expended: *Provided*, That of the amount appropriated under this heading, not to exceed \$500,000 shall be made available for one grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and \$8,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.), the Northern Border Regional Commission (40 U.S.C. 15101 et seq.), and the Appalachian Regional Commission (40 U.S.C. 14101 et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: *Provided further*, That \$4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including \$250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading.

INTERMEDIARY RELENDING PROGRAM FUND ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), \$18,889,000.

For the cost of direct loans, \$4,157,000, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), of which \$557,000 shall be available through June 30, 2019, for Federally Recognized Native American Tribes; and of which \$1,072,000 shall be available through June 30, 2019, for Mississippi Delta Region counties (as determined in accordance with Public Law 100-460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan programs, \$4,468,000 shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

For the principal amount of direct loans, as authorized under section 313B(a) of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$50,000,000.

The cost of grants authorized under section 313B(a) of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects shall not exceed \$10,000,000.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$29,100,000, of which \$2,800,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed \$3,000,000 shall be for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and of which \$17,500,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 210A of the Agricultural Marketing Act of 1946, of which \$2,500,000 may be used for Agriculture Innovation Centers authorized pursuant to section 6402 of Public Law 107-171.

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), \$334,500: *Provided*, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct loans as authorized by section 306 and described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act, \$1,400,000,000. For loan guarantees and grants for rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, \$548,690,000, to remain available until expended, of which not to exceed \$1,000,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed \$1,500,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided*, That not to exceed \$15,000,000 of the amount appropriated under this heading shall be for grants authorized by section 306A(i)(2) of the Consolidated Farm and Rural Development Act in addition to funding authorized by section 306A(i)(1) of such Act and such grants may not exceed \$1,000,000 notwithstanding section 306A(f)(1) of such Act: *Provided further*, That \$68,000,000 of the amount appropriated under this heading shall be for loans and

grants including water and waste disposal systems grants authorized by section 306C(a)(2)(B) and section 306D of the Consolidated Farm and Rural Development Act, and Federally Recognized Native American Tribes authorized by 306C(a)(1) of such Act: *Provided further*, That funding provided for section 306D of the Consolidated Farm and Rural Development Act may be provided to a consortium formed pursuant to section 325 of Public Law 105-83: *Provided further*, That not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by the State of Alaska for training and technical assistance programs and not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by a consortium formed pursuant to section 325 of Public Law 105-83 for training and technical assistance programs: *Provided further*, That not to exceed \$30,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which \$8,000,000 shall be made available for a grant to a qualified nonprofit multi-State regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than \$800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further*, That not to exceed \$19,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That not to exceed \$4,000,000 shall be for solid waste management grants: *Provided further*, That \$10,000,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): *Provided further*, That any prior year balances for high-energy cost grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Cost Grants Account: *Provided further*, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM
ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305, 306, and 317 of the Rural Electrification Act of 1936 (7 U.S.C. 935, 936, and 940g) shall be made as follows: loans made pursuant to sections 305, 306, and 317, notwithstanding 317(c), of that Act, rural electric, \$5,500,000,000; guaranteed underwriting loans pursuant to section 313A, \$750,000,000; 5 percent

rural telecommunications loans, cost of money rural telecommunications loans, and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$690,000,000: *Provided*, That up to \$2,000,000,000 shall be used for the construction, acquisition, design and engineering or improvement of fossil-fueled electric generating plants (whether new or existing) that utilize carbon subsurface utilization and storage systems.

For the cost of direct loans as authorized by section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935), including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, cost of money rural telecommunications loans, \$1,725,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$33,270,000, which shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, \$29,851,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$34,000,000, to remain available until expended: *Provided*, That \$3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: *Provided further*, That funding provided under this heading for grants under 379G of the Consolidated Farm and Rural Development Act may only be provided to entities that meet all of the eligibility criteria for a consortium as established by this section.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, \$5,830,000, to remain available until expended: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, \$30,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION, AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition, and Consumer Services, \$800,000: *Provided*, That funds made available by this Act to an agency in the Food, Nutrition and Consumer Services mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21: \$23,140,781,000 to remain available through September 30, 2020, of which such sums as are made available under section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by this Act, shall be merged with and available for the same time period and purposes as provided herein: *Provided*, That of the total amount available, \$17,004,000 shall be available to carry out section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.): *Provided further*, That of the total amount available, \$30,000,000 shall be available to provide competitive grants to State agencies for subgrants to local educational agencies and schools to purchase the equipment, with a value of greater than \$1,000, needed to serve healthier meals, improve food safety, and to help support the establishment, maintenance, or expansion of the school breakfast program: *Provided further*, That of the total amount available, \$28,000,000 shall remain available until expended to carry out section 749(g) of the Agriculture Appropriations Act of 2010 (Public Law 111–80): *Provided further*, That section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking “2010 through 2018” and inserting “2010 through 2019”: *Provided further*, That section 9(h)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(3)) is amended in the first sentence by striking “For fiscal year 2018” and inserting “For fiscal year 2019”: *Provided further*, That section 9(h)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(4)) is amended in the first sentence by striking “For fiscal year 2018” and inserting “For fiscal year 2019”.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS,
AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$6,075,000,000, to remain available through September 30, 2020: *Provided*, That notwithstanding section 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)), not less than \$60,000,000 shall be used for breastfeeding peer counselors and other related activities, and \$19,000,000 shall be used for infrastructure, of which \$5,000,000 shall be for telehealth competitive grants to supplement the nutrition education and breastfeeding support offered in the WIC clinic, and to decrease barriers to access to WIC services, particularly in rural communities, and other populations facing barriers to accessing support: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for

activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: *Provided further*, That upon termination of a federally mandated vendor moratorium and subject to terms and conditions established by the Secretary, the Secretary may waive the requirement at 7 CFR 246.12(g)(6) at the request of a State agency.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), \$73,476,921,000, of which \$3,000,000,000, to remain available through December 31, 2020, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That of the funds made available under this heading, \$998,000 may be used to provide nutrition education services to State agencies and Federally Recognized Tribes participating in the Food Distribution Program on Indian Reservations: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available through September 30, 2020: *Provided further*, That funds made available under this heading for section 28(d)(1), section 4(b), and section 27(a) of the Food and Nutrition Act of 2008 shall remain available through September 30, 2020: *Provided further*, That none of the funds made available under this heading may be obligated or expended in contravention of section 213A of the Immigration and Nationality Act (8 U.S.C. 1183A): *Provided further*, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, \$322,139,000, to remain available through September 30, 2020: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2019 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2020: *Provided further*, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 15 percent for costs associated with the distribution of commodities: *Provided*

further, That \$30,000,000 of prior year unobligated balances of the Commodity Supplemental Food Program shall be transferred to The Emergency Food Assistance Program to be used for administrative expenses.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, \$164,688,000, of which \$12,297,000 shall remain available through September 30, 2021, for the development and dissemination of the Dietary Guidelines for Americans: *Provided*, That of the funds provided herein, \$2,000,000 shall be used for the purposes of section 4404 of Public Law 107–171, as amended by section 4401 of Public Law 110–246.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR TRADE AND FOREIGN AGRICULTURAL AFFAIRS

For necessary expenses of the Office of the Under Secretary for Trade and Foreign Agricultural Affairs, \$875,000: *Provided*, That funds made available by this Act to any agency in the Trade and Foreign Agricultural Affairs mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

OFFICE OF CODEX ALIMENTARIUS

For necessary expenses of the Office of Codex Alimentarius, \$3,976,000, including not to exceed \$40,000 for official reception and representation expenses.

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed \$250,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$213,890,000, of which no more than 6 percent shall remain available until September 30, 2020, for overseas operations to include the payment of locally employed staff: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That funds made available for middle-income country training programs, funds made available for the Borlaug International Agricultural Science and Technology

Fellowship program, and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS
PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the credit program of title I, Food for Peace Act (Public Law 83–480) and the Food for Progress Act of 1985, \$142,000, shall be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”.

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years’ costs, including interest thereon, under the Food for Peace Act (Public Law 83–480), for commodities supplied in connection with dispositions abroad under title II of said Act, \$1,500,000,000, to remain available until expended.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD
NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), \$210,255,000, to remain available until expended, of which \$1,000,000 is for the use of recently developed potable water technologies in school feeding projects: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein: *Provided further*, That of the amount made available under this heading, \$15,000,000, shall remain available until expended for necessary expenses to carry out the provisions of section 3207 of the Agricultural Act of 2014 (7 U.S.C. 1726c).

COMMODITY CREDIT CORPORATION EXPORT (LOANS) CREDIT
GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation’s Export Guarantee Program, GSM 102 and GSM 103, \$8,845,000, to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$6,382,000 shall be transferred to and merged with the appropriation for “Foreign Agricultural Service, Salaries and Expenses”, and of which \$2,463,000 shall be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”.

TITLE VI

RELATED AGENCY AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; in addition to amounts appropriated to the FDA Innovation Account, for carrying out the activities described in section 1002(b)(4) of the 21st Century Cures Act (Public Law 114-255); for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107-188; \$5,584,965,000: *Provided*, That of the amount provided under this heading, \$1,010,323,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, and shall be credited to this account and remain available until expended; \$204,730,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$501,721,000 shall be derived from human generic drug user fees authorized by 21 U.S.C. 379j-42, and shall be credited to this account and remain available until expended; \$38,847,000 shall be derived from biosimilar biological product user fees authorized by 21 U.S.C. 379j-52, and shall be credited to this account and remain available until expended; \$30,331,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j-12, and shall be credited to this account and remain available until expended; \$18,335,000 shall be derived from generic new animal drug user fees authorized by 21 U.S.C. 379j-21, and shall be credited to this account and remain available until expended; \$712,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s, and shall be credited to this account and remain available until expended: *Provided further*, That in addition to and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees, medical device user fees, human generic drug user fees, biosimilar biological product user fees, animal drug user fees, and generic new animal drug user fees that exceed the respective fiscal year 2019 limitations are appropriated and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, human generic drug, biosimilar biological product, animal drug, and generic new animal drug assessments for fiscal year 2019, including any such fees collected prior to fiscal year 2019 but credited for fiscal year 2019, shall be subject to the fiscal year 2019 limitations: *Provided further*, That the Secretary may accept payment during fiscal year 2019 of user fees specified under this heading and authorized for fiscal year 2020, prior to the due date for such fees, and that amounts of such

fees assessed for fiscal year 2020 for which the Secretary accepts payment in fiscal year 2019 shall not be included in amounts under this heading: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) \$1,059,980,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs, of which no less than \$15,000,000 shall be used for inspections of foreign seafood manufacturers and field examinations of imported seafood; (2) \$1,879,927,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) \$402,144,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$223,611,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$556,179,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$66,712,000 shall be for the National Center for Toxicological Research; (7) \$666,832,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) \$173,847,000 shall be for Rent and Related activities, of which \$50,587,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) \$237,849,000 shall be for payments to the General Services Administration for rent; and (10) \$317,884,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs, the Office of Foods and Veterinary Medicine, the Office of Medical and Tobacco Products, the Office of Global and Regulatory Policy, the Office of Operations, the Office of the Chief Scientist, and central services for these offices: *Provided further*, That not to exceed \$25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: *Provided further*, That any transfer of funds pursuant to section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd(n)) shall only be from amounts made available under this heading for other activities: *Provided further*, That of the amounts that are made available under this heading for “other activities”, and that are not derived from user fees, \$1,500,000 shall be transferred to and merged with the appropriation for “Department of Health and Human Services—Office of Inspector General” for oversight of the programs and operations of the Food and Drug Administration and shall be in addition to funds otherwise made available for oversight of the Food and Drug Administration: *Provided further*, That of the total amount made available under this heading, \$3,000,000 shall be used by the Commissioner of Food and Drugs, in coordination with the Secretary of Agriculture, for consumer outreach and education regarding agricultural biotechnology and biotechnology-derived food products and animal feed, including through publication and distribution of science-based educational information on the environmental, nutritional, food safety, economic, and humanitarian impacts of such biotechnology, food products, and feed: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, priority review user fees authorized by 21 U.S.C. 360n and 360ff, food and feed recall fees, food reinspection fees, and voluntary qualified importer program fees authorized by 21 U.S.C. 379j–31, outsourcing facility fees authorized by 21 U.S.C. 379j–62, prescription drug wholesale distributor licensing and inspection fees authorized by 21 U.S.C. 353(e)(3), third-party logistics provider licensing and inspection fees authorized by 21 U.S.C. 360eee–3(c)(1), third-party auditor fees authorized by 21 U.S.C. 384d(c)(8), and medical countermeasure priority review voucher user fees authorized by 21 U.S.C. 360bbb–4a, and, contingent upon the enactment of the Over-the-Counter Monograph User Fee Act of 2019, fees relating to over-the-counter monograph drugs authorized by part 10 of subchapter C of Chapter VII of the Federal Food, Drug and Cosmetic Act shall be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, demolition, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$11,788,000, to remain available until expended.

FDA INNOVATION ACCOUNT, CURES ACT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes described under section 1002(b)(4) of the 21st Century Cures Act, in addition to amounts available for such purposes under the heading “Salaries and Expenses”, \$70,000,000, to remain available until expended: *Provided*, That amounts appropriated in this paragraph are appropriated pursuant to section 1002(b)(3) of the 21st Century Cures Act, are to be derived from amounts transferred under section 1002(b)(2)(A) of such Act, and may be transferred by the Commissioner of Food and Drugs to the appropriation for “Department of Health and Human Services Food and Drug Administration Salaries and Expenses” solely for the purposes provided in such Act: *Provided further*, That upon a determination by the Commissioner that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the account: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by law.

INDEPENDENT AGENCY

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$74,600,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated

with receiverships: *Provided further*, That the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 71 passenger motor vehicles of which 68 shall be for replacement only, and for the hire of such vehicles: *Provided*, That notwithstanding this section, the only purchase of new passenger vehicles shall be for those determined by the Secretary to be necessary for transportation safety, to reduce operational costs, and for the protection of life, property, and public safety.

SEC. 702. Notwithstanding any other provision of this Act, the Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or any other available unobligated discretionary balances that are remaining available of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture, such transferred funds to remain available until expended: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without written notification to and prior approval of the Committees on Appropriations of both Houses of Congress as required by section 716 of this Act: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to initiate, plan, develop, implement, or make any changes to remove or relocate any systems, missions, or functions of the offices of the Chief Financial Officer or any personnel from the National Finance Center prior to written notification to and prior approval of the Committee on Appropriations of both Houses of Congress and in accordance with the requirements of section 716 of this Act: *Provided further*, That the Secretary of Agriculture and the offices of the Chief Financial Officer shall actively market to existing and new Departments and other government agencies National Finance Center shared services including, but not limited to, payroll, financial management, and human capital shared services and allow

the National Finance Center to perform technology upgrades: *Provided further*, That of annual income amounts in the Working Capital Fund of the Department of Agriculture attributable to the amounts in excess of the true costs of the shared services provided by the National Finance Center and budgeted for the National Finance Center, the Secretary shall reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement, delivery, and implementation of financial, administrative, and information technology services, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: *Provided further*, That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of both Houses of Congress: *Provided further*, That the limitations on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

SEC. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 704. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 705. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 706. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That, notwithstanding section 11319 of title 40, United States Code, none of the funds available to the Department of Agriculture for information technology shall be obligated for projects, contracts, or other agreements over \$25,000 prior to receipt of written approval by the Chief Information Officer: *Provided further*, That the Chief

Information Officer may authorize an agency to obligate funds without written approval from the Chief Information Officer for projects, contracts, or other agreements up to \$250,000 based upon the performance of an agency measured against the performance plan requirements described in the explanatory statement accompanying Public Law 113–235.

SEC. 707. Funds made available under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 708. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act of 1936, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313B(a) of such Act in the same manner as a borrower under such Act.

SEC. 709. Except as otherwise specifically provided by law, not more than \$20,000,000 in unobligated balances from appropriations made available for salaries and expenses in this Act for the Farm Service Agency shall remain available through September 30, 2020, for information technology expenses: *Provided*, That except as otherwise specifically provided by law, unobligated balances from appropriations made available for salaries and expenses in this Act for the Rural Development mission area shall remain available through September 30, 2020, for information technology expenses.

SEC. 710. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 711. In the case of each program established or amended by the Agricultural Act of 2014 (Public Law 113–79) or by a successor to that Act, other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act, that is authorized or required to be carried out using funds of the Commodity Credit Corporation—

(1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 712. Of the funds made available by this Act, not more than \$2,900,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 713. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 714. Notwithstanding subsection (b) of section 14222 of Public Law 110-246 (7 U.S.C. 612c-6; in this section referred to as “section 14222”), none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a program under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c; in this section referred to as “section 32”) in excess of \$1,299,600,000 (exclusive of carryover appropriations from prior fiscal years), as follows: Child Nutrition Programs Entitlement Commodities—\$485,000,000; State Option Contracts—\$5,000,000; Removal of Defective Commodities—\$2,500,000; Administration of Section 32 Commodity Purchases—\$35,853,000: *Provided*, That of the total funds made available in the matter preceding this proviso that remain unobligated on October 1, 2019, such unobligated balances shall carryover into fiscal year 2020 and shall remain available until expended for any of the purposes of section 32, except that any such carryover funds used in accordance with clause (3) of section 32 may not exceed \$350,000,000 and may not be obligated until the Secretary of Agriculture provides written notification of the expenditures to the Committees on Appropriations of both Houses of Congress at least two weeks in advance: *Provided further*, That, with the exception of any available carryover funds authorized in any prior appropriations Act to be used for the purposes of clause (3) of section 32, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture to carry out clause (3) of section 32.

SEC. 715. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President’s budget submission to the Congress for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the budget unless such budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2020 appropriations Act.

SEC. 716. (a) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming, transfer of funds, or reimbursements as authorized by the Economy Act, or in the case of the Department of Agriculture, through use of the authority provided by section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89-106 (7 U.S.C. 2263), that—

- (1) creates new programs;
- (2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Secretary of Agriculture, or the Secretary of Health and Human Services (as the case may be) notifies in writing and receives approval from the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming or use of the authorities referred to in subsection (a) involving funds in excess of \$500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Secretary of Agriculture or the Secretary of Health and Human Services (as the case may be) notifies in writing and receives approval from the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming or transfer of such funds or the use of such authority.

(c) The Secretary of Agriculture or the Secretary of Health and Human Services shall notify in writing and receive approval from the Committees on Appropriations of both Houses of Congress before implementing any program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

(d) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for—

(1) modifying major capital investments funding levels, including information technology systems, that involves increasing or decreasing funds in the current fiscal year for the individual investment in excess of \$500,000 or 10 percent of the total cost, whichever is less;

(2) realigning or reorganizing new, current, or vacant positions or agency activities or functions to establish a center, office, branch, or similar entity with five or more personnel; or

(3) carrying out activities or functions that were not described in the budget request; unless the agencies funded

by this Act notify, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of using the funds for these purposes.

(e) As described in this section, no funds may be used for any activities unless the Secretary of Agriculture or the Secretary of Health and Human Services receives from the Committee on Appropriations of both Houses of Congress written or electronic mail confirmation of receipt of the notification as required in this section.

SEC. 717. Notwithstanding section 310B(g)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)), the Secretary may assess a one-time fee for any guaranteed business and industry loan in an amount that does not exceed 3 percent of the guaranteed principal portion of the loan.

SEC. 718. None of the funds appropriated or otherwise made available to the Department of Agriculture, the Food and Drug Administration, or the Farm Credit Administration shall be used to transmit or otherwise make available reports, questions, or responses to questions that are a result of information requested for the appropriations hearing process to any non-Department of Agriculture, non-Department of Health and Human Services, or non-Farm Credit Administration employee.

SEC. 719. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 720. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 60 days in a fiscal year unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 721. For the purposes of determining eligibility or level of program assistance for Rural Development programs the Secretary shall not include incarcerated prison populations.

SEC. 722. Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture, the Commissioner of the Food and Drug Administration, and the Chairman of the Farm Credit Administration shall submit to the Committees on Appropriations of both Houses of Congress a detailed spending plan by program, project, and activity for all the funds made available under this Act including appropriated user fees, as defined in the joint explanatory statement accompanying this Act.

SEC. 723. Of the unobligated balances from amounts made available for the supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$500,000,000 are hereby rescinded.

SEC. 724. The Secretary shall continue an intermediary loan packaging program based on the pilot program in effect for fiscal year 2013 for packaging and reviewing section 502 single family direct loans. The Secretary shall continue agreements with current intermediary organizations and with additional qualified intermediary organizations. The Secretary shall work with these

organizations to increase effectiveness of the section 502 single family direct loan program in rural communities and shall set aside and make available from the national reserve section 502 loans an amount necessary to support the work of such intermediaries and provide a priority for review of such loans.

SEC. 725. For loans and loan guarantees that do not require budget authority and the program level has been established in this Act, the Secretary of Agriculture may increase the program level for such loans and loan guarantees by not more than 25 percent: *Provided*, That prior to the Secretary implementing such an increase, the Secretary notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 15 days in advance.

SEC. 726. None of the credit card refunds or rebates transferred to the Working Capital Fund pursuant to section 729 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (7 U.S.C. 2235a; Public Law 107–76) shall be available for obligation without written notification to, and the prior approval of, the Committees on Appropriations of both Houses of Congress: *Provided*, That the refunds or rebates so transferred shall be available for obligation only for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture.

SEC. 727. None of the funds made available by this Act may be used to implement, administer, or enforce the “variety” requirements of the final rule entitled “Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP)” published by the Department of Agriculture in the Federal Register on December 15, 2016 (81 Fed. Reg. 90675) until the Secretary of Agriculture amends the definition of the term “variety” as defined in section 278.1(b)(1)(ii)(C) of title 7, Code of Federal Regulations, and “variety” as applied in the definition of the term “staple food” as defined in section 271.2 of title 7, Code of Federal Regulations, to increase the number of items that qualify as acceptable varieties in each staple food category so that the total number of such items in each staple food category exceeds the number of such items in each staple food category included in the final rule as published on December 15, 2016: *Provided*, That until the Secretary promulgates such regulatory amendments, the Secretary shall apply the requirements regarding acceptable varieties and breadth of stock to Supplemental Nutrition Assistance Program retailers that were in effect on the day before the date of the enactment of the Agricultural Act of 2014 (Public Law 113–79).

SEC. 728. None of the funds made available by this Act or any other Act may be used—

(1) in contravention of section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940); or

(2) to prohibit the transportation, processing, sale, or use of industrial hemp, or seeds of such plant, that is grown or cultivated in accordance with subsection section 7606 of the Agricultural Act of 2014, within or outside the State in which the industrial hemp is grown or cultivated.

SEC. 729. In carrying out subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472), the Secretary of Agriculture shall have the same authority with respect to loans guaranteed

under such section and eligible lenders for such loans as the Secretary has under subsections (h) and (j) of section 538 of such Act (42 U.S.C. 1490p–2) with respect to loans guaranteed under such section 538 and eligible lenders for such loans.

SEC. 730. None of the funds made available by this Act may be used to propose, promulgate, or implement any rule, or take any other action with respect to, allowing or requiring information intended for a prescribing health care professional, in the case of a drug or biological product subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)), to be distributed to such professional electronically (in lieu of in paper form) unless and until a Federal law is enacted to allow or require such distribution.

SEC. 731. None of the funds made available by this Act may be used to notify a sponsor or otherwise acknowledge receipt of a submission for an exemption for investigational use of a drug or biological product under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or section 351(a)(3) of the Public Health Service Act (42 U.S.C. 262(a)(3)) in research in which a human embryo is intentionally created or modified to include a heritable genetic modification. Any such submission shall be deemed to have not been received by the Secretary, and the exemption may not go into effect.

SEC. 732. None of the funds made available by this or any other Act may be used to carry out the final rule promulgated by the Food and Drug Administration and put into effect November 16, 2015, in regards to the hazard analysis and risk-based preventive control requirements of the current good manufacturing practice, hazard analysis, and risk-based preventive controls for food for animals rule with respect to the regulation of the production, distribution, sale, or receipt of dried spent grain byproducts of the alcoholic beverage production process.

SEC. 733. Funds made available under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) may only be used to provide assistance to recipient nations if adequate monitoring and controls, as determined by the Administrator, are in place to ensure that emergency food aid is received by the intended beneficiaries in areas affected by food shortages and not diverted for unauthorized or inappropriate purposes.

SEC. 734. None of the funds made available by this Act may be used by the Secretary of Agriculture, acting through the Food and Nutrition Service, to commence any new research and evaluation projects until the Secretary submits to the Committees on Appropriations of both Houses of Congress a research and evaluation plan for fiscal year 2019, prepared in coordination with the Research, Education, and Economics mission area of the Department of Agriculture, and a period of 30 days beginning on the date of the submission of the plan expires to permit Congressional review of the plan.

SEC. 735. There is hereby appropriated \$10,000,000, to remain available until expended, to carry out section 6407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a): *Provided*, That the Secretary may allow eligible entities, or comparable entities that provide energy efficiency services using their own billing mechanism to offer loans to customers in any part of their service territory and to offer loans to replace a manufactured

housing unit with another manufactured housing unit, if replacement would be more cost effective in saving energy.

SEC. 736. (a) The Secretary of Agriculture shall—

(1) conduct audits in a manner that evaluates the following factors in the country or region being audited, as applicable—

(A) veterinary control and oversight;

(B) disease history and vaccination practices;

(C) livestock demographics and traceability;

(D) epidemiological separation from potential sources of infection;

(E) surveillance practices;

(F) diagnostic laboratory capabilities; and

(G) emergency preparedness and response; and

(2) promptly make publicly available the final reports of any audits or reviews conducted pursuant to subsection (1).

(b) This section shall be applied in a manner consistent with United States obligations under its international trade agreements.

SEC. 737. No food that bears or contains partially hydrogenated oils (as defined in the order published by the Food and Drug Administration in the Federal Register on June 17, 2015 (80 Fed. Reg. 34650 et seq.)) shall be considered to be adulterated within the meaning of subsection (a)(1) or (a)(2)(C)(i) of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)) because such food contains such partially hydrogenated oils until the applicable compliance dates specified by FDA in the Federal Register on May 21, 2018 (83 Fed. Reg. 23358 et seq.).

SEC. 738. For fiscal years 2019 through 2025, the Administrators of the Agricultural Research Service and the Animal and Plant Health Inspection Service may make not to exceed 50 appointments in any fiscal year for employees of such agencies at the National Bio- and Agro-defense Facility (NBAF) in Manhattan, Kansas: *Provided*, That such appointments may be made in the manner provided by 7 U.S.C. 7657(b)(4)(A)(i–v): *Provided further*, That such appointments may be made at a rate of basic pay that exceeds the rate payable for such positions under the General Schedule or other applicable schedule, as appropriate, but may not be more than the rate payable for a position at level I of the Executive Schedule, unless the rate is approved by the President under section 5377(d)(2) of title 5.

SEC. 739. There is hereby appropriated \$1,000,000 for the Secretary to carry out a pilot program that provides forestry inventory analysis, forest management and economic outcomes modelling for certain currently enrolled Conservation Reserve Program participants. The Secretary shall allow the Commodity Credit Corporation to enter into agreements with and provide grants to qualified nonprofit organizations dedicated to conservation, forestry and wildlife habitats, that also have experience in conducting accurate forest inventory analysis through the use of advanced, cost-effective technology. The Secretary shall focus the analysis on lands enrolled for at least eight years and located in areas with a substantial concentration of acres enrolled under conservation practices devoted to multiple bottomland hardwood tree species including CP03, CP03A, CP11, CP22, CP31 and CP40.

SEC. 740. In addition to amounts otherwise made available by this Act and notwithstanding the last sentence of 16 U.S.C. 1310, there is appropriated \$4,000,000, to remain available until expended, to implement non-renewable agreements on eligible

lands, including flooded agricultural lands, as determined by the Secretary, under the Water Bank Act (16 U.S.C. 1301–1311).

SEC. 741. There is hereby appropriated \$1,996,000 to carry out section 1621 of Public Law 110–246.

SEC. 742. None of the funds made available by this Act may be used to carry out any activities or incur any expense related to the issuance of licenses under section 3 of the Animal Welfare Act (7 U.S.C. 2133), or the renewal of such licenses, to class B dealers who sell dogs and cats for use in research, experiments, teaching, or testing.

SEC. 743. There is appropriated \$6,000,000 to the Commodity Credit Corporation, in addition to amounts otherwise made available, for section 1110(f)(3) of the Food Security Act of 1985 (7 U.S.C. 1736o(f)(3)).

SEC. 744. (a)(1) No Federal funds made available for this fiscal year for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926 et seq.) shall be used for a project for the construction, alteration, maintenance, or repair of a public water or wastewater system unless all of the iron and steel products used in the project are produced in the United States.

(2) In this section, the term “iron and steel products” means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(b) Subsection (a) shall not apply in any case or category of cases in which the Secretary of Agriculture (in this section referred to as the “Secretary”) or the designee of the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the Secretary or the designee receives a request for a waiver under this section, the Secretary or the designee shall make available to the public on an informal basis a copy of the request and information available to the Secretary or the designee concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Secretary or the designee shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Department.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

(e) The Secretary may retain up to 0.25 percent of the funds appropriated in this Act for “Rural Utilities Service—Rural Water and Waste Disposal Program Account” for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

(f) Subsection (a) shall not apply with respect to a project for which the engineering plans and specifications include use of iron and steel products otherwise prohibited by such subsection if the plans and specifications have received required approvals from State agencies prior to the date of enactment of this Act.

(g) For purposes of this section, the terms “United States” and “State” shall include each of the several States, the District of Columbia, and each federally recognized Indian tribe.

SEC. 745. The Secretary shall set aside for Rural Economic Area Partnership (REAP) Zones, until August 15, 2019, an amount of funds made available in title III under the headings of Rural Housing Insurance Fund Program Account, Mutual and Self-Help Housing Grants, Rural Housing Assistance Grants, Rural Community Facilities Program Account, Rural Business Program Account, Rural Development Loan Fund Program Account, and Rural Water and Waste Disposal Program Account, equal to the amount obligated in REAP Zones with respect to funds provided under such headings in the most recent fiscal year any such funds were obligated under such headings for REAP Zones.

SEC. 746. There is hereby appropriated \$1,000,000, to remain available until expended, for a pilot program for the Secretary to provide grants to qualified non-profit organizations and public housing authorities to provide technical assistance, including financial and legal services, to RHS multi-family housing borrowers to facilitate the acquisition of RHS multi-family housing properties in areas where the Secretary determines a risk of loss of affordable housing, by non-profit housing organizations and public housing authorities as authorized by law that commit to keep such properties in the RHS multi-family housing program for a period of time as determined by the Secretary.

SEC. 747. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 748. (a) The Secretary of Agriculture (referred to in this section as the “Secretary”) shall carry out a pilot program during fiscal year 2019 with respect to the 2018 crop year for county-level agriculture risk coverage payments under section 1117(b)(1) of the Agricultural Act of 2014 (7 U.S.C. 9017(b)(1)), that provides all or some of the State Farm Service Agency offices in each State the opportunity to provide agricultural producers in the State a supplemental payment described in subsection (c) based on the alternate calculation method described in subsection (b) for 1 or more counties in a State if the office for that State determines that the alternate calculation method is necessary to ensure that, to the maximum extent practicable, there are not significant yield calculation disparities between comparable counties in the State.

(b) The alternate calculation method referred to in subsection (a) is a method of calculating the actual yield for the 2018 crop year for county-level agriculture risk coverage payments under section 1117(b)(1) of the Agricultural Act of 2014 (7 U.S.C. 9017(b)(1)), under which—

(1) county data of the National Agricultural Statistics Service (referred to in this section as “NASS data”) is used for the calculations;

(2) if there is insufficient NASS data for a county (as determined under standards of the Secretary in effect as of the date of enactment of this Act) or the available NASS data produces a substantially disparate result, the calculation of the county yield is determined using comparable contiguous county NASS data as determined by the Farm Service Agency office in the applicable State; and

(3) if there is insufficient NASS data for a comparable contiguous county (as determined under standards of the Secretary in effect as of the date of enactment of this Act), the calculation of the county yield is determined using reliable yield data from other sources, such as Risk Management Agency data, National Agricultural Statistics Service district data, National Agricultural Statistics Service State yield data, or other data as determined by the Farm Service Agency office in the applicable State.

(c)(1) A supplemental payment made under the pilot program established under this section may be made to an agricultural producer who is subject to the alternate calculation method described in subsection (b) if that agricultural producer would otherwise receive a county-level agriculture risk coverage payment for the 2018 crop year in an amount that is less than the payment that the agricultural producer would receive under the alternate calculation method.

(2) The amount of a supplemental payment to an agricultural producer under this section may not exceed the difference between—

(A) the payment that the agricultural producer would have received without the alternate calculation method described in subsection (b); and

(B) the payment that the agricultural producer would receive using the alternate calculation method.

(d)(1) There is appropriated to the Secretary, out of funds of the Treasury not otherwise appropriated, \$5,000,000, to remain available until September 30, 2020, to carry out the pilot program described in this section.

(2) Of the funds appropriated, the Secretary shall use not more than \$5,000,000 to carry out the pilot program described in this section.

(e)(1) To the maximum extent practicable, the Secretary shall select States to participate in the pilot program under this section so the cost of the pilot program equals the amount provided under subsection (d).

(2) To the extent that the cost of the pilot program exceeds the amount made available, the Secretary shall reduce all payments under the pilot program on a pro rata basis.

(f) Nothing in this section affects the calculation of actual yield for purposes of county-level agriculture risk coverage payments under section 1117(b)(1) of the Agricultural Act of 2014 (7 U.S.C. 9017(b)(1)) other than payments made in accordance with the pilot program under this section.

(g) A calculation of actual yield made using the alternate calculation method described in subsection (b) shall not be used as a basis for any agriculture risk coverage payment determinations under section 1117 of the Agricultural Act of 2014 (7 U.S.C. 9017) other than for purposes of the pilot program under this section.

SEC. 749. None of the funds made available by this Act may be used to procure raw or processed poultry products imported

into the United States from the People's Republic of China for use in the school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the Child and Adult Care Food Program under section 17 of such Act (42 U.S.C. 1766), the Summer Food Service Program for Children under section 13 of such Act (42 U.S.C. 1761), or the school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

SEC. 750. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel—

(1) to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) to inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

(3) to implement or enforce section 352.19 of title 9, Code of Federal Regulations (or a successor regulation).

SEC. 751. In response to an eligible community where the drinking water supplies are inadequate due to a natural disaster, as determined by the Secretary, including drought or severe weather, the Secretary may provide potable water through the Emergency Community Water Assistance Grant Program for an additional period of time not to exceed 120 days beyond the established period provided under the Program in order to protect public health.

SEC. 752. Of the total amounts made available by this Act for direct loans and grants in the following headings: “Rural Housing Service—Rural Housing Insurance Fund Program Account”; “Rural Housing Service—Mutual and Self-Help Housing Grants”; “Rural Housing Service—Rural Housing Assistance Grants”; “Rural Housing Service—Rural Community Facilities Program Account”; “Rural Business-Cooperative Service—Rural Business Program Account”; “Rural Business-Cooperative Service—Rural Economic Development Loans Program Account”; “Rural Business-Cooperative Service—Rural Cooperative Development Grants”; “Rural Utilities Service—Rural Water and Waste Disposal Program Account”; “Rural Utilities Service—Rural Electrification and Telecommunications Loans Program Account”; and “Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program”, to the maximum extent feasible, at least 10 percent of the funds shall be allocated for assistance in persistent poverty counties under this section, including, notwithstanding any other provision regarding population limits, any county seat of such a persistent poverty county that has a population that does not exceed the authorized population limit by more than 10 percent: *Provided*, That for purposes of this section, the term “persistent poverty counties” means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1980, 1990, and 2000 decennial censuses, and 2007–2011 American Community Survey 5-year average: *Provided further*, That with respect to specific activities for which program levels have been made available by this Act that are not supported by budget authority, the requirements of this section shall be applied to such program level.

SEC. 753. (a) No funds shall be used to finalize the proposed rule entitled “Eligibility of the People's Republic of China (PRC)

to Export to the United States Poultry Products from Birds Slaughtered in the PRC” published in the Federal Register by the Department of Agriculture on June 16, 2017 (82 Fed. Reg. 27625), unless the Secretary of Agriculture shall—

(1) ensure that the poultry slaughter inspection system for the PRC is equivalent to that of the United States;

(2) ensure that, before any poultry products can enter the United States from any such poultry plant, such poultry products comply with all other applicable requirements for poultry products in interstate commerce in the United States;

(3) conduct periodic verification reviews and audits of any such plants in the PRC intending to export into the United States processed poultry products;

(4) conduct re-inspection of such poultry products at United States ports-of-entry to check the general condition of such products, for the proper certification and labeling of such products, and for any damage to such products that may have occurred during transportation; and

(5) ensure that shipments of any such poultry products selected to enter the United States are subject to additional re-inspection procedures at appropriate levels to verify that the products comply with relevant Federal regulations or standards, including examinations for product defects and laboratory analyses to detect harmful chemical residues or pathogen testing appropriate for the products involved.

(b) This section shall be applied in a manner consistent with obligations of the United States under any trade agreement to which the United States is a party.

SEC. 754. In addition to any other funds made available in this Act or any other Act, there is appropriated \$5,000,000 to carry out section 18(g)(8) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)), to remain available until expended.

SEC. 755. None of the funds made available by this Act may be used by the Food and Drug Administration to develop, issue, promote, or advance any regulations applicable to food manufacturers for population-wide sodium reduction actions or to develop, issue, promote or advance final guidance applicable to food manufacturers for long term population-wide sodium reduction actions until the date on which a dietary reference intake report with respect to sodium is completed.

SEC. 756. There is hereby appropriated \$2,000,000, to remain available until September 30, 2020, for the cost of loans and grants that is consistent with section 4206 of the Agricultural Act of 2014, for necessary expenses of the Secretary to support projects that provide access to healthy food in underserved areas, to create and preserve quality jobs, and to revitalize low-income communities.

SEC. 757. For an additional amount for “Animal and Plant Health Inspection Service—Salaries and Expenses”, \$8,500,000, to remain available until September 30, 2020, for one-time control and management and associated activities directly related to the multiple-agency response to citrus greening.

SEC. 758. None of the funds made available by this or any other Act may be used to enforce the final rule promulgated by the Food and Drug Administration entitled “Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption,” and published on November 27, 2015, with respect to the regulation of the production, distribution, sale, or receipt

of grape varieties that are grown, harvested and used solely for wine and receive commercial processing that adequately reduces the presence of microorganisms of public health significance.

SEC. 759. None of the funds made available by this Act may be used to revoke an exception made—

(1) pursuant to the final rule of the Department of Agriculture entitled “Exceptions to Geographic Areas for Official Agencies Under the USGSA” (68 Fed. Reg. 19137 (April 18, 2003)); and

(2) on a date before April 14, 2017.

SEC. 760. For school year 2019–2020, only a school food authority that had a negative balance in the nonprofit school food service account as of December 31, 2018, shall be required to establish a price for paid lunches in accordance with Section 12(p) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(p).

SEC. 761. There is hereby appropriated \$16,000,000, to remain available until expended, for an additional amount for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., to help address the opioid epidemic in rural America.

SEC. 762. (a) There is hereby appropriated \$125,000,000, to remain available until expended, for an additional amount for Sec. 779 of Public Law 115–141.

(b) Section 313 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 940c), shall be applied for fiscal year 2019 and each fiscal year thereafter until the specified funding has been expended as if the following were inserted after the final period in subsection (b)(2): “In addition, the Secretary shall use \$425,000,000 of funds available in this subaccount in fiscal year 2019 for an additional amount for the same purpose and under the same terms and conditions as funds appropriated by Sec. 779 of Public Law 115–141.”: *Provided*, That any use of such funds shall be treated as a reprogramming of funds under section 716 of this Act.

SEC. 763. For an additional amount for the cost of direct loans and grants made under the “Rural Water and Waste Disposal Program Account”, \$75,000,000, to remain available until expended.

SEC. 764. There is hereby appropriated \$5,000,000, to remain available until September 30, 2020, for a pilot program for the National Institute of Food and Agriculture to provide grants to nonprofit organizations for programs and services to establish and enhance farming and ranching opportunities for military veterans.

SEC. 765. Not later than September 30, 2019, the Secretary of Health and Human Services shall finalize the draft guidance for industry entitled “Bacterial Risk Control Strategies for Blood Collection Establishments and Transfusion Services to Enhance the Safety and Availability of Platelets for Transfusion” issued by the Food and Drug Administration in March of 2016.

SEC. 766. Not later than 180 days after the date of the enactment of this section, the Secretary of Agriculture shall submit a report to the Committees on Appropriations of both Houses of Congress that includes a summary of the process used in establishing the 2020–2025 Dietary Guidelines for Americans published pursuant to section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341) and an explanation with respect to the decision to incorporate or exclude in such Dietary

Guidelines for Americans recommendations from the report by the National Academies of Science, Engineering, and Medicine entitled “Redesigning the Process for Establishing the Dietary Guidelines for Americans” and issued September, 2017.

SEC. 767. None of the funds made available by this Act shall be used to implement, administer, or enforce the requirement in the final rule entitled “Food Labeling: Revision of the Nutrition and Supplement Facts Labels”, published in the Federal Register on May 27, 2016 (81 Fed. Reg. 33742), that any single ingredient sugar, honey, agave, or syrup (including maple syrup) that is packaged and offered for sale as a single ingredient food bear the declaration “Includes ‘X’g Added Sugars”.

SEC. 768. None of the funds made available by this Act may be used to implement or enforce the matter following the first comma in the second sentence of footnote (c) of section 220.8(c) of title 7, Code of Federal Regulations, with respect to the substitution of vegetables for fruits under the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

SEC. 769. The Secretary of Agriculture shall provide to any State or county impacted by a volcanic eruption covered by a major disaster declared by the President in calendar year 2018 in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) technical assistance—

- (1) to assess damage to agricultural production and rural infrastructure; and
- (2) to develop recovery plans for impacted farmers, ranchers, and rural communities.

SEC. 770. (a) The Secretary of Agriculture, in coordination with the Administrator of the National Oceanic and Atmospheric Administration, shall establish a working group (referred to in this section as the “working group”)—

- (1) to study how mangroves, kelp forests, tidal marshes, and seagrass meadows could help deacidify the oceans;
- (2) to study emerging ocean farming practices that use kelp and seagrass to deacidify the oceans while providing feedstock for agriculture and other commercial and industrial inputs; and
- (3) to coordinate and conduct research to develop and enhance pilot-scale research for farming of kelp and seagrass in order—
 - (A) to deacidify ocean environments;
 - (B) to produce a feedstock for agriculture; and
 - (C) to develop other scalable commercial applications for kelp, seagrass, or products derived from kelp or seagrass.

(b) The working group shall include—

- (1) the Secretary of Agriculture;
- (2) the Administrator of the National Oceanic and Atmospheric Administration;
- (3) representatives of any relevant offices within the National Oceanic and Atmospheric Administration; and
- (4) the Assistant Secretary of Energy for Energy Efficiency and Renewable Energy.

(c) Not later than 2 years after the date of enactment of this Act, the working group shall submit to Congress a report that includes—

- (1) the findings of the research described in subsection (a);
- (2) the results of the pilot-scale research described in subsection (a)(3); and
- (3) any policy recommendations based on those findings and results.

SEC. 771. Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to Congress a report describing the ways in which conservation programs administered by the Natural Resources Conservation Service may be better used for the conservation of ocelots (*Leopardus pardalis*) and any action taken by the Chief of the Natural Resources Conservation Service relating to the conservation of ocelots.

SEC. 772. Not later than 1 year after the date of enactment of this Act, the Rural Housing Service of the Department of Agriculture shall submit to Congress a report including—

(1) a description of—

(A) the number of properties assisted under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) that are reaching the end of their loan term;

(B) the location of each property described in subparagraph (A);

(C) the number of units in each property described in subparagraph (A); and

(D) the date on which each the loan for each property described in subparagraph (A) is expected to reach maturity;

(2) the strategy of the Rural Housing Service to preserve the long-term affordability of the properties described in paragraph (1)(A) when the loan matures; and

(3) a description of the resources and tools that the Rural Housing Service needs from Congress in order to preserve the long-term affordability of the properties described in paragraph (1)(A).

SEC. 773. Out of amounts appropriated to the Food and Drug Administration under title VI, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall, not later than July 1, 2019, and following the review required under Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review), issue advice revising the advice provided in the notice of availability entitled “Advice About Eating Fish, From the Environmental Protection Agency and Food and Drug Administration; Revised Fish Advice; Availability” (82 Fed. Reg. 6571 (January 19, 2017)), in a manner that is consistent with nutrition science recognized by the Food and Drug Administration on the net effects of seafood consumption.

SEC. 774. In addition to any funds made available in this Act or any other Act, there is hereby appropriated \$5,000,000, to remain available until September 30, 2020, for grants from the National Institute of Food and Agriculture to the 1890 Institutions to support the Centers of Excellence.

SEC. 775. Section 6(e)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended by striking “September 30, 2020” and inserting “September 30, 2018”.

SEC. 776. During fiscal year 2019, the Food and Drug Administration shall not allow the introduction or delivery for introduction into interstate commerce of any food that contains genetically engineered salmon until the FDA publishes final labeling guidelines for informing consumers of such content.

SEC. 777. In addition to funds appropriated in this Act, there is hereby appropriated \$216,000,000, to remain available until expended, under the heading “Food for Peace Title II Grants”: *Provided*, That the funds made available under this section shall be used for the purposes set forth in the Food for Peace Act for both emergency and non-emergency purposes.

SEC. 778. There is appropriated to the “Farm Service Agency” \$9,000,000 for purposes of making payments to producers impacted by an oriental fruit fly quarantine as referenced in H.Rpt.115-232 to remain available until expended: *Provided*, That of the unobligated balances available under Treasury symbol code 12 18/19 0600, \$5,000,000 are rescinded.

SEC. 779. In administering the pilot program established by section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115–141), the Secretary of Agriculture shall—

(1) ensure that applicants that are determined to be ineligible for the pilot program have a means of appealing or otherwise challenging that determination in a timely fashion; and

(2) in determining whether an entity may overbuild or duplicate broadband expansion efforts made by any entity that has received a broadband loan from the Rural Utilities Service, not consider loans that were rescinded or defaulted on, or loans the terms and conditions of which were not met, if the entity under consideration has not previously defaulted on, or failed to meet the terms and conditions of, a Rural Utilities Service loan or had a Rural Utilities Service loan rescinded.

SEC. 780. For the cost of loans and grants, \$3,000,000 under the same terms and conditions as authorized by section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008s): *Provided*, That such costs of loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

This division may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2019”.

DIVISION C—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2019

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to sections 3702 and 3703 of title 44, United States Code; full medical coverage for dependent

Commerce,
Justice, Science,
and Related
Agencies
Appropriations
Act, 2019.
Department of
Commerce
Appropriations
Act, 2019.

members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to section 40118 of title 49, United States Code; employment of citizens of the United States and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed \$294,300 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$495,000,000, to remain available until September 30, 2020, of which \$11,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding section 3302 of title 31, United States Code: *Provided*, That, of amounts provided under this heading, not less than \$16,400,000 shall be for China antidumping and countervailing duty enforcement and compliance activities: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of citizens of the United States and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed \$13,500 for official representation expenses abroad; awards of compensation to informers under the Export Control Reform Act of 2018 (subtitle B of title XVII of the John S. McCain National Defense Authorization Act for Fiscal Year 2019; Public Law 115–232; 132 Stat. 2208; 50 U.S.C. 4801 et seq.), and as authorized by section 1(b) of the Act of June 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$118,050,000, to remain available until expended, except that of the amount appropriated, not less than \$4,550,000 shall remain available until September 30, 2019, and shall only be available for contractor

support to implement the product exclusion process for articles covered by actions taken under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862): *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments: *Provided further*, That the Secretary of Commerce may transfer up to \$2,000,000 to this account, from funds available for “Departmental Management, Salaries and Expenses” or for “Departmental Management, Renovation and Modernization”: *Provided further*, That any funds transferred pursuant to the previous proviso shall remain available until September 30, 2019, and shall only be available for contractor support to implement the product exclusion process for articles covered by actions taken under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862): *Provided further*, That such transfer authority is in addition to any other transfer authority contained in this Act: *Provided further*, That any such transfer shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), \$265,000,000, to remain available until expended, of which \$23,500,000 shall be for grants under such section 27.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$39,000,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$40,000,000.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$101,000,000, to remain available until September 30, 2020.

BUREAU OF THE CENSUS

CURRENT SURVEYS AND PROGRAMS

For necessary expenses for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$270,000,000: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for collecting, compiling, analyzing, preparing, and publishing statistics for periodic censuses and programs provided for by law, \$3,551,388,000, to remain available until September 30, 2021: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: *Provided further*, That within the amounts appropriated, \$3,556,000 shall be transferred to the “Office of Inspector General” account for activities associated with carrying out investigations and audits related to the Bureau of the Census: *Provided further*, That not more than 50 percent of the amounts made available under this heading for information technology related to 2020 census delivery, including the Census Enterprise Data Collection and Processing (CEDCaP) program, may be obligated until the Secretary updates the previous expenditure plan and resubmits to the Committees on Appropriations of the House of Representatives and the Senate a plan for expenditure that: (1) identifies for each CEDCaP project/investment over \$25,000: (A) the functional and performance capabilities to be delivered and the mission benefits to be realized; (B) an updated estimated lifecycle cost, including cumulative expenditures to date by fiscal year, and all revised estimates for development, maintenance, and operations; (C) key milestones to be met; and (D) impacts of cost variances on other Census programs; (2) details for each project/investment: (A) reasons for any cost and schedule variances; and (B) top risks and mitigation strategies; and (3) has been submitted to the Government Accountability Office.

NATIONAL TELECOMMUNICATIONS AND INFORMATION
ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$39,500,000, of which not to exceed \$15,000,000 shall remain available until September 30, 2020: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal

agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND
CONSTRUCTION

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, \$3,370,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections of fees and surcharges assessed and collected by the USPTO under any law are received during fiscal year 2019, so as to result in a fiscal year 2019 appropriation from the general fund estimated at \$0: *Provided further*, That during fiscal year 2019, should the total amount of such offsetting collections be less than \$3,370,000,000 this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of \$3,370,000,000 in fiscal year 2019 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: *Provided further*, That the Director of USPTO shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That any amounts reprogrammed in accordance with the preceding proviso shall be transferred to the United States Patent and Trademark Office “Salaries and Expenses” account: *Provided further*, That from amounts provided herein, not to exceed \$900 shall be made available in fiscal year 2019 for official reception and representation expenses: *Provided further*, That in fiscal year 2019 from the amounts made available for “Salaries and Expenses” for the USPTO, the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code,

and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO's specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title, and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO's specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the FEGLI Fund, and the FEHB Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That any differences between the present value factors published in OPM's yearly 300 series benefit letters and the factors that OPM provides for USPTO's specific use shall be recognized as an imputed cost on USPTO's financial statements, where applicable: *Provided further*, That, notwithstanding any other provision of law, all fees and surcharges assessed and collected by USPTO are available for USPTO only pursuant to section 42(c) of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (Public Law 112–29): *Provided further*, That within the amounts appropriated, \$1,500,000 shall be transferred to the “Office of Inspector General” account for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the National Institute of Standards and Technology (NIST), \$724,500,000, to remain available until expended, of which not to exceed \$9,000,000 may be transferred to the “Working Capital Fund”: *Provided*, That not to exceed \$5,000 shall be for official reception and representation expenses: *Provided further*, That NIST may provide local transportation for summer undergraduate research fellowship program participants.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses for industrial technology services, \$155,000,000, to remain available until expended, of which \$140,000,000 shall be for the Hollings Manufacturing Extension Partnership, and of which \$15,000,000 shall be for the National Network for Manufacturing Innovation (also known as “Manufacturing USA”).

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by sections 13 through 15 of the National Institute of Standards and Technology Act (15 U.S.C. 278c–278e), \$106,000,000, to remain available until expended: *Provided*, That the Secretary of Commerce shall include

in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than \$5,000,000, and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; pilot programs for state-led fisheries management, notwithstanding any other provision of law; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, \$3,596,997,000, to remain available until September 30, 2020: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That in addition, \$157,980,000 shall be derived by transfer from the fund entitled “Promote and Develop Fishery Products and Research Pertaining to American Fisheries”, which shall only be used for fishery activities related to the Saltonstall-Kennedy Grant Program; Fisheries Data Collections, Surveys and Assessments; and Interjurisdictional Fisheries Grants: *Provided further*, That of the \$3,772,477,000 provided for in direct obligations under this heading, \$3,596,997,000 is appropriated from the general fund, \$157,980,000 is provided by transfer, and \$17,500,000 is derived from recoveries of prior year obligations: *Provided further*, That any deviation from the amounts designated for specific activities in the joint explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That in addition, for necessary retired pay expenses under the Retired Serviceman’s Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents’ Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$1,755,349,000, to remain available until September 30, 2021, except that funds provided for acquisition and construction of vessels and construction of facilities

15 USC 1513a
note.

shall remain available until expended: *Provided*, That of the \$1,768,349,000 provided for in direct obligations under this heading, \$1,755,349,000 is appropriated from the general fund and \$13,000,000 is provided from recoveries of prior year obligations: *Provided further*, That any deviation from the amounts designated for specific activities in the joint explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition or construction project having a total of more than \$5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years: *Provided further*, That, within the amounts appropriated, \$1,302,000 shall be transferred to the “Office of Inspector General” account for activities associated with carrying out investigations and audits related to satellite procurement, acquisition and construction.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, \$65,000,000, to remain available until September 30, 2020: *Provided*, That, of the funds provided herein, the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and to the Federally recognized tribes of the Columbia River and Pacific Coast (including Alaska), for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or that are identified by a State as at-risk to be so listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

FISHERMEN’S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed \$349,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERY DISASTER ASSISTANCE

For the necessary expenses associated with the mitigation of fishery disasters, \$15,000,000 to remain available until expended: *Provided*, That funds shall be used for mitigating the effects of commercial fishery failures and fishery resource disasters as declared by the Secretary of Commerce.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2019, obligations of direct loans may not exceed \$24,000,000 for Individual Fishing Quota loans and not to exceed \$100,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for the management of the Department of Commerce provided for by law, including not to exceed \$4,500 for official reception and representation, \$63,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$34,744,000: *Provided*, That notwithstanding section 6413(b) of the Middle Class Tax Relief and Job Creation Act of 2012 (Public Law 112–96), \$2,000,000, to remain available until expended, from the amounts provided under this heading, shall be derived from the Public Safety Trust Fund for activities associated with carrying out investigations and audits related to the First Responder Network Authority (FirstNet).

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided

for in this Act or any other law appropriating funds for the Department of Commerce.

33 USC 878a
note.

SEC. 104. The requirements set forth by section 105 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (Public Law 112–55), as amended by section 105 of title I of division B of Public Law 113–6, are hereby adopted by reference and made applicable with respect to fiscal year 2019: *Provided*, That the life cycle cost for the Joint Polar Satellite System is \$11,322,125,000 and the life cycle cost for the Geostationary Operational Environmental Satellite R-Series Program is \$10,828,059,000.

SEC. 105. Notwithstanding any other provision of law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms, or organizations are authorized, pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority, to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949 on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to \$200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 106. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 107. The Administrator of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency, or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory, or possession, or of any political subdivision thereof, or of any foreign government or international organization, for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

SEC. 108. The National Technical Information Service shall not charge any customer for a copy of any report or document generated by the Legislative Branch unless the Service has provided information to the customer on how an electronic copy of such report or document may be accessed and downloaded for free online. Should a customer still require the Service to provide a printed or digital copy of the report or document, the charge shall be limited to recovering the Service's cost of processing, reproducing, and delivering such report or document.

SEC. 109. To carry out the responsibilities of the National Oceanic and Atmospheric Administration (NOAA), the Administrator of NOAA is authorized to: (1) enter into grants and cooperative agreements with; (2) use on a non-reimbursable basis land, services, equipment, personnel, and facilities provided by; and (3) receive and expend funds made available on a consensual basis from: a Federal agency, State or subdivision thereof, local government, tribal government, territory, or possession or any subdivisions

thereof: *Provided*, That funds received for permitting and related regulatory activities pursuant to this section shall be deposited under the heading “National Oceanic and Atmospheric Administration—Operations, Research, and Facilities” and shall remain available until September 30, 2021, for such purposes: *Provided further*, That all funds within this section and their corresponding uses are subject to section 505 of this Act.

SEC. 110. Amounts provided by this Act or by any prior appropriations Act that remain available for obligation, for necessary expenses of the programs of the Economics and Statistics Administration of the Department of Commerce, including amounts provided for programs of the Bureau of Economic Analysis and the Bureau of the Census, shall be available for expenses of cooperative agreements with appropriate entities, including any Federal, State, or local governmental unit, or institution of higher education, to aid and promote statistical, research, and methodology activities which further the purposes for which such amounts have been made available.

SEC. 111. Section 110(a) of the Department of Commerce Appropriations Act, 2016 (Public Law 114–113) is amended—

129 Stat. 2295.

(1) by striking “management is” and inserting “management is: (1)”; and

(2) by striking “subsection (b).” and inserting “subsection (b); or (2) for law enforcement activities conducted by States under a joint enforcement agreement pursuant to section 311(h) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861(h)), any other agreement with the Secretary entered into pursuant to section 311(a) of such Act, or any similar agreement authorized by law.”.

SEC. 112. Title II of Division B of Public Law 115–123 is amended by striking “Federal” each place it appears under the heading “Department of Commerce—National Oceanic and Atmospheric Administration”.

132 Stat. 70.

This title may be cited as the “Department of Commerce Appropriations Act, 2019”.

TITLE II

DEPARTMENT OF JUSTICE

Department of
Justice
Appropriations
Act, 2019.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$113,000,000, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

JUSTICE INFORMATION SHARING TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, \$32,000,000, to remain available until expended: *Provided*, That the Attorney General may transfer up to \$40,000,000 to this account, from funds available to the Department of Justice

for information technology, to remain available until expended, for enterprise-wide information technology initiatives: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act: *Provided further*, That any transfer pursuant to the first proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of immigration-related activities of the Executive Office for Immigration Review, \$563,407,000, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the “Immigration Examinations Fee” account, and of which not less than \$11,400,000 shall be available for services and activities provided by the Legal Orientation Program: *Provided*, That not to exceed \$35,000,000 of the total amount made available under this heading shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$101,000,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, \$13,000,000: *Provided*, That, notwithstanding any other provision of law, upon the expiration of a term of office of a Commissioner, the Commissioner may continue to act until a successor has been appointed.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; the administration of pardon and clemency petitions; and rent of private or Government-owned space in the District of Columbia, \$904,000,000, of which not to exceed \$20,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the amount provided for INTERPOL Washington dues payments, not to exceed \$685,000 shall remain available until expended: *Provided further*, That of the total amount appropriated, not to exceed \$9,000 shall be available to INTERPOL Washington for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that

emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to “Salaries and Expenses, General Legal Activities” from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to the Civil Rights Division for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (52 U.S.C. 10305) and to reimburse the Office of Personnel Management for such salaries and expenses: *Provided further*, That of the amounts provided under this heading for the election monitoring program, \$3,390,000 shall remain available until expended: *Provided further*, That of the amount appropriated, not less than \$193,715,000 shall be available for the Criminal Division, including related expenses for the Mutual Legal Assistance Treaty Program.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$10,000,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$164,977,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be \$136,000,000 in fiscal year 2019), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2019, so as to result in a final fiscal year 2019 appropriation from the general fund estimated at \$28,977,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$2,212,000,000: *Provided*, That of the total amount appropriated, not to exceed \$7,200 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$25,000,000 shall remain available until expended: *Provided further*, That each United States Attorney shall establish or participate in a task force on human trafficking.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, \$226,000,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, deposits

to the United States Trustee System Fund and amounts herein appropriated shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, fees deposited into the Fund pursuant to section 589a(b) of title 28, United States Code (as limited by section 1004(b) of the Bankruptcy Judgeship Act of 2017 (division B of Public Law 115–72)), shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That to the extent that fees deposited into the Fund in fiscal year 2019, net of amounts necessary to pay refunds due depositors, exceed \$226,000,000, those excess amounts shall be available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further*, That the sum herein appropriated from the general fund shall be reduced (1) as such fees are received during fiscal year 2019, net of amounts necessary to pay refunds due depositors, (estimated at \$360,000,000) and (2) to the extent that any remaining general fund appropriations can be derived from amounts deposited in the Fund in previous fiscal years that are not otherwise appropriated, so as to result in a final fiscal year 2019 appropriation from the general fund estimated at \$0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, \$2,409,000.

FEEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$270,000,000, to remain available until expended, of which not to exceed \$16,000,000 is for construction of buildings for protected witness safesites; not to exceed \$3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed \$18,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses: *Provided*, That amounts made available under this heading may not be transferred pursuant to section 205 of this Act.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Community Relations Service, \$15,500,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as

a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code, \$20,514,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$1,358,000,000, of which not to exceed \$6,000 shall be available for official reception and representation expenses, and not to exceed \$25,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$15,000,000, to remain available until expended.

FEDERAL PRISONER DETENTION

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by section 4013 of title 18, United States Code, \$1,552,397,000, to remain available until expended: *Provided*, That not to exceed \$20,000,000 shall be considered “funds appropriated for State and local law enforcement assistance” pursuant to section 4013(b) of title 18, United States Code: *Provided further*, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the activities of the National Security Division, \$101,369,000, of which not to exceed \$5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking organizations, transnational organized crime, and money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in transnational organized crime and drug trafficking, \$560,000,000, of which \$50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, \$9,192,137,000, of which not to exceed \$216,900,000 shall remain available until expended: *Provided*, That not to exceed \$184,500 shall be available for official reception and representation expenses: *Provided further*, That in addition to other funds provided for Construction projects, the Federal Bureau of Investigation may use up to \$150,000,000 appropriated in prior years under this heading for all costs related to construction, renovation, and modification of federally owned and leased space and expansion of network capabilities.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of federally owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; \$385,000,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, \$2,267,000,000, of which not to exceed \$75,000,000 shall remain available until expended and not to exceed \$90,000 shall be available for official reception and representation expenses: *Provided*, That the Drug Enforcement Administration may use up to

\$5,700,000 appropriated in prior year funds under this heading for necessary expenses of construction.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$1,316,678,000, of which not to exceed \$36,000 shall be for official reception and representation expenses, not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed \$20,000,000 shall remain available until expended: *Provided*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$7,250,000,000: *Provided*, That the Attorney General may transfer to the Department of Health and Human Services such amounts as may be necessary for direct expenditures by that Department for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed \$5,400 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2020: *Provided further*, That, of the amounts provided for contract confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses: *Provided further*, That the Director of the Federal Prison

42 USC 250a.

System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past, notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites, and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$264,000,000, to remain available until expended, of which \$175,000,000 shall be available only for costs related to construction of new facilities: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$2,700,000 of the funds of the Federal Prison Industries, Incorporated, shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION
PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et seq.) (“the 1968 Act”); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (“the 1994 Act”); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (“the 1990 Act”); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.) (“the 1974 Act”); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (“the 2000 Act”); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (“the 2005 Act”); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (“the 2013 Act”); and the Rape Survivor Child Custody Act of 2015 (Public Law 114–22) (“the 2015 Act”); and for related victims services, \$497,500,000, to remain available until expended, which shall be derived by transfer from amounts available for obligation in this Act from the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (34 U.S.C. 20101), notwithstanding section 1402(d) of such Act of 1984, and merged with the amounts otherwise made available under this heading: *Provided*, That except as otherwise provided by law, not to exceed 5 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided—

(1) \$215,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act;

(2) \$36,000,000 is for transitional housing assistance grants for victims of domestic violence, dating violence, stalking, or sexual assault as authorized by section 40299 of the 1994 Act;

(3) \$3,000,000 is for the National Institute of Justice and the Bureau of Justice Statistics for research, evaluation, and statistics of violence against women and related issues addressed by grant programs of the Office on Violence Against Women, which shall be transferred to “Research, Evaluation and Statistics” for administration by the Office of Justice Programs;

(4) \$11,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: *Provided*,

That unobligated balances available for the programs authorized by sections 41201, 41204, 41303, and 41305 of the 1994 Act, prior to its amendment by the 2013 Act, shall be available for this program: *Provided further*, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act: *Provided further*, That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this program;

(5) \$53,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which \$4,000,000 is for a homicide reduction initiative;

(6) \$37,500,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) \$42,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) \$20,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) \$45,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) \$5,000,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(11) \$16,000,000 is for grants to support families in the justice system, as authorized by section 1301 of the 2000 Act: *Provided*, That unobligated balances available for the programs authorized by section 1301 of the 2000 Act and section 41002 of the 1994 Act, prior to their amendment by the 2013 Act, shall be available for this program;

(12) \$6,000,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) \$1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(14) \$1,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act: *Provided*, That such funds may be transferred to “Research, Evaluation and Statistics” for administration by the Office of Justice Programs;

(15) \$500,000 is for a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women;

(16) \$4,000,000 is for grants to assist tribal governments in exercising special domestic violence criminal jurisdiction, as authorized by section 904 of the 2013 Act: *Provided*, That the grant conditions in section 40002(b) of the 1994 Act shall apply to this program; and

(17) \$1,500,000 is for the purposes authorized under the 2015 Act.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION AND STATISTICS

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Juvenile Justice and Delinquency Prevention Act of 1974 (“the 1974 Act”); the Missing Children’s Assistance Act (34 U.S.C. 11291 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (“the 2005 Act”); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (“the Adam Walsh Act”); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (“the 2002 Act”); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (“the 2013 Act”); and other programs, \$80,000,000, to remain available until expended, of which—

(1) \$43,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act, of which \$5,000,000 is for a nationwide incident-based crime statistics program; and

(2) \$37,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act, of which \$4,000,000 is for research targeted toward developing a better understanding of the domestic radicalization phenomenon, and advancing evidence-based strategies for effective intervention and prevention; \$1,000,000 is for research to study the root causes of school violence to include the impact and effectiveness of grants made under the STOP School Violence Act; \$1,000,000 is for a study to better protect children against online predatory behavior as part of the National Juvenile Online Victimization Studies (N-JOVS); and \$3,000,000 is for a national center for restorative justice.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (“the 1994 Act”); the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (“the 1990 Act”); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (“the 2005 Act”); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (“the Adam Walsh Act”); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law

106–386); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (“the 2002 Act”); the Second Chance Act of 2007 (Public Law 110–199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403); the Victims of Crime Act of 1984 (Public Law 98–473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (“the 2013 Act”); the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198) (“CARA”); the Justice for All Reauthorization Act of 2016 (Public Law 114–324); Kevin and Avonte’s Law (division Q of Public Law 115–141) (“Kevin and Avonte’s Law”); the Keep Young Athletes Safe Act of 2018 (title III of division S of Public Law 115–141) (“the Keep Young Athletes Safe Act”); the STOP School Violence Act of 2018 (title V of division S of Public Law 115–141) (“the STOP School Violence Act”); the Fix NICS Act of 2018 (title VI of division S of Public Law 115–141); the Project Safe Neighborhoods Grant Program Authorization Act of 2018 (Public Law 115–185); and the SUPPORT for Patients and Communities Act (Public Law 115–271); and other programs, \$1,723,000,000, to remain available until expended as follows—

(1) \$423,500,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g) of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1, \$12,000,000 is for the Officer Robert Wilson III Memorial Initiative on Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR), \$7,500,000 is for an initiative to support evidence-based policing, \$8,000,000 is for an initiative to enhance prosecutorial decision-making, \$2,400,000 is for the operationalization, maintenance and expansion of the National Missing and Unidentified Persons System, \$2,500,000 is for an academic based training initiative to improve police-based responses to people with mental illness or developmental disabilities, \$2,000,000 is for a student loan repayment assistance program pursuant to section 952 of Public Law 110–315, \$15,500,000 is for prison rape prevention and prosecution grants to States and units of local government, and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79), \$2,000,000 is for a grant program authorized by Kevin and Avonte’s Law, \$3,000,000 is for a regional law enforcement technology initiative, \$20,000,000 is for programs to reduce gun crime and gang violence, as authorized by Public Law 115–185, \$5,000,000 is for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful conviction review, \$2,000,000 is for emergency law enforcement assistance for events occurring during or after fiscal year 2019, as authorized by section 609M of the Justice Assistance Act of 1984 (34 U.S.C. 50101), \$2,000,000 is for grants to States and units of local government to deploy managed access systems to combat contraband cell phone use in prison, \$2,000,000 is for a program to improve juvenile indigent defense, and

\$8,000,000 is for community-based violence prevention initiatives;

(2) \$243,500,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): *Provided*, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) \$85,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386, for programs authorized under Public Law 109–164, or programs authorized under Public Law 113–4;

(4) \$14,000,000 for economic, high technology, white collar, and Internet crime prevention grants, including as authorized by section 401 of Public Law 110–403, of which \$2,500,000 is for competitive grants that help State and local law enforcement tackle intellectual property thefts, and \$2,000,000 for a competitive grant program for training students in computer forensics and digital investigation;

(5) \$20,000,000 for sex offender management assistance, as authorized by the Adam Walsh Act, and related activities;

(6) \$25,000,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That \$1,500,000 is transferred directly to the National Institute of Standards and Technology’s Office of Law Enforcement Standards for research, testing and evaluation programs;

(7) \$1,000,000 for the National Sex Offender Public Website;

(8) \$75,000,000 for grants to States to upgrade criminal and mental health records for the National Instant Criminal Background Check System, of which no less than \$25,000,000 shall be for grants made under the authorities of the NICS Improvement Amendments Act of 2007 (Public Law 110–180) and Fix NICS Act of 2018;

(9) \$30,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(10) \$130,000,000 for DNA-related and forensic programs and activities, of which—

(A) \$120,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities, including the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546) (the Debbie Smith DNA Backlog Grant Program): *Provided*, That up to 4 percent of funds made available under this paragraph may be used for the purposes described in the DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers program (Public Law 108–405, section 303);

(B) \$6,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program (Public Law 108–405, section 412); and

(C) \$4,000,000 is for Sexual Assault Forensic Exam Program grants, including as authorized by section 304 of Public Law 108–405;

(11) \$48,000,000 for a grant program for community-based sexual assault response reform;

(12) \$12,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(13) \$37,500,000 for assistance to Indian tribes;

(14) \$87,500,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110–199), without regard to the time limitations specified at section 6(1) of such Act, of which not to exceed \$6,000,000 is for a program to improve State, local, and tribal probation or parole supervision efforts and strategies, \$5,000,000 is for Children of Incarcerated Parents Demonstrations to enhance and maintain parental and family relationships for incarcerated parents as a reentry or recidivism reduction strategy, and \$4,000,000 is for additional replication sites employing the Project HOPE Opportunity Probation with Enforcement model implementing swift and certain sanctions in probation, and for a research project on the effectiveness of the model: *Provided*, That up to \$7,500,000 of funds made available in this paragraph may be used for performance-based awards for Pay for Success projects, of which up to \$5,000,000 shall be for Pay for Success programs implementing the Permanent Supportive Housing Model;

(15) \$66,500,000 for initiatives to improve police-community relations, of which \$22,500,000 is for a competitive matching grant program for purchases of body-worn cameras for State, local and Tribal law enforcement, \$27,000,000 is for a justice reinvestment initiative, for activities related to criminal justice reform and recidivism reduction, and \$17,000,000 is for an Edward Byrne Memorial criminal justice innovation program;

(16) \$347,000,000 for comprehensive opioid abuse reduction activities, including as authorized by CARA, and for the following programs, which shall address opioid abuse reduction consistent with underlying program authorities—

(A) \$77,000,000 for Drug Courts, as authorized by section 1001(a)(25)(A) of title I of the 1968 Act;

(B) \$31,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(C) \$30,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(D) \$22,000,000 for a veterans treatment courts program;

(E) \$30,000,000 for a program to monitor prescription drugs and scheduled listed chemical products; and

(F) \$157,000,000 for a comprehensive opioid abuse program;

(17) \$2,500,000 for a competitive grant program authorized by the Keep Young Athletes Safe Act; and

(18) \$75,000,000 for grants to be administered by the Bureau of Justice Assistance for purposes authorized under the STOP School Violence Act:

Provided, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (“the 1974 Act”); the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) (“the 2005 Act”); the Missing Children’s Assistance Act (34 U.S.C. 11291 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Victims of Child Abuse Act of 1990 (Public Law 101-647) (“the 1990 Act”); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) (“the Adam Walsh Act”); the PROTECT Our Children Act of 2008 (Public Law 110-401); the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4) (“the 2013 Act”); the Justice for All Reauthorization Act of 2016 (Public Law 114-324); and other juvenile justice programs, \$287,000,000, to remain available until expended as follows—

(1) \$60,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, nonprofit organizations with the Federal grants process: *Provided*, That of the amounts provided under this paragraph, \$500,000 shall be for a competitive demonstration grant program to support emergency planning among State, local and tribal juvenile justice residential facilities;

(2) \$95,000,000 for youth mentoring grants;

(3) \$24,500,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) \$5,000,000 shall be for the Tribal Youth Program;

(B) \$500,000 shall be for an Internet site providing information and resources on children of incarcerated parents;

(C) \$2,000,000 shall be for competitive grants focusing on girls in the juvenile justice system;

(D) \$9,000,000 shall be for an opioid-affected youth initiative; and

(E) \$8,000,000 shall be for an initiative relating to children exposed to violence;

(4) \$22,500,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(5) \$82,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act (except that section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (Public Law 110-401) shall not apply for purposes of this Act); and

(6) \$3,000,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of the amounts designated under paragraphs (1) through (3) and (6) may be used for training and technical assistance: *Provided further*, That the two preceding provisos shall not apply to grants and projects administered pursuant to sections 261 and 262 of the 1974 Act and to missing and exploited children programs.

PUBLIC SAFETY OFFICER BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs), to remain available until expended; and \$24,800,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to “Public Safety Officer Benefits” from available appropriations for the Department of Justice as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (“the 2005 Act”); and the SUPPORT for Patients and Communities Act (Public Law 115–271), \$303,500,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act: *Provided further*, That of the amount provided under this heading—

(1) \$228,500,000 is for grants under section 1701 of title I of the 1968 Act (34 U.S.C. 10381) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: *Provided*, That, notwithstanding section 1704(c) of such title (34 U.S.C. 10384(c)), funding for hiring or rehiring a career law enforcement officer may not exceed \$125,000 unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: *Provided further*, That within the amounts appropriated under this paragraph,

\$27,000,000 is for improving tribal law enforcement, including hiring, equipment, training, anti-methamphetamine activities, and anti-opioid activities: *Provided further*, That of the amounts appropriated under this paragraph, \$6,500,000 is for community policing development activities in furtherance of the purposes in section 1701: *Provided further*, That of the amounts appropriated under this paragraph \$37,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act, which shall be transferred to and merged with “Research, Evaluation, and Statistics” for administration by the Office of Justice Programs: *Provided further*, That within the amounts appropriated under this paragraph, no less than \$3,000,000 is to support the Tribal Access Program: *Provided further*, That within the amounts appropriated under this paragraph, \$2,000,000 is for training, peer mentoring, and mental health program activities as authorized under the Law Enforcement Mental Health and Wellness Act (Public Law 115-113);

(2) \$10,000,000 is for activities authorized by the POLICE Act of 2016 (Public Law 114-199);

(3) \$8,000,000 is for competitive grants to State law enforcement agencies in States with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures: *Provided*, That funds appropriated under this paragraph shall be utilized for investigative purposes to locate or investigate illicit activities, including precursor diversion, laboratories, or methamphetamine traffickers;

(4) \$32,000,000 is for competitive grants to statewide law enforcement agencies in States with high rates of primary treatment admissions for heroin and other opioids: *Provided*, That these funds shall be utilized for investigative purposes to locate or investigate illicit activities, including activities related to the distribution of heroin or unlawful distribution of prescription opioids, or unlawful heroin and prescription opioid traffickers through statewide collaboration; and

(5) \$25,000,000 is for competitive grants to be administered by the Community Oriented Policing Services Office for purposes authorized under the STOP School Violence Act (title V of division S of Public Law 115-141).

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. None of the funds made available under this title may be used by the Federal Bureau of Prisons or the United States Marshals Service for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 207. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, or to rent or purchase audiovisual or electronic media or equipment used primarily for recreational purposes.

(b) Subsection (a) does not preclude the rental, maintenance, or purchase of audiovisual or electronic media or equipment for inmate training, religious, or educational programs.

SEC. 208. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations of the House of Representatives and the Senate that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 209. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and in the joint explanatory statement accompanying this Act, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 210. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A-76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 211. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States

Attorney from the residency requirements of section 545 of title 28, United States Code.

SEC. 212. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings “Research, Evaluation and Statistics”, “State and Local Law Enforcement Assistance”, and “Juvenile Justice Programs”—

(1) up to 3 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance; and

(2) up to 2.5 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs.

SEC. 213. Upon request by a grantee for whom the Attorney General has determined there is a fiscal hardship, the Attorney General may, with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2016 through 2019 for the following programs, waive the following requirements:

(1) For the adult and juvenile offender State and local reentry demonstration projects under part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10631 et seq.), the requirements under section 2976(g)(1) of such part (34 U.S.C. 10631(g)(1)).

(2) For State, Tribal, and local reentry courts under part FF of title I of such Act of 1968 (34 U.S.C. 10631 et seq.), the requirements under section 2978(e)(1) and (2) of such part (34 U.S.C. 10633(e)(1) and (2)).

(3) For the prosecution drug treatment alternatives to prison program under part CC of title I of such Act of 1968 (34 U.S.C. 10581), the requirements under the second sentence of section 2901(f) of such part (34 U.S.C. 10581(f)).

SEC. 214. Notwithstanding any other provision of law, section 20109(a) of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12109(a)) shall not apply to amounts made available by this or any other Act.

SEC. 215. None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901), may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 216. (a) None of the income retained in the Department of Justice Working Capital Fund pursuant to title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation during fiscal year 2019, except up to \$12,000,000

may be obligated for implementation of a unified Department of Justice financial management system.

(b) Not to exceed \$30,000,000 of the unobligated balances transferred to the capital account of the Department of Justice Working Capital Fund pursuant to title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation in fiscal year 2019, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.

(c) Not to exceed \$10,000,000 of the excess unobligated balances available under section 524(c)(8)(E) of title 28, United States Code, shall be available for obligation during fiscal year 2019, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.

SEC. 217. Discretionary funds that are made available in this Act for the Office of Justice Programs may be used to participate in Performance Partnership Pilots authorized under section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, section 525 of division H of Public Law 114–113, and such authorities as are enacted for Performance Partnership Pilots in an appropriations Act for fiscal years 2018 and 2019.

This title may be cited as the “Department of Justice Appropriations Act, 2019”.

Science
Appropriations
Act, 2019.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed \$2,250 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$5,544,000.

NATIONAL SPACE COUNCIL

For necessary expenses of the National Space Council, in carrying out the purposes of Title V of Public Law 100–685 and Executive Order 13803, hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed \$2,250 for official reception and representation expenses, \$1,965,000: *Provided*, That notwithstanding any other provision of law, the National Space Council may accept personnel support from Federal agencies, departments, and offices, and such Federal agencies, departments, and offices may detail staff without reimbursement to the National Space Council for purposes provided herein.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$6,905,700,000, to remain available until September 30, 2020: *Provided*, That, of the amounts provided, \$545,000,000 is for an orbiter and \$195,000,000 is for a lander to meet the science goals for the Jupiter Europa mission as recommended in previous Planetary Science Decadal surveys: *Provided further*, That the National Aeronautics and Space Administration shall use the Space Launch System as the launch vehicles for the Jupiter Europa missions, plan for an orbiter launch no later than 2023 and a lander launch no later than 2025, and include in the fiscal year 2020 budget the 5-year funding profile necessary to achieve these goals.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$725,000,000, to remain available until September 30, 2020.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space technology research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$926,900,000, to remain available until September 30, 2020: *Provided*, That \$180,000,000 shall be for RESTORE–L.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$5,050,800,000, to remain available until September 30, 2020: *Provided*, That not less than \$1,350,000,000 shall be for the Orion Multi-Purpose Crew Vehicle: *Provided further*, That not less than \$2,150,000,000 shall be for the Space Launch System (SLS) launch vehicle, which shall have a lift capability not less than 130 metric tons and which shall have core elements and an Exploration Upper Stage developed simultaneously: *Provided further*, That of the amounts provided for SLS, not less than \$150,000,000 shall be for Exploration Upper Stage development: *Provided further*, That \$592,800,000 shall be for Exploration Ground Systems, including \$48,000,000 for a second mobile launch platform and associated SLS activities: *Provided further*, That the National Aeronautics and Space Administration (NASA) shall provide to the Committees on Appropriations of the House of Representatives and the Senate, concurrent with the annual budget submission, a 5-year budget profile for an integrated system that includes the Space Launch System, the Orion Multi-Purpose Crew Vehicle, and associated ground systems that will ensure an Exploration Mission-2 crewed launch as early as possible, as well as a system-based funding profile for a sustained launch cadence beyond the initial crewed test launch: *Provided further*, That \$958,000,000 shall be for exploration research and development.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities, including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$4,639,100,000, to remain available until September 30, 2020.

SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS
ENGAGEMENT

For necessary expenses, not otherwise provided for, in the conduct and support of aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, including uniforms or allowances therefor,

as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$110,000,000, to remain available until September 30, 2020, of which \$21,000,000 shall be for the Established Program to Stimulate Competitive Research and \$44,000,000 shall be for the National Space Grant College and Fellowship Program.

SAFETY, SECURITY AND MISSION SERVICES

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, space technology, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$2,755,000,000, to remain available until September 30, 2020.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, \$348,200,000, to remain available until September 30, 2024: *Provided*, That proceeds from leases deposited into this account shall be available for a period of 5 years to the extent and in amounts as provided in annual appropriations Acts: *Provided further*, That such proceeds referred to in the preceding proviso shall be available for obligation for fiscal year 2019 in an amount not to exceed \$17,000,000: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 20145 of title 51, United States Code.

51 USC 20145
note.

51 USC 30103
note.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$39,300,000, of which \$500,000 shall remain available until September 30, 2020.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Funds for any announced prize otherwise authorized shall remain available, without fiscal year limitation, until a prize is claimed or the offer is withdrawn.

51 USC 20144
note.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space

Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The spending plan required by this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

The unexpired balances of the “Education” account, for activities for which funds are provided in this Act, may be transferred to the “Science, Technology, Engineering, and Mathematics Engagement” account established in this Act. Balances so transferred shall be merged with the funds in the newly established account, but shall be available under the same terms, conditions and period of time as previously appropriated.

Not more than 50 percent of the amounts made available in this Act for the Lunar Orbital Platform; Advanced Cislunar and Surface Capabilities; Commercial LEO Development; and Lunar Discovery and Exploration, excluding the Lunar Reconnaissance Orbiter, may be obligated until the Administrator submits a multi-year plan to the Committees on Appropriations of the House of Representatives and the Senate that identifies estimated dates, by fiscal year, for Space Launch System flights to build the Lunar Orbital Platform; the commencement of partnerships with commercial entities for additional LEO missions to land humans and rovers on the Moon; and conducting additional scientific activities on the Moon. The multi-year plan shall include key milestones to be met by fiscal year to achieve goals for each of the lunar programs described in the previous sentence and funding required by fiscal year to achieve such milestones.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), and Public Law 86-209 (42 U.S.C. 1880 et seq.); services as authorized by section 3109 of title 5, United States Code; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$6,520,000,000, to remain available until September 30, 2020, of which not to exceed \$544,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National

Science Foundation supported research facilities may be credited to this appropriation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including authorized travel, \$295,740,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including services as authorized by section 3109 of title 5, United States Code, authorized travel, and rental of conference rooms in the District of Columbia, \$910,000,000, to remain available until September 30, 2020.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.); services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; \$329,540,000: *Provided*, That not to exceed \$8,280 is for official reception and representation expenses: *Provided further*, That contracts may be entered into under this heading in fiscal year 2019 for maintenance and operation of facilities and for other services to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), \$4,370,000: *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, \$15,350,000, of which \$400,000 shall remain available until September 30, 2020.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The Director of the National Science Foundation (NSF) shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 30 days in advance of any planned divestment through transfer, decommissioning, termination, or deconstruction of any NSF-owned facilities or any NSF capital assets (including land, structures, and equipment) valued greater than \$2,500,000.

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

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$10,065,000: *Provided*, That none of the funds appropriated in this paragraph may be used to employ any individuals under Schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: *Provided further*, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by section 3 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, section 501 of the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Genetic Information Nondiscrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles

as authorized by section 1343(b) of title 31, United States Code; nonmonetary awards to private citizens; and up to \$29,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, \$379,500,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,250 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed \$2,250 for official reception and representation expenses, \$95,000,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$415,000,000, of which \$380,500,000 is for basic field programs and required independent audits; \$5,100,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$19,400,000 is for management and grants oversight; \$4,000,000 is for client self-help and information technology; \$4,500,000 is for a Pro Bono Innovation Fund; and \$1,500,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996d(d)): *Provided further*, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: *Provided further*, That, for the purposes of section 505 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to

1997 and 1998 shall be deemed to refer instead to 2018 and 2019, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), \$3,516,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by section 3109 of title 5, United States Code, \$53,000,000, of which \$1,000,000 shall remain available until expended: *Provided*, That of the total amount made available under this heading, not to exceed \$124,000 shall be available for official reception and representation expenses.

TRADE ENFORCEMENT TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For activities of the United States Trade Representative authorized by section 611 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4405), including transfers, \$15,000,000, to be derived from the Trade Enforcement Trust Fund: *Provided*, That any transfer pursuant to subsection (d)(1) of such section shall be treated as a reprogramming under section 505 of this Act.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Act of 1984 (42 U.S.C. 10701 et seq.) \$5,971,000, of which \$500,000 shall remain available until September 30, 2020: *Provided*, That not to exceed \$2,250 shall be available for official reception and representation expenses: *Provided further*, That, for the purposes of section 505 of this Act, the State Justice Institute shall be considered an agency of the United States Government.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

(INCLUDING TRANSFER OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2019, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

SEC. 506. (a) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(b)(1) To the extent practicable, with respect to authorized purchases of promotional items, funds made available by this Act shall be used to purchase items that are manufactured, produced, or assembled in the United States, its territories or possessions.

(2) The term “promotional items” has the meaning given the term in OMB Circular A-87, Attachment B, Item (1)(f)(3).

SEC. 507. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account

level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

(b) The report described in subsection (a) shall be submitted within 30 days of the end of each quarter.

(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.

SEC. 508. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That for the Department of Commerce, this section shall also apply to actions taken for the care and protection of loan collateral or grant property.

SEC. 509. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

34 USC 20101
note.

SEC. 510. Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98-473 (34 U.S.C. 20101) in any fiscal year in excess of \$3,353,000,000 shall not be available for obligation until the following fiscal year: *Provided*, That notwithstanding section 1402(d) of such Act, of the amounts available from the Fund for obligation: (1) \$10,000,000 shall remain available until expended to the Department of Justice Office of Inspector General for oversight and auditing purposes; and (2) 5 percent shall be available to the Office for Victims of Crime for grants, consistent with the requirements of the Victims of Crime Act, to Indian tribes to improve services for victims of crime.

SEC. 511. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 513. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(d) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 514. (a) None of the funds appropriated or otherwise made available under this Act may be used by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire a high-impact or moderate-impact information system, as defined for security categorization in the National Institute of Standards and Technology's (NIST) Federal Information Processing Standard Publication 199, "Standards for Security Categorization of Federal Information and Information Systems" unless the agency has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST and the Federal Bureau of Investigation (FBI) to inform acquisition decisions for high-impact and moderate-impact information systems within the Federal Government;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the FBI and other appropriate agencies; and

(3) in consultation with the FBI or other appropriate Federal entity, conducted an assessment of any risk of cyber-espionage or sabotage associated with the acquisition of such

system, including any risk associated with such system being produced, manufactured, or assembled by one or more entities identified by the United States Government as posing a cyber threat, including but not limited to, those that may be owned, directed, or subsidized by the People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, or the Russian Federation.

(b) None of the funds appropriated or otherwise made available under this Act may be used to acquire a high-impact or moderate-impact information system reviewed and assessed under subsection (a) unless the head of the assessing entity described in subsection (a) has—

(1) developed, in consultation with NIST, the FBI, and supply chain risk management experts, a mitigation strategy for any identified risks;

(2) determined, in consultation with NIST and the FBI, that the acquisition of such system is in the national interest of the United States; and

(3) reported that determination to the Committees on Appropriations of the House of Representatives and the Senate and the agency Inspector General.

SEC. 515. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 516. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding \$500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary

export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 517. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin “curios or relics” firearms, parts, or ammunition.

SEC. 518. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States–Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States–Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States–Morocco Free Trade Agreement.

SEC. 519. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act of 1978; The Electronic Communications Privacy Act of 1986; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; USA FREEDOM Act of 2015; and the laws amended by these Acts.

SEC. 520. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than \$75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent or more, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating

that the project’s management structure is adequate to control total project or procurement costs.

SEC. 521. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2019 until the enactment of the Intelligence Authorization Act for fiscal year 2019.

SEC. 522. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(RESCISSIONS)

SEC. 523. (a) Of the unobligated balances from prior year appropriations available to the Department of Commerce, the following funds are hereby rescinded, not later than September 30, 2019, from the following accounts in the specified amounts—

(1) “Economic Development Administration, Economic Development Assistance Programs”, \$10,000,000; and

(2) “National Institute of Standards and Technology, Industrial Technology Services”, \$2,000,000.

(b) Of the unobligated balances available to the Department of Justice, the following funds are hereby rescinded, not later than September 30, 2019, from the following accounts in the specified amounts—

(1) “Working Capital Fund”, \$151,000,000;

(2) “Federal Bureau of Investigation, Salaries and Expenses”, \$124,326,000 including from, but not limited to, fees collected to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs;

(3) “State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs”, \$10,000,000;

(4) “State and Local Law Enforcement Activities, Office of Justice Programs”, \$70,000,000;

(5) “State and Local Law Enforcement Activities, Community Oriented Policing Services”, \$16,500,000; and

(6) “Legal Activities, Assets Forfeiture Fund”, \$674,000,000, is permanently rescinded.

(c) The Departments of Commerce and Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2019,

specifying the amount of each rescission made pursuant to subsections (a) and (b).

(d) The amounts rescinded in subsections (a) and (b) shall not be from amounts that were designated by the Congress as an emergency or disaster relief requirement pursuant to the concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 524. (a) Any unobligated balances identified in the following Treasury Appropriation Fund Symbols are hereby permanently cancelled: 80X0114; 80X0111; 80X0110; and 80X0112.

(b) Upon enactment of this Act:

(1) obligated balances in 80X0114 shall be transferred to and merged with 80–0130, Construction and Environmental Compliance and Restoration, and any upward adjustments to such obligations may be made from 80–0130;

(2) obligated balances in 80X0111 shall be transferred to and merged with 80–0122, Safety, Security and Mission Services, 80–0115, Space Flight Capabilities and 80–0130, Construction and Environmental Compliance and Restoration, and any upward adjustments to such obligations may be made from 80–0122, 80–0115 and 80–0130;

(3) obligated balances in 80X0110 shall be transferred to and merged with 80–0130, Construction and Environmental Compliance and Restoration, and any upward adjustments to said obligations may be made from 80–0130; and

(4) obligated balances in 80X0112 shall be transferred to and merged with 80–0122, Safety, Security and Mission Services and 80–0130, Construction and Environmental Compliance and Restoration, and any upward adjustments to such obligations may be made from 80–0122 and 80–0130.

(c) Following the cancellation of unobligated balances and transfer of obligated balances in 80X0114, 80X0111, 80X0110 and 80X0112, such accounts shall be closed. Any collections authorized or required to be credited to these accounts that are not received before closing of such accounts shall be deposited in the Treasury as miscellaneous receipts.

SEC. 525. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 526. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency, who are stationed in the United States, at any single conference occurring outside the United States unless such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States.

SEC. 527. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 528. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

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

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 529. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 530. (a) None of the funds made available by this Act may be used for the National Aeronautics and Space Administration (NASA), the Office of Science and Technology Policy (OSTP), or the National Space Council (NSC) to develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company unless such activities are specifically authorized by a law enacted after the date of enactment of this Act.

(b) None of the funds made available by this Act may be used to effectuate the hosting of official Chinese visitors at facilities belonging to or utilized by NASA.

(c) The limitations described in subsections (a) and (b) shall not apply to activities which NASA, OSTP, or NSC, after consultation with the Federal Bureau of Investigation, have certified—

(1) pose no risk of resulting in the transfer of technology, data, or other information with national security or economic security implications to China or a Chinese-owned company; and

(2) will not involve knowing interactions with officials who have been determined by the United States to have direct involvement with violations of human rights.

(d) Any certification made under subsection (c) shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate, and the Federal Bureau of Investigation, no later than 30 days prior to the activity in question and shall include a description of the purpose of the activity, its agenda, its major participants, and its location and timing.

SEC. 531. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel to deny, or fail to act on, an application for the importation of any model of shotgun if—

(1) all other requirements of law with respect to the proposed importation are met; and

(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

SEC. 532. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication, or other law enforcement- or victim assistance-related activity.

SEC. 533. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, the Commission on Civil Rights, the Equal Employment Opportunity Commission, the International Trade Commission, the Legal Services Corporation, the Marine Mammal Commission, the Offices of Science and Technology Policy and the United States Trade Representative, the National Space Council, and the State Justice Institute shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

SEC. 534. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 535. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract.

SEC. 536. None of the funds made available by this Act may be used in contravention of section 7606 (“Legitimacy of Industrial Hemp Research”) of the Agricultural Act of 2014 (Public Law 113–

79) by the Department of Justice or the Drug Enforcement Administration.

SEC. 537. None of the funds made available under this Act to the Department of Justice may be used, with respect to any of the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, or with respect to the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, or Puerto Rico, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

SEC. 538. The Department of Commerce, the National Aeronautics and Space Administration, and the National Science Foundation shall provide a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate on any official travel to China by any employee of such Department or agency, including the purpose of such travel.

SEC. 539. Of the amounts made available by this Act, not less than 10 percent of each total amount provided, respectively, for Public Works grants authorized by the Public Works and Economic Development Act of 1965 and grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722) shall be allocated for assistance in persistent poverty counties: *Provided*, That for purposes of this section, the term “persistent poverty counties” means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates.

SEC. 540. None of the funds provided in this Act shall be available for obligation for the James Webb Space Telescope (JWST) after December 31, 2019, if the individual identified under subsection (c)(2)(E) of section 30104 of title 51, United States Code, as responsible for JWST determines that the formulation and development costs (with development cost as defined under section 30104 of title 51, United States Code) are likely to exceed \$8,802,700,000, unless the program is modified so that the costs do not exceed \$8,802,700,000.

SEC. 541. None of the funds made available by this Act may be expended during fiscal year 2019 to prepare for the shutdown of the Stratospheric Observatory for Infrared Astronomy.

This division may be cited as the “Commerce, Justice, Science, and Related Agencies Appropriations Act, 2019”.

**DIVISION D—FINANCIAL SERVICES AND GENERAL
GOVERNMENT APPROPRIATIONS ACT, 2019**Financial
Services and
General
Government
Appropriations
Act, 2019.
Department of
the Treasury
Appropriations
Act, 2019.**TITLE I****DEPARTMENT OF THE TREASURY****DEPARTMENTAL OFFICES****SALARIES AND EXPENSES**

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Freedman’s Bank Building; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; executive direction program activities; international affairs and economic policy activities; domestic finance and tax policy activities, including technical assistance to Puerto Rico; and Treasury-wide management policies and programs activities, \$214,576,000: *Provided*, That of the amount appropriated under this heading—

(1) not to exceed \$700,000 is for official reception and representation expenses, of which necessary amounts shall be available for expenses to support activities of the Financial Action Task Force, and not to exceed \$350,000 shall be for other official reception and representation expenses;

(2) not to exceed \$258,000 is for unforeseen emergencies of a confidential nature to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on the Secretary’s certificate; and

(3) not to exceed \$24,000,000 shall remain available until September 30, 2020, for—

(A) the Treasury-wide Financial Statement Audit and Internal Control Program;

(B) information technology modernization requirements;

(C) the audit, oversight, and administration of the Gulf Coast Restoration Trust Fund;

(D) the development and implementation of programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements;

(E) operations and maintenance of facilities; and

(F) international operations.

OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE**SALARIES AND EXPENSES**

For the necessary expenses of the Office of Terrorism and Financial Intelligence to safeguard the financial system against illicit use and to combat rogue nations, terrorist facilitators, weapons of mass destruction proliferators, money launderers, drug kingpins, and other national security threats, \$159,000,000: *Provided*, That of the amounts appropriated under this heading, up to \$10,000,000 shall remain available until September 30, 2020.

CYBERSECURITY ENHANCEMENT ACCOUNT

For salaries and expenses for enhanced cybersecurity for systems operated by the Department of the Treasury, \$25,208,000, to remain available until September 30, 2021: *Provided*, That such funds shall supplement and not supplant any other amounts made available to the Treasury offices and bureaus for cybersecurity: *Provided further*, That the Chief Information Officer of the individual offices and bureaus shall submit a spend plan for each investment to the Treasury Chief Information Officer for approval: *Provided further*, That the submitted spend plan shall be reviewed and approved by the Treasury Chief Information Officer prior to the obligation of funds under this heading: *Provided further*, That of the total amount made available under this heading \$1,000,000 shall be available for administrative expenses for the Treasury Chief Information Officer to provide oversight of the investments made under this heading: *Provided further*, That such funds shall supplement and not supplant any other amounts made available to the Treasury Chief Information Officer.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services and for repairs and renovations to buildings owned by the Department of the Treasury, \$4,000,000, to remain available until September 30, 2021: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to support or supplement "Internal Revenue Service, Operations Support" or "Internal Revenue Service, Business Systems Modernization".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$37,044,000, including hire of passenger motor vehicles; of which not to exceed \$100,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; of which up to \$2,800,000 to remain available until September 30, 2020, shall be for audits and investigations conducted pursuant to section 1608 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (33 U.S.C. 1321 note); and of which not to exceed \$1,000 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; \$170,250,000, of which \$5,000,000 shall remain available until September 30, 2020; of which not to exceed \$6,000,000 shall be available for official travel expenses; of which not to exceed \$500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed \$1,500 shall be available for official reception and representation expenses.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM

SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), \$23,000,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; services authorized by 5 U.S.C. 3109; not to exceed \$12,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$117,800,000, of which not to exceed \$34,335,000 shall remain available until September 30, 2021.

BUREAU OF THE FISCAL SERVICE

SALARIES AND EXPENSES

For necessary expenses of operations of the Bureau of the Fiscal Service, \$338,280,000; of which not to exceed \$4,210,000, to remain available until September 30, 2021, is for information systems modernization initiatives; and of which \$5,000 shall be available for official reception and representation expenses.

In addition, \$165,000, to be derived from the Oil Spill Liability Trust Fund to reimburse administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, \$119,600,000; of which not to exceed \$6,000 for official reception and representation expenses; and of which not to exceed \$50,000 shall be available for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: *Provided*, That of the amount appropriated under this heading, \$5,000,000 shall be for the costs of accelerating the processing of formula and label applications: *Provided further*, That of the amount appropriated under this heading, \$5,000,000, to remain available until September 30, 2020, shall be for the costs associated with enforcement of the trade practice provisions of the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.).

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments: *Provided*, That the aggregate amount of new liabilities and obligations incurred during fiscal year 2019 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed \$30,000,000.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND
PROGRAM ACCOUNT

To carry out the Riegle Community Development and Regulatory Improvement Act of 1994 (subtitle A of title I of Public Law 103–325), including services authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem rate equivalent to the rate for EX–3, \$250,000,000. Of the amount appropriated under this heading—

(1) not less than \$160,000,000, notwithstanding section 108(e) of Public Law 103–325 (12 U.S.C. 4707(e)) with regard to Small and/or Emerging Community Development Financial Institutions Assistance awards, is available until September 30, 2020, for financial assistance and technical assistance under subparagraphs (A) and (B) of section 108(a)(1), respectively, of Public Law 103–325 (12 U.S.C. 4707(a)(1)(A) and (B)), of which up to \$1,600,000 may be available for training and outreach under section 109 of Public Law 103–325 (12 U.S.C. 4708), of which up to \$2,527,250 may be used for the cost of direct loans, and of which up to \$3,000,000, notwithstanding subsection (d) of section 108 of Public Law 103–325 (12 U.S.C. 4707 (d)), may be available to provide financial assistance, technical assistance, training, and outreach to community development financial institutions to expand investments that benefit individuals with disabilities: *Provided*, That the cost

of direct and guaranteed loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$25,000,000;

(2) not less than \$16,000,000, notwithstanding section 108(e) of Public Law 103–325 (12 U.S.C. 4707(e)), is available until September 30, 2020, for financial assistance, technical assistance, training, and outreach programs designed to benefit Native American, Native Hawaiian, and Alaska Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations, and other suitable providers;

(3) not less than \$25,000,000 is available until September 30, 2020, for the Bank Enterprise Award program;

(4) not less than \$22,000,000, notwithstanding subsections (d) and (e) of section 108 of Public Law 103–325 (12 U.S.C. 4707(d) and (e)), is available until September 30, 2020, for a Healthy Food Financing Initiative to provide financial assistance, technical assistance, training, and outreach to community development financial institutions for the purpose of offering affordable financing and technical assistance to expand the availability of healthy food options in distressed communities;

(5) up to \$27,000,000 is available until September 30, 2019, for administrative expenses, including administration of CDFI fund programs and the New Markets Tax Credit Program, of which not less than \$1,000,000 is for development of tools to better assess and inform CDFI investment performance, and up to \$300,000 is for administrative expenses to carry out the direct loan program; and

(6) during fiscal year 2019, none of the funds available under this heading are available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of commitments to guarantee bonds and notes under section 114A of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4713a): *Provided*, That commitments to guarantee bonds and notes under such section 114A shall not exceed \$500,000,000: *Provided further*, That such section 114A shall remain in effect until December 31, 2019: *Provided further*, That of the funds awarded under this heading, not less than 10 percent shall be used for awards that support investments that serve populations living in persistent poverty counties: *Provided further*, That for the purposes of this paragraph and paragraph (1) above, the term “persistent poverty counties” means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the 2011–2015 5-year data series available from the American Community Survey of the Census Bureau.

12 USC 4713a
note.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$2,491,554,000, of which not less than \$9,890,000 shall be for the Tax Counseling for the Elderly Program, of which not less than \$12,000,000 shall be available for low-income taxpayer clinic grants, of which not less than \$18,000,000, to remain available until September 30, 2020, shall be available for a Community Volunteer Income Tax Assistance matching grants program for tax return preparation assistance, and of which not less than \$207,000,000 shall be available for operating expenses of the Taxpayer Advocate Service: *Provided*, That of the amounts made available for the Taxpayer Advocate Service, not less than \$5,500,000 shall be for identity theft and refund fraud casework.

ENFORCEMENT

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$4,860,000,000, of which not to exceed \$50,000,000 shall remain available until September 30, 2020, and of which not less than \$60,257,000 shall be for the Interagency Crime and Drug Enforcement program.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); the operations of the Internal Revenue Service Oversight Board; and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; \$3,724,000,000, of which not to exceed \$50,000,000 shall remain available until September 30, 2020; of which not to exceed \$10,000,000 shall remain available until expended for acquisition of equipment and construction, repair and renovation of facilities; of which not to exceed \$1,000,000 shall remain available until September 30, 2021, for research; of which not to exceed \$20,000 shall be for official reception and representation expenses: *Provided*, That not later than 30 days after the end of each quarter, the Internal Revenue Service shall submit a report to the Committees on Appropriations of the

House of Representatives and the Senate and the Comptroller General of the United States detailing the cost and schedule performance for its major information technology investments, including the purpose and life-cycle stages of the investments; the reasons for any cost and schedule variances; the risks of such investments and strategies the Internal Revenue Service is using to mitigate such risks; and the expected developmental milestones to be achieved and costs to be incurred in the next quarter: *Provided further*, That the Internal Revenue Service shall include, in its budget justification for fiscal year 2020, a summary of cost and schedule performance information for its major information technology systems.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, \$150,000,000, to remain available until September 30, 2021, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That not later than 30 days after the end of each quarter, the Internal Revenue Service shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate and the Comptroller General of the United States detailing the cost and schedule performance for major information technology investments, including the purposes and life-cycle stages of the investments; the reasons for any cost and schedule variances; the risks of such investments and the strategies the Internal Revenue Service is using to mitigate such risks; and the expected developmental milestones to be achieved and costs to be incurred in the next quarter.

26 USC 7801
note.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFERS OF FUNDS)

SEC. 101. Not to exceed 4 percent of the appropriation made available in this Act to the Internal Revenue Service under the "Enforcement" heading, and not to exceed 5 percent of any other appropriation made available in this Act to the Internal Revenue Service, may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 102. The Internal Revenue Service shall maintain an employee training program, which shall include the following topics: taxpayers' rights, dealing courteously with taxpayers, cross-cultural relations, ethics, and the impartial application of tax law.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information and protect taxpayers against identity theft.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make improvements to the Internal Revenue Service 1–

800 help line service a priority and allocate resources necessary to enhance the response time to taxpayer communications, particularly with regard to victims of tax-related crimes.

SEC. 105. The Internal Revenue Service shall issue a notice of confirmation of any address change relating to an employer making employment tax payments, and such notice shall be sent to both the employer's former and new address and an officer or employee of the Internal Revenue Service shall give special consideration to an offer-in-compromise from a taxpayer who has been the victim of fraud by a third party payroll tax preparer.

SEC. 106. None of the funds made available under this Act may be used by the Internal Revenue Service to target citizens of the United States for exercising any right guaranteed under the First Amendment to the Constitution of the United States.

SEC. 107. None of the funds made available in this Act may be used by the Internal Revenue Service to target groups for regulatory scrutiny based on their ideological beliefs.

SEC. 108. None of funds made available by this Act to the Internal Revenue Service shall be obligated or expended on conferences that do not adhere to the procedures, verification processes, documentation requirements, and policies issued by the Chief Financial Officer, Human Capital Office, and Agency-Wide Shared Services as a result of the recommendations in the report published on May 31, 2013, by the Treasury Inspector General for Tax Administration entitled "Review of the August 2010 Small Business/Self-Employed Division's Conference in Anaheim, California" (Reference Number 2013–10–037).

SEC. 109. None of the funds made available in this Act to the Internal Revenue Service may be obligated or expended—

(1) to make a payment to any employee under a bonus, award, or recognition program; or

(2) under any hiring or personnel selection process with respect to re-hiring a former employee, unless such program or process takes into account the conduct and Federal tax compliance of such employee or former employee.

SEC. 110. None of the funds made available by this Act may be used in contravention of section 6103 of the Internal Revenue Code of 1986 (relating to confidentiality and disclosure of returns and return information).

SEC. 111. Except to the extent provided in section 6014, 6020, or 6201(d) of the Internal Revenue Code of 1986, no funds in this or any other Act shall be available to the Secretary of the Treasury to provide to any person a proposed final return or statement for use by such person to satisfy a filing or reporting requirement under such Code.

SEC. 112. In addition to the amounts otherwise made available in this Act for the Internal Revenue Service, \$77,000,000, to be available until September 30, 2020, shall be transferred by the Commissioner to the "Taxpayer Services", "Enforcement", or "Operations Support" accounts of the Internal Revenue Service for an additional amount to be used solely for carrying out Public Law 115–97: *Provided*, That such funds shall not be available until the Commissioner submits to the Committees on Appropriations of the House of Representatives and the Senate a spending plan for such funds.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 113. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 114. Not to exceed 2 percent of any appropriations in this title made available under the headings “Departmental Offices—Salaries and Expenses”, “Office of Inspector General”, “Special Inspector General for the Troubled Asset Relief Program”, “Financial Crimes Enforcement Network”, “Bureau of the Fiscal Service”, and “Alcohol and Tobacco Tax and Trade Bureau” may be transferred between such appropriations upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That no transfer under this section may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration’s appropriation upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the \$1 Federal Reserve note.

SEC. 117. The Secretary of the Treasury may transfer funds from the “Bureau of the Fiscal Service-Salaries and Expenses” to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 118. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 119. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval

of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; and the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 120. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2019 until the enactment of the Intelligence Authorization Act for Fiscal Year 2019.

SEC. 121. Not to exceed \$5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

SEC. 122. The Secretary of the Treasury shall submit a Capital Investment Plan to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days following the submission of the annual budget submitted by the President: *Provided*, That such Capital Investment Plan shall include capital investment spending from all accounts within the Department of the Treasury, including but not limited to the Department-wide Systems and Capital Investment Programs account, Treasury Franchise Fund account, and the Treasury Forfeiture Fund account: *Provided further*, That such Capital Investment Plan shall include expenditures occurring in previous fiscal years for each capital investment project that has not been fully completed.

SEC. 123. Within 45 days after the date of enactment of this Act, the Secretary of the Treasury shall submit an itemized report to the Committees on Appropriations of the House of Representatives and the Senate on the amount of total funds charged to each office by the Franchise Fund including the amount charged for each service provided by the Franchise Fund to each office, a detailed description of the services, a detailed explanation of how each charge for each service is calculated, and a description of the role customers have in governing in the Franchise Fund.

SEC. 124. During fiscal year 2019—

(1) none of the funds made available in this or any other Act may be used by the Department of the Treasury, including the Internal Revenue Service, to issue, revise, or finalize any regulation, revenue ruling, or other guidance not limited to a particular taxpayer relating to the standard which is used to determine whether an organization is operated exclusively for the promotion of social welfare for purposes of section 501(c)(4) of the Internal Revenue Code of 1986 (including the proposed regulations published at 78 Fed. Reg. 71535 (November 29, 2013)); and

(2) the standard and definitions as in effect on January 1, 2010, which are used to make such determinations shall apply after the date of the enactment of this Act for purposes of determining status under section 501(c)(4) of such Code of organizations created on, before, or after such date.

SEC. 125. (a) Not later than 60 days after the end of each quarter, the Office of Financial Stability and the Office of Financial Research shall submit reports on their activities to the Committees on Appropriations of the House of Representatives and the Senate,

the Committee on Financial Services of the House of Representatives and the Senate Committee on Banking, Housing, and Urban Affairs.

(b) The reports required under subsection (a) shall include—

(1) the obligations made during the previous quarter by object class, office, and activity;

(2) the estimated obligations for the remainder of the fiscal year by object class, office, and activity;

(3) the number of full-time equivalents within each office during the previous quarter;

(4) the estimated number of full-time equivalents within each office for the remainder of the fiscal year; and

(5) actions taken to achieve the goals, objectives, and performance measures of each office.

(c) At the request of any such Committees specified in subsection (a), the Office of Financial Stability and the Office of Financial Research shall make officials available to testify on the contents of the reports required under subsection (a).

SEC. 126. Amounts made available under the heading “Office of Terrorism and Financial Intelligence” shall be available to reimburse the “Departmental Offices—Salaries and Expenses” account for expenses incurred in such account for reception and representation expenses to support activities of the Financial Action Task Force.

SEC. 127. Beginning in fiscal year 2019 and for each fiscal year thereafter, amounts in the Bureau of Engraving and Printing Fund may be used for the acquisition of necessary land for, and construction of, a replacement currency production facility.

31 USC 5142
note.

This title may be cited as the “Department of the Treasury Appropriations Act, 2019”.

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

Executive Office
of the President
Appropriations
Act, 2019.

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed \$19,000 for official reception and representation expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$55,000,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For necessary expenses of the Executive Residence at the White House, \$13,081,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit \$25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House pursuant to 3 U.S.C. 105(d), \$750,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,187,000.

NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council and the Homeland Security Council, including services as authorized by 5 U.S.C. 3109, \$12,000,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, \$100,000,000, of which not to exceed \$12,800,000 shall remain available until expended for continued modernization of information resources within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, to carry out the provisions of chapter 35 of title 44, United States Code, and to prepare and submit the budget of the United States Government, in accordance with section 1105(a) of title 31, United States Code, \$102,000,000, of which not to exceed \$3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be

expended for the altering of the annual work plan developed by the Corps of Engineers for submission to the Committees on Appropriations: *Provided further*, That of the funds made available for the Office of Management and Budget by this Act, no less than three full-time equivalent senior staff position shall be dedicated solely to the Office of the Intellectual Property Enforcement Coordinator: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

In addition, \$1,000,000 for the Office of Information and Regulatory Affairs to hire additional personnel dedicated to regulatory review and reforms: *Provided*, That these amounts shall be in addition to any other amounts available for such purpose: *Provided further*, That these funds may not be used to backfill vacancies.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469); not to exceed \$10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, \$18,400,000: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

21 USC 1702
note.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, \$280,000,000, to remain available until September 30, 2020, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas

(“HIDTAs”), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy, of which up to \$2,700,000 may be used for auditing services and associated activities: *Provided further*, That, notwithstanding the requirements of Public Law 106-58, any unexpended funds obligated prior to fiscal year 2017 may be used for any other approved activities of that HIDTA, subject to reprogramming requirements: *Provided further*, That each HIDTA designated as of September 30, 2018, shall be funded at not less than the fiscal year 2018 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2019 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein and upon notification to the Committees on Appropriations of the House of Representatives and the Senate, such amounts may be transferred back to this appropriation.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469), \$118,327,000, to remain available until expended, which shall be available as follows: \$100,000,000 for the Drug-Free Communities Program, of which \$2,000,000 shall be made available as directed by section 4 of Public Law 107-82, as amended by Public Law 109-469 (21 U.S.C. 1521 note); \$2,000,000 for drug court training and technical assistance; \$9,500,000 for anti-doping activities; \$2,577,000 for the United States membership dues to the World Anti-Doping Agency; and \$1,250,000 shall be made available as directed by section 1105 of Public Law 109-469; and \$3,000,000, to remain available until expended, shall be for activities authorized by section 103 of Public Law 114-198: *Provided*, That amounts made available under this heading may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, \$1,000,000, to remain available until September 30, 2020.

INFORMATION TECHNOLOGY OVERSIGHT AND REFORM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the furtherance of integrated, efficient, secure, and effective uses of information technology in the Federal Government, \$28,500,000, to remain available until expended: *Provided*, That the Director of the Office of Management and Budget may transfer these funds to one or more other agencies to carry out projects to meet these purposes.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, \$4,288,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed \$90,000 pursuant to 3 U.S.C. 106(b)(2), \$302,000: *Provided*, That advances, repayments, or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. From funds made available in this Act under the headings “The White House”, “Executive Residence at the White House”, “White House Repair and Restoration”, “Council of Economic Advisers”, “National Security Council and Homeland Security Council”, “Office of Administration”, “Special Assistance to the President”, and “Official Residence of the Vice President”, the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, with advance approval of the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from “Special Assistance to the President”

or “Official Residence of the Vice President” without the approval of the Vice President.

SEC. 202. (a) During fiscal year 2019, any Executive order or Presidential memorandum issued or revoked by the President shall be accompanied by a written statement from the Director of the Office of Management and Budget on the budgetary impact, including costs, benefits, and revenues, of such order or memorandum.

(b) Any such statement shall include—

(1) a narrative summary of the budgetary impact of such order or memorandum on the Federal Government;

(2) the impact on mandatory and discretionary obligations and outlays as the result of such order or memorandum, listed by Federal agency, for each year in the 5-fiscal-year period beginning in fiscal year 2019; and

(3) the impact on revenues of the Federal Government as the result of such order or memorandum over the 5-fiscal-year period beginning in fiscal year 2019.

(c) If an Executive order or Presidential memorandum is issued during fiscal year 2019 due to a national emergency, the Director of the Office of Management and Budget may issue the statement required by subsection (a) not later than 15 days after the date that such order or memorandum is issued.

(d) The requirement for cost estimates for Presidential memoranda shall only apply for Presidential memoranda estimated to have a regulatory cost in excess of \$100,000,000.

This title may be cited as the “Executive Office of the President Appropriations Act, 2019”.

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$84,703,000, of which \$1,500,000 shall remain available until expended.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief justice and associate justices of the court.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, \$15,999,000, to remain available until expended.

Judiciary
Appropriations
Act, 2019.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of officers and employees, and for necessary expenses of the court, as authorized by law, \$32,016,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of officers and employees of the court, services, and necessary expenses of the court, as authorized by law, \$18,882,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of judges of the United States Court of Federal Claims, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, necessary expenses of the courts, and the purchase, rental, repair, and cleaning of uniforms for Probation and Pretrial Services Office staff, as authorized by law, \$5,144,383,000 (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of circuit and district judges (including judges of the territorial courts of the United States), bankruptcy judges, and justices and judges retired from office or from regular active service.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99-660), not to exceed \$8,475,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A and 3599, and for the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services for such representations as authorized by law; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel;

the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d)(1); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; the compensation and reimbursement of travel expenses of guardians ad litem appointed under 18 U.S.C. 4100(b); and for necessary training and general administrative expenses, \$1,150,450,000 to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), \$49,750,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), \$607,110,000, of which not to exceed \$20,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$92,413,000, of which not to exceed \$8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, \$29,819,000; of which \$1,800,000 shall remain available through September 30, 2020, to provide education and training to Federal court personnel; and of which not to exceed \$1,500 is authorized for official reception and representation expenses.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$18,953,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except “Courts of Appeals, District Courts, and Other Judicial Services, Defender Services” and “Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners”, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for “Courts of Appeals, District Courts, and Other Judicial Services” shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Section 3315(a) of title 40, United States Code, shall be applied by substituting “Federal” for “executive” each place it appears.

SEC. 305. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services

at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 306. (a) Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended in the matter following paragraph 12—

(1) in the second sentence (relating to the District of Kansas), by striking “27 years and 6 months” and inserting “28 years and 6 months”; and

(2) in the sixth sentence (relating to the District of Hawaii), by striking “24 years and 6 months” and inserting “25 years and 6 months”.

(b) Section 406 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2470; 28 U.S.C. 133 note) is amended in the second sentence (relating to the eastern District of Missouri) by striking “25 years and 6 months” and inserting “26 years and 6 months”.

(c) Section 312(c)(2) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 28 U.S.C. 133 note), is amended—

(1) in the first sentence by striking “16 years” and inserting “17 years”;

(2) in the second sentence (relating to the central District of California), by striking “15 years and 6 months” and inserting “16 years and 6 months”; and

(3) in the third sentence (relating to the western district of North Carolina), by striking “14 years” and inserting “15 years”.

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

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$40,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident’s academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years,

District of
Columbia
Appropriations
Act, 2019.

and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS
IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$12,000,000, to remain available until expended, for the costs of providing public safety at events related to the presence of the National Capital in the District of Columbia, including support requested by the Director of the United States Secret Service in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$258,394,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$14,594,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the Superior Court of the District of Columbia, \$124,400,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Court System, \$74,400,000, of which not to exceed \$2,500 is for official reception and representation expenses; and \$45,000,000, to remain available until September 30, 2020, for capital improvements for District of Columbia courthouse facilities: *Provided*, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and facilities condition assessment: *Provided further*, That, in addition to the amounts appropriated herein, fees received by the District of Columbia Courts for administering bar examinations and processing District of Columbia bar admissions may be retained and credited to this appropriation, to remain available until expended, for salaries and expenses associated with such activities, notwithstanding section 450 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.50): *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than \$9,000,000 of the funds provided under this heading among the items and entities funded under this heading: *Provided further*, That the Joint Committee on Judicial Administration in the District

of Columbia may, by regulation, establish a program substantially similar to the program set forth in subchapter II of chapter 35 of title 5, United States Code, for employees of the District of Columbia Courts.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF
COLUMBIA COURTS

(INCLUDING TRANSFER OF FUNDS)

For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21-2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$46,005,000, to remain available until expended: *Provided*, That not more than \$20,000,000 in unobligated funds provided in this account may be transferred to and merged with funds made available under the heading “Federal Payment to the District of Columbia Courts,” to be available for the same period and purposes as funds made available under that heading for capital improvements to District of Columbia courthouse facilities: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That, notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER
SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$256,724,000, of which not to exceed \$2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs, and of which not to exceed \$25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002: *Provided*, That, of the funds appropriated under this heading, \$183,166,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons, of which \$5,919,000 shall remain available until September 30, 2021 for costs associated with relocation under a replacement lease for headquarters offices, field offices,

and related facilities: *Provided further*, That, of the funds appropriated under this heading, \$73,558,000 shall be available to the Pretrial Services Agency, of which \$7,304,000 shall remain available until September 30, 2021 for costs associated with relocation under a replacement lease for headquarters offices, field offices, and related facilities: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That amounts under this heading may be used for programmatic incentives for defendants to successfully complete their terms of supervision.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER
SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$45,858,000, of which \$4,471,000 shall remain available until September 30, 2021 for costs associated with relocation under a replacement lease for headquarters offices, field offices, and related facilities: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING
COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, \$2,150,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2020, to the Commission on Judicial Disabilities and Tenure, \$295,000, and for the Judicial Nomination Commission, \$270,000.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, \$52,500,000, to remain available until expended, for payments authorized under the Scholarships for Opportunity and Results Act (division C of Public Law 112-10): *Provided*, That, to the extent that funds are available for opportunity scholarships and following the priorities included in section 3006 of such Act, the Secretary of Education shall make scholarships available to students eligible under section 3013(3) of such Act (Public Law 112-10; 125 Stat. 211) including students who were not offered a scholarship during any previous school year: *Provided further*, That within funds provided for opportunity scholarships up to \$1,200,000 shall be for the activities specified in

sections 3007(b) through 3007(d) of the Act and up to \$500,000 shall be for the activities specified in section 3009 of the Act.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, \$435,000, to remain available until expended for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/AIDS

For a Federal payment to the District of Columbia for the testing of individuals for, and the treatment of individuals with, human immunodeficiency virus and acquired immunodeficiency syndrome in the District of Columbia, \$3,000,000.

DISTRICT OF COLUMBIA FUNDS

Local funds are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia (“General Fund”) for programs and activities set forth under the heading “PART A—SUMMARY OF EXPENSES” and at the rate set forth under such heading, as included in the Fiscal Year 2019 Budget Request Act of 2018 submitted to Congress by the District of Columbia, as amended as of the date of enactment of this Act: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (section 1–204.50a, D.C. Official Code), sections 816 and 817 of the Financial Services and General Government Appropriations Act, 2009 (secs. 47–369.01 and 47–369.02, D.C. Official Code), and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2019 under this heading shall not exceed the estimates included in the Fiscal Year 2019 Budget Request Act of 2018 submitted to Congress by the District of Columbia, as amended as of the date of enactment of this Act or the sum of the total revenues of the District of Columbia for such fiscal year: *Provided further*, That the amount appropriated may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2019, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND
SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, \$8,000,000, to remain available until

expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

This title may be cited as the “District of Columbia Appropriations Act, 2019”.

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., \$3,100,000, to remain available until September 30, 2020, of which not to exceed \$1,000 is for official reception and representation expenses.

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases), in the District of Columbia and elsewhere, \$268,000,000, including not to exceed \$3,000 for official reception and representation expenses, and not to exceed \$25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, of which not less than \$50,000,000, to remain available until September 30, 2020, shall be for the purchase of information technology and of which not less than \$3,000,000 shall be for expenses of the Office of the Inspector General: *Provided*, That notwithstanding the limitations in 31 U.S.C. 1553, amounts provided under this heading are available for the liquidation of obligations equal to current year payments on leases entered into prior to the date of enactment of this Act: *Provided further*, That for the purpose of recording and liquidating any lease obligations that should have been recorded and liquidated against accounts closed pursuant to 31 U.S.C. 1552, and consistent with the preceding proviso, such amounts shall be transferred to and recorded in a no-year account in the Treasury, which has been established for the sole purpose of recording adjustments for and liquidating such unpaid obligations.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$4,000 for official reception and representation expenses, \$127,000,000, of which \$800,000 shall remain available until expended to carry out the program, including administrative

costs, required by section 1405 of the Virginia Graeme Baker Pool and Spa Safety Act (Public Law 110–140; 15 U.S.C. 8004).

ADMINISTRATIVE PROVISION—CONSUMER PRODUCT SAFETY
COMMISSION

SEC. 501. During fiscal year 2019, none of the amounts made available by this Act may be used to finalize or implement the Safety Standard for Recreational Off-Highway Vehicles published by the Consumer Product Safety Commission in the Federal Register on November 19, 2014 (79 Fed. Reg. 68964) until after—

(1) the National Academy of Sciences, in consultation with the National Highway Traffic Safety Administration and the Department of Defense, completes a study to determine—

(A) the technical validity of the lateral stability and vehicle handling requirements proposed by such standard for purposes of reducing the risk of Recreational Off-Highway Vehicle (referred to in this section as “ROV”) rollovers in the off-road environment, including the repeatability and reproducibility of testing for compliance with such requirements;

(B) the number of ROV rollovers that would be prevented if the proposed requirements were adopted;

(C) whether there is a technical basis for the proposal to provide information on a point-of-sale hangtag about a ROV’s rollover resistance on a progressive scale; and

(D) the effect on the utility of ROVs used by the United States military if the proposed requirements were adopted; and

(2) a report containing the results of the study completed under paragraph (1) is delivered to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

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

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107–252), \$9,200,000, of which \$1,250,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed \$4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$339,000,000, to remain available until expended: *Provided*, That \$339,000,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2019 so as to result in a final fiscal year 2019 appropriation estimated at \$0: *Provided further*, That any offsetting collections received in excess of \$339,000,000 in fiscal year 2019 shall not be available for obligation: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2018, shall not be available for obligation: *Provided further*, That, notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed \$130,284,000 for fiscal year 2019: *Provided further*, That, of the amount appropriated under this heading, not less than \$11,064,000 shall be for the salaries and expenses of the Office of Inspector General.

ADMINISTRATIVE PROVISION—FEDERAL COMMUNICATIONS
COMMISSION

SEC. 510. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$42,982,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, \$71,250,000, of which not to exceed \$5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and including official reception and representation expenses (not to exceed \$1,500) and rental of conference rooms in the District of Columbia and elsewhere, \$26,200,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That, notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses, \$309,700,000, to remain available until expended: *Provided*, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$136,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$17,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2019, so as to result in a final fiscal year 2019 appropriation from the general fund estimated at not more than \$156,700,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFERS OF FUNDS)

Amounts in the Fund, including revenues and collections deposited into the Fund, shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation, and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings, including grounds, approaches, and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of \$9,285,082,000, of which—

(1) \$958,900,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses, and associated design and construction services) as follows:

(A) \$767,900,000 shall be for the Department of Transportation Lease Purchase Option, Washington, District of Columbia;

(B) \$191,000,000 shall be for the Callexico West Land Port of Entry, Calexico, California:

Provided, That each of the foregoing limits of costs on new construction and acquisition projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in a transmitted prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount;

(2) \$663,219,000 shall remain available until expended for repairs and alterations, including associated design and construction services, of which—

(A) \$276,837,000 is for Major Repairs and Alterations;

(B) \$356,382,000 is for Basic Repairs and Alterations;

and

(C) \$30,000,000 is for Special Emphasis Programs for Fire and Life Safety:

Provided, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations

shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for “Repairs and Alterations” may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading “Repairs and Alterations”, may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading “Repairs and Alterations” or used to fund authorized increases in prospectus projects;

(3) \$5,418,845,000 for rental of space to remain available until expended; and

(4) \$2,244,118,000 for building operations to remain available until expended: *Provided*, That the total amount of funds made available from this Fund to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by 40 U.S.C. 3307(a), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2019, excluding reimbursements under 40 U.S.C. 592(b)(2), in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, travel, motor vehicles, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; \$60,000,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; and services as authorized by 5 U.S.C. 3109; \$49,440,000, of which \$26,890,000 is for Real and Personal Property Management and Disposal; \$22,550,000 is for the Office of the Administrator, of which not to exceed \$7,500 is for official reception and representation expenses.

CIVILIAN BOARD OF CONTRACT APPEALS

For expenses authorized by law, not otherwise provided for, for the activities associated with the Civilian Board of Contract Appeals, \$9,301,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, \$65,000,000: *Provided*, That not to exceed \$50,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138, \$4,796,000.

FEDERAL CITIZEN SERVICES FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Products and Programs, including services authorized by 40 U.S.C. 323 and 44 U.S.C. 3604; and for necessary expenses in support of interagency projects that enable the Federal Government to enhance its ability to conduct activities electronically, through the development and implementation of innovative uses of information technology; \$55,000,000, to be deposited into the Federal Citizen Services Fund: *Provided*, That the previous amount may be transferred to Federal agencies

to carry out the purpose of the Federal Citizen Services Fund: *Provided further*, That the appropriations, revenues, reimbursements, and collections deposited into the Fund shall be available until expended for necessary expenses of Federal Citizen Services and other activities that enable the Federal Government to enhance its ability to conduct activities electronically in the aggregate amount not to exceed \$100,000,000: *Provided further*, That appropriations, revenues, reimbursements, and collections accruing to this Fund during fiscal year 2019 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts: *Provided further*, That the transfer authorities provided herein shall be in addition to any other transfer authority provided in this Act.

TECHNOLOGY MODERNIZATION FUND

For the Technology Modernization Fund, \$25,000,000, to remain available until expended, for technology-related modernization activities.

ASSET PROCEEDS AND SPACE MANAGEMENT FUND

For carrying out the purposes of the Federal Assets Sale and Transfer Act of 2016 (Public Law 114–287), \$25,000,000, to be deposited into the Asset Proceeds and Space Management Fund, to remain available until expended.

ENVIRONMENTAL REVIEW IMPROVEMENT FUND

For necessary expenses of the Environmental Review Improvement Fund established pursuant to 42 U.S.C. 4370m–8(d), \$6,070,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 520. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 521. Funds in the Federal Buildings Fund made available for fiscal year 2019 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 522. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2020 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved Courthouse Project Priorities plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 523. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide

cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in consideration of the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 524. From funds made available under the heading Federal Buildings Fund, Limitations on Availability of Revenue, claims against the Government of less than \$250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 525. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives and the Senate prior to exercising any lease authority provided in the resolution.

SEC. 526. With respect to each project funded under the heading “Major Repairs and Alterations” or “Judiciary Capital Security Program”, and with respect to E–Government projects funded under the heading “Federal Citizen Services Fund”, the Administrator of General Services shall submit a spending plan and explanation for each project to be undertaken to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act.

SEC. 527. The Administrator of General Services shall submit a report to the Committees on Appropriations of the Senate and House of Representatives not later than 30 days following implementation of the initiative established under (c)(2) of Section 846 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 41 U.S.C. 1901 note) containing a market analysis and an implementation strategy related to the requirements under subparagraph (h) of Section 846. The report shall address strategies and processes for proper government safeguards to data management and privacy for incorporation into the implementation of Section 846 to ensure a competitive environment.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93–642, \$1,000,000, to remain available until expended.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed \$2,000 for official reception and representation expenses, \$44,490,000, to remain available until September 30, 2020, and in addition not to exceed \$2,345,000, to remain available until September 30, 2020, for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall and Stewart L. Udall Trust Fund, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), \$1,875,000, to remain available until expended, of which, notwithstanding sections 8 and 9 of such Act: (1) up to \$50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289); and (2) up to \$1,000,000 shall be available to carry out the activities authorized by section 6(7) of Public Law 102–259 and section 817(a) of Public Law 106–568 (20 U.S.C. 5604(7)): *Provided*, That of the total amount made available under this heading \$200,000 shall be transferred to the Office of Inspector General of the Department of the Interior, to remain available until expended, for audits and investigations of the Morris K. Udall and Stewart L. Udall Foundation, consistent with the Inspector General Act of 1978 (5 U.S.C. App.).

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, \$3,200,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration and archived Federal records and related activities, as provided by law, and

for expenses necessary for the review and declassification of documents, the activities of the Public Interest Declassification Board, the operations and maintenance of the electronic records archives, the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning, \$373,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110-409, 122 Stat. 4302-16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, \$4,823,000.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$7,500,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, \$6,000,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, \$2,000,000 shall be available until September 30, 2020, for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, the Ethics Reform Act of 1989, and the Stop Trading on Congressional Knowledge Act of 2012, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$17,019,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management (OPM) pursuant to Reorganization Plan

Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of OPM and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, \$132,172,000: *Provided*, That of the total amount made available under this heading, not to exceed \$14,000,000 shall remain available until September 30, 2020, for information technology infrastructure modernization and Trust Fund Federal Financial System migration or modernization, and shall be in addition to funds otherwise made available for such purposes: *Provided further*, That of the total amount made available under this heading, \$639,018 may be made available for strengthening the capacity and capabilities of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 4001 et seq.)), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management; and in addition \$133,483,000 for administrative expenses, to be transferred from the appropriate trust funds of OPM without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: *Provided further*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8958(f)(2)(A), 8988(f)(2)(A), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of OPM established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2019, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, \$5,000,000, and in addition, not to exceed \$25,265,000 for administrative expenses to audit, investigate, and

provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12) as amended by Public Law 107–304, the Whistleblower Protection Enhancement Act of 2012 (Public Law 112–199), and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; \$26,535,000.

POSTAL REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109–435), \$15,200,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee), \$5,000,000, to remain available until September 30, 2020.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,500 for official reception and representation expenses, \$1,674,902,000, to remain available until expended; of which not less than \$15,206,000 shall be for the Office of Inspector General; of which not to exceed \$75,000 shall be available for a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations

and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations and staffs to exchange views concerning securities matters, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance including: (1) incidental expenses such as meals; (2) travel and transportation; and (3) related lodging or subsistence; and of which not less than \$75,081,000 shall be for the Division of Economic and Risk Analysis.

In addition to the foregoing appropriation, for costs associated with relocation under a replacement lease for the Commission's New York regional office facilities, not to exceed \$37,189,000, to remain available until expended: *Provided*, That for purposes of calculating the fee rate under section 31(j) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(j)) for fiscal year 2019, all amounts appropriated under this heading shall be deemed to be the regular appropriation to the Commission for fiscal year 2019: *Provided further*, That fees and charges authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) shall be credited to this account as offsetting collections: *Provided further*, That not to exceed \$1,674,902,000 of such offsetting collections shall be available until expended for necessary expenses of this account and not to exceed \$37,189,000 of such offsetting collections shall be available until expended for costs under this heading associated with relocation under a replacement lease for the Commission's New York regional office facilities: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2019 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2019 appropriation from the general fund estimated at not more than \$0: *Provided further*, That if any amount of the appropriation for costs associated with relocation under a replacement lease for the Commission's New York regional office facilities is subsequently de-obligated by the Commission, such amount that was derived from the general fund shall be returned to the general fund, and such amounts that were derived from fees or assessments collected for such purpose shall be paid to each national securities exchange and national securities association, respectively, in proportion to any fees or assessments paid by such national securities exchange or national securities association under section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) in fiscal year 2019.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed \$750 for official reception and representation expenses; \$26,000,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended

for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles as authorized by sections 1343 and 1344 of title 31, United States Code, and not to exceed \$3,500 for official reception and representation expenses, \$267,500,000, of which not less than \$12,000,000 shall be available for examinations, reviews, and other lender oversight activities: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further*, That the Small Business Administration may accept gifts in an amount not to exceed \$4,000,000 and may co-sponsor activities, each in accordance with section 132(a) of division K of Public Law 108-447, during fiscal year 2019: *Provided further*, That \$6,100,000 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2020: *Provided further*, That \$3,000,000 shall be for the Federal and State Technology Partnership Program under section 34 of the Small Business Act (15 U.S.C. 657d).

ENTREPRENEURIAL DEVELOPMENT PROGRAMS

For necessary expenses of programs supporting entrepreneurial and small business development, \$247,700,000, to remain available until September 30, 2020: *Provided*, That \$131,000,000 shall be available to fund grants for performance in fiscal year 2019 or fiscal year 2020 as authorized by section 21 of the Small Business Act: *Provided further*, That \$31,000,000 shall be for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: *Provided further*, That \$18,000,000 shall be available for grants to States to carry out export programs that assist small business concerns authorized under section 22(l) of the Small Business Act (15 U.S.C. 649(l)).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$21,900,000.

OFFICE OF ADVOCACY

For necessary expenses of the Office of Advocacy in carrying out the provisions of title II of Public Law 94-305 (15 U.S.C. 634a et seq.) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), \$9,120,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$4,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2019 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed \$7,500,000,000: *Provided further*, That during fiscal year 2019 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed \$30,000,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans: *Provided further*, That during fiscal year 2019 commitments for loans authorized under subparagraph (C) of section 502(7) of The Small Business Investment Act of 1958 (15 U.S.C. 696(7)) shall not exceed \$7,500,000,000: *Provided further*, That during fiscal year 2019 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 shall not exceed \$4,000,000,000: *Provided further*, That during fiscal year 2019, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of \$12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$155,150,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act, \$10,000,000, to be available until expended, of which \$1,000,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be transferred to and merged with the appropriations for the Office of Inspector General; and of which \$9,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 530. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 531. Of the unobligated balances from prior year appropriations available under the “Business Loans Program Account” heading for the Certified Development Company Program, \$50,000,000 are hereby permanently rescinded: *Provided*, That no amounts may be rescinded under this section from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

15 USC 636j.

SEC. 532. Section 12085 of Public Law 110–246 is repealed.

SEC. 533. Not to exceed 3 percent of any appropriation made available in this Act for the Small Business Administration under the headings “Salaries and Expenses” and “Business Loans Program Account” may be transferred to the Administration’s information technology system modernization and working capital fund (IT WCF), as authorized by section 1077(b)(1) of title X of division A of the National Defense Authorization Act for Fiscal Year 2018, for the purposes specified in section 1077(b)(3) of such Act, upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That amounts transferred to the IT WCF under this section shall remain available for obligation through September 30, 2022.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$55,235,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$250,000,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109–435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, \$51,515,000, of which \$500,000 shall remain available until expended: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with chapter 83 of title 41, United States Code.

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating chapter 83 of title 41, United States Code.

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2019, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted

by the Congress; (4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose; (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That prior to any significant reorganization, restructuring, relocation, or closing of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That at a minimum the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2019 from appropriations made available for salaries and expenses for fiscal year 2019 in this Act, shall remain available through September 30, 2020, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. (a) None of the funds made available in this Act may be used by the Executive Office of the President to request—

(1) any official background investigation report on any individual from the Federal Bureau of Investigation; or

(2) a determination with respect to the treatment of an organization as described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code from the Department of the Treasury or the Internal Revenue Service.

(b) Subsection (a) shall not apply—

(1) in the case of an official background investigation report, if such individual has given express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) if such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under chapter 15 of title 41, United States Code shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in chapter 83 of title 41, United States Code (popularly known as the Buy American Act), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 103 of title 41, United States Code).

SEC. 616. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 617. Notwithstanding section 708 of this Act, funds made available to the Commodity Futures Trading Commission and the Securities and Exchange Commission by this or any other Act may be used for the interagency funding and sponsorship of a joint advisory committee to advise on emerging regulatory issues.

SEC. 618. (a)(1) Notwithstanding any other provision of law, an Executive agency covered by this Act otherwise authorized to enter into contracts for either leases or the construction or alteration of real property for office, meeting, storage, or other space must consult with the General Services Administration before issuing a solicitation for offers of new leases or construction contracts, and in the case of succeeding leases, before entering into negotiations with the current lessor.

(2) Any such agency with authority to enter into an emergency lease may do so during any period declared by the President to require emergency leasing authority with respect to such agency.

(b) For purposes of this section, the term “Executive agency covered by this Act” means any Executive agency provided funds by this Act, but does not include the General Services Administration or the United States Postal Service.

SEC. 619. (a) There are appropriated for the following activities the amounts required under current law:

(1) Compensation of the President (3 U.S.C. 102).

(2) Payments to—

(A) the Judicial Officers’ Retirement Fund (28 U.S.C. 377(o));

(B) the Judicial Survivors’ Annuities Fund (28 U.S.C. 376(c)); and

(C) the United States Court of Federal Claims Judges’ Retirement Fund (28 U.S.C. 178(l)).

(3) Payment of Government contributions—

(A) with respect to the health benefits of retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849); and

(B) with respect to the life insurance benefits for employees retiring after December 31, 1989 (5 U.S.C. ch. 87).

(4) Payment to finance the unfunded liability of new and increased annuity benefits under the Civil Service Retirement and Disability Fund (5 U.S.C. 8348).

(5) Payment of annuities authorized to be paid from the Civil Service Retirement and Disability Fund by statutory provisions other than subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(b) Nothing in this section may be construed to exempt any amount appropriated by this section from any otherwise applicable limitation on the use of funds contained in this Act.

SEC. 620. In addition to amounts made available in prior fiscal years, the Public Company Accounting Oversight Board (Board) shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an aggregate amount not exceeding the amount of funds collected by the Board between January 1, 2018 and December 31, 2018, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2019 shall remain available until expended. Beginning in fiscal year 2020 and for each fiscal year thereafter, monetary penalties collected pursuant to 15 U.S.C. 7215 shall be deposited in the Public Company Accounting Oversight Board account as discretionary offsetting receipts.

SEC. 621. None of the funds made available in this Act may be used by the Federal Trade Commission to complete the draft report entitled “Interagency Working Group on Food Marketed to Children: Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts” unless the Interagency Working Group on Food Marketed to Children complies with Executive Order No. 13563.

SEC. 622. None of the funds in this Act may be used for the Director of the Office of Personnel Management to award a contract, enter an extension of, or exercise an option on a contract to a contractor conducting the final quality review processes for

background investigation fieldwork services or background investigation support services that, as of the date of the award of the contract, are being conducted by that contractor.

SEC. 623. (a) The head of each executive branch agency funded by this Act shall ensure that the Chief Information Officer of the agency has the authority to participate in decisions regarding the budget planning process related to information technology.

(b) Amounts appropriated for any executive branch agency funded by this Act that are available for information technology shall be allocated within the agency, consistent with the provisions of appropriations Acts and budget guidelines and recommendations from the Director of the Office of Management and Budget, in such manner as specified by, or approved by, the Chief Information Officer of the agency in consultation with the Chief Financial Officer of the agency and budget officials.

SEC. 624. None of the funds made available in this Act may be used in contravention of chapter 29, 31, or 33 of title 44, United States Code.

SEC. 625. None of the funds made available in this Act may be used by a governmental entity to require the disclosure by a provider of electronic communication service to the public or remote computing service of the contents of a wire or electronic communication that is in electronic storage with the provider (as such terms are defined in sections 2510 and 2711 of title 18, United States Code) in a manner that violates the Fourth Amendment to the Constitution of the United States.

SEC. 626. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change the rules or regulations of the Commission for universal service high-cost support for competitive eligible telecommunications carriers in a way that is inconsistent with paragraph (e)(5) or (e)(6) of section 54.307 of title 47, Code of Federal Regulations, as in effect on July 15, 2015: *Provided*, That this section shall not prohibit the Commission from considering, developing, or adopting other support mechanisms as an alternative to Mobility Fund Phase II.

SEC. 627. No funds provided in this Act shall be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978, or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access. A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner. Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978. Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

SEC. 628. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless

such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication activities, or other law enforcement- or victim assistance-related activity.

SEC. 629. None of the funds made available by this Act shall be used by the Securities and Exchange Commission to finalize, issue, or implement any rule, regulation, or order regarding the disclosure of political contributions, contributions to tax exempt organizations, or dues paid to trade associations.

SEC. 630. None of the funds appropriated or other-wise made available by this Act may be used to pay award or incentive fees for contractors whose performance has been judged to be below satisfactory, behind schedule, over budget, or has failed to meet the basic requirements of a contract, unless the Agency determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program and unless such awards or incentive fees are consistent with 16.401(e)(2) of the FAR.

SEC. 631. (a) None of the funds made available under this Act may be used to pay for travel and conference activities that result in a total cost to an Executive branch department, agency, board or commission of more than \$500,000 at any single conference unless the agency or entity determines that such attendance is in the national interest and advance notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate that includes the basis of that determination.

(b) None of the funds made available under this Act may be used to pay for the travel to or attendance of more than 50 employees, who are stationed in the United States, at any single conference occurring outside the United States unless the agency or entity determines that such attendance is in the national interest and advance notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate that includes the basis of that determination.

SEC. 632. None of the funds made available by this Act may be used for first-class or business-class travel by the employees of executive branch agencies funded by this Act in contravention of sections 301–10.122 through 301–10.125 of title 41, Code of Federal Regulations.

SEC. 633. In addition to any amounts appropriated or otherwise made available for expenses related to enhancements to www.oversight.gov, \$2,000,000, to remain available until expended, shall be provided for an additional amount for such purpose to the Inspectors General Council Fund (Fund) established pursuant to Section 11(c)(3)(B) of the Inspector General Act of 1978 (5 U.S.C. App.), as amended: *Provided*, That these amounts shall be in addition to any amounts or any authority available to the Council of the Inspectors General on Integrity and Efficiency under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.), as amended.

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2019 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement vehicles, protective vehicles, and undercover surveillance vehicles), is hereby fixed at \$19,947 except station wagons for which the maximum shall be \$19,997: *Provided*, That these limits may be exceeded by not to exceed \$7,250 for police-type vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles: *Provided further*, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on alternative fuel, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

31 USC 1343
note.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 704. Unless otherwise specified in law during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person

5 USC 3101 note.

who owes allegiance to the United States: *Provided*, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: *Provided further*, That for purposes of subsections (2) and (3) such affidavits shall be submitted prior to employment and updated thereafter as necessary: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: *Provided further*, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13693 (March 19, 2015), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable

to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this or any other Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term “office” shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 711. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 13618 (July 6, 2012).

SEC. 712. (a) None of the funds made available by this or any other Act may be obligated or expended by any department, agency, or other instrumentality of the Federal Government to pay the salaries or expenses of any individual appointed to a position of a confidential or policy-determining character that is excepted from the competitive service under section 3302 of title 5, United States Code, (pursuant to schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations) unless the head of the applicable department, agency, or other instrumentality employing such schedule C individual certifies to the Director of the Office of Personnel Management that the schedule C position occupied by the individual was not created solely or primarily in order to detail the individual to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from an element of the intelligence community (as that term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))).

SEC. 713. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 714. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 715. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 716. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee’s home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 717. None of the funds made available in this or any other Act may be used to provide any non-public information such

as mailing, telephone or electronic mailing lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 718. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by Congress.

SEC. 719. (a) In this section, the term “agency”—

(1) means an Executive agency, as defined under 5 U.S.C. 105; and

(2) includes a military department, as defined under section 102 of such title, the United States Postal Service, and the Postal Regulatory Commission.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee’s time in the performance of official duties.

SEC. 720. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

SEC. 721. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse “General Services Administration, Government-wide Policy” with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide and other multi-agency financial, information technology, procurement, and other management innovations, initiatives, and activities, including improving coordination and reducing duplication, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency and multi-agency groups designated by the Director (including the President’s Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): *Provided further*, That the total funds transferred or reimbursed shall not exceed \$15,000,000 to improve coordination, reduce duplication, and for other activities related to Federal Government Priority Goals established by 31 U.S.C. 1120, and not to exceed \$17,000,000 for Government-Wide innovations, initiatives, and activities: *Provided further*, That the funds transferred to or for reimbursement of “General Services Administration, Government-wide Policy” during fiscal year 2019 shall remain available for obligation through September 30, 2020:

Provided further, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget.

SEC. 722. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 723. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 724. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall comply with any relevant requirements in part 200 of title 2, Code of Federal Regulations: *Provided*, That this section shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 725. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term “regulatory” means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term “supervisory” means examinations of the agency’s supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 726. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care’s HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual’s religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 727. The United States is committed to ensuring the health of its Olympic, Pan American, and Paralympic athletes, and supports the strict adherence to anti-doping in sport through testing, adjudication, education, and research as performed by nationally recognized oversight authorities.

SEC. 728. Notwithstanding any other provision of law, funds appropriated for official travel to Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 729. Notwithstanding any other provision of law, none of the funds appropriated or made available under this or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 730. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 731. Unless otherwise authorized by existing law, none of the funds provided in this or any other Act may be used by an executive branch agency to produce any prepackaged news story

intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 732. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act), and regulations implementing that section.

SEC. 733. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 734. During fiscal year 2019, for each employee who—

(1) retires under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code; or

(2) retires under any other provision of subchapter III of chapter 83 or chapter 84 of such title 5 and receives a payment as an incentive to separate, the separating agency shall remit to the Civil Service Retirement and Disability Fund an amount equal to the Office of Personnel Management's average unit cost of processing a retirement claim for the preceding fiscal year. Such amounts shall be available until expended to the Office of Personnel Management and shall be deemed to be an administrative expense under section 8348(a)(1)(B) of title 5, United States Code.

SEC. 735. (a) None of the funds made available in this or any other Act may be used to recommend or require any entity submitting an offer for a Federal contract to disclose any of the following information as a condition of submitting the offer:

(1) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

(2) Any disbursement of funds (other than a payment described in paragraph (1)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any person with the intent or the reasonable expectation that the person will use the funds to make a payment described in paragraph (1).

(b) In this section, each of the terms “contribution”, “expenditure”, “independent expenditure”, “electioneering communication”, “candidate”, “election”, and “Federal office” has the meaning given

such term in the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.).

SEC. 736. None of the funds made available in this or any other Act may be used to pay for the painting of a portrait of an officer or employee of the Federal government, including the President, the Vice President, a member of Congress (including a Delegate or a Resident Commissioner to Congress), the head of an executive branch agency (as defined in section 133 of title 41, United States Code), or the head of an office of the legislative branch.

SEC. 737. (a)(1) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2019, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

5 USC 5343 note.

(A) during the period from the date of expiration of the limitation imposed by the comparable section for the previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2019, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(B) during the period consisting of the remainder of fiscal year 2019, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under subparagraph (A) by more than the sum of—

(i) the percentage adjustment taking effect in fiscal year 2019 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(ii) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2019 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(2) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which paragraph (1) is in effect at a rate that exceeds the rates that would be payable under paragraph (1) were paragraph (1) applicable to such employee.

(3) For the purposes of this subsection, the rates payable to an employee who is covered by this subsection and who is paid from a schedule not in existence on September 30, 2018, shall be determined under regulations prescribed by the Office of Personnel Management.

(4) Notwithstanding any other provision of law, rates of premium pay for employees subject to this subsection may not be changed from the rates in effect on September 30, 2018, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this subsection.

(5) This subsection shall apply with respect to pay for service performed after September 30, 2018.

(6) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this subsection shall be treated as the rate of salary or basic pay.

(7) Nothing in this subsection shall be considered to permit or require the payment to any employee covered by this subsection at a rate in excess of the rate that would be payable were this subsection not in effect.

(8) The Office of Personnel Management may provide for exceptions to the limitations imposed by this subsection if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

(b) Notwithstanding subsection (a), the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2019 under sections 5344 and 5348 of title 5, United States Code, shall be—

(1) not less than the percentage received by employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under sections 5303 and 5304 of title 5, United States Code: *Provided*, That prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5, United States Code, and prevailing rate employees described in section 5343(a)(5) of title 5, United States Code, shall be considered to be located in the pay locality designated as “Rest of United States” pursuant to section 5304 of title 5, United States Code, for purposes of this subsection; and

(2) effective as of the first day of the first applicable pay period beginning after September 30, 2018.

SEC. 738. (a) The head of any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act shall submit annual reports to the Inspector General or senior ethics official for any entity without an Inspector General, regarding the costs and contracting procedures related to each conference held by any such department, agency, board, commission, or office during fiscal year 2019 for which the cost to the United States Government was more than \$100,000.

(b) Each report submitted shall include, for each conference described in subsection (a) held during the applicable period—

(1) a description of its purpose;

(2) the number of participants attending;

(3) a detailed statement of the costs to the United States Government, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

(C) the cost of employee or contractor travel to and from the conference; and

(D) a discussion of the methodology used to determine which costs relate to the conference; and

(4) a description of the contracting procedures used including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the departmental component or office in evaluating potential contractors for the conference.

(c) Within 15 days after the end of a quarter, the head of any such department, agency, board, commission, or office shall notify the Inspector General or senior ethics official for any entity without an Inspector General, of the date, location, and number of employees attending a conference held by any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act during fiscal year 2019 for which the cost to the United States Government was more than \$20,000.

(d) A grant or contract funded by amounts appropriated by this or any other appropriations Act may not be used for the purpose of defraying the costs of a conference described in subsection (c) that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(e) None of the funds made available in this or any other appropriations Act may be used for travel and conference activities that are not in compliance with Office of Management and Budget Memorandum M-12-12 dated May 11, 2012 or any subsequent revisions to that memorandum.

SEC. 739. None of the funds made available in this or any other appropriations Act may be used to increase, eliminate, or reduce funding for a program, project, or activity as proposed in the President's budget request for a fiscal year until such proposed change is subsequently enacted in an appropriation Act, or unless such change is made pursuant to the reprogramming or transfer provisions of this or any other appropriations Act.

SEC. 740. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled "Competitive Area" published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 741. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

SEC. 742. (a) None of the funds appropriated or otherwise made available by this or any other Act may be available for a contract, grant, or cooperative agreement with an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

(b) The limitation in subsection (a) shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

SEC. 743. (a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: “These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.”: *Provided*, That notwithstanding the preceding provision of this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

(b) A nondisclosure agreement may continue to be implemented and enforced notwithstanding subsection (a) if it complies with the requirements for such agreement that were in effect when the agreement was entered into.

(c) No funds appropriated in this or any other Act may be used to implement or enforce any agreement entered into during fiscal year 2014 which does not contain substantially similar language to that required in subsection (a).

SEC. 744. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 745. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered

suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 746. (a) During fiscal year 2019, on the date on which a request is made for a transfer of funds in accordance with section 1017 of Public Law 111–203, the Bureau of Consumer Financial Protection shall notify the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate of such request.

(b) Any notification required by this section shall be made available on the Bureau’s public Web site.

SEC. 747. If, for fiscal year 2019, new budget authority provided in appropriations Acts exceeds the discretionary spending limit for any category set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 due to estimating differences with the Congressional Budget Office, an adjustment to the discretionary spending limit in such category for fiscal year 2019 shall be made by the Director of the Office of Management and Budget in the amount of the excess but the total of all such adjustments shall not exceed 0.2 percent of the sum of the adjusted discretionary spending limits for all categories for that fiscal year.

SEC. 748. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2019 under section 5303 of title 5, United States Code, shall be an increase of 1.4 percent, and the overall average percentage of the adjustments taking effect in such fiscal year under sections 5304 and 5304a of such title 5 shall be an increase of 0.5 percent (with comparability payments to be determined and allocated among pay localities by the President). All adjustments under this subsection shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2019.

5 USC 5303 note.

(b) Notwithstanding section 737, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2019 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentages in subsection (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303, 5304, and 5304a of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303, 5304, and 5304a of such title 5 and prevailing rate employees described in section 5343(a)(5) of such title 5 shall be considered to be located in the pay locality designated as “Rest of U.S.” pursuant to section 5304 of such title 5 for purposes of this subsection.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2019.

SEC. 749. (a) Notwithstanding the official rate adjusted under section 104 of title 3, United States Code, the rate payable to the Vice President during calendar year 2019 shall be 1.9 percent above the rate payable to the Vice President on December 31, 2018, as limited under section 738 of division E of the Consolidated Appropriations Act, 2018 (Public Law 115–141).

5 USC 5303 note.

(b) Notwithstanding the official rate adjusted under section 5318 of title 5, United States Code, or any other provision of

law, the payable rate for an employee serving in an Executive Schedule position, or in a position for which the rate of pay is fixed by statute at an Executive Schedule rate, shall be increased by 1.9 percent (relative to the preexisting rate actually payable) at the time the official rate is adjusted in January 2019. Such an employee may receive no other pay increase during calendar year 2019, except as provided in subsection (i).

(c) Notwithstanding section 401 of the Foreign Service Act of 1980 (Public Law 96–465) or any other provision of law, a chief of mission or ambassador at large is subject to subsection (b) in the same manner as other employees who are paid at an Executive Schedule rate.

(d)(1) This subsection applies to—

(A) a noncareer appointee in the Senior Executive Service paid a rate of basic pay at or above the official rate for level IV of the Executive Schedule; or

(B) a limited term appointee or limited emergency appointee in the Senior Executive Service serving under a political appointment and paid a rate of basic pay at or above the official rate for level IV of the Executive Schedule.

(2) Notwithstanding sections 5382 and 5383 of title 5, United States Code, an employee described in paragraph (1) who is serving at the time official rates of the Executive Schedule are adjusted may receive a single increase in the employee's pay rate of no more than 1.9 percent during calendar year 2019, subject to the normally applicable pay rules and pay limitations in effect on December 31, 2013, after those pay limitations are increased by 1.9 percent (after applicable rounding). Such an employee may receive no other pay increase during calendar year 2019, except as provided in subsection (i).

(e) Notwithstanding any other provision of law, any employee paid a rate of basic pay (including any locality-based payments under section 5304 of title 5, United States Code, or similar authority) at or above the official rate for level IV of the Executive Schedule who serves under a political appointment, and who is serving at the time official rates of the Executive Schedule are adjusted, may receive a single increase in the employee's pay rate of no more than 1.9 percent during calendar year 2019, subject to the normally applicable pay rules and pay limitations in effect on December 31, 2013, after those pay limitations are increased by 1.9 percent (after applicable rounding). Such an employee may receive no other pay increase during calendar year 2019, except as provided in subsection (i). This subsection does not apply to employees in the General Schedule pay system or the Foreign Service pay system, to employees appointed under section 3161 of title 5, United States Code, or to employees in another pay system whose position would be classified at GS–15 or below if chapter 51 of title 5, United States Code, applied to them.

(f) Nothing in subsections (b) through (e) shall prevent employees who do not serve under a political appointment from receiving pay increases as otherwise provided under applicable law.

(g) This section does not apply to an individual who makes an election to retain Senior Executive Service basic pay under section 3392(c) of title 5, United States Code, for such time as that election is in effect.

(h) This section does not apply to an individual who makes an election to retain Senior Foreign Service pay entitlements under section 302(b) of the Foreign Service Act of 1980 (Public Law 96–465) for such time as that election is in effect.

(i) Notwithstanding subsections (b) through (e), an employee in a covered position may receive a pay rate increase upon an authorized movement to a different covered position only if that new position has higher-level duties and a pre-established level or range of pay higher than the level or range for the position held immediately before the movement. Any such increase must be based on the rates of pay and applicable pay limitations in effect on December 31, 2013, after those rates and pay limitations are increased by 1.9 percent (after applicable rounding).

(j) Notwithstanding any other provision of law, for an individual who is newly appointed to a covered position during the period of time subject to this section, the initial pay rate shall be based on the rates of pay and applicable pay limitations in effect on December 31, 2013, after those rates and pay limitations are increased by 1.9 percent (after applicable rounding).

(k) If an employee affected by this section is subject to a biweekly pay period that begins in calendar year 2019 but ends in calendar year 2020, the bar on the employee's receipt of pay rate increases shall apply through the end of that pay period.

(l) For the purpose of this section, the term “covered position” means a position occupied by an employee whose pay is restricted under this section.

(m) This section takes effect on the first day of the first applicable pay period beginning on or after January 1, 2019.

SEC. 750. Except as expressly provided otherwise, any reference to “this Act” contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFERS OF FUNDS)

SEC. 801. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 802. None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 803. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2019, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a re-programming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) re-establishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of \$3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 7, 2019.

SEC. 804. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

SEC. 805. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day;

(4) at the discretion of the Chief Medical Examiner, an officer or employee of the Office of the Chief Medical Examiner who resides in the District of Columbia and is on call 24 hours a day;

(5) at the discretion of the Director of the Homeland Security and Emergency Management Agency, an officer or employee of the Homeland Security and Emergency Management Agency who resides in the District of Columbia and is on call 24 hours a day;

(6) the Mayor of the District of Columbia; and

(7) the Chairman of the Council of the District of Columbia.

SEC. 806. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to

require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 807. None of the Federal funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

SEC. 808. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a “conscience clause” which provides exceptions for religious beliefs and moral convictions.

SEC. 809. (a) None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

(b) No funds available for obligation or expenditure by the District of Columbia government under any authority may be used to enact any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative for recreational purposes.

SEC. 810. No funds available for obligation or expenditure by the District of Columbia government under any authority shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 811. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2019 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 812. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment.

The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.42).

SEC. 813. (a) Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

(b) The District of Columbia government is authorized to reprogram or transfer for operating expenses any local funds transferred or reprogrammed in this or the four prior fiscal years from operating funds to capital funds, and such amounts, once transferred or reprogrammed, shall retain appropriation authority consistent with the provisions of this Act.

(c) The District of Columbia government may not transfer or reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

SEC. 814. None of the Federal funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 815. Except as otherwise specifically provided by law or under this Act, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2019 from appropriations of Federal funds made available for salaries and expenses for fiscal year 2019 in this Act, shall remain available through September 30, 2020, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines outlined in section 803 of this Act.

SEC. 816. (a)(1) During fiscal year 2020, during a period in which neither a District of Columbia continuing resolution or a regular District of Columbia appropriation bill is in effect, local funds are appropriated in the amount provided for any project or activity for which local funds are provided in the Act referred to in paragraph (2) (subject to any modifications enacted by the District of Columbia as of the beginning of the period during which this subsection is in effect) at the rate set forth by such Act.

(2) The Act referred to in this paragraph is the Act of the Council of the District of Columbia pursuant to which a proposed budget is approved for fiscal year 2020 which (subject to the requirements of the District of Columbia Home Rule Act) will constitute the local portion of the annual budget for the District of Columbia government for fiscal year 2020 for purposes of section 446 of the District of Columbia Home Rule Act (sec. 1-204.46, D.C. Official Code).

(b) Appropriations made by subsection (a) shall cease to be available—

(1) during any period in which a District of Columbia continuing resolution for fiscal year 2020 is in effect; or

(2) upon the enactment into law of the regular District of Columbia appropriation bill for fiscal year 2020.

(c) An appropriation made by subsection (a) is provided under the authority and conditions as provided under this Act and shall

be available to the extent and in the manner that would be provided by this Act.

(d) An appropriation made by subsection (a) shall cover all obligations or expenditures incurred for such project or activity during the portion of fiscal year 2020 for which this section applies to such project or activity.

(e) This section shall not apply to a project or activity during any period of fiscal year 2020 if any other provision of law (other than an authorization of appropriations)—

(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

(f) Nothing in this section shall be construed to affect obligations of the government of the District of Columbia mandated by other law.

SEC. 817. Section 3(c)(2)(G) of the District of Columbia College Access Act of 1999 (Public Law 106-98; sec. 38-2702(c)(2)(G), D.C. Official Code) is amended—

(1) in clause (i), by striking “and” after “\$1,000,000” and inserting a semicolon;

(2) in clause (ii)—

(A) by inserting “but before school year 2019–2020” after “in or after school year 2016–2017”; and

(B) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(iii) For individuals who begin an undergraduate course of study in or after school year 2019–2020, is from a family with a taxable annual income of less than \$500,000. Beginning with school year 2020–2021, the Mayor shall adjust the amount in the previous sentence for inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.”.

SEC. 818. Except as expressly provided otherwise, any reference to “this Act” contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the “Financial Services and General Government Appropriations Act, 2019”.

Department of
the Interior,
Environment,
and Related
Agencies
Appropriations
Act, 2019.

**DIVISION E—DEPARTMENT OF THE INTERIOR, ENVI-
RONMENT, AND RELATED AGENCIES APPROPRIA-
TIONS ACT, 2019**

TITLE I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to section 1010(a) of Public Law 96–487 (16 U.S.C. 3150(a)), \$1,198,000,000, to remain available until expended, including all such amounts as are collected from permit processing fees, as authorized but made subject to future appropriation by section 35(d)(3)(A)(i) of the Mineral Leasing Act (30 U.S.C. 191), except that amounts from permit processing fees may be used for any bureau-related expenses associated with the processing of oil and gas applications for permits to drill and related use of authorizations.

In addition, \$39,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from mining claim maintenance fees and location fees that are hereby authorized for fiscal year 2019, so as to result in a final appropriation estimated at not more than \$1,198,000,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

LAND ACQUISITION

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, \$28,316,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

Of the unobligated balances from amounts made available for Land Acquisition and derived from the Land and Water Conservation Fund, \$1,800,000 is hereby permanently rescinded from previously appropriated emergencies, hardships, and inholdings funding: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; \$106,985,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (43 U.S.C. 2605).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315b, 315m) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,000,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579 (43 U.S.C. 1701 et seq.), and under section 28 of the Mineral Leasing Act (30 U.S.C. 185), to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed

43 USC 1735
note.

43 USC 1735
note.

to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of Public Law 94–579 (43 U.S.C. 1737), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act (43 U.S.C. 1721(b)), to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, including with States. Appropriations for the Bureau shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$10,000: *Provided*, That notwithstanding Public Law 90–620 (44 U.S.C. 501), the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, \$1,292,078,000, to remain available until September 30, 2020: *Provided*, That not to exceed \$18,318,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)).

CONSTRUCTION

(INCLUDING RESCISSION OF FUNDS)

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fish and wildlife resources, and the acquisition of lands and interests therein; \$55,613,000, to remain available until expended.

Of the unobligated balances available for Construction, \$1,500,000 is permanently rescinded, including \$300,000 of unobligated balances available for Construction under Public Law 111-8: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

LAND ACQUISITION

For expenses necessary to carry out chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$65,189,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding section 200306 of title 54, United States Code, not more than \$20,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004, including not to exceed \$320,000 for administrative expenses: *Provided*, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535), \$53,495,000, to remain available until expended, of which \$22,695,000 is to be derived from the Cooperative Endangered Species Conservation Fund; and of which \$30,800,000 is to be derived from the Land and Water Conservation Fund.

Of the unobligated balances made available from the Cooperative Endangered Species Conservation Fund, \$7,500,000 is permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$13,228,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.), \$42,000,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.), \$3,910,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201 et seq.), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261 et seq.), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301 et seq.), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601 et seq.), \$11,561,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$64,571,000, to remain available until expended: *Provided*, That of the amount provided herein, \$4,209,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That \$6,362,000 is for a competitive grant program to implement approved plans for States, territories, and other jurisdictions and at the discretion of affected States, the regional Associations of fish and wildlife agencies, not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting \$10,571,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants

shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 65 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That any amount apportioned in 2019 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2020, shall be re-apportioned, together with funds appropriated in 2021, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

(INCLUDING RESCISSION OF FUNDS)

The United States Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding 31 U.S.C. 3302, all fees collected for non-toxic shot review and approval shall be deposited under the heading “United States Fish and Wildlife Service—Resource Management” and shall be available to the Secretary, without further appropriation, to be used for expenses of processing of such non-toxic shot type or coating applications and revising regulations as necessary, and shall remain available until expended.

Of the unobligated balances available for grants under Public Law 109-58, title III, subtitle G, section 384, \$15,000,000 is permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service and for the general administration of the National

Park Service, \$2,502,711,000, of which \$10,032,000 for planning and interagency coordination in support of Everglades restoration and \$135,980,000 for maintenance, repair, or rehabilitation projects for constructed assets and \$151,575,000 for cyclic maintenance projects for constructed assets and cultural resources shall remain available until September 30, 2020: *Provided*, That funds appropriated under this heading in this Act are available for the purposes of section 5 of Public Law 95–348: *Provided further*, That notwithstanding section 9(a) of the United States Semiquincentennial Commission Act of 2016 (Public Law 114–196; 130 Stat. 691), \$500,000 of the funds made available under this heading shall be provided to the organization selected under section 9(b) of that Act for expenditure by the United States Semiquincentennial Commission in accordance with that Act.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, \$64,138,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the National Historic Preservation Act (division A of subtitle III of title 54, United States Code), \$102,660,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2020, of which \$13,000,000 shall be for Save America's Treasures grants for preservation of national significant sites, structures and artifacts as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 3089): *Provided*, That an individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant: *Provided further*, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations: *Provided further*, That of the funds provided for the Historic Preservation Fund, \$750,000 is for competitive grants for the survey and nomination of properties to the National Register of Historic Places and as National Historic Landmarks associated with communities currently under-represented, as determined by the Secretary, \$14,500,000 is for competitive grants to preserve the sites and stories of the Civil Rights movement, \$8,000,000 is for grants to Historically Black Colleges and Universities, and \$5,000,000 is for competitive grants for the restoration of historic properties of national, State and local significance listed on or eligible for inclusion on the National Register of Historic Places, to be made without imposing the usage or direct grant restrictions of section 101(e)(3) (54 U.S.C. 302904) of the National Historical Preservation Act: *Provided further*, That such competitive grants shall be made without imposing the matching requirements in section 302902(b)(3) of title 54, United States Code, to States and Indian tribes as defined in chapter 3003 of such title, Native Hawaiian organizations, local governments, including Certified Local Governments, and non-profit organizations.

CONSTRUCTION

For construction, improvements, repair, or replacement of physical facilities, and compliance and planning for programs and areas administered by the National Park Service, \$364,704,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, for any project initially funded in fiscal year 2019 with a future phase indicated in the National Park Service 5-Year Line Item Construction Plan, a single procurement may be issued which includes the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause availability of funds found at 48 CFR 52.232–18: *Provided further*, That National Park Service Donations, Park Concessions Franchise Fees, and Recreation Fees may be made available for the cost of adjustments and changes within the original scope of effort for projects funded by the National Park Service Construction appropriation: *Provided further*, That the Secretary of the Interior shall consult with the Committees on Appropriations, in accordance with current reprogramming thresholds, prior to making any charges authorized by this section.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$168,444,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$124,006,000 is for the State assistance program and of which \$10,000,000 shall be for the American Battlefield Protection Program grants as authorized by chapter 3081 of title 54, United States Code.

CENTENNIAL CHALLENGE

For expenses necessary to carry out the provisions of section 101701 of title 54, United States Code, relating to challenge cost share agreements, \$20,000,000, to remain available until expended, for Centennial Challenge projects and programs: *Provided*, That not less than 50 percent of the total cost of each project or program shall be derived from non-Federal sources in the form of donated cash, assets, or a pledge of donation guaranteed by an irrevocable letter of credit.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 101917(c)(2) of title 54, United States Code, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the

sub-account of the originating unit over a period not to exceed the term of a single contract at the benefitting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109-432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; \$1,160,596,000, to remain available until September 30, 2020; of which \$84,337,000 shall remain available until expended for satellite operations; and of which \$15,164,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed \$100,000 in cost: *Provided*, That none of the funds provided for the ecosystem research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

43 USC 50.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations, observation wells, and seismic equipment; expenses of the United States National Committee for Geological Sciences; and payment of compensation and expenses of persons employed by the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*,

That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in section 6302 of title 31, United States Code: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 6101, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

BUREAU OF OCEAN ENERGY MANAGEMENT

OCEAN ENERGY MANAGEMENT

For expenses necessary for granting and administering leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf and approving operations related thereto, as authorized by law; for environmental studies, as authorized by law; for implementing other laws and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, \$179,266,000, of which \$129,450,000 is to remain available until September 30, 2020, and of which \$49,816,000 is to remain available until expended: *Provided*, That this total appropriation shall be reduced by amounts collected by the Secretary and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Ocean Energy Management pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: *Provided further*, That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2019 appropriation estimated at not more than \$129,450,000: *Provided further*, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT

For expenses necessary for the regulation of operations related to leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf, as authorized by law; for enforcing and implementing laws and regulations as authorized by law and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, \$145,475,000, of which \$121,351,000 is to remain available until September 30, 2020, and of which \$24,124,000 is to remain available until expended: *Provided*, That this total appropriation shall be reduced by amounts collected by the Secretary and credited to this appropriation from additions to receipts resulting from increases to lease

rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Safety and Environmental Enforcement pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: *Provided further*, That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2019 appropriation estimated at not more than \$121,351,000.

For an additional amount, \$41,765,000, to remain available until expended, to be reduced by amounts collected by the Secretary and credited to this appropriation, which shall be derived from non-refundable inspection fees collected in fiscal year 2019, as provided in this Act: *Provided*, That to the extent that amounts realized from such inspection fees exceed \$41,765,000, the amounts realized in excess of \$41,765,000 shall be credited to this appropriation and remain available until expended: *Provided further*, That for fiscal year 2019, not less than 50 percent of the inspection fees expended by the Bureau of Safety and Environmental Enforcement will be used to fund personnel and mission-related costs to expand capacity and expedite the orderly development, subject to environmental safeguards, of the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), including the review of applications for permits to drill.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$14,899,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

30 USC 1211
note.

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, \$115,804,000, to remain available until September 30, 2020: *Provided*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training: *Provided further*, That of the amounts made available under this heading and notwithstanding the Federal share limits contained in section 705 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1295), not to exceed \$2,300,000 shall be for the Secretary of the Interior to make grants to any State with active coal mine operations within its borders that does not have an approved State regulatory program under section 503 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1253) for the purpose of developing a State program under such Act.

30 USC 1257
note.

In addition, for costs to review, administer, and enforce permits issued by the Office pursuant to section 507 of Public Law 95–87 (30 U.S.C. 1257), \$40,000, to remain available until expended: *Provided*, That fees assessed and collected by the Office pursuant to such section 507 shall be credited to this account as discretionary

offsetting collections, to remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as collections are received during the fiscal year, so as to result in a fiscal year 2019 appropriation estimated at not more than \$115,804,000.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, \$24,672,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95-87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

In addition, \$115,000,000, to remain available until expended, for grants to States and federally recognized Indian Tribes for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions in the joint explanatory statement accompanying this Act: *Provided*, That such additional amount shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)): *Provided further*, That of such additional amount, \$75,000,000 shall be distributed in equal amounts to the 3 Appalachian States with the greatest amount of unfunded needs to meet the priorities described in paragraphs (1) and (2) of such section, \$30,000,000 shall be distributed in equal amounts to the 3 Appalachian States with the subsequent greatest amount of unfunded needs to meet such priorities, and \$10,000,000 shall be for grants to federally recognized Indian Tribes without regard to their status as certified or uncertified under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)), for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions in the joint explanatory statement accompanying this Act and shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977: *Provided further*, That such additional amount shall be allocated to States and Indian Tribes within 60 days after the date of enactment of this Act.

BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN EDUCATION

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 5301 et seq.), the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), \$2,414,577,000, to remain available until September 30, 2020, except as otherwise provided herein; of which not to exceed \$8,500 may be for official reception and representation expenses; of which not to exceed \$76,000,000 shall be for welfare assistance payments: *Provided*, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster: *Provided further*, That federally recognized Indian tribes and tribal organizations of federally recognized Indian tribes may use their tribal priority allocations for unmet welfare assistance costs: *Provided further*, That not to exceed \$683,572,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2019, and shall remain available until September 30, 2020: *Provided further*, That not to exceed \$55,174,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, land records improvement, and the Navajo-Hopi Settlement Program: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.) and section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008), not to exceed \$82,935,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with grants approved prior to July 1, 2019: *Provided further*, That any forestry funds allocated to a federally recognized tribe which remain unobligated as of September 30, 2020, may be transferred during fiscal year 2021 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2021: *Provided further*, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel: *Provided further*, That the Bureau of Indian Affairs may accept transfers of funds from U.S. Customs and Border Protection to supplement any other funding available for reconstruction or repair of roads owned by the Bureau of Indian Affairs as identified on the National Tribal Transportation Facility Inventory, 23 U.S.C. 202(b)(1).

CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Bureau of Indian Affairs for fiscal year 2019, such sums as may be necessary, which shall

be available for obligation through September 30, 2020: *Provided*, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483; \$358,719,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to the Act of November 2, 1921 (25 U.S.C. 13), shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2019, in implementing new construction, replacement facilities construction, or facilities improvement and repair project grants in excess of \$100,000 that are provided to grant schools under Public Law 100-297, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in part 12 of title 43, Code of Federal Regulations, as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of title 43, Code of Federal Regulations; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by section 1125(b) of title XI of Public Law 95-561 (25 U.S.C. 2005(b)), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in section 5206(f) of Public Law 100-297 (25 U.S.C. 2504(f)): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in section 5208(e) of Public Law 107-110 (25 U.S.C. 2507(e)): *Provided further*, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within 18 months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: *Provided further*, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed

in agency offices to meet trust reform implementation: *Provided further*, That of the funds made available under this heading, \$10,000,000 shall be derived from the Indian Irrigation Fund established by section 3211 of the WIIN Act (Public Law 114-322; 130 Stat. 1749): *Provided further*, That for funds appropriated under this heading, the date specified in section 3216 of Public Law 114-322 shall be applied as substituting “September 30, 2028” for “September 30, 2021”.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS
PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99-264, 100-580, 101-618, 111-11, 111-291, and 114-322, and for implementation of other land and water rights settlements, \$50,057,000, to remain available until expended: *Provided*, That the Secretary shall make payments in such amounts as necessary to satisfy the total authorized amount for the Navajo Nation Water Rights Trust Fund.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, \$10,779,000, of which \$1,455,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed \$174,616,164.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, either directly or in cooperation with States and other organizations.

Notwithstanding Public Law 87-279 (25 U.S.C. 15), the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Education, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

No funds available to the Bureau of Indian Education shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau of Indian Education school system as of October 1, 1995, except that the Secretary of the Interior may waive this prohibition to support expansion of up to one additional grade when the Secretary determines such waiver is needed to support accomplishment of the mission of the Bureau of Indian Education, or more than one grade to expand the elementary grade structure for Bureau-funded schools with a K-2 grade structure on October 1, 1996. Appropriations made available in this or any prior Act for schools funded by the Bureau shall be available, in accordance with the Bureau's funding formula, only to the schools in the Bureau school system as of September 1, 1996, and to any school or school program that was reinstated in fiscal year 2012. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

Funds available under this Act may not be used to establish satellite locations of schools in the Bureau school system as of September 1, 1996, except that the Secretary may waive this prohibition in order for an Indian tribe to provide language and cultural immersion educational programs for non-public schools located within the jurisdictional area of the tribal government which exclusively serve tribal members, do not include grades beyond those currently served at the existing Bureau-funded school, provide an educational environment with educator presence and academic facilities comparable to the Bureau-funded school, comply with all applicable Tribal, Federal, or State health and safety standards,

and the Americans with Disabilities Act, and demonstrate the benefits of establishing operations at a satellite location in lieu of incurring extraordinary costs, such as for transportation or other impacts to students such as those caused by busing students extended distances: *Provided*, That no funds available under this Act may be used to fund operations, maintenance, rehabilitation, construction or other facilities-related costs for such assets that are not owned by the Bureau: *Provided further*, That the term “satellite school” means a school location physically separated from the existing Bureau school by more than 50 miles but that forms part of the existing school in all other respects.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

DEPARTMENTAL OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for management of the Department of the Interior and for grants and cooperative agreements, as authorized by law, \$124,673,000, to remain available until September 30, 2020; of which not to exceed \$15,000 may be for official reception and representation expenses; and of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines; and of which \$9,000,000 for the Office of Valuation Services is to be derived from the Land and Water Conservation Fund and shall remain available until expended; and of which \$9,704,000 for Indian land, mineral, and resource valuation activities shall remain available until expended: *Provided*, That funds for Indian land, mineral, and resource valuation activities may, as needed, be transferred to and merged with the Bureau of Indian Affairs and Bureau of Indian Education “Operation of Indian Programs” account and the Office of the Special Trustee for American Indians “Federal Trust Programs” account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2019, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That of the amounts made available under this heading, \$400,000 shall be made available to the commission established by section 3(a) of the Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act (Public Law 114–244; 130 Stat. 981).

ADMINISTRATIVE PROVISIONS

For fiscal year 2019, up to \$400,000 of the payments authorized by chapter 69 of title 31, United States Code, may be retained for administrative expenses of the Payments in Lieu of Taxes Program: *Provided*, That the amounts provided under this Act specifically for the Payments in Lieu of Taxes program are the only amounts available for payments authorized under chapter 69 of title 31, United States Code: *Provided further*, That in the event the sums appropriated for any fiscal year for payments pursuant to this chapter are insufficient to make the full payments authorized

by that chapter to all units of local government, then the payment to each local government shall be made proportionally: *Provided further*, That the Secretary may make adjustments to payment to individual units of local government to correct for prior overpayments or underpayments: *Provided further*, That no payment shall be made pursuant to that chapter to otherwise eligible units of local government if the computed amount of the payment is less than \$100.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior and other jurisdictions identified in section 104(e) of Public Law 108–188, \$100,688,000, of which: (1) \$91,240,000 shall remain available until expended for territorial assistance, including general technical assistance, maintenance assistance, disaster assistance, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands, as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands, as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) \$9,448,000 shall be available until September 30, 2020, for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee’s commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

48 USC 1469b.

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, \$3,413,000, to remain available until expended, as provided for in sections 221(a)(2) and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the

Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99-658 and Public Law 108-188.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108-188 and Public Law 104-134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$65,674,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$52,486,000.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$111,540,000, to remain available until expended, of which not to exceed \$19,016,000 from this or any other Act, may be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs and Bureau of Indian Education, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account;

and the Office of the Secretary, “Departmental Operations” account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2019, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 15 months and has a balance of \$15 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed \$50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose: *Provided further*, That the Secretary shall not be required to reconcile Special Deposit Accounts with a balance of less than \$500 unless the Office of the Special Trustee receives proof of ownership from a Special Deposit Accounts claimant: *Provided further*, That notwithstanding section 102 of the American Indian Trust Fund Management Reform Act of 1994 (Public Law 103–412) or any other provision of law, the Secretary may aggregate the trust accounts of individuals whose whereabouts are unknown for a continuous period of at least five years and shall not be required to generate periodic statements of performance for the individual accounts: *Provided further*, That with respect to the eighth proviso, the Secretary shall continue to maintain sufficient records to determine the balance of the individual accounts, including any accrued interest and income, and such funds shall remain available to the individual account holders.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, fire suppression operations, fire science and research, emergency rehabilitation, fuels management activities, and rural fire assistance by the Department of the Interior, \$941,211,000, to remain available until expended, of which not to exceed \$18,427,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That of the funds provided \$189,000,000 is for fuels management activities: *Provided further*, That of the funds provided \$20,470,000 is for burned area rehabilitation: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property,

may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for fuels management activities, and for training and monitoring associated with such fuels management activities on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of fuels management activities, may obtain maximum practicable competition among: (1) local private, non-profit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or nonprofit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this heading may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$50,000,000, between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: *Provided further*, That funds appropriated under this heading shall be available for assistance to or through the Department of State in connection with forest and rangeland research, technical information, and assistance in foreign countries, and, with the concurrence of the Secretary of State, shall be available to support forestry, wildland fire management, and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), \$10,010,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment, restoration activities, and onshore oil spill preparedness by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and 54 U.S.C. 100721 et seq., \$7,767,000, to remain available until expended.

WORKING CAPITAL FUND

For the operation and maintenance of a departmental financial and business management system, information technology improvements of general benefit to the Department, cybersecurity, and the consolidation of facilities and operations throughout the Department, \$55,735,000, to remain available until expended: *Provided*, That none of the funds appropriated in this Act or any other Act may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93-638: *Provided further*, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in section 3306(a) of title 40, United States Code) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: *Provided further*, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center: *Provided further*, That the Secretary may enter into grants and cooperative agreements to support the Office of Natural Resource Revenue's collection and disbursement of royalties, fees, and other mineral revenue proceeds, as authorized by law.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, aircraft which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

OFFICE OF NATURAL RESOURCES REVENUE

For necessary expenses for management of the collection and disbursement of royalties, fees, and other mineral revenue proceeds, and for grants and cooperative agreements, as authorized by law, \$137,505,000, to remain available until September 30, 2020; of which \$41,727,000 shall remain available until expended for the purpose of mineral revenue management activities: *Provided*, That notwithstanding any other provision of law, \$15,000 shall be available for refunds of overpayments in connection with certain Indian leases in which the Secretary concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible.

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills or releases of hazardous substances into the environment; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 417(b) of Public Law 106–224 (7 U.S.C.

7717(b)); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, with such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for “wildland fire suppression” shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by section 3109 of title 5, United States Code, when authorized by the Secretary, in total amount not to exceed \$500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

AUTHORIZED USE OF FUNDS, INDIAN TRUST MANAGEMENT

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Bureau of Indian Education, and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN AFFAIRS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in

fiscal year 2019. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 106. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 107. (a) In fiscal year 2019, the Secretary shall collect a nonrefundable inspection fee, which shall be deposited in the “Offshore Safety and Environmental Enforcement” account, from the designated operator for facilities subject to inspection under 43 U.S.C. 1348(c).

(b) Annual fees shall be collected for facilities that are above the waterline, excluding drilling rigs, and are in place at the start of the fiscal year. Fees for fiscal year 2019 shall be:

(1) \$10,500 for facilities with no wells, but with processing equipment or gathering lines;

(2) \$17,000 for facilities with 1 to 10 wells, with any combination of active or inactive wells; and

(3) \$31,500 for facilities with more than 10 wells, with any combination of active or inactive wells.

(c) Fees for drilling rigs shall be assessed for all inspections completed in fiscal year 2019. Fees for fiscal year 2019 shall be:

(1) \$30,500 per inspection for rigs operating in water depths of 500 feet or more; and

(2) \$16,700 per inspection for rigs operating in water depths of less than 500 feet.

(d) The Secretary shall bill designated operators under subsection (b) within 60 days, with payment required within 30 days of billing. The Secretary shall bill designated operators under subsection (c) within 30 days of the end of the month in which the inspection occurred, with payment required within 30 days of billing.

BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION AND
ENFORCEMENT REORGANIZATION

SEC. 108. The Secretary of the Interior, in order to implement a reorganization of the Bureau of Ocean Energy Management, Regulation and Enforcement, may transfer funds among and between the successor offices and bureaus affected by the reorganization only in conformance with the reprogramming guidelines

described in the joint explanatory statement accompanying this Act.

CONTRACTS AND AGREEMENTS FOR WILD HORSE AND BURRO HOLDING
FACILITIES

SEC. 109. Notwithstanding any other provision of this Act, the Secretary of the Interior may enter into multiyear cooperative agreements with nonprofit organizations and other appropriate entities, and may enter into multiyear contracts in accordance with the provisions of section 3903 of title 41, United States Code (except that the 5-year term restriction in subsection (a) shall not apply), for the long-term care and maintenance of excess wild free roaming horses and burros by such organizations or entities on private land. Such cooperative agreements and contracts may not exceed 10 years, subject to renewal at the discretion of the Secretary.

16 USC 1336
note.

MASS MARKING OF SALMONIDS

SEC. 110. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

CONTRACTS AND AGREEMENTS WITH INDIAN AFFAIRS

SEC. 111. Notwithstanding any other provision of law, during fiscal year 2019, in carrying out work involving cooperation with State, local, and tribal governments or any political subdivision thereof, Indian Affairs may record obligations against accounts receivable from any such entities, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year.

HUMANE TRANSFER OF EXCESS ANIMALS

SEC. 112. Notwithstanding any other provision of law, the Secretary of the Interior may transfer excess wild horses or burros that have been removed from the public lands to other Federal, State, and local government agencies for use as work animals: *Provided*, That the Secretary may make any such transfer immediately upon request of such Federal, State, or local government agency: *Provided further*, That any excess animal transferred under this provision shall lose its status as a wild free-roaming horse or burro as defined in the Wild Free-Roaming Horses and Burros Act: *Provided further*, That any Federal, State, or local government agency receiving excess wild horses or burros as authorized in this section shall not: destroy the horses or burros in a way that results in their destruction into commercial products; sell or otherwise transfer the horses or burros in a way that results in their destruction for processing into commercial products; or euthanize the horses or burros except upon the recommendation of a licensed veterinarian, in cases of severe injury, illness, or advanced age.

DEPARTMENT OF THE INTERIOR EXPERIENCED SERVICES PROGRAM

SEC. 113. (a) Notwithstanding any other provision of law relating to Federal grants and cooperative agreements, the Secretary of the Interior is authorized to make grants to, or enter into cooperative agreements with, private nonprofit organizations designated by the Secretary of Labor under title V of the Older Americans Act of 1965 to utilize the talents of older Americans in programs authorized by other provisions of law administered by the Secretary and consistent with such provisions of law.

(b) Prior to awarding any grant or agreement under subsection (a), the Secretary shall ensure that the agreement would not—

(1) result in the displacement of individuals currently employed by the Department, including partial displacement through reduction of non-overtime hours, wages, or employment benefits;

(2) result in the use of an individual under the Department of the Interior Experienced Services Program for a job or function in a case in which a Federal employee is in a layoff status from the same or substantially equivalent job within the Department; or

(3) affect existing contracts for services.

CONTRIBUTION AUTHORITY

128 Stat. 312.

SEC. 114. Section 113 of Division G of Public Law 113–76 is amended by striking “2019,” and inserting “2024,”.

INDIANA DUNES NATIONAL LAKESHORE RETITLED; PAUL H. DOUGLAS TRAIL REDESIGNATION

SEC. 115. (a) INDIANA DUNES NATIONAL LAKE SHORE RETITLED.—

(1) IN GENERAL.—Public Law 89–761 (16 U.S.C. 460u et seq.) is amended—

(A) by striking “National Lakeshore” and “national lakeshore” each place it appears and inserting “National Park”; and

(B) by striking “lakeshore” each place it appears and inserting “Park”.

(2) NONAPPLICATION.—The amendment made by subsection (a)(1) shall not apply to—

(A) the title of the map referred to in the first section of Public Law 89–761 (16 U.S.C. 460u); and

(B) the title of the maps referred to in section 4 of Public Law 89–761 (16 U.S.C. 460u–3).

(b) PAUL H. DOUGLAS TRAIL REDESIGNATION.—The 1.6 mile trail within the Indiana Dunes National Park designated the “Miller-Woods Trail” is hereby redesignated as the “Paul H. Douglas Trail”.

16 USC 460u,
460u–2, 460u–5,
460u–7–460u–10,
460u–20, 460–24.
16 USC 460u,
460u–1, 460u–2,
460u–5–460u–7,
460u–11, 460u–14,
460u–18, 460–19,
460u–20, 460–21,
460u–22, 460u–24.

PAYMENTS IN LIEU OF TAXES (PILT)

SEC. 116. Section 6906 of title 31, United States Code, is amended by striking “fiscal year 2018” and inserting “fiscal year 2019”.

TECHNICAL CORRECTION

SEC. 117. Division II of Public Law 104–333 (54 U.S.C. 320101 note), as amended by section 116(b)(2) of Public Law 114–113, is amended in each of sections 208, 310, and 607, by striking “2017” and inserting “2019”.

DESIGNATION OF PETER B. WEBSTER III MEMORIAL AREA

SEC. 118. (a)(1) The rest area bound by Alexandria Avenue, West Boulevard Drive, and the George Washington Memorial Parkway on the Mount Vernon Trail within the George Washington Memorial Parkway is designated as the “Peter B. Webster III Memorial Area”.

(2) Any reference in a law, map, regulation, document, paper, or other record of the United States to the rest area described in paragraph (1) shall be deemed to be a reference to the “Peter B. Webster III Memorial Area”.

(b)(1) A plaque honoring Peter B. Webster III may be installed at the Peter B. Webster III Memorial Area on a signpost, bench, or other appropriate structure, on the condition that the Director of the National Park Service shall approve the design and placement of the plaque.

(2) No Federal funds may be used to design, procure, prepare, or install the plaque authorized under paragraph (1).

(3) The Secretary of the Interior may accept and expend private contributions for the design, procurement, preparation, and installation of the plaque authorized under paragraph (1).

OBLIGATION OF FUNDS

SEC. 119. Amounts appropriated by this Act to the Department of the Interior shall be available for obligation and expenditure not later than 60 days after the date of enactment of this Act.

SAGE-GROUSE

SEC. 120. None of the funds made available by this or any other Act may be used by the Secretary of the Interior to write or issue pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533)—

(1) a proposed rule for greater sage-grouse (*Centrocercus urophasianus*);

(2) a proposed rule for the Columbia basin distinct population segment of greater sage-grouse.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

(INCLUDING RESCISSION OF FUNDS)

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; necessary expenses for personnel and

related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, \$717,723,000, to remain available until September 30, 2020: *Provided*, That of the funds included under this heading, \$5,000,000 shall be for Research: National Priorities as specified in the joint explanatory statement accompanying this Act: *Provided further*, That of the unobligated balances from appropriations made available under this heading, \$11,250,000 are permanently rescinded: *Provided further*, That no amounts may be rescinded pursuant to the preceding proviso from amounts made available in the first proviso for Research: National Priorities.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

(INCLUDING RESCISSION OF FUNDS)

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; implementation of a coal combustion residual permit program under section 2301 of the Water and Waste Act of 2016; and not to exceed \$9,000 for official reception and representation expenses, \$2,658,200,000, to remain available until September 30, 2020: *Provided*, That of the funds included under this heading, \$15,000,000 shall be for Environmental Protection: National Priorities as specified in the joint explanatory statement accompanying this Act: *Provided further*, That of the funds included under this heading, \$456,958,000 shall be for Geographic Programs specified in the joint explanatory statement accompanying this Act: *Provided further*, That of the unobligated balances from appropriations made available under this heading, \$60,201,000 are permanently rescinded: *Provided further*, That no amounts may be rescinded pursuant to the preceding proviso from amounts made available in the first proviso for Environmental Protection: National Priorities, from amounts made available in the second proviso for Geographic Programs, or from the National Estuary Program (33 U.S.C. 1330).

In addition, \$5,000,000 to remain available until expended, for necessary expenses of activities described in section 26(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2625(b)(1)): *Provided*, That fees collected pursuant to that section of that Act and deposited in the “TSCA Service Fee Fund” as discretionary offsetting receipts in fiscal year 2019 shall be retained and used for necessary salaries and expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated in this paragraph from the general fund for fiscal year 2019 shall be reduced by the amount of discretionary offsetting receipts received during fiscal year 2019, so as to result in a final fiscal year 2019 appropriation from the general fund estimated at not more than \$0: *Provided further*, That to the extent that amounts realized from such receipts exceed \$5,000,000, those amount in excess of \$5,000,000 shall be deposited in the “TSCA Service Fee

Fund” as discretionary offsetting receipts in fiscal year 2019, shall be retained and used for necessary salaries and expenses in this account, and shall remain available until expended: *Provided further*, That of the funds included in the first paragraph under this heading, the Chemical Risk Review and Reduction program project shall be allocated for this fiscal year, excluding the amount of any fees appropriated, not less than the amount of appropriations for that program project for fiscal year 2014.

HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM FUND

For necessary expenses to carry out section 3024 of the Solid Waste Disposal Act (42 U.S.C. 6939g), including the development, operation, maintenance, and upgrading of the hazardous waste electronic manifest system established by such section, \$8,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections under such section 3024 are received during fiscal year 2019, which shall remain available until expended and be used for necessary expenses in this appropriation, so as to result in a final fiscal year 2019 appropriation from the general fund estimated at not more than \$0: *Provided further*, That to the extent such offsetting collections received in fiscal year 2019 exceed \$8,000,000, those excess amounts shall remain available until expended and be used for necessary expenses in this appropriation.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$41,489,000, to remain available until September 30, 2020.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$34,467,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) \$1,091,947,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2018, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$1,091,947,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, \$8,778,000 shall be paid to the “Office of Inspector General” appropriation to remain available until September 30, 2020, and \$15,496,000 shall be paid

to the “Science and Technology” appropriation to remain available until September 30, 2020.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, \$91,941,000, to remain available until expended, of which \$66,572,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act; \$25,369,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code: *Provided*, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

INLAND OIL SPILL PROGRAMS

For expenses necessary to carry out the Environmental Protection Agency’s responsibilities under the Oil Pollution Act of 1990, \$18,209,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$3,605,041,000, to remain available until expended, of which—

(1) \$1,394,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act; and of which \$864,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act: *Provided*, That for fiscal year 2019, to the extent there are sufficient eligible project applications and projects are consistent with State Intended Use Plans, not less than 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: *Provided further*, That for fiscal year 2019, funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants may, at the discretion of each State, be used for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: *Provided further*, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2019 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were

deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further*, That for fiscal year 2019, notwithstanding the provisions of subsections (g)(1), (h), and (l) of section 201 of the Federal Water Pollution Control Act, grants made under title II of such Act for American Samoa, Guam, the commonwealth of the Northern Marianas, the United States Virgin Islands, and the District of Columbia may also be made for the purpose of providing assistance: (1) solely for facility plans, design activities, or plans, specifications, and estimates for any proposed project for the construction of treatment works; and (2) for the construction, repair, or replacement of privately owned treatment works serving one or more principal residences or small commercial establishments: *Provided further*, That for fiscal year 2019, notwithstanding the provisions of such subsections (g)(1), (h), and (l) of section 201 and section 518(c) of the Federal Water Pollution Control Act, funds reserved by the Administrator for grants under section 518(c) of the Federal Water Pollution Control Act may also be used to provide assistance: (1) solely for facility plans, design activities, or plans, specifications, and estimates for any proposed project for the construction of treatment works; and (2) for the construction, repair, or replacement of privately owned treatment works serving one or more principal residences or small commercial establishments: *Provided further*, That for fiscal year 2019, notwithstanding any provision of the Federal Water Pollution Control Act and regulations issued pursuant thereof, up to a total of \$2,000,000 of the funds reserved by the Administrator for grants under section 518(c) of such Act may also be used for grants for training, technical assistance, and educational programs relating to the operation and management of the treatment works specified in section 518(c) of such Act: *Provided further*, That for fiscal year 2019, funds reserved under section 518(c) of such Act shall be available for grants only to Indian tribes, as defined in section 518(h) of such Act and former Indian reservations in Oklahoma (as determined by the Secretary of the Interior) and Native Villages as defined in Public Law 92-203: *Provided further*, That for fiscal year 2019, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, up to a total of 2 percent of the funds appropriated, or \$30,000,000, whichever is greater, and notwithstanding the limitation on amounts in section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated, or \$20,000,000, whichever is greater, for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: *Provided further*, That for fiscal year 2019, notwithstanding the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.5 percent of the aggregate funds appropriated for the Clean Water State Revolving Fund program under the Act less any sums reserved under section 518(c) of the Act, may be reserved by the Administrator for grants made under title II of the Federal Water Pollution Control Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: *Provided further*, That for

fiscal year 2019, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: *Provided further*, That 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and 20 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be so used by the State only where such funds are provided as initial financing for an eligible recipient or to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after the date of enactment of this Act, or where such debt was incurred prior to the date of enactment of this Act if the State, with concurrence from the Administrator, determines that such funds could be used to help address a threat to public health from heightened exposure to lead in drinking water or if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;

(2) \$15,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission: *Provided*, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure;

(3) \$25,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: *Provided*, That of these funds: (A) the State of Alaska shall provide a match of 25 percent; (B) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (C) the State of Alaska shall make awards consistent with the State-wide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer,

waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities;

(4) \$87,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including grants, interagency agreements, and associated program support costs: *Provided*, That not more than 25 percent of the amount appropriated to carry out section 104(k) of CERCLA shall be used for site characterization, assessment, and remediation of facilities described in section 101(39)(D)(ii)(II) of CERCLA: *Provided further*, That at least 10 percent shall be allocated for assistance in persistent poverty counties: *Provided further*, That for purposes of this section, the term “persistent poverty counties” means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates;

(5) \$87,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005;

(6) \$52,000,000 shall be for targeted airshed grants in accordance with the terms and conditions in the joint explanatory statement accompanying this Act;

(7) \$4,000,000 shall be to carry out the water quality program authorized in section 5004(d) of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322); and

(8) \$1,077,041,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which: \$47,745,000 shall be for carrying out section 128 of CERCLA; \$9,646,000 shall be for Environmental Information Exchange Network grants, including associated program support costs; \$1,498,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, which shall be in addition to funds appropriated under the heading “Leaking Underground Storage Tank Trust Fund Program” to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act; \$17,848,000 of the funds available for grants under section 106 of the Federal Water Pollution Control Act shall be for State participation in national- and State-level statistical surveys of water resources and enhancements to State monitoring programs; \$11,000,000 shall be for multipurpose grants, including interagency agreements.

WATER INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM
ACCOUNT

For the cost of direct loans and for the cost of guaranteed loans, as authorized by the Water Infrastructure Finance and Innovation Act of 2014, \$5,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans, including capitalized interest, and total loan principal, including capitalized interest, any part of which is to be guaranteed, not to exceed \$610,000,000.

In addition, fees authorized to be collected pursuant to sections 5029 and 5030 of the Water Infrastructure Finance and Innovation Act of 2014 shall be deposited in this account, to remain available until expended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, notwithstanding section 5033 of the Water Infrastructure Finance and Innovation Act of 2014, \$5,000,000, to remain available until September 30, 2020.

ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL PROTECTION
AGENCY

(INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

For fiscal year 2019, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member tribes, to assist the Administrator in implementing Federal environmental programs for Indian tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 112–177, the Pesticide Registration Improvement Extension Act of 2012.

Notwithstanding section 33(d)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136w–8(d)(2)), the Administrator of the Environmental Protection Agency may assess fees under section 33 of FIFRA (7 U.S.C. 136w–8) for fiscal year 2019.

The Administrator is authorized to transfer up to \$300,000,000 of the funds appropriated for the Great Lakes Restoration Initiative under the heading “Environmental Programs and Management” to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and

individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

The Science and Technology, Environmental Programs and Management, Office of Inspector General, Hazardous Substance Superfund, and Leaking Underground Storage Tank Trust Fund Program Accounts, are available for the construction, alteration, repair, rehabilitation, and renovation of facilities, provided that the cost does not exceed \$150,000 per project.

For fiscal year 2019, and notwithstanding section 518(f) of the Federal Water Pollution Control Act (33 U.S.C. 1377(f)), the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of the Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act.

The Administrator is authorized to use the amounts appropriated under the heading “Environmental Programs and Management” for fiscal year 2019 to provide grants to implement the Southeastern New England Watershed Restoration Program.

Of the unobligated balances available for the “State and Tribal Assistance Grants” account, \$139,078,000 are hereby permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985 or from amounts that were made available by subsection (a) of section 196 of the Continuing Appropriations Act, 2017 (division C of Public Law 114–223), as amended by the Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114–254).

Notwithstanding the limitations on amounts in section 320(i)(2)(B) of the Federal Water Pollution Control Act, not less than \$1,000,000 of the funds made available under this title for the National Estuary Program shall be for making competitive awards described in section 320(g)(4).

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, \$875,000: *Provided*, That funds made available by this Act to any agency in the Natural Resources and Environment mission area for salaries and expenses are available to fund up to one administrative support staff for the office.

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$300,000,000, to remain available through September 30, 2022: *Provided*, That of the funds provided, \$77,000,000

is for the forest inventory and analysis program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research.

STATE AND PRIVATE FORESTRY

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, and conducting an international program as authorized, \$336,990,000, to remain available through September 30, 2022, as authorized by law; of which \$63,990,000 is to be derived from the Land and Water Conservation Fund to be used for the Forest Legacy Program, to remain available until expended.

Of the unobligated balances from amounts made available for the Forest Legacy Program and derived from the Land and Water Conservation Fund, \$1,503,000 is hereby permanently rescinded from projects with cost savings or failed or partially failed projects that had funds returned: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for hazardous fuels management on or adjacent to such lands, \$1,938,000,000, to remain available through September 30, 2022: *Provided*, That of the funds provided, \$40,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f): *Provided further*, That of the funds provided, \$368,000,000 shall be for forest products: *Provided further*, That of the funds provided, \$435,000,000 shall be for hazardous fuels management activities, of which not to exceed \$15,000,000 may be used to make grants, using any authorities available to the Forest Service under the “State and Private Forestry” appropriation, for the purpose of creating incentives for increased use of biomass from National Forest System lands: *Provided further*, That \$20,000,000 may be used by the Secretary of Agriculture to enter into procurement contracts or cooperative agreements or to issue grants for hazardous fuels management activities, and for training or monitoring associated with such hazardous fuels management activities on Federal land, or on non-Federal land if the Secretary determines such activities benefit resources on Federal land: *Provided further*, That funds made available to implement the Community Forestry Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities made available to the Forest Service under the “State and Private Forestry” appropriations: *Provided further*, That notwithstanding section 33 of the Bankhead

Jones Farm Tenant Act (7 U.S.C. 1012), the Secretary of Agriculture, in calculating a fee for grazing on a National Grassland, may provide a credit of up to 50 percent of the calculated fee to a Grazing Association or direct permittee for a conservation practice approved by the Secretary in advance of the fiscal year in which the cost of the conservation practice is incurred. And, that the amount credited shall remain available to the Grazing Association or the direct permittee, as appropriate, in the fiscal year in which the credit is made and each fiscal year thereafter for use on the project for conservation practices approved by the Secretary.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, \$446,000,000, to remain available through September 30, 2022, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, reconstruction, decommissioning of roads that are no longer needed, including unauthorized roads that are not part of the transportation system, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 2019 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

LAND ACQUISITION

For expenses necessary to carry out the provisions of chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$72,564,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California; and the Ozark-St. Francis and Ouachita National Forests, Arkansas; as authorized by law, \$700,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967 (16 U.S.C. 484a), to remain available through September 30, 2022, (16 U.S.C. 516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and Public Law 78–310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, to remain available through September 30, 2022, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$45,000, to remain available through September 30, 2022, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), \$2,500,000, to remain available through September 30, 2022.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency wildland fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, \$3,004,986,000, to remain available through September 30, 2022: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That any unobligated funds appropriated in a previous fiscal year for hazardous fuels management may be transferred to the “National Forest System” account: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That funds provided shall be available for support to Federal emergency response: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That funds designated for wildfire suppression, shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

ADMINISTRATIVE PROVISIONS—FOREST SERVICE

(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon the Secretary's notification of the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the heading "Wildland Fire Management" will be obligated within 30 days: *Provided*, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Not more than \$50,000,000 of funds appropriated to the Forest Service shall be available for expenditure or transfer to the Department of the Interior for wildland fire management, hazardous fuels management, and State fire assistance when such transfers would facilitate and expedite wildland fire management programs and projects.

Notwithstanding any other provision of this Act, the Forest Service may transfer unobligated balances of discretionary funds appropriated to the Forest Service by this Act to or within the National Forest System Account, or reprogram funds to be used for the purposes of hazardous fuels management and urgent rehabilitation of burned-over National Forest System lands and water, such transferred funds shall remain available through September 30, 2022: *Provided*, That none of the funds transferred pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That this section does not apply to funds derived from the Land and Water Conservation Fund.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities

outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with U.S., private, and international organizations. The Forest Service, acting for the International Program, may sign direct funding agreements with foreign governments and institutions as well as other domestic agencies (including the U.S. Agency for International Development, the Department of State, and the Millennium Challenge Corporation), U.S. private sector firms, institutions and organizations to provide technical assistance and training programs overseas on forestry and rangeland management.

Funds appropriated to the Forest Service shall be available for expenditure or transfer to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands.

16 USC 556i.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–171 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the joint explanatory statement accompanying this Act.

Not more than \$82,000,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than \$14,500,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center and the Department of Agriculture's International Technology Service.

Of the funds available to the Forest Service, up to \$5,000,000 shall be available for priority projects within the scope of the approved budget, which shall be carried out by the Youth Conservation Corps and shall be carried out under the authority of the Public Lands Corps Act of 1993 (16 U.S.C. 1721 et seq.).

Of the funds available to the Forest Service, \$4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to \$3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than \$300,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match funds made available by the Forest Service on at least a one-for-one

basis: *Provided further*, That the Foundation may transfer Federal funds to a Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Pursuant to section 2(b)(2) of Public Law 98–244, up to \$3,000,000 of the funds available to the Forest Service may be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older Americans Act of 1965 (42 U.S.C. 3056(c)(2)).

The Forest Service shall not assess funds for the purpose of performing fire, administrative, and other facilities maintenance and decommissioning.

Notwithstanding any other provision of law, of any appropriations or funds available to the Forest Service, not to exceed \$500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar matters unrelated to civil litigation. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the sums requested for transfer.

An eligible individual who is employed in any project funded under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of this Act, through the Office of Budget and Program Analysis, the Forest Service shall report no later than 30 business days following the close of each fiscal quarter all current and prior year unobligated balances, by fiscal year, budget line item and account, to the House and Senate Committees on Appropriations.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$4,103,190,000, to remain available until September 30, 2020, except as otherwise provided herein, together with payments received during the fiscal year pursuant to sections 231(b) and 233 of the Public Health Service Act (42 U.S.C. 238(b), 238b), for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That \$2,000,000 shall be available for grants or contracts with public or private institutions to provide alcohol or drug treatment services to Indians, including alcohol detoxification services: *Provided further*, That \$964,819,000 for Purchased/Referred Care, including \$53,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: *Provided further*, That of the funds provided, up to \$44,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That of the funds provided, \$36,000,000 shall remain available until expended to supplement funds available for operational costs at tribal clinics operated under an Indian Self-Determination and Education Assistance Act compact or contract where health care is delivered in space acquired through a full service lease, which is not eligible for maintenance and improvement and equipment funds from the Indian Health Service, and \$58,000,000 shall be for costs related to or resulting from accreditation emergencies, of which up to \$4,000,000 may be used to supplement amounts otherwise available for Purchased/Referred Care: *Provided further*, That the amounts collected by the Federal Government as authorized by sections 104 and 108 of the Indian Health Care Improvement Act (25 U.S.C. 1613a and 1616a) during the preceding fiscal year for breach of contracts shall be deposited to the Fund authorized by section 108A of that Act (25 U.S.C. 1616a–1) and shall remain available until expended and, notwithstanding section 108A(c) of that Act (25 U.S.C. 1616a–1(c)), funds shall be available to make new awards under the loan repayment and scholarship programs under sections 104 and 108 of that Act (25 U.S.C. 1613a and 1616a): *Provided further*, That the amounts made available within this account for the Substance Abuse and Suicide Prevention Program, for Opioid Prevention, Treatment and Recovery Services, for the Domestic Violence Prevention Program, for the Zero Suicide Initiative, for the housing subsidy authority for civilian employees, for aftercare pilot programs at Youth Regional Treatment Centers, to improve collections from public and private insurance at Indian

Health Service and tribally operated facilities, and for accreditation emergencies shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: *Provided further*, That funds provided in this Act may be used for annual contracts and grants for which the performance period falls within 2 fiscal years, provided the total obligation is recorded in the year the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: *Provided further*, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service, and from tribes and tribal organizations operating health facilities pursuant to Public Law 93-638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.): *Provided further*, That of the funds provided, \$72,280,000 is for the Indian Health Care Improvement Fund and may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: *Provided further*, That the accreditation emergency funds may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Indian Health Service for fiscal year 2019, such sums as may be necessary: *Provided*, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$878,806,000, to remain available until expended: *Provided*,

That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: *Provided further*, That not to exceed \$500,000 may be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed \$2,700,000 from this account and the “Indian Health Services” account may be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed \$500,000 may be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary of Health and Human Services; uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and

provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process: *Provided further*, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 5321 et seq. (title I), 5381 et seq. (title V)), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended: *Provided further*, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead costs associated with the provision of goods, services, or technical assistance: *Provided further*, That the Indian Health Service may provide to civilian medical personnel serving in hospitals operated by the Indian Health Service housing allowances equivalent to those that would be provided to members of the Commissioned Corps of the United States Public Health Service serving in similar positions at such hospitals: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(a)) and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, \$79,000,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and section 3019 of the Solid Waste Disposal Act, \$74,691,000: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited healthcare providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2019, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF
ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$2,994,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$12,000,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the

5 USC app. 8G
note.

position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

5 USC app. 8G
note.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, \$8,750,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to section 11 of Public Law 93–531 (88 Stat. 1716): *Provided further*, That \$1,000,000 shall be transferred to the Office of the Inspector General of the Department of the Interior, to remain available until expended, for audits and investigations of the Office of Navajo and Hopi Indian Relocation, consistent with the Inspector General Act of 1978 (5 U.S.C. App.).

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by part A of title XV of Public Law 99–498 (20 U.S.C. 4411 et seq.), \$9,960,000, which shall become available on July 1, 2019, and shall remain available until September 30, 2020.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of

information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, \$739,994,000, to remain available until September 30, 2020, except as otherwise provided herein; of which not to exceed \$6,917,000 for the instrumentation program, collections acquisition, exhibition reinstallation, and the repatriation of skeletal remains program shall remain available until expended; and including such funds as may be necessary to support American overseas research centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, \$303,503,000, to remain available until expended, of which not to exceed \$10,000 shall be for services as authorized by 5 U.S.C. 3109.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$144,202,000, to remain available until September 30, 2020, of which not to exceed \$3,640,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, for operating

lease agreements of no more than 10 years, with no extensions or renewals beyond the 10 years, that address space needs created by the ongoing renovations in the Master Facilities Plan, as authorized, \$24,203,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$24,490,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$16,800,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$12,000,000, to remain available until September 30, 2020.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, \$155,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, \$155,000,000 to remain available until expended, of which \$141,750,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and \$13,250,000 shall be available to carry out the matching

grants program pursuant to section 10(a)(2) of the Act, including \$11,250,000 for the purposes of section 7(h): *Provided*, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, devises of money, and other property accepted by the chairman or by grantees of the National Endowment for the Humanities under the provisions of sections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants of up to \$10,000, if in the aggregate the amount of such grants does not exceed 5 percent of the sums appropriated for grantmaking purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses of the Commission of Fine Arts under chapter 91 of title 40, United States Code, \$2,771,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: *Provided further*, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study, or education: *Provided further*, That one-tenth of one percent of the funds provided under this heading may be used for official reception and representation expenses.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), \$2,750,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665), \$6,890,000.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Capital Planning Commission under chapter 87 of title 40, United States Code, including services as authorized by 5 U.S.C. 3109, \$8,099,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), \$59,000,000, of which \$1,715,000 shall remain available until September 30, 2021, for the Museum’s equipment replacement program; and of which \$4,000,000 for the Museum’s repair and rehabilitation program and \$1,264,000 for the Museum’s outreach initiatives program shall remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Dwight D. Eisenhower Memorial Commission, \$1,800,000, to remain available until expended.

WOMEN’S SUFFRAGE CENTENNIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Women’s Suffrage Centennial Commission, as authorized by the Women’s Suffrage Centennial Commission Act (section 431(a)(3) of division G of Public Law 115–31), \$1,000,000, to remain available until expended.

WORLD WAR I CENTENNIAL COMMISSION

SALARIES AND EXPENSES

Notwithstanding section 9 of the World War I Centennial Commission Act, as authorized by the World War I Centennial Commission Act (Public Law 112–272) and the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), for necessary expenses of the World War I Centennial Commission, \$7,000,000, to remain available until expended: *Provided*, That in addition to the authority provided by section 6(g) of such Act, the World War I Commission may accept money, in-kind personnel services, contractual support, or any appropriate support from any executive branch agency for activities of the Commission.

TITLE IV

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

RESTRICTION ON USE OF FUNDS

SEC. 401. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

OBLIGATION OF APPROPRIATIONS

SEC. 402. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 403. The amount and basis of estimated overhead charges, deductions, reserves or holdbacks, including working capital fund and cost pool charges, from programs, projects, activities and subactivities to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional, or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations of the House of Representatives and the Senate. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

MINING APPLICATIONS

SEC. 404. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—Subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims, sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2020, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior

and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Director of the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

CONTRACT SUPPORT COSTS, PRIOR YEAR LIMITATION

SEC. 405. Sections 405 and 406 of division F of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235) shall continue in effect in fiscal year 2019.

CONTRACT SUPPORT COSTS, FISCAL YEAR 2019 LIMITATION

SEC. 406. Amounts provided by this Act for fiscal year 2019 under the headings “Department of Health and Human Services, Indian Health Service, Contract Support Costs” and “Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Contract Support Costs” are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements for fiscal year 2019 with the Bureau of Indian Affairs or the Indian Health Service: *Provided*, That such amounts provided by this Act are not available for payment of claims for contract support costs for prior years, or for repayments of payments for settlements or judgments awarding contract support costs for prior years.

FOREST MANAGEMENT PLANS

SEC. 407. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

16 USC 1604
note.

PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 408. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the

boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

LIMITATION ON TAKINGS

SEC. 409. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

TIMBER SALE REQUIREMENTS

SEC. 410. No timber sale in Alaska's Region 10 shall be advertised if the indicated rate is deficit (defined as the value of the timber is not sufficient to cover all logging and stumpage costs and provide a normal profit and risk allowance under the Forest Service's appraisal process) when appraised using a residual value appraisal. The western red cedar timber from those sales which is surplus to the needs of the domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

PROHIBITION ON NO-BID CONTRACTS

SEC. 411. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41, United States Code, or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless—

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes;

(2) such contract is authorized by the Indian Self-Determination and Education Assistance Act (Public Law 93–638, 25 U.S.C. 450 et seq.) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of enactment of this Act.

POSTING OF REPORTS

SEC. 412. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public

website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES

SEC. 413. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs or projects.

NATIONAL ENDOWMENT FOR THE ARTS PROGRAM PRIORITIES

SEC. 414. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term “underserved population” means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

STATUS OF BALANCES OF APPROPRIATIONS

SEC. 415. The Department of the Interior, the Environmental Protection Agency, the Forest Service, and the Indian Health Service shall provide the Committees on Appropriations of the House of Representatives and Senate quarterly reports on the status of balances of appropriations including all uncommitted, committed, and unobligated funds in each program and activity.

PROHIBITION ON USE OF FUNDS

SEC. 416. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 417. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

FUNDING PROHIBITION

SEC. 418. None of the funds made available by this or any other Act may be used to regulate the lead content of ammunition, ammunition components, or fishing tackle under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or any other law.

CONTRACTING AUTHORITIES

125 Stat. 1042.

SEC. 419. Section 412 of Division E of Public Law 112–74 is amended by striking “fiscal year 2019” and inserting “fiscal year 2020”.

EXTENSION OF GRAZING PERMITS

SEC. 420. The terms and conditions of section 325 of Public Law 108-108 (117 Stat. 1307), regarding grazing permits issued by the Forest Service on any lands not subject to administration under section 402 of the Federal Lands Policy and Management Act (43 U.S.C. 1752), shall remain in effect for fiscal year 2019.

FUNDING PROHIBITION

SEC. 421. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

FOREST SERVICE FACILITY REALIGNMENT AND ENHANCEMENT ACT

SEC. 422. Section 503(f) of the Forest Service Facility Realignment and Enhancement Act of 2005 (16 U.S.C. 580d note; Public Law 109-54) is amended by striking “2018” and inserting “2019”.

USE OF AMERICAN IRON AND STEEL

SEC. 423. (a)(1) None of the funds made available by a State water pollution control revolving fund as authorized by section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) shall be used for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used in the project are produced in the United States.

(2) In this section, the term “iron and steel” products means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(b) Subsection (a) shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency (in this section referred to as the “Administrator”) finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the Administrator receives a request for a waiver under this section, the Administrator shall make available to the public on an informal basis a copy of the request and information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall

make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Environmental Protection Agency.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

(e) The Administrator may retain up to 0.25 percent of the funds appropriated in this Act for the Clean and Drinking Water State Revolving Funds for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

MIDWAY ISLAND

SEC. 424. None of the funds made available by this Act may be used to destroy any buildings or structures on Midway Island that have been recommended by the United States Navy for inclusion in the National Register of Historic Places (54 U.S.C. 302101).

JOHN F. KENNEDY CENTER REAUTHORIZATION

SEC. 425. Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended by striking subsections (a) and (b) and inserting the following:

“(a) MAINTENANCE, REPAIR, AND SECURITY.—There is authorized to be appropriated to the Board to carry out section 4(a)(1)(H), \$24,490,000 for fiscal year 2019.

“(b) CAPITAL PROJECTS.—There is authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1), \$16,800,000 for fiscal year 2019.”.

LOCAL COOPERATOR TRAINING AGREEMENTS AND TRANSFERS OF EXCESS EQUIPMENT AND SUPPLIES FOR WILDFIRES

SEC. 426. The Secretary of the Interior is authorized to enter into grants and cooperative agreements with volunteer fire departments, rural fire departments, rangeland fire protection associations, and similar organizations to provide for wildland fire training and equipment, including supplies and communication devices. Notwithstanding 121(c) of title 40, United States Code, or section 521 of title 40, United States Code, the Secretary is further authorized to transfer title to excess Department of the Interior firefighting equipment no longer needed to carry out the functions of the Department’s wildland fire management program to such organizations.

RECREATION FEES

16 USC 6809
note.

SEC. 427. Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809) shall be applied by substituting “October 1, 2020” for “September 30, 2019”.

POLICIES RELATING TO BIOMASS ENERGY

SEC. 428. To support the key role that forests in the United States can play in addressing the energy needs of the United States, the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency shall, consistent with their missions, jointly—

(1) ensure that Federal policy relating to forest bioenergy—

(A) is consistent across all Federal departments and agencies; and

(B) recognizes the full benefits of the use of forest biomass for energy, conservation, and responsible forest management; and

(2) establish clear and simple policies for the use of forest biomass as an energy solution, including policies that—

(A) reflect the carbon-neutrality of forest bioenergy and recognize biomass as a renewable energy source, provided the use of forest biomass for energy production does not cause conversion of forests to non-forest use;

(B) encourage private investment throughout the forest biomass supply chain, including in—

(i) working forests;

(ii) harvesting operations;

(iii) forest improvement operations;

(iv) forest bioenergy production;

(v) wood products manufacturing; or

(vi) paper manufacturing;

(C) encourage forest management to improve forest health; and

(D) recognize State initiatives to produce and use forest biomass.

INFRASTRUCTURE

SEC. 429. (a) For an additional amount for “Environmental Protection Agency—Hazardous Substance Superfund”, \$68,000,000, of which \$60,000,000 shall be for the Superfund Remedial program and \$8,000,000 shall be for the Superfund Emergency Response and Removal program, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2018, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$68,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA.

(b) For an additional amount for “Environmental Protection Agency—State and Tribal Assistance Grants,” for environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$665,000,000 to remain available until expended, of which—

(1) \$300,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act; and of which \$300,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act;

(2) \$25,000,000 shall be for grants for small and disadvantaged communities authorized in section 2104 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322);

(3) \$25,000,000 shall be for grants for lead testing in school and child care program drinking water authorized in section 2107 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322);

(4) \$15,000,000 shall be for grants for reducing lead in drinking water authorized in section 2105 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322).

(c) For an additional amount for “Environmental Protection Agency—Water Infrastructure Finance and Innovation Program Account”, \$58,000,000, to remain available until expended, for the cost of direct loans, for the cost of guaranteed loans, and for administrative expenses to carry out the direct and guaranteed loan programs, of which \$3,000,000, to remain available until September 30, 2020, may be used for such administrative expenses: *Provided*, That these additional funds are available to subsidize gross obligations for the principal amount of direct loans, including capitalized interest, and total loan principal, including capitalized interest, any part of which is to be guaranteed, not to exceed \$6,700,000,000.

SMALL REMOTE INCINERATORS

SEC. 430. None of the funds made available in this Act may be used to implement or enforce the regulation issued on March 21, 2011 at 40 CFR part 60 subparts CCCC and DDDD with respect to units in the State of Alaska that are defined as “small, remote incinerator” units in those regulations and, until a subsequent regulation is issued, the Administrator shall implement the law and regulations in effect prior to such date.

CLARIFICATION OF EXEMPTIONS

SEC. 431. None of the funds made available in this Act may be used to require a permit for the discharge of dredged or fill material under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) for the activities identified in subparagraphs (A) and (C) of section 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

This division may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2019”.

**DIVISION F—DEPARTMENT OF STATE,
FOREIGN OPERATIONS, AND RE-
LATED PROGRAMS APPROPRIATIONS
ACT, 2019**

Department of
State, Foreign
Operations, and
Related
Programs
Appropriations
Act, 2019.

**TITLE I
DEPARTMENT OF STATE AND RELATED
AGENCY**

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, \$5,947,952,000, of which up to \$671,726,000 may remain available until September 30, 2020, and of which up to \$1,469,777,000 may remain available until expended for Worldwide Security Protection: *Provided*, That funds made available under this heading shall be allocated in accordance with paragraphs (1) through (4) as follows:

(1) **HUMAN RESOURCES.**—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed \$700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, \$2,871,794,000, of which up to \$528,000,000 is for Worldwide Security Protection.

(2) **OVERSEAS PROGRAMS.**—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, \$1,338,227,000.

(3) **DIPLOMATIC POLICY AND SUPPORT.**—For necessary expenses for the functional bureaus of the Department of State, including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, \$773,847,000.

(4) **SECURITY PROGRAMS.**—For necessary expenses for security activities, \$964,084,000, of which up to \$941,777,000 is for Worldwide Security Protection.

(5) **FEES AND PAYMENTS COLLECTED.**—In addition to amounts otherwise made available under this heading—

(A) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(B) not to exceed \$15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

(6) TRANSFER OF FUNDS, REPROGRAMMING, AND OTHER MATTERS.—

(A) Notwithstanding any other provision of this Act, funds may be reprogrammed within and between paragraphs (1) through (4) under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed \$10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading “Emergencies in the Diplomatic and Consular Service”, to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to section 1108(g) of title 31, United States Code, for the field examination of programs and activities in the United States funded from any account contained in this title.

(D) Funds appropriated under this heading that are designated for Worldwide Security Protection shall continue to be made available for support of security-related training at sites in existence prior to the enactment of this Act.

(7) CLARIFICATION.—References to the “Diplomatic and Consular Programs” account in any provision of law shall be construed to include the “Diplomatic Programs” account in this Act and other Acts making appropriations for the Department of State, foreign operations, and related programs.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, as authorized, \$92,770,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$90,829,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3929(a)(1)), as it relates to post inspections: *Provided*, That of the funds appropriated under this heading, \$13,624,000 may remain available until September 30, 2020.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, \$700,946,000, to remain available until expended, of which not less than \$271,500,000 shall be for the Fulbright Program and not less than \$111,860,000 shall be for Citizen Exchange Program: *Provided*, That fees or other payments received from, or in connection with, English teaching, educational advising and counseling programs, and exchange visitor programs as authorized may be credited to this account, to remain available until expended: *Provided further*, That a portion of the Fulbright awards from the Eurasia and Central Asia regions shall be designated as Edmund S. Muskie Fellowships, following consultation with the

Committees on Appropriations: *Provided further*, That any substantive modifications from the prior fiscal year to programs funded by this Act under this heading shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

REPRESENTATION EXPENSES

For representation expenses as authorized, \$8,030,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$30,890,000, to remain available until September 30, 2020.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292 et seq.), preserving, maintaining, repairing, and planning for real property that are owned or leased by the Department of State, and renovating, in addition to funds otherwise available, the Harry S Truman Building, \$777,200,000, to remain available until September 30, 2023, of which not to exceed \$25,000 may be used for overseas representation expenses as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies of the United States Government.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, \$1,198,249,000, to remain available until expended: *Provided*, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations the proposed allocation of funds made available under this heading and the actual and anticipated proceeds of sales or gifts for all projects in fiscal year 2019.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, as authorized, \$7,885,000, to remain available until expended, of which not to exceed \$1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading “Repatriation Loans Program Account”: *Provided*, That \$800,000 of the funds appropriated under this heading may not be obligated until the Secretary of State testifies before the Committees on Appropriations concerning the fiscal year 2020 budget request for the Department of State: *Provided further*, That the limitation of the previous proviso shall not apply if such funds are necessary for emergency evacuations and the payment of rewards for information related to international terrorism, narcotics related activities, transnational organized crime, and war crimes as authorized by section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708).

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$1,300,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$5,686,032.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), \$31,963,000.

INTERNATIONAL CENTER, WASHINGTON, DISTRICT OF COLUMBIA

Not to exceed \$1,806,600 shall be derived from fees collected from other executive agencies for lease or use of facilities at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), and, in addition, as authorized by section 5 of such Act, \$743,000, to be derived from the reserve authorized by such section, to be used for the purposes set out in that section.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, \$158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

22 USC 269a
note.

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions, or specific Acts of Congress, \$1,264,030,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further*, That not later than May 1, 2019, and 30 days after the end of fiscal year 2019, the Secretary of State shall report to the Committees on Appropriations any credits attributable to the United States, including from the United Nations Tax Equalization Fund, and provide updated fiscal year 2019 and fiscal year 2020 assessment costs including offsets from available credits and updated foreign currency exchange rates: *Provided further*, That any such credits shall only be available for United States assessed contributions to the United Nations regular budget, and the Committees on Appropriations shall be

notified when such credits are applied to any assessed contribution, including any payment of arrearages: *Provided further*, That any notification regarding funds appropriated or otherwise made available under this heading in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs submitted pursuant to section 7015 of this Act, section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706), or any operating plan submitted pursuant to section 7070 of this Act, shall include an estimate of all known credits currently attributable to the United States and provide updated assessment costs including offsets from available credits and updated foreign currency exchange rates: *Provided further*, That any payment of arrearages under this heading shall be directed to activities that are mutually agreed upon by the United States and the respective international organization and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$562,344,000, of which 15 percent shall remain available until September 30, 2020: *Provided*, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for such mission in the United Nations Security Council (or in an emergency as far in advance as is practicable), the Committees on Appropriations are notified of: (1) the estimated cost and duration of the mission, the objectives of the mission, the national interest that will be served, and the exit strategy; and (2) the sources of funds, including any reprogrammings or transfers, that will be used to pay the cost of the new or expanded mission, and the estimated cost in future fiscal years: *Provided further*, That none of the funds appropriated under this heading may be made available for obligation unless the Secretary of State certifies and reports to the Committees on Appropriations on a peacekeeping mission-by-mission basis that the United Nations is implementing effective policies and procedures to prevent United Nations employees, contractor personnel, and peacekeeping troops serving in such mission from trafficking in persons, exploiting victims of trafficking, or committing acts of sexual exploitation and abuse or other violations of human rights, and to hold accountable individuals who engage in such acts while participating in such mission, including prosecution in their home countries and making information about such prosecutions publicly available on the website of the United Nations: *Provided further*, That the Secretary of State shall work with the United Nations and foreign governments contributing peacekeeping troops to implement effective vetting procedures to ensure that such troops have not violated human

rights: *Provided further*, That funds shall be available for peacekeeping expenses unless the Secretary of State determines that United States manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds appropriated or otherwise made available under this heading may be used for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national, unless the President's military advisors have submitted to the President a recommendation that such involvement is in the national interest of the United States and the President has submitted to Congress such a recommendation: *Provided further*, That not later than May 1, 2019, and 30 days after the end of fiscal year 2019, the Secretary of State shall report to the Committees on Appropriations any credits attributable to the United States, including those resulting from United Nations peacekeeping missions or the United Nations Tax Equalization Fund, and provide updated fiscal year 2019 and fiscal year 2020 assessment costs including offsets from available credits: *Provided further*, That any such credits shall only be available for United States assessed contributions to United Nations peacekeeping missions, and the Committees on Appropriations shall be notified when such credits are applied to any assessed contribution, including any payment of arrearages: *Provided further*, That any notification regarding funds appropriated or otherwise made available under this heading in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs submitted pursuant to section 7015 of this Act, section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706), or any operating plan submitted pursuant to section 7070 of this Act, shall include an estimate of all known credits currently attributable to the United States and provide updated assessment costs, including offsets from available credits: *Provided further*, That any payment of arrearages with funds appropriated by this Act shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall work with the United Nations and members of the United Nations Security Council to evaluate and prioritize peacekeeping missions, and to consider a draw down when mission goals have been substantially achieved.

INTERNATIONAL COMMISSIONS

22 USC 269a
note.

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation expenses; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$48,134,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$29,400,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by the North American Free Trade Agreement Implementation Act (Public Law 103-182), \$13,258,000: *Provided*, That of the amount provided under this heading for the International Joint Commission, up to \$500,000 may remain available until September 30, 2020, and \$9,000 may be made available for representation expenses: *Provided further*, That of the amount provided under this heading for the International Boundary Commission, \$1,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$50,651,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to section 3324 of title 31, United States Code.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors (BBG), as authorized, to carry out international communication activities, and to make and supervise grants for radio, Internet, and television broadcasting to the Middle East, \$798,196,000: *Provided*, That in addition to amounts otherwise available for such purposes, up to \$34,508,000 of the amount appropriated under this heading may remain available until expended for satellite transmissions and Internet freedom programs, of which not less than \$13,800,000 shall be for Internet freedom programs: *Provided further*, That of the total amount appropriated under this heading, not to exceed \$35,000 may be used for representation expenses, of which \$10,000 may be used for such expenses within the United States as authorized, and not to exceed \$30,000 may be used for representation expenses of Radio Free Europe/Radio Liberty: *Provided further*, That the BBG shall notify the Committees on Appropriations within 15 days of any determination by the BBG that any of its broadcast entities, including its grantee

organizations, provides an open platform for international terrorists or those who support international terrorism, or is in violation of the principles and standards set forth in subsections (a) and (b) of section 303 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202) or the entity's journalistic code of ethics: *Provided further*, That significant modifications to BBG broadcast hours previously justified to Congress, including changes to transmission platforms (shortwave, medium wave, satellite, Internet, and television), for all BBG language services shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to \$5,000,000 in receipts from advertising and revenue from business ventures, up to \$500,000 in receipts from cooperating international organizations, and up to \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, shall remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, repair, preservation, and improvement of facilities for radio, television, and digital transmission and reception; the purchase, rent, and installation of necessary equipment for radio, television, and digital transmission and reception, including to Cuba, as authorized; and physical security worldwide, in addition to amounts otherwise available for such purposes, \$9,700,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), \$17,000,000, to remain available until expended: *Provided*, That funds appropriated under this heading shall be apportioned and obligated to the Foundation not later than 60 days after enactment of this Act.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act (22 U.S.C. 4601 et seq.), \$38,634,000, to remain available until September 30, 2020, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, as authorized by section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (22 U.S.C. 2078), the total amount of the interest and earnings accruing to such Fund on or before September 30, 2019, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2019, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by section 5376 of title 5, United States Code; or for purposes which are not in accordance with section 200 of title 2 of the Code of Federal Regulations, including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2019, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$16,700,000: *Provided*, That funds appropriated under this heading shall be apportioned and obligated to the Center not later than 60 days after enactment of this Act.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act (22 U.S.C. 4412), \$180,000,000, to remain available until expended, of which \$117,500,000 shall be allocated in the traditional and customary manner, including for the core institutes, and \$62,500,000 shall be for democracy programs: *Provided*, That the requirements of section 7070(a) of this Act shall not apply to funds made available under this heading: *Provided further*, That funds appropriated under this heading shall be apportioned and obligated to the Endowment not later than 60 days after enactment of this Act.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE
ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, \$675,000, as authorized by chapter 3123 of title 54, United States Code: *Provided*, That the Commission

may procure temporary, intermittent, and other services notwithstanding paragraph (3) of section 312304(b) of such chapter: *Provided further*, That such authority shall terminate on October 1, 2019: *Provided further*, That the Commission shall notify the Committees on Appropriations prior to exercising such authority.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS
FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom (USCIRF), as authorized by title II of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 et seq.), \$4,500,000, to remain available until September 30, 2020, including not more than \$4,000 for representation expenses: *Provided*, That prior to the obligation of \$1,000,000 of the funds appropriated under this heading, the Commission shall consult with the appropriate congressional committees on the steps taken to implement the recommendations of the Independent Review of USCIRF Mission Effectiveness that was conducted pursuant to the United States Commission on International Religious Freedom Reauthorization Act of 2015 (Public Law 114–71), and such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304 (22 U.S.C. 3001 et seq.), \$2,579,000, including not more than \$4,000 for representation expenses, to remain available until September 30, 2020.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE’S
REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People’s Republic of China, as authorized by title III of the U.S.-China Relations Act of 2000 (22 U.S.C. 6911 et seq.), \$2,000,000, including not more than \$3,000 for representation expenses, to remain available until September 30, 2020.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW
COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, as authorized by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), \$3,500,000, including not more than \$4,000 for representation expenses, to remain available until September 30, 2020: *Provided*, That the authorities, requirements,

limitations, and conditions contained in the second through sixth provisos under this heading in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall continue in effect during fiscal year 2019 and shall apply to funds appropriated under this heading as if included in this Act.

WESTERN HEMISPHERE DRUG POLICY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Western Hemisphere Drug Policy Commission, as authorized by title VI of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323), \$1,500,000 to remain available until September 30, 2020.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$1,214,808,000, of which up to \$182,221,000 may remain available until September 30, 2020: *Provided*, That none of the funds appropriated under this heading and under the heading “Capital Investment Fund” in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development, unless the USAID Administrator has identified such proposed use of funds in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to “Operating Expenses” in accordance with the provisions of those sections: *Provided further*, That of the funds appropriated or made available under this heading, not to exceed \$250,000 may be available for representation and entertainment expenses, of which not to exceed \$5,000 may be available for entertainment expenses, and not to exceed \$100,500 shall be for official residence expenses, for USAID during the current fiscal year.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section

667 of the Foreign Assistance Act of 1961, \$225,000,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available subject to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$76,600,000, of which up to \$11,490,000 may remain available until September 30, 2020, for the Office of Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, as follows:

GLOBAL HEALTH PROGRAMS

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, \$3,117,450,000, to remain available until September 30, 2020, and which shall be apportioned directly to the United States Agency for International Development: *Provided*, That this amount shall be made available for training, equipment, and technical assistance to build the capacity of public health institutions and organizations in developing countries, and for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; (6) disaster preparedness training for health crises; (7) programs to prevent, prepare for, and respond to, unanticipated and emerging global health threats; and (8) family planning/reproductive health: *Provided further*, That funds appropriated under this paragraph may be made available for a United States contribution to the GAVI Alliance: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion

or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be made not later than 6 months after the date of enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the USAID Administrator determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term "motivate", as it relates

to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, \$5,720,000,000, to remain available until September 30, 2023, which shall be apportioned directly to the Department of State: *Provided*, That funds appropriated under this paragraph may be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That the amount of such contribution should be \$1,350,000,000: *Provided further*, That clauses (i) and (vi) of section 202(d)(4)(A) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622) shall be applied with respect to such funds made available for fiscal years 2015 through 2019 by substituting “2004” for “2009”: *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2019 may be made available to USAID for technical assistance related to the activities of the Global Fund, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this paragraph, up to \$17,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, 214, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, \$3,000,000,000, to remain available until September 30, 2020.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, \$3,801,034,000, to remain available until expended: *Provided*, That such funds shall be apportioned to the United States Agency for International Development not later than 60 days after enactment of this Act.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance administered by the Office of Transition Initiatives, United States Agency for International Development, pursuant to section 491 of the Foreign Assistance Act of 1961, \$30,000,000, to remain available until expended, to support

transition to democracy and long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the USAID Administrator shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: *Provided further*, That if the Secretary of State determines that it is important to the national interest of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to \$15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to support programs and activities administered by the United States Agency for International Development to prevent or respond to emerging or unforeseen foreign challenges and complex crises overseas, \$30,000,000, to remain available until expended: *Provided*, That funds appropriated under this heading may be made available on such terms and conditions as are appropriate and necessary for the purposes of preventing or responding to such challenges and crises, except that no funds shall be made available for lethal assistance or to respond to natural disasters: *Provided further*, That funds appropriated under this heading may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act and section 620M of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated under this heading may be used for administrative expenses, in addition to funds otherwise available for such purposes, except that such expenses may not exceed 5 percent of the funds appropriated under this heading: *Provided further*, That funds appropriated under this heading shall be apportioned to USAID not later than 60 days after enactment of this Act: *Provided further*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be transmitted at least 5 days prior to the obligation of funds.

DEVELOPMENT CREDIT AUTHORITY

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to \$55,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading “Assistance for Europe, Eurasia and Central Asia”: *Provided*, That funds provided under this paragraph and funds provided as a gift that are used for purposes of this paragraph pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro- and small enterprise programs, urban programs, and other programs which further the

purposes of part I of such Act: *Provided further*, That funds provided as a gift that are used for purposes of this paragraph shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, and funds used for such cost, including if the cost results in a negative subsidy, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading, except that the principal amount of loans made or guaranteed under this heading with respect to any single country shall not exceed \$300,000,000: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to \$1,750,000,000.

In addition, for administrative expenses to carry out credit programs administered by USAID, \$10,000,000, which may be transferred to, and merged with, funds made available under the heading “Operating Expenses” in title II of this Act: *Provided*, That funds made available under this heading shall remain available until September 30, 2021: *Provided further*, That of the funds appropriated under this paragraph in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs for administrative expenses to carry out credit programs administered by USAID, up to \$1,000,000 may be made available for limited transition costs associated with the implementation of section 1463 of the Better Utilization of Investments Leading to Development (BUILD) Act of 2018 (division F of Public Law 115–254): *Provided further*, That prior to the initial obligation of funds made available for such transition costs, the USAID Administrator shall submit a spend plan to the Committees on Appropriations for the use of such funds: *Provided further*, That funds made available for such transition costs shall be subject to the regular notification procedures of the Committees on Appropriations, and may not be made available until the reorganization plan required by section 1462(a) of the BUILD Act of 2018 is transmitted to Congress.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$2,545,525,000, to remain available until September 30, 2020.

DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, including to carry out the purposes of section 502(b)(3) and (5)

of Public Law 98–164 (22 U.S.C. 4411), \$157,700,000, to remain available until September 30, 2020, which shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State: *Provided*, That funds appropriated under this heading that are made available to the National Endowment for Democracy and its core institutes are in addition to amounts otherwise available by this Act for such purposes: *Provided further*, That the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, shall consult with the Committees on Appropriations prior to the obligation of funds appropriated under this paragraph.

For an additional amount for such purposes, \$69,500,000, to remain available until September 30, 2020, which shall be made available for the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act (Public Law 102–511), and the Support for Eastern European Democracy (SEED) Act of 1989 (Public Law 101–179), \$760,334,000, to remain available until September 30, 2020, which shall be available, notwithstanding any other provision of law, except section 7047 of this Act, for assistance and related programs for countries identified in section 3 of Public Law 102–511 (22 U.S.C. 5801) and section 3(c) of Public Law 101–179 (22 U.S.C. 5402), in addition to funds otherwise available for such purposes: *Provided*, That funds appropriated by this Act under the headings “Global Health Programs”, “Economic Support Fund”, and “International Narcotics Control and Law Enforcement” that are made available for assistance for such countries shall be administered in accordance with the responsibilities of the coordinator designated pursuant to section 102 of Public Law 102–511 and section 601 of Public Law 101–179: *Provided further*, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: *Provided further*, That any notification of funds made available under this heading in this Act or prior Acts making appropriations for the Department of State, foreign operations and related programs shall include information (if known on the date of transmittal of such notification) on the use of notwithstanding authority: *Provided further*, That if subsequent to the notification of assistance it becomes necessary to rely on notwithstanding authority, the Committees on Appropriations should be informed at the earliest opportunity and to the extent practicable.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses not otherwise provided for, to enable the Secretary of State to carry out the provisions of section 2(a) and (b) of the Migration and Refugee Assistance Act of 1962, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921

through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$2,027,876,000, to remain available until expended, of which not less than \$35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements, and \$5,000,000 shall be made available for refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE
FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), \$1,000,000, to remain available until expended: *Provided*, That amounts in excess of the limitation contained in paragraph (2) of such section shall be transferred to, and merged with, funds made available by this Act under the heading “Migration and Refugee Assistance”.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501 et seq.), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, \$410,500,000, of which \$6,000,000 is for the Office of Inspector General, to remain available until September 30, 2020: *Provided*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by section 16 of the Peace Corps Act (22 U.S.C. 2515), an amount not to exceed \$5,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: *Provided further*, That of the funds appropriated under this heading, not to exceed \$104,000 may be available for representation expenses, of which not to exceed \$4,000 may be made available for entertainment expenses: *Provided further*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That notwithstanding the previous proviso, section 614 of division E of Public Law 113–76 shall apply to funds appropriated under this heading.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.) (MCA), \$905,000,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to \$105,000,000 may be available for administrative expenses of the Millennium Challenge Corporation: *Provided further*, That section 605(e) of the MCA shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the MCA only if such Compact

obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further*, That no country should be eligible for a threshold program after such country has completed a country compact: *Provided further*, That any funds that are deobligated from a Millennium Challenge Compact shall be subject to the regular notification procedures of the Committees on Appropriations prior to re-obligation: *Provided further*, That of the funds appropriated under this heading, not to exceed \$100,000 may be available for representation and entertainment expenses, of which not to exceed \$5,000 may be available for entertainment expenses.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, \$22,500,000, to remain available until September 30, 2020: *Provided*, That of the funds appropriated under this heading, not to exceed \$2,000 may be available for representation expenses.

UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the African Development Foundation Act (title V of Public Law 96–533; 22 U.S.C. 290h et seq.), \$30,000,000, to remain available until September 30, 2020, of which not to exceed \$2,000 may be available for representation expenses: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the United States African Development Foundation (USADF): *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act (22 U.S.C. 290h–3(a)(2)), in exceptional circumstances the Board of Directors of the USADF may waive the \$250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to 10 percent if the increase is due solely to foreign currency fluctuation: *Provided further*, That the USADF shall submit a report to the appropriate congressional committees after each time such waiver authority is exercised: *Provided further*, That the USADF may make rent or lease payments in advance from appropriations available for such purpose for offices, buildings, grounds, and quarters in Africa as may be necessary to carry out its functions: *Provided further*, That the USADF may maintain bank accounts outside the United States Treasury and retain any interest earned on such accounts, in furtherance of the purposes of the African Development Foundation Act: *Provided further*, That the USADF may not withdraw any appropriation from the Treasury prior to the need of spending such funds for program purposes.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, \$30,000,000, to remain available until expended, of which not more than \$6,000,000 may be used for administrative expenses: *Provided*, That amounts made available under this heading may be made available to contract for services as described in section 129(d)(3)(A) of the Foreign Assistance Act of 1961, without regard to the location in which such services are performed.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$1,497,469,000, to remain available until September 30, 2020: *Provided*, That the Department of State may use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing such property to a foreign country or international organization under chapter 8 of part I of such Act, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading, except that any funds made available notwithstanding such section shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading shall be made available to support training and technical assistance for foreign law enforcement, corrections, judges, and other judicial authorities, utilizing regional partners: *Provided further*, That funds made available under this heading that are transferred to another department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of \$5,000,000, and any agreement made pursuant to section 632(a) of such Act, shall be subject to the regular notification procedures of the Committees on Appropriations.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED
PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, \$864,550,000, to remain available until September 30, 2020, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support

Act, section 23 of the Arms Export Control Act, or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, and for a voluntary contribution to the International Atomic Energy Agency (IAEA): *Provided*, That funds made available under this heading for the Nonproliferation and Disarmament Fund shall be made available, notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, to promote bilateral and multilateral activities relating to nonproliferation, disarmament, and weapons destruction, and shall remain available until expended: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: *Provided further*, That funds made available for conventional weapons destruction programs, including demining and related activities, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of such programs and activities, subject to the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, \$163,457,000: *Provided*, That funds appropriated under this heading may be used, notwithstanding section 660 of such Act, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: *Provided further*, That of the funds appropriated under this heading, not less than \$31,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai and not less than \$71,000,000 shall be made available for the Global Peace Operations Initiative: *Provided further*, That none of the funds appropriated under this heading shall be obligated except as provided through the regular notification procedures of the Committees on Appropriations.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$110,778,000, of which up to \$11,000,000 may remain available until September 30, 2020: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation

would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That of the funds appropriated under this heading, not to exceed \$50,000 may be available for entertainment expenses.

FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$5,962,241,000: *Provided*, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: *Provided further*, That of the funds appropriated under this heading, not less than \$3,300,000,000 shall be available for grants only for Israel which shall be disbursed within 30 days of enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than \$815,300,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That funds appropriated or otherwise made available under this heading shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of section 1501(a) of title 31, United States Code.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurement has first signed an agreement with the United States Government specifying the conditions under which such procurement may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the “Foreign Military Sales Financing Program” in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than \$75,000,000 of the funds appropriated under this

heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds made available under this heading for general costs of administering military assistance and sales, not to exceed \$4,000 may be available for entertainment expenses and not to exceed \$130,000 may be available for representation expenses: *Provided further*, That not more than \$1,009,700,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2019 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, \$339,000,000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility by the Secretary of the Treasury, \$139,575,000, to remain available until, and to be fully disbursed no later than, September 30, 2020: *Provided*, That of such amount, \$136,563,000, which shall remain available until September 30, 2019, is only available for the first installment of the seventh replenishment of the Global Environment Facility, and shall be obligated and disbursed not later than 90 days after enactment of this Act: *Provided further*, That the Secretary shall report to the Committees on Appropriations on the status of funds provided under this heading not less than quarterly until fully disbursed: *Provided further*, That in such report the Secretary shall provide a timeline for the obligation and disbursement of any funds that have not yet been obligated or disbursed.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$1,097,010,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For payment to the Asian Development Bank's Asian Development Fund by the Secretary of the Treasury, \$47,395,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, \$32,417,159, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$507,860,806.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, \$171,300,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, \$30,000,000, to remain available until, and to be fully disbursed no later than, September 30, 2020, for the first installment of the eleventh replenishment of the International Fund for Agricultural Development: *Provided*, That the Secretary of the Treasury shall report to the Committees on Appropriations on the status of such payment not less than quarterly until fully disbursed: *Provided further*, That in such report the Secretary shall provide a timeline for the obligation and disbursement of any funds that have not yet been obligated or disbursed.

TITLE VI**EXPORT AND INVESTMENT ASSISTANCE**

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$5,700,000, of which up to \$855,000 may remain available until September 30, 2020.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with

law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of enactment of this Act.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed \$30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed \$110,000,000, of which up to \$16,500,000 may remain available until September 30, 2020: *Provided*, That the Export-Import Bank (the Bank) may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That the Bank shall charge fees for necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Bank, repossession or sale of pledged collateral or other assets acquired by the Bank in satisfaction of moneys owed the Bank, or the investigation or appraisal of any property, or the evaluation of the legal, financial, or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, or systems infrastructure directly supporting transactions: *Provided further*, That in addition to other funds appropriated for administrative expenses, such fees shall be credited to this account for such purposes, to remain available until expended.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945 (Public Law 79–173) and the Federal Credit Reform Act of 1990, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at \$0.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, such expenditures

and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$79,200,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading: *Provided further*, That of the funds appropriated under this heading in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, up to \$5,000,000 may be made available for limited transition costs associated with the implementation of section 1463 of the Better Utilization of Investments Leading to Development (BUILD) Act of 2018 (division F of Public Law 115–254): *Provided further*, That prior to the initial obligation of funds made available for such transition costs, the President of the Overseas Private Investment Corporation shall submit a spend plan to the Committees on Appropriations for the use of such funds: *Provided further*, That funds made available for such transition costs shall be subject to the regular notification procedures of the Committees on Appropriations, and may not be made available until the reorganization plan required by section 1462(a) of the BUILD Act of 2018 is transmitted to Congress.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans as authorized by section 234 of the Foreign Assistance Act of 1961, \$20,000,000, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account, to remain available until September 30, 2021: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds so obligated in fiscal year 2019 remain available for disbursement through 2027; funds obligated in fiscal year 2020 remain available for disbursement through 2028; and funds obligated in fiscal year 2021 remain available for disbursement through 2029: *Provided further*, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 in Iraq: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$79,500,000, to remain available until September 30, 2020, of which no more than

\$19,000,000 may be used for administrative expenses: *Provided*, That of the funds appropriated under this heading, not more than \$5,000 may be available for representation and entertainment expenses.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by section 3109 of such title and for hire of passenger transportation pursuant to section 1343(b) of title 31, United States Code.

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all funds received by such department or agency in fiscal year 2019 or any previous fiscal year, disaggregated by fiscal year: *Provided*, That the report required by this section shall be submitted not later than 30 days after the end of each fiscal quarter and should specify by account the amount of funds obligated pursuant to bilateral agreements which have not been further sub-obligated.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

DIPLOMATIC FACILITIES

SEC. 7004. (a) CAPITAL SECURITY COST SHARING INFORMATION.—The Secretary of State shall promptly inform the Committees on Appropriations of each instance in which a Federal department or agency is delinquent in providing the full amount of funding required by section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note).

(b) EXCEPTION.—Notwithstanding paragraph (2) of section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act), as amended by section 111 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323), a project to construct a facility of the United States

may include office space or other accommodations for members of the United States Marine Corps.

(c) NEW DIPLOMATIC FACILITIES.—For the purposes of calculating the fiscal year 2019 costs of providing new United States diplomatic facilities in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares in a manner that is proportional to the contribution of the Department of State for this purpose.

(d) CONSULTATION AND NOTIFICATION.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, which may be made available for the acquisition of property or award of construction contracts for overseas United States diplomatic facilities during fiscal year 2019, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That notifications pursuant to this subsection shall include the information enumerated under the heading “Embassy Security, Construction, and Maintenance” in House Report 115–829.

(e) INTERIM AND TEMPORARY FACILITIES ABROAD.—

(1) SECURITY VULNERABILITIES.—Funds appropriated by this Act under the heading “Embassy Security, Construction, and Maintenance” may be made available, following consultation with the appropriate congressional committees, to address security vulnerabilities at interim and temporary United States diplomatic facilities abroad, including physical security upgrades and local guard staffing, except that the amount of funds made available for such purposes from this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be a minimum of \$25,000,000.

(2) CONSULTATION.—Notwithstanding any other provision of law, the opening, closure, or any significant modification to an interim or temporary United States diplomatic facility shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations, except that such consultation and notification may be waived if there is a security risk to personnel.

(f) TRANSFER OF FUNDS AUTHORITY.—Funds appropriated under the headings “Diplomatic Programs”, including for Worldwide Security Protection, “Emergencies in the Diplomatic and Consular Service”, and “Embassy Security, Construction, and Maintenance” in this Act may be transferred to, and merged with, funds appropriated under such headings if the Secretary of State determines and reports to the Committees on Appropriations that to do so is necessary to implement the recommendations of the Benghazi Accountability Review Board, for emergency evacuations, or to prevent or respond to security situations and requirements, following consultation with, and subject to the regular notification procedures of, such Committees: *Provided*, That such transfer authority is in addition to any transfer authority otherwise available in this Act and under any other provision of law.

(g) SOFT TARGETS.—Funds appropriated by this Act under the heading “Embassy Security, Construction, and Maintenance” may

be made available for security upgrades to soft targets, including schools, recreational facilities, and residences used by United States diplomatic personnel and their dependents, except that the amount made available for such purposes shall be a minimum of \$10,000,000.

(h) REPORT.—Within 45 days of enactment of this Act and every 3 months thereafter until the completion of each project, the Secretary of State shall submit to the Committees on Appropriations a report on the Erbil Consulate, Beirut Embassy, Jakarta Embassy, Mexico City Embassy, and New Delhi Embassy, as described under this section in the joint explanatory statement accompanying this Act.

(i) SECURE RESUPPLY AND MAINTENANCE.—The Secretary of State may not grant final approval for the construction of a new facility or substantial construction to improve or expand an existing facility in the United States by or for the Government of the People's Republic of China until the Secretary certifies and reports to the appropriate congressional committees that an agreement has been concluded between the Governments of the United States and the People's Republic of China that permits secure resupply, maintenance, and new construction of United States Government facilities in the People's Republic of China.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act.

DEPARTMENT OF STATE MANAGEMENT

SEC. 7006. (a) FINANCIAL SYSTEMS IMPROVEMENT.—Funds appropriated by this Act for the operations of the Department of State under the headings “Diplomatic Programs” and “Capital Investment Fund” shall be made available to implement the recommendations contained in the Foreign Assistance Data Review Findings Report (FADR) and the Office of Inspector General (OIG) report entitled “Department Financial Systems Are Insufficient to Track and Report on Foreign Assistance Funds”: *Provided*, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations an update to the plan required under section 7006 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31) for implementing the FADR and OIG recommendations: *Provided further*, That such funds may not be obligated for enhancements to, or expansions of, the Budget System Modernization Financial System, Central Resource Management System, Joint Financial Management System, or Foreign Assistance Coordination and Tracking System until such updated plan is submitted to the Committees on Appropriations: *Provided further*, That such funds may not be obligated

for new, or expansion of existing, ad hoc electronic systems to track commitments, obligations, or expenditures of funds unless the Secretary of State, following consultation with the Chief Information Officer of the Department of State, has reviewed and certified that such new system or expansion is consistent with the FADR and OIG recommendations.

(b) WORKING CAPITAL FUND.—Funds appropriated by this Act or otherwise made available to the Department of State for payments to the Working Capital Fund may only be used for the service centers included in the Congressional Budget Justification, Department of State, Foreign Operations, and Related Programs, Fiscal Year 2019: *Provided*, That the amounts for such service centers shall be the amounts included in such budget justification, except as provided in section 7015(b) of this Act: *Provided further*, That Federal agency components shall be charged only for their direct usage of each Working Capital Fund service: *Provided further*, That prior to increasing the percentage charged to Department of State bureaus and offices for procurement-related activities, the Secretary of State shall include the proposed increase in the Department of State budget justification or, at least 60 days prior to the increase, provide the Committees on Appropriations a justification for such increase, including a detailed assessment of the cost and benefit of the services provided by the procurement fee: *Provided further*, That Federal agency components may only pay for Working Capital Fund services that are consistent with the purpose and authorities of such components: *Provided further*, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service.

(c) CERTIFICATION.—

(1) Not later than 45 days after the initial obligation of funds appropriated under titles III and IV of this Act that are made available to a Department of State bureau or office with responsibility for the management and oversight of such funds, the Secretary of State shall certify and report to the Committees on Appropriations, on an individual bureau or office basis, that such bureau or office is in compliance with Department and Federal financial and grants management policies, procedures, and regulations, as applicable.

(2) When making a certification required by paragraph (1), the Secretary of State shall consider the capacity of a bureau or office to—

(A) account for the obligated funds at the country and program level, as appropriate;

(B) identify risks and develop mitigation and monitoring plans;

(C) establish performance measures and indicators;

(D) review activities and performance; and

(E) assess final results and reconcile finances.

(3) If the Secretary of State is unable to make a certification required by paragraph (1), the Secretary shall submit a plan and timeline detailing the steps to be taken to bring such bureau or office into compliance.

(4) The report accompanying a certification required by paragraph (1) shall include the requirements contained under this section in House Report 115–829.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance, and guarantees of the Export-Import Bank or its agents.

COUPS D'ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'état or decree or, after the date of enactment of this Act, a coup d'état or decree in which the military plays a decisive role: *Provided*, That assistance may be resumed to such government if the Secretary of State certifies and reports to the appropriate congressional committees that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisions shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER OF FUNDS AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—

(1) DEPARTMENT OF STATE.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers, and no such transfer may be made to increase the appropriation under the heading “Representation Expenses”.

(2) BROADCASTING BOARD OF GOVERNORS.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(3) TREATMENT AS REPROGRAMMING.—Any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) TITLE VI AGENCIES.—Not to exceed 5 percent of any appropriation, other than for administrative expenses made available for fiscal year 2019, for programs under title VI of this Act may be transferred between such appropriations for use for any of the

purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) LIMITATION ON TRANSFERS OF FUNDS BETWEEN AGENCIES.—

(1) IN GENERAL.—None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

(2) ALLOCATION AND TRANSFERS.—Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(3) NOTIFICATION.—Any agreement entered into by the United States Agency for International Development or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of \$1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Global Health Programs”, “Development Assistance”, “Economic Support Fund”, and “Assistance for Europe, Eurasia and Central Asia” shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(d) TRANSFER OF FUNDS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriations account to which such funds were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS OF FUNDS.—Any agreement for the transfer or allocation of funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations and related programs, entered into between the Department of State or USAID and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Inspector General (IG) for the agency receiving the transfer or allocation of such funds, or other entity with audit responsibility if the receiving agency does not have an IG, shall perform periodic program and financial audits of the use of such funds and report to the Department of State or USAID, as appropriate, upon completion of such

audits: *Provided*, That such audits shall be transmitted to the Committees on Appropriations by the Department of State or USAID, as appropriate: *Provided further*, That funds transferred under such authority may be made available for the cost of such audits.

(f) REPORT.—Not later than October 31, 2019, the Secretary of State and the USAID Administrator shall each submit a report to the Committees on Appropriations detailing all transfers to another agency of the United States Government made pursuant to sections 632(a) and 632(b) of the Foreign Assistance Act of 1961 with funds provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018 (division K of Public Law 115–141): *Provided*, That such reports shall include a list of each transfer made pursuant to such sections with the respective funding level, appropriation account, and the receiving agency.

PROHIBITION ON CERTAIN OPERATIONAL EXPENSES

SEC. 7010. (a) FIRST-CLASS TRAVEL.—None of the funds made available by this Act may be used for first-class travel by employees of United States Government departments and agencies funded by this Act in contravention of section 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

(b) COMPUTER NETWORKS.—None of the funds made available by this Act for the operating expenses of any United States Government department or agency may be used to establish or maintain a computer network for use by such department or agency unless such network has filters designed to block access to sexually explicit websites: *Provided*, That nothing in this subsection shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency, or any other entity carrying out the following activities: criminal investigations, prosecutions, and adjudications; administrative discipline; and the monitoring of such websites undertaken as part of official business.

(c) PROHIBITION ON PROMOTION OF TOBACCO.—None of the funds made available by this Act should be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided by this Act: *Provided*, That funds appropriated for the purposes of chapters 1 and 8 of part I, section 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings “Development Credit Authority” and “Assistance for Europe, Eurasia and Central Asia” shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That the availability of funds

pursuant to the previous proviso shall not be applicable to such funds until the Secretary of State submits the reports required under section 7011 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115-31) and the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018 (division K of Public Law 115-141): *Provided further*, That notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially allocated or obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That the Secretary of State shall provide a report to the Committees on Appropriations not later than October 31, 2019, detailing by account and source year, the use of this authority during the previous fiscal year.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultation with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State and the Administrator of the United States Agency for International Development shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) NOTIFICATION AND REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2019 on funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs by a foreign government or entity against United States assistance programs, either directly or through grantees, contractors, and subcontractors, shall be withheld from obligation from funds appropriated for assistance for fiscal year 2020 and for prior fiscal years and allocated for the central government of such country or for the West Bank and Gaza program, as applicable, if, not later than September 30, 2020,

such taxes have not been reimbursed: *Provided*, That the Secretary of State shall report to the Committees on Appropriations by such date on the foreign governments and entities that have not reimbursed such taxes, including any amount of funds withheld pursuant to this subsection.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each foreign government or entity pursuant to subsection (b) shall be reprogrammed for assistance for countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes, and that can reasonably accommodate such assistance in a programmatically responsible manner.

(e) DETERMINATIONS.—

(1) IN GENERAL.—The provisions of this section shall not apply to any foreign government or entity that assesses such taxes if the Secretary of State reports to the Committees on Appropriations that—

(A) such foreign government or entity has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) CONSULTATION.—The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any foreign government or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue and update rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section:

(1) BILATERAL AGREEMENT.—The term “bilateral agreement” refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

(2) TAXES AND TAXATION.—The term “taxes and taxation” shall include value added taxes and customs duties but shall not include individual income taxes assessed to local staff.

(h) REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the heads of other relevant agencies of the United States Government, shall submit a report to the Committees on Appropriations on the requirements contained under this section in House Report 115-829.

RESERVATIONS OF FUNDS

SEC. 7014. (a) REPROGRAMMING.—Funds appropriated under titles III through VI of this Act which are specifically designated

may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) EXTENSION OF AVAILABILITY.—In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Department of State or the United States Agency for International Development that are specifically designated for particular programs or activities by this or any other Act may be extended for an additional fiscal year if the Secretary of State or the USAID Administrator, as appropriate, determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) OTHER ACTS.—Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

NOTIFICATION REQUIREMENTS

SEC. 7015. (a) NOTIFICATION OF CHANGES IN PROGRAMS, PROJECTS, AND ACTIVITIES.—None of the funds made available in titles I and II of this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs to the departments and agencies funded by this Act that remain available for obligation in fiscal year 2019, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the departments and agencies funded by this Act, shall be available for obligation to—

- (1) create new programs;
- (2) suspend or eliminate a program, project, or activity;
- (3) close, suspend, open, or reopen a mission or post;
- (4) create, close, reorganize, downsize, or rename bureaus, centers, or offices; or
- (5) contract out or privatize any functions or activities presently performed by Federal employees;

unless previously justified to the Committees on Appropriations or such Committees are notified 15 days in advance of such obligation.

(b) NOTIFICATION OF REPROGRAMMING OF FUNDS.—None of the funds provided under titles I and II of this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, to the departments and agencies funded under titles I and II of this Act that remain available

for obligation in fiscal year 2019, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the department and agency funded under title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less, that—

(1) augments or changes existing programs, projects, or activities;

(2) relocates an existing office or employees;

(3) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(4) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) NOTIFICATION REQUIREMENT.—None of the funds made available by this Act under the headings “Global Health Programs”, “Development Assistance”, “International Organizations and Programs”, “Trade and Development Agency”, “International Narcotics Control and Law Enforcement”, “Economic Support Fund”, “Democracy Fund”, “Assistance for Europe, Eurasia and Central Asia”, “Peacekeeping Operations”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, “Millennium Challenge Corporation”, “Foreign Military Financing Program”, “International Military Education and Training”, and “Peace Corps”, shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are notified 15 days in advance of such obligation: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That requirements of this subsection or any similar provision of this or any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles III through VI of this Act of less than 10 percent of the amount previously justified to Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That any notification submitted pursuant to subsection (f) of this section shall include information (if known on the date of transmittal of such notification) on the use of notwithstanding authority: *Provided further*, That if subsequent to the notification of assistance it becomes necessary to rely on notwithstanding authority, the Committees on Appropriations should be informed at the earliest opportunity and to the extent practicable.

(d) DEPARTMENT OF DEFENSE PROGRAMS AND FUNDING NOTIFICATIONS.—

(1) PROGRAMS.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to support or continue any program initially funded under any authority of title 10, United States Code, or any Act making or authorizing appropriations for the Department of Defense, unless the Secretary of State, in consultation with the Secretary of Defense and in accordance with the regular notification procedures of the Committees on Appropriations, submits a justification to such Committees that includes a description of, and the estimated costs associated with, the support or continuation of such program.

(2) FUNDING.—Notwithstanding any other provision of law, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries and international organizations shall be subject to the regular notification procedures of the Committees on Appropriations.

(3) NOTIFICATION ON EXCESS DEFENSE ARTICLES.—Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at \$7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

(e) WAIVER.—The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) COUNTRY NOTIFICATION REQUIREMENTS.—None of the funds appropriated under titles III through VI of this Act may be obligated or expended for assistance for Afghanistan, Bahrain, Bolivia, Burma, Cambodia, Colombia, Cuba, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iran, Iraq, Lebanon, Libya, Mexico, Nicaragua, Pakistan, Philippines, the Russian Federation, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Uzbekistan, Venezuela,

Yemen, and Zimbabwe except as provided through the regular notification procedures of the Committees on Appropriations.

(g) TRUST FUNDS.—Funds appropriated or otherwise made available in title III of this Act and prior Acts making funds available for the Department of State, foreign operations, and related programs that are made available for a trust fund held by an international financial institution shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That such notification shall include the information specified under this section in the explanatory statement accompanying the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018 (division K of Public Law 115–141).

(h) OTHER PROGRAM NOTIFICATION REQUIREMENT.—

(1) DIPLOMATIC PROGRAMS.—Funds appropriated under title I of this Act under the heading “Diplomatic Programs” that are made available for a pilot program for lateral entry into the Foreign Service shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(2) OTHER PROGRAMS.—Funds appropriated by this Act that are made available for the following programs and activities shall be subject to the regular notification procedures of the Committees on Appropriations—

(A) The Global Engagement Center, except that the Secretary of State shall consult with the appropriate congressional committees prior to submitting such notification;

(B) The Power Africa initiative, or any successor program;

(C) Community-based police assistance conducted pursuant to the authority of section 7049(a)(1) of this Act;

(D) Programs to counter foreign fighters and extremist organizations, pursuant to section 7071(a) of this Act;

(E) The Relief and Recovery Fund;

(F) The Indo-Pacific Strategy;

(G) The Global Security Contingency Fund;

(H) The Countering Russian Influence Fund; and

(I) Programs to end modern slavery.

(i) WITHHOLDING OF FUNDS.—Funds appropriated by this Act under titles III and IV that are withheld from obligation or otherwise not programmed as a result of application of a provision of law in this or any other Act shall, if reprogrammed, be subject to the regular notification procedures of the Committees on Appropriations.

(j) REQUIREMENT TO INFORM, COORDINATE, AND CONSULT.—

(1) The Secretary of State shall promptly inform the appropriate congressional committees of each instance in which funds appropriated by this Act for assistance for Iraq, Libya, Somalia, Syria, the Counterterrorism Partnership Fund, the Relief and Recovery Fund, or programs to counter extremism and foreign fighters abroad, have been diverted or destroyed, to include the type and amount of assistance, a description of the incident and parties involved, and an explanation of the response of the Department of State or USAID, as appropriate: *Provided*, That the Secretary shall ensure such funds are coordinated with, and complement, the programs of other United States

Government departments and agencies and international partners in such countries and on such activities.

(2) The Secretary of State shall consult with the Committees on Appropriations at least seven days prior to informing a government of, or publically announcing a decision on, the suspension of assistance to a country or a territory, including as a result of an interagency review of such assistance, from funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs.

DOCUMENT REQUESTS, RECORDS MANAGEMENT, AND RELATED
CYBERSECURITY PROTECTIONS

SEC. 7016. (a) REQUESTS FOR DOCUMENTS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Department of State and the United States Agency for International Development.

(b) RECORDS MANAGEMENT AND RELATED CYBERSECURITY PROTECTIONS.—

(1) LIMITATION.—None of the funds appropriated by this Act under the headings “Diplomatic Programs” and “Capital Investment Fund” in title I, and “Operating Expenses” and “Capital Investment Fund” in title II that are made available to the Department of State and USAID may be made available to support the use or establishment of email accounts or email servers created outside the .gov domain or not fitted for automated records management as part of a Federal government records management program in contravention of the Presidential and Federal Records Act Amendments of 2014 (Public Law 113–187).

(2) DIRECTIVES.—The Secretary of State and USAID Administrator shall—

(A) regularly review and update the policies, directives, and oversight necessary to comply with Federal statutes, regulations, and presidential executive orders and memoranda concerning the preservation of all records made or received in the conduct of official business, including record emails, instant messaging, and other online tools;

(B) use funds appropriated by this Act under the headings “Diplomatic Programs” and “Capital Investment Fund” in title I, and “Operating Expenses” and “Capital Investment Fund” in title II, as appropriate, to improve Federal records management pursuant to the Federal Records Act (44 U.S.C. Chapters 21, 29, 31, and 33) and other applicable Federal records management statutes, regulations, or policies for the Department of State and USAID;

(C) direct departing employees that all Federal records generated by such employees, including senior officials, belong to the Federal Government;

(D) improve the response time for identifying and retrieving Federal records, including requests made pursuant to section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”); and

(E) strengthen cyber security measures to mitigate vulnerabilities, including those resulting from the use of personal email accounts or servers outside the .gov domain, improve the process to identify and remove inactive user accounts, update and enforce guidance related to the control of national security information, and implement the recommendations of the applicable reports of the cognizant Office of Inspector General.

USE OF FUNDS IN CONTRAVENTION OF THIS ACT

SEC. 7017. If the President makes a determination not to comply with any provision of this Act on constitutional grounds, the head of the relevant Federal agency shall notify the Committees on Appropriations in writing within 5 days of such determination, the basis for such determination and any resulting changes to program and policy.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

ALLOCATIONS AND REPORTS

SEC. 7019. (a) ALLOCATION TABLES.—Subject to subsection (b), funds appropriated by this Act under titles III through V shall be made available in the amounts specifically designated in the respective tables included in the joint explanatory statement accompanying this Act: *Provided*, That such designated amounts for foreign countries and international organizations shall serve as the amounts for such countries and international organizations transmitted to Congress in the report required by section 653(a) of the Foreign Assistance Act of 1961.

(b) AUTHORIZED DEVIATIONS.—Unless otherwise provided for by this Act, the Secretary of State and the Administrator of the

United States Agency for International Development, as applicable, may only deviate up to 10 percent from the amounts specifically designated in the respective tables included in the joint explanatory statement accompanying this Act: *Provided*, That such percentage may be exceeded only if the Secretary of State and USAID Administrator, as applicable, determines and reports to the Committees on Appropriations on a case-by-case basis that such deviation is necessary to respond to significant, exigent, or unforeseen events or to address other exceptional circumstances directly related to the national security interest of the United States: *Provided further*, That deviations pursuant to the previous proviso shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) **LIMITATION.**—For specifically designated amounts that are included, pursuant to subsection (a), in the report required by section 653(a) of the Foreign Assistance Act of 1961, no deviations authorized by subsection (b) may take place until submission of such report.

(d) **EXCEPTIONS.**—

(1) Subsections (a) and (b) shall not apply to—

(A) amounts designated for “International Military Education and Training” in the respective tables included in the joint explanatory statement accompanying this Act;

(B) funds for which the initial period of availability has expired;

(C) amounts designated by this Act as minimum funding requirements; and

(D) funds made available for a country pursuant to sections 7043(c), 7047(d), and 7071(b) of this Act.

(2) The authority in subsection (b) to deviate below amounts designated in the respective tables included in the joint explanatory statement accompanying this Act shall not apply to the table included under the heading “Global Health Programs” in such explanatory statement.

(3) With respect to the amounts designated for “Global Programs” in the table under the heading “Economic Support Fund” included in the joint explanatory statement accompanying this Act, subsection (b) shall be applied by substituting “5 percent” for “10 percent”.

(e) **REPORTS.**—The Secretary of State and the USAID Administrator, as appropriate, shall submit the reports required, in the manner described, in House Report 115–829, Senate Report 115–282, and the joint explanatory statement accompanying this Act, unless directed otherwise in such explanatory statement.

REPRESENTATION AND ENTERTAINMENT EXPENSES

SEC. 7020. (a) USES OF FUNDS.—Each Federal department, agency, or entity funded in titles I or II of this Act, and the Department of the Treasury and independent agencies funded in titles III or VI of this Act, shall take steps to ensure that domestic and overseas representation and entertainment expenses further official agency business and United States foreign policy interests, and—

(1) are primarily for fostering relations outside of the Executive Branch;

(2) are principally for meals and events of a protocol nature;

(3) are not for employee-only events; and

(4) do not include activities that are substantially of a recreational character.

(b) LIMITATIONS.—None of the funds appropriated or otherwise made available by this Act under the headings “International Military Education and Training” or “Foreign Military Financing Program” for Informational Program activities or under the headings “Global Health Programs”, “Development Assistance”, “Economic Support Fund”, and “Assistance for Europe, Eurasia and Central Asia” may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING
INTERNATIONAL TERRORISM

SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EXPORTS.—

(1) PROHIBITION.—None of the funds appropriated or otherwise made available under titles III through VI of this Act may be made available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979 as continued in effect pursuant to the International Emergency Economic Powers Act: *Provided*, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: *Provided further*, That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(2) DETERMINATION.—Assistance restricted by paragraph (1) or any other similar provision of law, may be furnished if the President determines that to do so is important to the national interest of the United States.

(3) REPORT.—Whenever the President makes a determination pursuant to paragraph (2), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interest.

(b) BILATERAL ASSISTANCE.—

(1) LIMITATIONS.—Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such title in prior Acts making appropriations for the Department of State, foreign operations, and related programs, shall not be made available to any foreign government which the President determines—

(A) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism;

(B) otherwise supports international terrorism; or

(C) is controlled by an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) **WAIVER.**—The President may waive the application of paragraph (1) to a government if the President determines that national security or humanitarian reasons justify such waiver: *Provided*, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION REQUIREMENTS

SEC. 7022. Funds appropriated by this Act, except funds appropriated under the heading “Trade and Development Agency”, may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7023. For the purpose of titles II through VI of this Act “program, project, and activity” shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: “Economic Support Fund”, “Assistance for Europe, Eurasia and Central Asia”, and “Foreign Military Financing Program”, “program, project, and activity” shall also be considered to include country, regional, and central program level funding within each such account; and for the development assistance accounts of the United States Agency for International Development, “program, project, and activity” shall also be considered to include central, country, regional, and program level funding, either as—

(1) justified to Congress; or

(2) allocated by the Executive Branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days after enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961 or as modified pursuant to section 7019 of this Act.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

SEC. 7024. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act: *Provided*, That prior to conducting activities in a country for which assistance is prohibited, the agency

shall consult with the Committees on Appropriations and report to such Committees within 15 days of taking such action.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7025. (a) WORLD MARKETS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance, or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations: *Provided further*, That this subsection shall not prohibit—

(1) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(2) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(b) EXPORTS.—None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States;

(2) research activities intended primarily to benefit United States producers;

(3) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(4) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

22 USC 262h
note.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose any assistance by such institutions, using funds appropriated or made available by this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

SEPARATE ACCOUNTS

22 USC 2362
note.

SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) AGREEMENTS.—If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORT.—The USAID Administrator shall report as part of the congressional budget justification submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) IN GENERAL.—If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98-1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by such assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of paragraph (1) only through the regular notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 and from funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”: *Provided*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations pursuant to the regular notification procedures, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2019, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Food for Peace Act (Public Law 83–480; 7 U.S.C. 1721 et seq.): *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

LOCAL COMPETITION

SEC. 7028. (a) REQUIREMENTS FOR EXCEPTIONS TO COMPETITION FOR LOCAL ENTITIES.—Funds appropriated by this Act that are made available to the United States Agency for International Development may only be made available for limited competitions through local entities if—

(1) prior to the determination to limit competition to local entities, USAID has—

(A) assessed the level of local capacity to effectively implement, manage, and account for programs included in such competition; and

(B) documented the written results of the assessment and decisions made; and

(2) prior to making an award after limiting competition to local entities—

(A) each successful local entity has been determined to be responsible in accordance with USAID guidelines; and

(B) effective monitoring and evaluation systems are in place to ensure that award funding is used for its intended purposes; and

(3) no level of acceptable fraud is assumed.

(b) REPORT.—In addition to the requirements of subsection (a)(1), the USAID Administrator shall report to the appropriate congressional committees not later than 45 days after the end of fiscal year 2019 on all awards subject to limited or no competition for local entities: *Provided*, That such report shall be posted on the USAID website: *Provided further*, That the requirements of this subsection shall only apply to awards in excess of \$3,000,000 and sole source awards to local entities in excess of \$2,000,000.

(c) EXTENSION OF PROCUREMENT AUTHORITY.—Section 7077 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall continue in effect during fiscal year 2019.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7029. (a) EVALUATIONS AND REPORT.—The Secretary of the Treasury shall instruct the United States executive director

of each international financial institution to seek to require that such institution adopts and implements a publicly available policy, including the strategic use of peer reviews and external experts, to conduct independent, in-depth evaluations of the effectiveness of at least 25 percent of all loans, grants, programs, and significant analytical non-lending activities in advancing the institution's goals of reducing poverty and promoting equitable economic growth, consistent with relevant safeguards, to ensure that decisions to support such loans, grants, programs, and activities are based on accurate data and objective analysis: *Provided*, That not later than 45 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on steps taken in fiscal year 2018 by the United States executive directors and the international financial institutions consistent with this subsection compared to the previous fiscal year.

(b) SAFEGUARDS.—

(1) The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development and the International Development Association to vote against any loan, grant, policy, or strategy if such institution has adopted and is implementing any social or environmental safeguard relevant to such loan, grant, policy, or strategy that provides less protection than World Bank safeguards in effect on September 30, 2015.

(2) The Secretary of the Treasury should instruct the United States executive director of each international financial institution to vote against loans or other financing for projects unless such projects—

(A) provide for accountability and transparency, including the collection, verification and publication of beneficial ownership information related to extractive industries and on-site monitoring during the life of the project;

(B) will be developed and carried out in accordance with best practices regarding environmental conservation; cultural protection; and empowerment of local populations, including free, prior and informed consent of affected indigenous communities;

(C) do not provide incentives for, or facilitate, forced displacement; and

(D) do not partner with or otherwise involve enterprises owned or controlled by the armed forces.

(c) COMPENSATION.—None of the funds appropriated under title V of this Act may be made as payment to any international financial institution while the United States executive director to such institution is compensated by the institution at a rate which, together with whatever compensation such executive director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States executive director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) HUMAN RIGHTS.—The Secretary of the Treasury shall instruct the United States executive director of each international

financial institution to promote human rights due diligence and risk management, as appropriate, in connection with any loan, grant, policy, or strategy of such institution in accordance with the criteria specified under this subsection in Senate Report 115–282: *Provided*, That prior to voting on any such loan, grant, policy, or strategy the executive director shall consult with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, if the executive director has reason to believe that such loan, grant, policy, or strategy could result in forced displacement or other violation of human rights.

(e) FRAUD AND CORRUPTION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to promote in loan, grant, and other financing agreements improvements in borrowing countries' financial management and judicial capacity to investigate, prosecute, and punish fraud and corruption.

(f) BENEFICIAL OWNERSHIP INFORMATION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to seek to require that such institution collects, verifies, and publishes, to the maximum extent practicable, beneficial ownership information (excluding proprietary information) for any corporation or limited liability company, other than a publicly listed company, that receives funds from any such financial institution: *Provided*, That not later than 45 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on steps taken in fiscal year 2018 by the United States executive directors and the international financial institutions consistent with this subsection compared to the previous fiscal year.

(g) WHISTLEBLOWER PROTECTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to seek to require that each such institution is effectively implementing and enforcing policies and procedures which reflect best practices for the protection of whistleblowers from retaliation, including best practices for—

- (1) protection against retaliation for internal and lawful public disclosure;
- (2) legal burdens of proof;
- (3) statutes of limitation for reporting retaliation;
- (4) access to independent adjudicative bodies, including external arbitration; and
- (5) results that eliminate the effects of proven retaliation.

DEBT-FOR-DEVELOPMENT

SEC. 7030. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY

SEC. 7031. (a) LIMITATION ON DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

(1) REQUIREMENTS.—Funds appropriated by this Act may be made available for direct government-to-government assistance only if—

(A)(i) each implementing agency or ministry to receive assistance has been assessed and is considered to have the systems required to manage such assistance and any identified vulnerabilities or weaknesses of such agency or ministry have been addressed;

(ii) the recipient agency or ministry employs and utilizes staff with the necessary technical, financial, and management capabilities;

(iii) the recipient agency or ministry has adopted competitive procurement policies and systems;

(iv) effective monitoring and evaluation systems are in place to ensure that such assistance is used for its intended purposes;

(v) no level of acceptable fraud is assumed; and

(vi) the government of the recipient country is taking steps to publicly disclose on an annual basis its national budget, to include income and expenditures;

(B) the recipient government is in compliance with the principles set forth in section 7013 of this Act;

(C) the recipient agency or ministry is not headed or controlled by an organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189);

(D) the Government of the United States and the government of the recipient country have agreed, in writing, on clear and achievable objectives for the use of such assistance, which should be made available on a cost-reimbursable basis; and

(E) the recipient government is taking steps to protect the rights of civil society, including freedoms of expression, association, and assembly.

(2) CONSULTATION AND NOTIFICATION.—In addition to the requirements in paragraph (1), no funds may be made available for direct government-to-government assistance without prior consultation with, and notification of, the Committees on Appropriations: *Provided*, That such notification shall contain an explanation of how the proposed activity meets the requirements of paragraph (1): *Provided further*, That the requirements of this paragraph shall only apply to direct government-to-government assistance in excess of \$10,000,000 and all funds available for cash transfer, budget support, and cash payments to individuals.

(3) SUSPENSION OF ASSISTANCE.—The Administrator of the United States Agency for International Development or the Secretary of State, as appropriate, shall suspend any direct government-to-government assistance if the Administrator or the Secretary has credible information of material misuse of such assistance, unless the Administrator or the Secretary reports to the Committees on Appropriations that it is in the

national interest of the United States to continue such assistance, including a justification, or that such misuse has been appropriately addressed.

(4) SUBMISSION OF INFORMATION.—The Secretary of State shall submit to the Committees on Appropriations, concurrent with the fiscal year 2020 congressional budget justification materials, amounts planned for assistance described in paragraph (1) by country, proposed funding amount, source of funds, and type of assistance.

(5) REPORT.—Not later than 90 days after enactment of this Act and every 6 months thereafter until September 30, 2020, the USAID Administrator shall submit to the Committees on Appropriations a report that—

(A) details all assistance described in paragraph (1) provided during the previous 6-month period by country, funding amount, source of funds, and type of such assistance; and

(B) the type of procurement instrument or mechanism utilized and whether the assistance was provided on a reimbursable basis.

(6) DEBT SERVICE PAYMENT PROHIBITION.—None of the funds made available by this Act may be used by the government of any foreign country for debt service payments owed by any country to any international financial institution.

(b) NATIONAL BUDGET AND CONTRACT TRANSPARENCY.—

(1) MINIMUM REQUIREMENTS OF FISCAL TRANSPARENCY.—The Secretary of State shall continue to update and strengthen the “minimum requirements of fiscal transparency” for each government receiving assistance appropriated by this Act, as identified in the report required by section 7031(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

(2) DEFINITION.—For purposes of paragraph (1), “minimum requirements of fiscal transparency” are requirements consistent with those in subsection (a)(1), and the public disclosure of national budget documentation (to include receipts and expenditures by ministry) and government contracts and licenses for natural resource extraction (to include bidding and concession allocation practices).

(3) DETERMINATION AND REPORT.—For each government identified pursuant to paragraph (1), the Secretary of State, not later than 180 days after enactment of this Act, shall make or update any determination of “significant progress” or “no significant progress” in meeting the minimum requirements of fiscal transparency, and make such determinations publicly available in an annual “Fiscal Transparency Report” to be posted on the Department of State website: *Provided*, That the Secretary shall identify the significant progress made by each such government to publicly disclose national budget documentation, contracts, and licenses which are additional to such information disclosed in previous fiscal years, and include specific recommendations of short- and long-term steps such government should take to improve fiscal transparency: *Provided further*, That the annual report shall include a detailed description of how funds appropriated by this Act

are being used to improve fiscal transparency, and identify benchmarks for measuring progress.

(4) ASSISTANCE.—Funds appropriated under title III of this Act shall be made available for programs and activities to assist governments identified pursuant to paragraph (1) to improve budget transparency and to support civil society organizations in such countries that promote budget transparency: *Provided*, That such sums shall be in addition to funds otherwise available for such purposes: *Provided further*, That a description of the uses of such funds shall be included in the annual “Fiscal Transparency Report” required by paragraph (3).

(c) ANTI-KLEPTOCRACY AND HUMAN RIGHTS.—

8 USC 1182 note.

(1) INELIGIBILITY.—

(A) Officials of foreign governments and their immediate family members about whom the Secretary of State has credible information have been involved in significant corruption, including corruption related to the extraction of natural resources, or a gross violation of human rights shall be ineligible for entry into the United States.

(B) The Secretary shall also publicly or privately designate or identify officials of foreign governments and their immediate family members about whom the Secretary has such credible information without regard to whether the individual has applied for a visa.

(2) EXCEPTION.—Individuals shall not be ineligible if entry into the United States would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the United Nations Headquarters Agreement: *Provided*, That nothing in paragraph (1) shall be construed to derogate from United States Government obligations under applicable international agreements.

(3) WAIVER.—The Secretary may waive the application of paragraph (1) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances which caused the individual to be ineligible have changed sufficiently.

(4) REPORT.—Not later than 6 months after enactment of this Act, the Secretary of State shall submit a report, including a classified annex if necessary, to the Committees on Appropriations and the Committees on the Judiciary describing the information related to corruption or violation of human rights concerning each of the individuals found ineligible in the previous 12 months pursuant to paragraph (1)(A) as well as the individuals who the Secretary designated or identified pursuant to paragraph (1)(B), or who would be ineligible but for the application of paragraph (2), a list of any waivers provided under paragraph (3), and the justification for each waiver.

(5) POSTING OF REPORT.—Any unclassified portion of the report required under paragraph (4) shall be posted on the Department of State website.

(6) CLARIFICATION.—For purposes of paragraphs (1)(B), (4), and (5), the records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall not be considered confidential.

(d) EXTRACTION OF NATURAL RESOURCES.—

(1) ASSISTANCE.—Funds appropriated by this Act shall be made available to promote and support transparency and accountability of expenditures and revenues related to the extraction of natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative, implementing and enforcing section 8204 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2052) and the amendments made by such section, and to prevent the sale of conflict diamonds, and provide technical assistance to promote independent audit mechanisms and support civil society participation in natural resource management.

(2) UNITED STATES POLICY.—

(A) The Secretary of the Treasury shall inform the management of the international financial institutions, and post on the Department of the Treasury website, that it is the policy of the United States to vote against any assistance by such institutions (including any loan, credit, grant, or guarantee) to any country for the extraction and export of a natural resource if the government of such country has in place laws, regulations, or procedures to prevent or limit the public disclosure of company payments as required by United States law, and unless such government has adopted laws, regulations, or procedures in the sector in which assistance is being considered for—

(i) accurately accounting for and public disclosure of payments to the host government by companies involved in the extraction and export of natural resources;

(ii) the independent auditing of accounts receiving such payments and public disclosure of the findings of such audits; and

(iii) public disclosure of such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(B) The requirements of subparagraph (A) shall not apply to assistance for the purpose of building the capacity of such government to meet the requirements of this subparagraph.

(e) FOREIGN ASSISTANCE WEBSITE.—Funds appropriated by this Act under titles I and II, and funds made available for any independent agency in title III, as appropriate, shall be made available to support the provision of additional information on United States Government foreign assistance on the Department of State foreign assistance website: *Provided*, That all Federal agencies funded under this Act shall provide such information on foreign assistance, upon request, to the Department of State.

DEMOCRACY PROGRAMS

SEC. 7032. (a) FUNDING.—

(1) IN GENERAL.—Of the funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, “Democracy Fund”, “Assistance for Europe, Eurasia and Central Asia”, and “International Narcotics Control and Law Enforcement”, not less than \$2,400,000,000 shall be made available for democracy programs.

(2) PROGRAMS.—Of the funds made available for democracy programs under the headings “Economic Support Fund” and “Assistance for Europe, Eurasia and Central Asia” pursuant to paragraph (1), not less than \$89,540,000 shall be made available to the Bureau of Democracy, Human Rights, and Labor, Department of State, at not less than the amounts specified for certain countries and regional programs designated in the table under this section in the joint explanatory statement accompanying this Act.

(b) AUTHORITIES.—

(1) Funds made available by this Act for democracy programs pursuant to subsection (a) and under the heading “National Endowment for Democracy” may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy (NED), any regulation.

(2) Funds made available by this Act for the NED are made available pursuant to the authority of the National Endowment for Democracy Act (title V of Public Law 98–164), including all decisions regarding the selection of beneficiaries.

(c) DEFINITION OF DEMOCRACY PROGRAMS.—For purposes of funds appropriated by this Act, the term “democracy programs” means programs that support good governance, credible and competitive elections, freedom of expression, association, assembly, and religion, human rights, labor rights, independent media, and the rule of law, and that otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states and institutions that are responsive and accountable to citizens.

(d) PROGRAM PRIORITIZATION.—Funds made available pursuant to this section that are made available for programs to strengthen government institutions shall be prioritized for those institutions that demonstrate a commitment to democracy and the rule of law, as determined by the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate.

(e) RESTRICTION ON PRIOR APPROVAL.—With respect to the provision of assistance for democracy programs in this Act, the organizations implementing such assistance, the specific nature of that assistance, and the participants in such programs shall not be subject to the prior approval by the government of any foreign country: *Provided*, That the Secretary of State, in coordination with the USAID Administrator, shall report to the Committees on Appropriations, not later than 120 days after enactment of this Act, detailing steps taken by the Department of State and USAID to comply with the requirements of this subsection.

(f) CONTINUATION OF CURRENT PRACTICES.—USAID shall continue to implement civil society and political competition and consensus building programs abroad with funds appropriated by this

Act in a manner that recognizes the unique benefits of grants and cooperative agreements in implementing such programs: *Provided*, That nothing in this paragraph shall be construed to affect the ability of any entity, including United States small businesses, from competing for proposals for USAID-funded civil society and political competition and consensus building programs.

(g) INFORMING THE NATIONAL ENDOWMENT FOR DEMOCRACY.—The Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, and the Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance, USAID, shall regularly inform the National Endowment for Democracy of democracy programs that are planned and supported by funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

(h) PROTECTION OF CIVIL SOCIETY ACTIVISTS AND JOURNALISTS.—Of the funds appropriated by this Act under the headings “Economic Support Fund” and “Democracy Fund”, not less than \$15,000,000 shall be made available to support and protect civil society activists and journalists who have been threatened, harassed, or attacked, consistent with the action plan submitted pursuant to, and on the same terms and conditions of, section 7032(i) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018 (division K of Public Law 115–141).

INTERNATIONAL RELIGIOUS FREEDOM

SEC. 7033. (a) INTERNATIONAL RELIGIOUS FREEDOM OFFICE AND SPECIAL ENVOY TO PROMOTE RELIGIOUS FREEDOM.—

(1) OPERATIONS.—Funds appropriated by this Act under the heading “Diplomatic Programs” shall be made available for the Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, Department of State, and the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia, as authorized in the Near East and South Central Asia Religious Freedom Act of 2014 (Public Law 113–161), including for support staff at not less than the amounts specified for such offices in the table under such heading in the joint explanatory statement accompanying this Act.

(2) CURRICULUM.—Funds appropriated under the heading “Diplomatic Programs” and designated for the Office of International Religious Freedom shall be made available for the development and implementation of an international religious freedom curriculum in accordance with section 708(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4028(a)(2)).

(b) ASSISTANCE.—

(1) INTERNATIONAL RELIGIOUS FREEDOM PROGRAMS.—Of the funds appropriated by this Act under the heading “Democracy Fund” and available for the Human Rights and Democracy Fund, not less than \$10,000,000 shall be made available for international religious freedom programs: *Provided*, That the Ambassador-at-Large for International Religious Freedom shall consult with the Committees on Appropriations on the uses of such funds.

(2) PROTECTION AND INVESTIGATION PROGRAMS.—Of the funds appropriated by this Act under the heading “Economic

Support Fund”, not less than \$10,000,000 shall be made available for programs to protect vulnerable and persecuted religious minorities: *Provided*, That a portion of such funds shall be made available for programs to investigate the persecution of such minorities by governments and non-state actors and for the public dissemination of information collected on such persecution, including on the Department of State website.

(3) HUMANITARIAN PROGRAMS.—Funds appropriated by this Act under the headings “International Disaster Assistance” and “Migration and Refugee Assistance” shall be made available for humanitarian assistance for vulnerable and persecuted religious minorities, including victims of genocide designated by the Secretary of State and other groups that have suffered crimes against humanity and ethnic cleansing, to—

(A) facilitate the implementation of an immediate, coordinated, and sustained response to provide humanitarian assistance;

(B) enhance protection of conflict victims, including those facing a dire humanitarian crisis and severe persecution because of their faith or ethnicity;

(C) improve access to secure locations for obtaining humanitarian and resettlement services; and

(D) build resilience and help reestablish livelihoods for displaced and persecuted persons in their communities of origin.

(4) TRANSITIONAL JUSTICE, RECONCILIATION, AND RE-INTEGRATION PROGRAMS.—Of the funds appropriated by this Act that are made available for the Relief and Recovery Fund, not less than \$5,000,000 shall be made available to support transitional justice, reconciliation, and reintegration programs for vulnerable and persecuted religious minorities, including in the Middle East and North Africa regions: *Provided*, That such funds shall be matched, to the maximum extent practicable, from sources other than the United States Government.

(5) RESPONSIBILITY FOR FUNDS.—Funds made available by paragraphs (1) and (2) shall be the responsibility of the Ambassador-at-Large for International Religious Freedom, in consultation with other relevant United States Government officials.

(c) INTERNATIONAL BROADCASTING.—Funds appropriated by this Act under the heading “Broadcasting Board of Governors, International Broadcasting Operations” shall be made available for programs related to international religious freedom, including reporting on the condition of vulnerable and persecuted religious groups.

(d) FUNDING CLARIFICATION.—

(1) Funds made available pursuant to subsection (b) are in addition to amounts otherwise made available for such purposes.

(2) Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading “Economic Support Fund” may be made available notwithstanding any other provision of law for assistance for ethnic and religious minorities in Iraq and Syria.

SPECIAL PROVISIONS

SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in titles III and VI of this Act that are made available for victims of war, displaced children, displaced Burmese, and to combat trafficking in persons and assist victims of such trafficking, may be made available notwithstanding any other provision of law.

(b) FORENSIC ASSISTANCE.—

(1) Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$10,000,000 shall be made available for forensic anthropology assistance related to the exhumation and identification of victims of war crimes, crimes against humanity, and genocide, which shall be administered by the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State: *Provided*, That such funds shall be in addition to funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs for assistance for countries.

(2) Of the funds appropriated by this Act under the heading “International Narcotics Control and Law Enforcement”, not less than \$8,000,000 shall be made available for DNA forensic technology programs to combat human trafficking in Central America and Mexico.

(c) ATROCITIES PREVENTION.—Of the funds appropriated by this Act under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement”, not less than \$5,000,000 shall be made available for programs to prevent atrocities, including to implement recommendations of the Atrocities Prevention Board, or any successor entity: *Provided*, That the Under Secretary for Civilian Security, Democracy, and Human Rights, Department of State, shall be responsible for providing the strategic policy direction for, and policy oversight of, funds made available pursuant to this subsection to the Bureaus of International Narcotics and Law Enforcement Affairs and Democracy, Human Rights, and Labor, Department of State: *Provided further*, That funds made available pursuant to this subsection are in addition to amounts otherwise made available for such purposes: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

(d) WORLD FOOD PROGRAMME.—Funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development, from this or any other Act, may be made available as a general contribution to the World Food Programme, notwithstanding any other provision of law.

(e) DIRECTIVES AND AUTHORITIES.—

(1) RESEARCH AND TRAINING.—Funds appropriated by this Act under the heading “Assistance for Europe, Eurasia and Central Asia” shall be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501 et seq.).

(2) GENOCIDE VICTIMS MEMORIAL SITES.—Funds appropriated by this Act and prior Acts making appropriations for

the Department of State, foreign operations, and related programs under the headings “Economic Support Fund” and “Assistance for Europe, Eurasia and Central Asia” may be made available as contributions to establish and maintain memorial sites of genocide, subject to the regular notification procedures of the Committees on Appropriations.

(3) ADDITIONAL AUTHORITIES.—Of the amounts made available by title I of this Act under the heading “Diplomatic Programs”, up to \$500,000 may be made available for grants pursuant to section 504 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656d), including to facilitate collaboration with indigenous communities, and up to \$1,000,000 may be made available for grants to carry out the activities of the Cultural Antiquities Task Force.

(4) INNOVATION.—The USAID Administrator may use funds appropriated by this Act under title III to make innovation incentive awards: *Provided*, That each individual award may not exceed \$100,000: *Provided further*, That no more than 10 such awards may be made during fiscal year 2019: *Provided further*, That for purposes of this paragraph the term “innovation incentive award” means the provision of funding on a competitive basis that—

(A) encourages and rewards the development of solutions for a particular, well-defined problem related to the alleviation of poverty; or

(B) helps identify and promote a broad range of ideas and practices facilitating further development of an idea or practice by third parties.

(5) EXCHANGE VISITOR PROGRAM.—None of the funds made available by this Act may be used to modify the Exchange Visitor Program administered by the Department of State to implement the Mutual Educational and Cultural Exchange Act of 1961, as amended, (Public Law 87–256; 22 U.S.C. 2451 et seq.), except through the formal rulemaking process pursuant to the Administrative Procedure Act and notwithstanding the exceptions to such rulemaking process in such Act: *Provided*, That funds made available for such purpose shall only be made available after consultation with, and subject to the regular notification procedures of, the Committees on Appropriations, regarding how any proposed modification would affect the public diplomacy goals of, and the estimated economic impact on, the United States.

(6) REPORT.—The report required by section 502(d) of the Intelligence Authorization Act for Fiscal Year 2017 (division N of Public Law 115–31; 22 U.S.C. 254a note) shall be provided to the Committees on Appropriations.

(7) PRIVATE SECTOR PARTNERSHIPS.—Of the funds appropriated by this Act under the headings “Development Assistance” and “Economic Support Fund” that are made available for private sector partnerships, up to \$50,000,000 may remain available until September 30, 2021: *Provided*, That funds made available pursuant to this paragraph may only be made available following prior consultation with the appropriate congressional committees, and the regular notification procedures of the Committees on Appropriations.

(f) PARTNER VETTING.—Prior to initiating a partner vetting program, or making significant changes to the scope of an existing

partner vetting program, the Secretary of State and USAID Administrator, as appropriate, shall consult with the Committees on Appropriations.

(g) CONTINGENCIES.—During fiscal year 2019, the President may use up to \$125,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(h) INTERNATIONAL CHILD ABDUCTIONS.—The Secretary of State should withhold funds appropriated under title III of this Act for assistance for the central government of any country that is not taking appropriate steps to comply with the Convention on the Civil Aspects of International Child Abductions, done at the Hague on October 25, 1980: *Provided*, That the Secretary shall report to the Committees on Appropriations within 15 days of withholding funds under this subsection.

(i) CULTURAL PRESERVATION PROJECT DETERMINATION.—None of the funds appropriated in titles I and III of this Act may be used for the preservation of religious sites unless the Secretary of State or the USAID Administrator, as appropriate, determines and reports to the Committees on Appropriations that such sites are historically, artistically, or culturally significant, that the purpose of the project is neither to advance nor to inhibit the free exercise of religion, and that the project is in the national interest of the United States.

(j) TRANSFER OF FUNDS FOR EXTRAORDINARY PROTECTION.—The Secretary of State may transfer to, and merge with, funds under the heading “Protection of Foreign Missions and Officials” unobligated balances of expired funds appropriated under the heading “Diplomatic Programs” for fiscal year 2019, except for funds designated for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, at no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated: *Provided*, That not more than \$50,000,000 may be transferred.

(k) AUTHORITY TO COUNTER EXTREMISM.—Funds made available by this Act under the heading “Economic Support Fund” to counter extremism may be made available notwithstanding any other provision of law restricting assistance to foreign countries, except sections 502B and 620A of the Foreign Assistance Act of 1961: *Provided*, That the use of the authority of this subsection shall be subject to prior consultation with the appropriate congressional committees, and the regular notification procedures of the Committees on Appropriations.

(l) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.—Section 7034(k) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2019.

(m) EXTENSION OF AUTHORITIES.—

(1) PASSPORT FEES.—Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting “September 30, 2019” for “September 30, 2010”.

(2) INCENTIVES FOR CRITICAL POSTS.—The authority contained in section 1115(d) of the Supplemental Appropriations

Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2019.

(3) USAID CIVIL SERVICE ANNUITANT WAIVER.—Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting “September 30, 2019” for “October 1, 2010” in subparagraph (B). 22 USC 2385 note.

(4) OVERSEAS PAY COMPARABILITY AND LIMITATION.—

(A) Subject to the limitation described in subparagraph (B), the authority provided by section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2019.

(B) The authority described in subparagraph (A) may not be used to pay an eligible member of the Foreign Service (as defined in section 1113(b) of the Supplemental Appropriations Act, 2009 (Public Law 111–32)) a locality-based comparability payment (stated as a percentage) that exceeds two-thirds of the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code, if such member’s official duty station were in the District of Columbia.

(5) CATEGORICAL ELIGIBILITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(A) in section 599D (8 U.S.C. 1157 note)—

(i) in subsection (b)(3), by striking “and 2018” and inserting “2018, and 2019”; and

(ii) in subsection (e), by striking “2018” each place it appears and inserting “2019”; and

(B) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking “2018” and inserting “2019”.

(6) INSPECTOR GENERAL ANNUITANT WAIVER.—The authorities provided in section 1015(b) of the Supplemental Appropriations Act, 2010 (Public Law 111–212) shall remain in effect through September 30, 2019.

(7) ACCOUNTABILITY REVIEW BOARDS.—The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect for facilities in Afghanistan through September 30, 2019, except that the notification and reporting requirements contained in such section shall include the Committees on Appropriations. 22 USC 4831 note.

(8) SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION COMPETITIVE STATUS.—Notwithstanding any other provision of law, any employee of the Special Inspector General for Afghanistan Reconstruction (SIGAR) who completes at least 12 months of continuous service after the date of enactment of this Act or who is employed on the date on which SIGAR terminates, whichever occurs first, shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications.

(9) TRANSFER OF BALANCES.—Section 7081(h) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31) shall continue in effect during fiscal year 2019. 8 USC 1715 note.

(10) DEPARTMENT OF STATE INSPECTOR GENERAL WAIVER AUTHORITY.—The Inspector General of the Department of State may waive the provisions of subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) on a case-by-case basis for an annuitant reemployed by the Inspector General on a temporary basis, subject to the same constraints and in the same manner by which the Secretary of State may exercise such waiver authority pursuant to subsection (g) of such section.

(11) EXTENSION OF LOAN GUARANTEES TO ISRAEL.—Chapter 5 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 576) is amended under the heading “Loan Guarantees to Israel”—

(A) in the matter preceding the first proviso, by striking “September 30, 2019” and inserting “September 30, 2023”; and

(B) in the second proviso, by striking “September 30, 2019” and inserting “September 30, 2023”.

(n) MONITORING AND EVALUATION.—Funds appropriated by this Act that are available for monitoring and evaluation of assistance under the headings “Development Assistance”, “International Disaster Assistance” and “Migration and Refugee Assistance” shall, as appropriate, be made available for the regular collection of feedback obtained directly from beneficiaries on the quality and relevance of such assistance: *Provided*, That the Department of State and USAID shall establish procedures for implementing partners that receive funds under such headings for regularly collecting and responding to such feedback, informing the Department of State and USAID of such procedures, and reporting to the Department of State and USAID on actions taken in response to the feedback received: *Provided further*, That the Department of State and USAID shall regularly conduct oversight to ensure that such feedback is regularly collected and used by implementing partners to maximize the cost-effectiveness and utility of such assistance.

(o) HIV/AIDS WORKING CAPITAL FUND.—Funds available in the HIV/AIDS Working Capital Fund established pursuant to section 525(b)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–447) may be made available for pharmaceuticals and other products for child survival, malaria, and tuberculosis to the same extent as HIV/AIDS pharmaceuticals and other products, subject to the terms and conditions in such section: *Provided*, That the authority in section 525(b)(5) of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 2005 (Public Law 108–447) shall be exercised by the Assistant Administrator for Global Health, USAID, with respect to funds deposited for such non-HIV/AIDS pharmaceuticals and other products, and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall include in the congressional budget justification an accounting of budgetary resources, disbursements, balances, and reimbursements related to such fund.

(p) LOANS, CONSULTATION, AND NOTIFICATION.—

(1) LOAN GUARANTEES.—Funds appropriated under the headings “Economic Support Fund” and “Assistance for Europe, Eurasia and Central Asia” by this Act and prior Acts making appropriations for the Department of State, foreign operations,

and related programs may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of loan guarantees for Egypt, Jordan, Tunisia, and Ukraine, which are authorized to be provided: *Provided*, That amounts made available under this paragraph for the costs of such guarantees shall not be considered assistance for the purposes of provisions of law limiting assistance to a country.

(2) DESIGNATION REQUIREMENT.—Funds made available pursuant to paragraph (1) from prior Acts making appropriations for the Department of State, foreign operations, and related programs that were previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of such Act.

(3) CONSULTATION AND NOTIFICATION.—Funds made available pursuant to the authorities of this subsection shall be subject to prior consultation with the appropriate congressional committees, and subject to the regular notification procedures of the Committees on Appropriations.

(q) LOCAL WORKS.—

(1) Of the funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, and “Assistance for Europe, Eurasia and Central Asia”, not less than \$50,000,000 shall be made available for Local Works pursuant to section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), which may remain available until September 30, 2023.

(2) For the purposes of section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), “eligible entities” shall be defined as small local, international, and United States-based nongovernmental organizations, educational institutions, and other small entities that have received less than a total of \$5,000,000 from USAID over the previous 5 fiscal years: *Provided*, That departments or centers of such educational institutions may be considered individually in determining such eligibility.

22 USC 2152i
note.

(r) DEFINITIONS.—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Unless otherwise defined in this Act, for purposes of this Act the term “appropriate congressional committees” means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) FUNDS APPROPRIATED BY THIS ACT AND PRIOR ACTS.—Unless otherwise defined in this Act, for purposes of this Act the term “funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs” means funds that remain available for obligation, and have not expired.

(3) INTERNATIONAL FINANCIAL INSTITUTIONS.—In this Act “international financial institutions” means the International Bank for Reconstruction and Development, the International

22 USC 262h
note.

Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the International Fund for Agricultural Development, the Asian Development Fund, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, the African Development Fund, and the Multilateral Investment Guarantee Agency.

(4) SOUTHERN KORDOFAN REFERENCE.—Any reference to Southern Kordofan in this or any other Act making appropriations for the Department of State, foreign operations, and related programs shall be deemed to include portions of Western Kordofan that were previously part of Southern Kordofan prior to the 2013 division of Southern Kordofan.

22 USC 2152i
note.

(5) USAID.—In this Act, the term “USAID” means the United States Agency for International Development.

(6) SPEND PLAN.—In this Act, the term “spend plan” means a plan for the uses of funds appropriated for a particular entity, country, program, purpose, or account and which shall include, at a minimum, a description of—

(A) realistic and sustainable goals, criteria for measuring progress, and a timeline for achieving such goals;

(B) amounts and sources of funds by account;

(C) how such funds will complement other ongoing or planned programs; and

(D) implementing partners, to the maximum extent practicable.

(7) UNITED STATES AGENCY FOR GLOBAL MEDIA.—References to the “Broadcasting Board of Governors, International Broadcasting Operations” account in any provision of law shall be construed to include the “United States Agency for Global Media” account in Acts making appropriations for the Department of State, foreign operations, and related programs: *Provided*, That references to the “Broadcasting Board of Governors” or “BBG” in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be construed to include the “United States Agency for Global Media” or “USAGM”.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7035. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any

recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel; and

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if the President determines that it is important to the national security interest of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent

with the provisions of section 7040 of this Act (“Limitation on Assistance for the Palestinian Authority”).

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7037. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem: *Provided further*, That as has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2019, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading “Economic Support Fund” for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity’s governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: *Provided*, That the Secretary of State

shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—

(1) RECOGNITION OF ACTS OF TERRORISM.—None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for—

(A) the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism; and

(B) any educational institution located in the West Bank or Gaza that is named after an individual who the Secretary of State determines has committed an act of terrorism.

(2) SECURITY ASSISTANCE AND REPORTING REQUIREMENT.—

Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations Acts, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) OVERSIGHT BY THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act, up to \$1,000,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, investigations, and other activities in furtherance of the requirements of this subsection: *Provided*, That such funds are in addition to funds otherwise available for such purposes.

(e) COMPTROLLER GENERAL OF THE UNITED STATES AUDIT.—

Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2019 under the heading “Economic Support Fund”, and such audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) NOTIFICATION PROCEDURES.—Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interest of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: *Provided*, That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll, and the Palestinian Authority is acting to counter incitement of violence against Israelis and is supporting activities aimed at promoting peace, coexistence, and security cooperation with Israel.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or that results from an agreement with Hamas and over which Hamas exercises undue influence.

(2) Notwithstanding the limitation of paragraph (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act of 1961, as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended: *Provided*, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

MIDDLE EAST AND NORTH AFRICA

SEC. 7041. (a) EGYPT.—

(1) CERTIFICATION AND REPORT.—Funds appropriated by this Act that are available for assistance for Egypt may be made available notwithstanding any other provision of law restricting assistance for Egypt, except for this subsection and section 620M of the Foreign Assistance Act of 1961, and may only be made available for assistance for the Government of Egypt if the Secretary of State certifies and reports to the Committees on Appropriations that such government is—

(A) sustaining the strategic relationship with the United States; and

(B) meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

(2) ECONOMIC SUPPORT FUND.—

(A) FUNDING.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, up to \$112,500,000 may be made available for assistance for Egypt, of which not less than \$35,000,000 should be made available for higher education programs including not less than \$10,000,000 for scholarships for Egyptian students with high financial need to attend not-for-profit institutions of higher education: *Provided*, That such funds shall be made available for democracy programs, and for development programs in the Sinai: *Provided further*, That such funds may not be made available for cash transfer assistance or budget support unless the Secretary of State certifies and reports to the appropriate congressional committees that the Government of Egypt is taking consistent and effective steps to stabilize the economy and implement market-based economic reforms.

(B) WITHHOLDING.—The Secretary of State shall withhold from obligation funds appropriated by this Act under the heading “Economic Support Fund” for assistance for Egypt, an amount of such funds that the Secretary determines to be equivalent to that expended by the United States Government for bail, and by nongovernmental organizations for legal and court fees, associated with democracy-related trials in Egypt until the Secretary certifies and reports to the Committees on Appropriations that the Government of Egypt has dismissed the convictions

issued by the Cairo Criminal Court on June 4, 2013, in “Public Prosecution Case No. 1110 for the Year 2012”, and has not subjected the defendants to further prosecution or if convicted they have been granted full pardons.

(C) LIMITATION.—None of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading “Economic Support Fund” may be made available for a contribution, voluntary or otherwise, to the “Civil Associations and Foundations Support Fund”, or any similar fund, established pursuant to Law 70 on Associations and Other Foundations Working in the Field of Civil Work published in the Official Gazette of Egypt on May 29, 2017.

(3) FOREIGN MILITARY FINANCING PROGRAM.—

(A) CERTIFICATION.—Of the funds appropriated by this Act under the heading “Foreign Military Financing Program”, up to \$1,300,000,000, to remain available until September 30, 2020, may be made available for assistance for Egypt: *Provided*, That such funds may be transferred to an interest bearing account in the Federal Reserve Bank of New York, following consultation with the Committees on Appropriations: *Provided further*, That \$300,000,000 of such funds shall be withheld from obligation until the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Egypt is taking sustained and effective steps to—

(i) advance democracy and human rights in Egypt, including to govern democratically and protect religious minorities and the rights of women, which are in addition to steps taken during the previous calendar year for such purposes;

(ii) implement reforms that protect freedoms of expression, association, and peaceful assembly, including the ability of civil society organizations, human rights defenders, and the media to function without interference;

(iii) release political prisoners and provide detainees with due process of law;

(iv) hold Egyptian security forces accountable, including officers credibly alleged to have violated human rights;

(v) investigate and prosecute cases of extrajudicial killings and forced disappearances; and

(vi) provide regular access for United States officials to monitor such assistance in areas where the assistance is used:

Provided further, That the certification requirement of this paragraph shall not apply to funds appropriated by this Act under such heading for counterterrorism, border security, and nonproliferation programs for Egypt.

(B) WAIVER.—The Secretary of State may waive the certification requirement in subparagraph (A) if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national security interest of the United States, and submits a report to such Committees containing a detailed justification for the

use of such waiver and the reasons why any of the requirements of subparagraph (A) cannot be met, and including an assessment of the compliance of the Government of Egypt with United Nations Security Council Resolution 2270 and other such resolutions regarding North Korea: *Provided*, That the report required by this paragraph shall be submitted in unclassified form, but may be accompanied by a classified annex.

(4) OVERSIGHT REQUIREMENT.—The Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of funds made available by this subsection for assistance for Egypt.

(5) CONSULTATION REQUIREMENT.—Not later than 90 days after enactment of this Act, the Secretary of State shall consult with the Committees on Appropriations on any plan to restructure military assistance for Egypt.

(b) IRAN.—

(1) FUNDING.—Funds appropriated by this Act under the headings “Diplomatic Programs”, “Economic Support Fund”, and “Nonproliferation, Anti-terrorism, Demining and Related Programs” shall be used by the Secretary of State—

(A) to support the United States policy to prevent Iran from achieving the capability to produce or otherwise obtain a nuclear weapon;

(B) to support an expeditious response to any violation of United Nations Security Council Resolutions or to efforts that advance Iran’s nuclear program;

(C) to support the implementation and enforcement of sanctions against Iran for support of nuclear weapons development, terrorism, human rights abuses, and ballistic missile and weapons proliferation; and

(D) for democracy programs for Iran, to be administered by the Assistant Secretary for Near Eastern Affairs, Department of State, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State.

(2) CONTINUATION OF PROHIBITION.—The terms and conditions of section 7041(c)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall continue in effect during fiscal year 2019.

(3) REPORTS.—

(A) SEMI-ANNUAL REPORT.—The Secretary of State shall submit to the Committees on Appropriations the semi-annual report required by section 135 of the Atomic Energy Act of 1954 (42 U.S.C. 2160e(d)(4)), as added by section 2 of the Iran Nuclear Agreement Review Act of 2015 (Public Law 114–17).

(B) SANCTIONS REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report on the status of the implementation and enforcement of bilateral United States and multilateral sanctions against Iran and actions taken by the United States and the international community to enforce such sanctions against Iran: *Provided*, That the report shall also include

any entities involved in providing significant support for the development of a ballistic missile by the Government of Iran after October 1, 2015, including shipping and financing, and note whether such entities are currently under United States sanctions: *Provided further*, That such report shall be submitted in an unclassified form, but may contain a classified annex if necessary.

(c) IRAQ.—

(1) PURPOSES.—Funds appropriated under titles III and IV of this Act shall be made available for assistance for Iraq for—

(A) bilateral economic assistance and international security assistance, including for the Marla Ruzicka Iraqi War Victims Fund;

(B) stabilization assistance at not less than the amounts specified for such purpose in the table under this subsection in the joint explanatory statement accompanying this Act;

(C) humanitarian assistance, including in the Kurdistan Region of Iraq; and

(D) programs to protect and assist religious and ethnic minority populations in Iraq.

(2) BASING RIGHTS AGREEMENT.—None of the funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

(d) JORDAN.—Of the funds appropriated by this Act under titles III and IV, not less than \$1,525,000,000 shall be made available for assistance for Jordan, of which: not less than \$1,082,400,000 shall be made available under the heading “Economic Support Fund”, of which not less than \$745,100,000 shall be made available for budget support for the Government of Jordan; and not less than \$425,000,000 shall be made available under the heading “Foreign Military Financing Program”.

(e) LEBANON.—

(1) LIMITATION.—None of the funds appropriated by this Act may be made available for the Lebanese Internal Security Forces (ISF) or the Lebanese Armed Forces (LAF) if the ISF or the LAF is controlled by a foreign terrorist organization, as designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) CONSULTATION.—Funds appropriated by this Act under the headings “International Narcotics Control and Law Enforcement” and “Foreign Military Financing Program” that are available for assistance for Lebanon may be made available for programs and equipment for the ISF and the LAF to address security and stability requirements in areas affected by the conflict in Syria, following consultation with the appropriate congressional committees.

(3) ECONOMIC SUPPORT FUND.—Funds appropriated by this Act under the heading “Economic Support Fund” that are available for assistance for Lebanon may be made available notwithstanding section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2346 note).

(4) FOREIGN MILITARY FINANCING PROGRAM.—In addition to the activities described in paragraph (2), funds appropriated by this Act under the heading “Foreign Military Financing Program” for assistance for Lebanon may be made available only to professionalize the LAF and to strengthen border security and combat terrorism, including training and equipping the LAF to secure Lebanon’s borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups, and to implement United Nations Security Council Resolution 1701: *Provided*, That funds may not be obligated for assistance for the LAF until the Secretary of State submits to the Committees on Appropriations a spend plan, including actions to be taken to ensure equipment provided to the LAF is only used for the intended purposes, except such plan may not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961, and shall be submitted not later than September 1, 2019: *Provided further*, That any notification submitted pursuant to such sections shall include any funds specifically intended for lethal military equipment.

(f) LIBYA.—

(1) ASSISTANCE.—Funds appropriated under titles III and IV of this Act shall be made available for stabilization assistance for Libya, including border security: *Provided*, That the limitation on the uses of funds for certain infrastructure projects in section 7041(f)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76) shall apply to such funds.

(2) CERTIFICATION.—Prior to the initial obligation of funds made available by this Act for assistance for Libya, the Secretary of State shall certify and report to the Committees on Appropriations that all practicable steps have been taken to ensure that mechanisms are in place for monitoring, oversight, and control of such funds.

(3) COOPERATION ON THE SEPTEMBER 2012 ATTACK ON UNITED STATES PERSONNEL AND FACILITIES.—None of the funds appropriated by this Act may be made available for assistance for the central Government of Libya unless the Secretary of State certifies and reports to the Committees on Appropriations that such government is cooperating with United States Government efforts to investigate and bring to justice those responsible for the attack on United States personnel and facilities in Benghazi, Libya in September 2012: *Provided*, That the limitation in this paragraph shall not apply to funds made available for the purpose of protecting United States Government personnel or facilities.

(g) MOROCCO.—

(1) AVAILABILITY AND CONSULTATION REQUIREMENT.—Funds appropriated under title III of this Act shall be made available for assistance for the Western Sahara: *Provided*, That not later than 90 days after enactment of this Act and prior to the obligation of such funds, the Secretary of State, in consultation with the USAID Administrator, shall consult with the Committees on Appropriations on the proposed uses of such funds.

(2) FOREIGN MILITARY FINANCING PROGRAM.—Funds appropriated by this Act under the heading “Foreign Military

Financing Program” that are available for assistance for Morocco may only be used for the purposes requested in the Congressional Budget Justification, Foreign Operations, Fiscal Year 2017.

(h) REFUGEE ASSISTANCE IN NORTH AFRICA.—Not later than 45 days after enactment of this Act, the Secretary of State, after consultation with the United Nations High Commissioner for Refugees and the Executive Director of the World Food Programme, shall submit a report to the Committees on Appropriations describing steps taken to strengthen monitoring of the delivery of humanitarian assistance provided for refugees in North Africa, including any steps taken to ensure that all vulnerable refugees are receiving such assistance.

(i) SYRIA.—

(1) NON-LETHAL ASSISTANCE.—Of the funds appropriated by this Act under the headings “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, and “Peacekeeping Operations”, not less than \$40,000,000 shall be made available, notwithstanding any other provision of law, for non-lethal stabilization assistance for Syria, of which not less than \$7,000,000 shall be made available for emergency medical and rescue response and chemical weapons use investigations.

(2) SYRIAN ORGANIZATIONS.—Funds appropriated by this Act that are made available for assistance for Syria shall be made available, on an open and competitive basis, to continue to strengthen the capability of Syrian civil society organizations to address the immediate and long-term needs of the Syrian people in Syria in a manner that supports the sustainability of such organizations in implementing Syrian-led humanitarian and development programs: *Provided*, That funds made available by this paragraph shall be administered by the Bureau for Democracy, Human Rights, and Labor, Department of State.

(3) LIMITATIONS.—Funds made available pursuant to paragraph (1) of this subsection—

(A) may not be made available for a project or activity that supports or otherwise legitimizes the Government of Iran, foreign terrorist organizations (as designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)), or a proxy of Iran in Syria; and

(B) should not be used in areas of Syria controlled by a government led by Bashar al-Assad or associated forces.

(4) MONITORING AND OVERSIGHT.—Prior to the obligation of funds appropriated by this Act and made available for assistance for Syria, the Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of such assistance inside Syria.

(5) CONSULTATION AND NOTIFICATION.—Funds made available pursuant to this subsection may only be made available following consultation with the appropriate congressional committees, and shall be subject to the regular notification procedures of the Committees on Appropriations.

(j) TUNISIA.—Of the funds appropriated under titles III and IV of this Act, not less than \$191,400,000 shall be made available for assistance for Tunisia.

(k) WEST BANK AND GAZA.—

(1) REPORT ON ASSISTANCE.—Prior to the initial obligation of funds made available by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall report to the Committees on Appropriations that the purpose of such assistance is to—

- (A) advance Middle East peace;
- (B) improve security in the region;
- (C) continue support for transparent and accountable government institutions;
- (D) promote a private sector economy; or
- (E) address urgent humanitarian needs.

(2) LIMITATIONS.—

(A)(i) None of the funds appropriated under the heading “Economic Support Fund” in this Act may be made available for assistance for the Palestinian Authority, if after the date of enactment of this Act—

(I) the Palestinians obtain the same standing as member states or full membership as a state in the United Nations or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians; or

(II) the Palestinians initiate an International Criminal Court (ICC) judicially authorized investigation, or actively support such an investigation, that subjects Israeli nationals to an investigation for alleged crimes against Palestinians.

(ii) The Secretary of State may waive the restriction in clause (i) of this subparagraph resulting from the application of subclause (I) of such clause if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interest of the United States, and submits a report to such Committees detailing how the waiver and the continuation of assistance would assist in furthering Middle East peace.

(B)(i) The President may waive the provisions of section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204) if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the appropriate congressional committees that the Palestinians have not, after the date of enactment of this Act—

(I) obtained in the United Nations or any specialized agency thereof the same standing as member states or full membership as a state outside an agreement negotiated between Israel and the Palestinians; and

(II) initiated or actively supported an ICC investigation against Israeli nationals for alleged crimes against Palestinians.

(ii) Not less than 90 days after the President is unable to make the certification pursuant to clause (i) of this subparagraph, the President may waive section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that the Palestinians have

entered into direct and meaningful negotiations with Israel: *Provided*, That any waiver of the provisions of section 1003 of Public Law 100–204 under clause (i) of this subparagraph or under previous provisions of law must expire before the waiver under the preceding sentence may be exercised.

(iii) Any waiver pursuant to this subparagraph shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(3) REDUCTION.—The Secretary of State shall reduce the amount of assistance made available by this Act under the heading “Economic Support Fund” for the Palestinian Authority by an amount the Secretary determines is equivalent to the amount expended by the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations with such entities as payments for acts of terrorism by individuals who are imprisoned after being fairly tried and convicted for acts of terrorism and by individuals who died committing acts of terrorism during the previous calendar year: *Provided*, That the Secretary shall report to the Committees on Appropriations on the amount reduced for fiscal year 2019 prior to the obligation of funds for the Palestinian Authority.

(4) PRIVATE SECTOR PARTNERSHIP PROGRAMS.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for private sector partnership programs for the West Bank and Gaza if such funds are authorized: *Provided*, That funds made available pursuant to this paragraph shall be subject to prior consultation with the appropriate congressional committees, and the regular notification procedures of the Committees on Appropriations.

(5) SECURITY REPORT.—The reporting requirements in section 1404 of the Supplemental Appropriations Act, 2008 (Public Law 110–252) shall apply to funds made available by this Act, including a description of modifications, if any, to the security strategy of the Palestinian Authority.

(6) INCITEMENT REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees detailing steps taken by the Palestinian Authority to counter incitement of violence against Israelis and to promote peace and coexistence with Israel.

(1) YEMEN.—Funds appropriated by this Act under the heading “Economic Support Fund” shall be made available for stabilization assistance for Yemen.

AFRICA

SEC. 7042. (a) AFRICAN GREAT LAKES REGION ASSISTANCE RESTRICTION.—Funds appropriated by this Act under the heading “International Military Education and Training” for the central government of a country in the African Great Lakes region may be made available only for Expanded International Military Education and Training and professional military education until the Secretary of State determines and reports to the Committees on

Appropriations that such government is not facilitating or otherwise participating in destabilizing activities in a neighboring country, including aiding and abetting armed groups.

(b) CENTRAL AFRICAN REPUBLIC.—Funds made available by this Act for assistance for the Central African Republic shall be made available for reconciliation and peacebuilding programs, including activities to promote inter-faith dialogue at the national and local levels, and for programs to prevent crimes against humanity.

(c) COUNTER LORD’S RESISTANCE ARMY.—Funds appropriated by this Act shall be made available for programs and activities in areas affected by the Lord’s Resistance Army (LRA) consistent with the goals of the Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111–172), including to improve physical access, telecommunications infrastructure, and early-warning mechanisms and to support the disarmament, demobilization, and reintegration of former LRA combatants, especially child soldiers.

(d) LAKE CHAD BASIN COUNTRIES.—Funds appropriated under titles III and IV of this Act shall be made available, following consultation with the Committees on Appropriations, for assistance for Cameroon, Chad, Niger, and Nigeria for—

- (1) democracy, development, and health programs;
- (2) assistance for individuals targeted by foreign terrorist and other extremist organizations, including Boko Haram, consistent with the provisions of section 7059 of this Act;
- (3) assistance for individuals displaced by violent conflict; and
- (4) counterterrorism programs.

(e) MALAWI.—Of the funds appropriated by this Act under the heading “Development Assistance”, not less than \$56,000,000 shall be made available for assistance for Malawi, of which up to \$10,000,000 shall be made available for higher education programs.

(f) SOUTH SUDAN.—Funds appropriated by this Act that are made available for assistance for the central Government of South Sudan may only be made available, following consultation with the Committees on Appropriations, for—

- (1) humanitarian assistance;
- (2) health programs, including to prevent, detect, and respond to the Ebola virus disease;
- (3) assistance to support South Sudan peace negotiations or to advance or implement a peace agreement; and
- (4) assistance to support implementation of outstanding issues of the Comprehensive Peace Agreement and mutual arrangements related to such agreement:

Provided, That of the funds appropriated by this Act for assistance for South Sudan, not less than \$7,000,000 shall be made available for conflict mitigation and reconciliation programs: *Provided further*, That prior to the initial obligation of funds made available pursuant to paragraphs (3) and (4), the Secretary of State shall consult with the Committees on Appropriations on the intended uses of such funds and steps taken by such government to advance or implement a peace agreement.

(g) SUDAN.—

- (1) LIMITATIONS.—

(A) ASSISTANCE.—Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(B) LOANS.—None of the funds appropriated by this Act may be made available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(2) EXCLUSIONS.—The limitations of paragraph (1) shall not apply to—

(A) humanitarian assistance;

(B) assistance for democracy programs;

(C) assistance for the Darfur region, Southern Kordofan State, Blue Nile State, other marginalized areas and populations in Sudan, and Abyei; and

(D) assistance to support implementation of outstanding issues of the Comprehensive Peace Agreement, mutual arrangements related to post-referendum issues associated with such Agreement, or any other internationally recognized viable peace agreement in Sudan.

(h) ZIMBABWE.—

(1) INSTRUCTION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective institution of any loan or grant to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State certifies and reports to the Committees on Appropriations that the rule of law has been restored, including respect for ownership and title to property, and freedoms of expression, association, and assembly.

(2) LIMITATION.—None of the funds appropriated by this Act shall be made available for assistance for the central Government of Zimbabwe, except for health and education, unless the Secretary of State certifies and reports as required in paragraph (1), and funds may be made available for macroeconomic growth assistance if the Secretary reports to the Committees on Appropriations that such government is implementing transparent fiscal policies, including public disclosure of revenues from the extraction of natural resources.

EAST ASIA AND THE PACIFIC

SEC. 7043. (a) BURMA.—

(1) BILATERAL ECONOMIC ASSISTANCE.—

(A) ECONOMIC SUPPORT FUND.—Funds appropriated by this Act under the heading “Economic Support Fund” for assistance for Burma may be made available notwithstanding any other provision of law, except for this subsection, and following consultation with the appropriate congressional committees.

(B) USES.—Funds appropriated under title III of this Act for assistance for Burma—

(i) shall be made available to strengthen civil society organizations in Burma and for programs to strengthen independent media;

(ii) shall be made available for community-based organizations operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in eastern Burma, in addition to assistance for Burmese refugees from funds appropriated by this Act under the heading “Migration and Refugee Assistance”;

(iii) shall be made available for programs to promote ethnic and religious tolerance and to combat gender-based violence, including in Rakhine, Shan, Kachin, and Karen states;

(iv) shall be made available to promote rural economic development in Burma, including through micro-finance programs;

(v) shall be made available to increase opportunities for foreign direct investment by strengthening the rule of law, transparency, and accountability;

(vi) shall be made available for programs to investigate and document allegations of ethnic cleansing and other gross violations of human rights committed against the Rohingya people in Rakhine state: *Provided*, That such sums shall be in addition to funds otherwise made available for such purposes;

(vii) shall be made available for programs to investigate and document allegations of gross violations of human rights committed in Burma, particularly in areas of conflict; and

(viii) may be made available for ethnic groups and civil society in Burma to help sustain ceasefire agreements and further prospects for reconciliation and peace, which may include support to representatives of ethnic armed groups for this purpose.

(C) LIMITATIONS.—Funds appropriated under title III of this Act for assistance for Burma—

(i) may not be made available to any individual or organization if the Secretary of State has credible information that such individual or organization has committed a gross violation of human rights, including against Rohingya and other minority groups, or that advocates violence against ethnic or religious groups or individuals in Burma;

(ii) may not be made available to any organization or entity controlled by the armed forces of Burma;

(iii) may only be made available for programs to support the return of Rohingya, Karen, and other refugees and internally displaced persons to their locations of origin or preference in Burma if such returns are voluntary and consistent with international law; and

(iv) may only be made available for assistance for the Government of Burma to support the implementation of Nationwide Ceasefire Agreement conferences, committees, and other procedures if the Secretary of State reports to the Committees on Appropriations that such procedures are directed toward a

sustainable peace and the Government of Burma is implementing its commitments under such Agreement.

(2) INTERNATIONAL SECURITY ASSISTANCE.—None of the funds appropriated by this Act under the headings “International Military Education and Training” and “Foreign Military Financing Program” may be made available for assistance for Burma: *Provided*, That the Department of State may continue consultations with the armed forces of Burma only on human rights and disaster response in a manner consistent with the prior fiscal year, and following consultation with the appropriate congressional committees.

(3) PROGRAMS AND RESPONSIBILITIES.—

(A) Any new program or activity in Burma initiated in fiscal year 2019 shall be subject to prior consultation with the appropriate congressional committees.

(B) The United States Chief of Mission in Burma, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, shall be responsible for democracy and human rights programs in Burma.

(b) CAMBODIA.—

(1) ASSISTANCE.—

(A) None of the funds appropriated by this Act that are made available for assistance for the Government of Cambodia, except for health programs, may be obligated or expended unless the Secretary of State certifies and reports to the Committees on Appropriations that such Government is taking effective steps to—

(i) strengthen regional security and stability, particularly regarding territorial disputes in the South China Sea and the enforcement of international sanctions with respect to North Korea; and

(ii) respect the rights and responsibilities enshrined in the Constitution of the Kingdom of Cambodia as enacted in 1993, including through the—

(I) restoration of the civil and political rights of the opposition Cambodia National Rescue Party, media, and civil society organizations;

(II) restoration of all elected officials to elected offices held prior to the July 2018 parliamentary elections; and

(III) release of all political prisoners, including journalists, civil society activists, and members of the opposition political party.

(B) Funds appropriated under title III of this Act for assistance for Cambodia shall be made available for—

(i) democracy programs, including research and education programs associated with the Khmer Rouge in Cambodia, except that no funds for such purposes may be made available to the Extraordinary Chambers in the Court of Cambodia; and

(ii) programs in the Khmer language to counter the influence of the People’s Republic of China in Cambodia.

(2) VISA RESTRICTION.—Funds appropriated under title I of this Act shall be made available to continue to implement the policy announced by the Department of State on December

6, 2017, to restrict the issuance of visas to enter the United States to individuals involved in undermining democracy in Cambodia, including the family members of such individuals, as appropriate: *Provided*, That not later than 30 days after enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees describing the implementation of such policy.

(c) INDO-PACIFIC STRATEGY.—Of the funds appropriated by this Act, not less than \$160,000,000 shall be made available to support the implementation of the Indo-Pacific Strategy: *Provided*, That such funds are in addition to amounts otherwise made available for such purposes.

(d) NORTH KOREA.—

(1) CYBERSECURITY.—None of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the central government of a country the Secretary of State determines and reports to the appropriate congressional committees engages in significant transactions contributing materially to the malicious cyber-intrusion capabilities of the Government of North Korea: *Provided*, That the Secretary of State shall submit the report required by section 209 of the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114–122; 22 U.S.C. 9229), as amended, to the Committees on Appropriations in the manner described in subparagraph (2)(A) of such section: *Provided further*, That the Secretary of State may waive the application of the restriction in this paragraph with respect to assistance for the central government of a country if the Secretary determines and reports to the appropriate congressional committees that to do so is important to the national security interest of the United States, including a description of such interest served.

(2) BROADCASTS.—Funds appropriated by this Act under the heading “International Broadcasting Operations” shall be made available to maintain broadcasting hours into North Korea at levels not less than the prior fiscal year.

(3) REFUGEES.—Funds appropriated by this Act under the heading “Migration and Refugee Assistance” should be made available for assistance for refugees from North Korea, including protection activities in the People’s Republic of China and other countries in Asia.

(4) HUMAN RIGHTS PROMOTION, DATABASE, AND LIMITATION ON USE OF FUNDS.—

(A) HUMAN RIGHTS PROMOTION.—Funds appropriated by this Act under the headings “Economic Support Fund” and “Democracy Fund” shall be made available for the promotion of human rights in North Korea: *Provided*, That the authority of section 7032(b) of this Act shall apply to such funds.

(B) DATABASE.—Funds appropriated by this Act under title III shall be made available to maintain a database of prisons and gulags in North Korea, in accordance with section 7032(i) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

(C) LIMITATION.—None of the funds made available by this Act under the heading “Economic Support Fund” may be made available for assistance for the Government of North Korea.

(e) PEOPLE’S REPUBLIC OF CHINA.—

(1) LIMITATION ON USE OF FUNDS.—None of the funds appropriated under the heading “Diplomatic Programs” in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People’s Republic of China (PRC) unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(2) PEOPLE’S LIBERATION ARMY.—The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People’s Liberation Army (PLA) of the PRC, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided*, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(3) AUTHORITY AND NOTIFICATION REQUIREMENT.—

(A) AUTHORITY.—The uses of funds made available by this Act for the promotion of democracy in the PRC, except for funds made available under subsection (g), shall be the responsibility of the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State.

(B) NOTIFICATION.—Funds appropriated by this Act that are made available for trilateral programs conducted with the PRC shall be subject to the regular notification procedures of the Committees on Appropriations.

(f) PHILIPPINES.—None of the funds appropriated by this Act under the heading “International Narcotics Control and Law Enforcement” may be made available for counternarcotics assistance for the Philippines, except for drug demand reduction, maritime law enforcement, or transnational interdiction.

(g) TIBET.—

(1) FINANCING OF PROJECTS IN TIBET.—The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support financing of projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans, are based on a thorough needs-assessment, foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions, and are subject to effective monitoring.

(2) PROGRAMS FOR TIBETAN COMMUNITIES.—

(A) TIBET AUTONOMOUS REGION.—Notwithstanding any other provision of law, of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$8,000,000 shall be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development,

education, and environmental conservation in Tibetan communities in the Tibet Autonomous Region and in other Tibetan communities in China.

(B) INDIA AND NEPAL.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$6,000,000 shall be made available for programs to promote and preserve Tibetan culture, development, and the resilience of Tibetan communities in India and Nepal, and to assist in the education and development of the next generation of Tibetan leaders from such communities: *Provided*, That such funds are in addition to amounts made available in subparagraph (A) for programs inside Tibet.

(C) TIBETAN GOVERNANCE.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$3,000,000 shall be made available for programs to strengthen the capacity of Tibetan institutions and governance.

(h) VIETNAM.—

(1) DIOXIN REMEDIATION.—Notwithstanding any other provision of law, of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$20,000,000 shall be made available for activities related to the remediation of dioxin contaminated sites in Vietnam and may be made available for assistance for the Government of Vietnam, including the military, for such purposes.

(2) HEALTH AND DISABILITY PROGRAMS.—Of the funds appropriated by this Act under the heading “Development Assistance”, not less than \$12,500,000 shall be made available for health and disability programs in areas sprayed with Agent Orange and otherwise contaminated with dioxin, to assist individuals with severe upper or lower body mobility impairment or cognitive or developmental disabilities.

(3) RECONCILIATION PROGRAMS.—Funds appropriated by this Act under the heading “Economic Support Fund” that are made available for assistance for Vietnam shall be made available for reconciliation programs to address war legacy issues.

SOUTH AND CENTRAL ASIA

SEC. 7044. (a) AFGHANISTAN.—

(1) FUNDING AND LIMITATIONS.—Funds appropriated by this Act under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” that are made available for assistance for Afghanistan—

(A) shall be made available to implement the South Asia Strategy, the Revised Strategy for United States Engagement in Afghanistan, and the United States Agency for International Development Country Development Cooperation Strategy for Afghanistan;

(B) shall be made available for programs in support of such strategies that protect and strengthen the rights of women and girls and promote the political and economic empowerment of women, including their meaningful inclusion in political processes: *Provided*, That such assistance to promote the economic empowerment of women shall

be made available as grants to Afghan organizations, to the maximum extent practicable; and

(C) may not be made available for any program, project, or activity that—

(i) cannot be sustained, as appropriate, by the Government of Afghanistan or another Afghan entity;

(ii) is not accessible for the purposes of conducting effective oversight in accordance with applicable Federal statutes and regulations;

(iii) initiates any new, major infrastructure development; or

(iv) includes the participation of any Afghan individual, organization, or government entity if the Secretary of State has credible information that such individual, organization, or entity is knowingly involved in acts of grand corruption, illicit narcotics production or trafficking, or has committed a gross violation of human rights.

(2) AUTHORITIES.—

(A) Funds appropriated by this Act under title III through VI that are made available for assistance for Afghanistan may be made available—

(i) notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961;

(ii) for reconciliation programs and disarmament, demobilization, and reintegration activities for former combatants who have renounced violence against the Government of Afghanistan, including in accordance with section 7046(a)(2)(B)(ii) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74); and

(iii) for an endowment to empower women and girls.

(B) Section 7046(a)(2)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall apply to funds appropriated by this Act for assistance for Afghanistan.

(3) BASING RIGHTS AGREEMENT.—None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(b) NEPAL.—

(1) ASSISTANCE.—Of the funds appropriated under titles III and IV of this Act, not less than \$124,580,000 shall be made available for assistance for Nepal, including for earthquake recovery and reconstruction programs.

(2) FOREIGN MILITARY FINANCING PROGRAM.—Funds appropriated by this Act under the heading “Foreign Military Financing Program” shall only be made available for humanitarian and disaster relief and reconstruction activities in Nepal, and in support of international peacekeeping operations: *Provided*, That such funds may only be made available for any additional uses if the Secretary of State certifies and reports to the Committees on Appropriations that the Government

of Nepal is investigating and prosecuting violations of human rights and the laws of war, and the Nepal Army is cooperating fully with civilian judicial authorities in such cases.

(c) PAKISTAN.—

(1) INTERNATIONAL SECURITY ASSISTANCE.—

(A) LIMITATION.—Funds appropriated by this Act under the heading “Foreign Military Financing Program” for assistance for Pakistan may be made available only to support counterterrorism and counterinsurgency capabilities in Pakistan.

(B) CONSULTATION.—Not later than 30 days after enactment of this Act, and prior to the submission of the report required by section 653(a) of the Foreign Assistance Act of 1961, the Secretary of State shall consult with the Committees on Appropriations on the amount of funds appropriated by this Act under the heading “Foreign Military Financing Program” that is anticipated to be subject to the January 2018 policy decision of the United States to suspend security assistance for Pakistan, or any subsequent policy decision affecting such assistance: *Provided*, That the Secretary shall promptly inform the appropriate congressional committees in writing of any changes to such policy, the justification for such changes, and the progress made by the Government of Pakistan in meeting the counterterrorism objectives described under this section in Senate Report 115–282.

(C) REPROGRAMMING.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading “Foreign Military Financing Program” for assistance for Pakistan that are withheld from obligation or expenditure by the Department of State may be reprogrammed by the Secretary of State, except that no such funds may be reprogrammed that are required to complete payment on existing and previously approved contracts: *Provided*, That such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations.

(2) BILATERAL ECONOMIC ASSISTANCE REPORT.—Prior to the obligation of funds made available by this Act under the heading “Economic Support Fund” for assistance for the central Government of Pakistan, the Secretary of State shall submit a report to the appropriate congressional committees detailing—

(A) the amount of financing and other support, if any, provided by the Government of Pakistan to schools supported by, affiliated with, or run by the Taliban or any domestic or foreign terrorist organization in Pakistan;

(B) the extent of cooperation by such government in issuing visas in a timely manner for United States visitors, including officials and representatives of nongovernmental organizations, engaged in assistance and security programs in Pakistan;

(C) the extent to which such government is providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by conflict in Pakistan and the region; and

(D) the extent to which such government is strengthening democracy in Pakistan, including protecting freedom of expression, assembly, and religion.

(3) AUTHORITY AND USES OF FUNDS.—

(A) Funds appropriated by this Act for assistance for Pakistan may be made available notwithstanding any other provision of law, except for section 620M of the Foreign Assistance Act of 1961.

(B) Funds appropriated by this Act for assistance for Pakistan that are made available for infrastructure projects shall be implemented in a manner consistent with section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)).

(C) The authorities and directives of section 7044(d)(4) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) regarding scholarships for women shall apply to funds appropriated by this Act for assistance for Pakistan, following consultation with the Committees on Appropriations.

(D) Funds appropriated by this Act under the headings “Economic Support Fund” and “Nonproliferation, Anti-terrorism, Demining and Related Programs” that are made available for assistance for Pakistan shall be made available to interdict precursor materials from Pakistan to Afghanistan that are used to manufacture improvised explosive devices and for agriculture extension programs that encourage alternative fertilizer use among Pakistani farmers to decrease the dual use of fertilizer in the manufacturing of improvised explosive devices.

(E) Of the funds appropriated by this Act under the heading “International Narcotics Control and Law Enforcement” that are made available for assistance for Pakistan, not less than \$15,000,000 shall be made available for border security programs in Pakistan, following consultation with the Committees on Appropriations.

(F) Funds appropriated by title III of this Act shall be made available for programs to promote democracy in Pakistan.

Shakil Afridi.

(4) WITHHOLDING.—Of the funds appropriated under titles III and IV of this Act that are made available for assistance for Pakistan, \$33,000,000 shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations that Dr. Shakil Afridi has been released from prison and cleared of all charges relating to the assistance provided to the United States in locating Osama bin Laden.

(5) OVERSIGHT.—The Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of funds made available by this subsection for assistance for Pakistan: *Provided*, That the Secretary shall inform the Committees on Appropriations of such steps in a timely manner.

(d) SRI LANKA.—

(1) BILATERAL ECONOMIC ASSISTANCE.—Funds appropriated under title III of this Act shall be made available for assistance

for Sri Lanka for economic development and democracy programs, particularly in areas recovering from ethnic and religious conflict: *Provided*, That such funds shall be made available for programs to assist in the identification and resolution of cases of missing persons.

(2) CERTIFICATION.—Funds appropriated by this Act for assistance for the central Government of Sri Lanka, except for funds made available for humanitarian assistance and victims of trauma, may be made available only if the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Sri Lanka is—

(A) repealing laws that do not comply with international standards for arrest and detention by security forces, and ensuring that any successor legislation meets such standards;

(B) increasing accountability and transparency in governance;

(C) investigating allegations of arbitrary arrest and torture, and supporting a credible justice mechanism in compliance with United Nations Human Rights Council Resolution (A/HCR/RES/30/1) of October 2015;

(D) returning military occupied lands in former conflict zones to their rightful owners or compensating those whose land was confiscated without due process, and which is in addition to steps taken during the previous calendar year;

(E) establishing a functioning office of missing persons and assisting its investigations of cases of missing persons from Sri Lanka’s internal armed conflicts with the cooperation of the armed forces of Sri Lanka; and

(F) substantially reducing the presence of the armed forces in former conflict zones and implementing a plan for restructuring the armed forces to adopt a peacetime role that contributes to post-conflict reconciliation and regional security.

(3) INTERNATIONAL SECURITY ASSISTANCE.—Funds appropriated under title IV of this Act that are available for assistance for Sri Lanka shall be subject to the following conditions—

(A) not to exceed \$500,000 under the heading “Foreign Military Financing Program” may only be made available for programs to support humanitarian and disaster response preparedness and maritime security, including professionalization and training for the navy and coast guard; and

(B) funds under the heading “Peacekeeping Operations” may only be made available for training and equipment related to international peacekeeping operations and improvements to peacekeeping-related facilities, and only if the Government of Sri Lanka is taking effective steps to bring to justice Sri Lankan peacekeeping troops who have engaged in sexual exploitation and abuse.

(e) REGIONAL PROGRAMS.—

(1) CROSS BORDER PROGRAMS.—Funds appropriated by this Act under the heading “Economic Support Fund” for assistance for Afghanistan and Pakistan may be provided, notwithstanding any other provision of law that restricts assistance to foreign

countries, for cross border stabilization and development programs between Afghanistan and Pakistan, or between either country and the Central Asian countries.

(2) SECURITY AND JUSTICE PROGRAMS.—Funds appropriated by this Act that are made available for assistance for countries in South and Central Asia shall be made available to accelerate the recruitment and enhance the retention and professionalism of women in the judiciary, police, and other security forces.

LATIN AMERICA AND THE CARIBBEAN

SEC. 7045. (a) CENTRAL AMERICA.—

(1) CONDITIONS ON ASSISTANCE FOR THE CENTRAL GOVERNMENTS OF EL SALVADOR, GUATEMALA, AND HONDURAS.—Of the funds appropriated by this Act under titles III and IV that are made available for assistance for each of the central governments of El Salvador, Guatemala, and Honduras, 50 percent may only be obligated after the Secretary of State certifies and reports to the appropriate congressional committees that such government is—

(A) informing its citizens of the dangers of the journey to the southwest border of the United States;

(B) combating human smuggling and trafficking;

(C) improving border security, including preventing illegal migration, human smuggling and trafficking, and trafficking of illicit drugs and other contraband;

(D) cooperating with United States Government agencies and other governments in the region to facilitate the return, repatriation, and reintegration of illegal migrants arriving at the southwest border of the United States who do not qualify for asylum, consistent with international law;

(E) working cooperatively with an autonomous, publicly accountable entity to provide oversight of the Plan of the Alliance for Prosperity in the Northern Triangle in Central America (the Plan);

(F) combating corruption, including investigating and prosecuting current and former government officials credibly alleged to be corrupt;

(G) implementing reforms, policies, and programs to increase transparency and strengthen public institutions and the rule of law;

(H) working with local communities, civil society organizations (including indigenous and other marginalized groups), and local governments in the implementation and evaluation of activities of the Plan;

(I) countering the activities of criminal gangs, drug traffickers, and transnational criminal organizations;

(J) investigating and prosecuting in the civilian justice system government personnel who are credibly alleged to have violated human rights;

(K) cooperating with commissions against corruption and impunity and with regional human rights entities;

(L) supporting programs to reduce poverty, expand education and vocational training for at-risk youth, create jobs, and promote equitable economic growth, particularly in areas contributing to large numbers of migrants;

(M) creating a professional, accountable civilian police force and ending the role of the military in internal policing;

(N) protecting the right of political opposition parties and other members of civil society to operate without interference;

(O) implementing tax reforms; and

(P) resolving commercial disputes.

(2) DETERMINATIONS AND IMPACT ON ASSISTANCE.—

(A) INSUFFICIENT PROGRESS.—The Secretary of State shall periodically review the progress of each of the central governments of El Salvador, Guatemala, and Honduras in meeting the requirements of paragraph (1): *Provided*, That if the Secretary determines and reports to the appropriate congressional committees that sufficient progress has not been made by such government in meeting such requirements, the Secretary shall suspend, in whole or in part, assistance for such government for programs supporting such requirement, and shall notify the appropriate congressional committees in writing of such action: *Provided further*, That the Secretary may resume such assistance if the Secretary determines and reports to such committees that corrective measures have been taken by such government.

(B) CHANGE IN NATIONAL GOVERNMENT.—Not later than 90 days following a change of national government in El Salvador, Guatemala, or Honduras, the Secretary of State shall determine whether or not such government is meeting the requirements of paragraph (1) and submit a report to the appropriate congressional committees detailing the reasons for such determination: *Provided*, That if the Secretary determines that such government is not meeting such requirements, then the Secretary shall suspend, in whole or in part, assistance for such country until such time as such determination and report can be made.

(C) REPROGRAMMING.—Assistance suspended pursuant to subparagraphs (A) or (B) may be reprogrammed if the Secretary of State determines that corrective measures have not been taken: *Provided*, That any such reprogramming shall only be made available for assistance for other countries in Latin America and the Caribbean and shall be subject to the regular notification procedures of the Committees on Appropriations.

(3) CONSULTATION.—The Secretary of State shall consult with the Committees on Appropriations not less than 14 days prior to submitting any certification made pursuant to subsection (a)(1) and any suspension or reprogramming made pursuant to subsection (a)(2).

(4) EXCEPTIONS AND LIMITATIONS.—

(A) EXCEPTIONS.—The limitation of paragraph (1) shall not apply to funds appropriated by this Act that are made available for the International Commission against Impunity in Guatemala, the Mission to Support the Fight against Corruption and Impunity in Honduras, humanitarian assistance, and food security programs.

(B) LIMITATIONS.—None of the funds appropriated by this Act that are made available for assistance for countries

in Central America may be made available for direct government-to-government assistance or for major infrastructure projects.

(b) COLOMBIA.—

(1) ASSISTANCE.—Of the funds appropriated by this Act under titles III and IV, not less than \$418,253,000 shall be made available for assistance for Colombia, including to support the efforts of the Government of Colombia to—

(A) conduct a unified campaign against narcotics trafficking, organizations designated as foreign terrorist organizations pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), and other criminal or illegal armed groups: *Provided*, That aircraft supported by funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be used to transport personnel and supplies involved in drug eradication and interdiction, including security for such activities, and to provide transport in support of alternative development programs and investigations by civilian judicial authorities;

(B) enhance security and stability in Colombia and the region;

(C) strengthen and expand governance, the rule of law, and access to justice throughout Colombia;

(D) promote economic and social development, including by improving access to areas impacted by conflict through demining programs;

(E) assist communities impacted by significant refugee or migrant populations; and

(F) implement a peace agreement between the Government of Colombia and illegal armed groups, in accordance with constitutional and legal requirements in Colombia.

(2) LIMITATION.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for Colombia may be made available for payment of reparations to conflict victims or compensation to demobilized combatants associated with a peace agreement between the Government of Colombia and illegal armed groups.

(3) COUNTERNARCOTICS.—Of the funds appropriated by this Act under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” and made available for counternarcotics assistance for Colombia, 20 percent may be obligated only after the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Colombia has reduced overall illicit drug cultivation, production, and trafficking.

(4) HUMAN RIGHTS.—Of the funds appropriated by this Act under the heading “Foreign Military Financing Program” and made available for assistance for Colombia, 20 percent may be obligated only after the Secretary of State certifies and reports to the Committees on Appropriations that—

(A) the Special Jurisdiction for Peace and other judicial authorities are taking effective steps to hold accountable perpetrators of gross violations of human rights in a manner consistent with international law, including for

command responsibility, and sentence them to deprivation of liberty;

(B) the Government of Colombia is taking effective steps to reduce attacks against human rights defenders and other civil society activists, trade unionists, and journalists, and judicial authorities are prosecuting those responsible for such attacks; and

(C) senior military officers responsible for ordering, committing, and covering up cases of false positives are being held accountable, including removal from active duty if found guilty through criminal or disciplinary proceedings.

(5) EXCEPTIONS.—The limitations of paragraphs (3) and (4) shall not apply to funds made available for aviation instruction and maintenance, and maritime and riverine security programs.

(c) HAITI.—

(1) CERTIFICATION.—Funds appropriated by this Act under the headings “Development Assistance” and “Economic Support Fund” that are made available for assistance for Haiti may not be made available for assistance for the central Government of Haiti unless the Secretary of State certifies and reports to the Committees on Appropriations that such government is taking effective steps, which are steps taken since the certification and report submitted during the prior year, if applicable, to—

(A) strengthen the rule of law in Haiti, including by—
(i) selecting judges in a transparent manner based on merit;
(ii) reducing pre-trial detention;
(iii) respecting the independence of the judiciary;
and

(iv) improving governance by implementing reforms to increase transparency and accountability, including through the penal and criminal codes;

(B) combat corruption, including by implementing the anti-corruption law enacted in 2014 and prosecuting corrupt officials;

(C) increase government revenues, including by implementing tax reforms, and increasing expenditures on public services; and

(D) resolve commercial disputes between United States entities and the Government of Haiti.

(2) HAITIAN COAST GUARD.—The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the Coast Guard.

(d) VENEZUELA.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$17,500,000 shall be made available for programs to promote democracy and the rule of law in Venezuela.

EUROPE AND EURASIA

SEC. 7046. (a) ASSISTANCE.—

(1) GEORGIA.—Of the funds appropriated by this Act under titles III and IV, not less than \$127,025,000 shall be made available for assistance for Georgia.

(2) UKRAINE.—Of the funds appropriated by this Act under titles III and IV, not less than \$445,700,000 shall be made available for assistance for Ukraine.

(b) LIMITATION.—None of the funds appropriated by this Act may be made available for assistance for a government of an Independent State of the former Soviet Union if such government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That except as otherwise provided in section 7047(a) of this Act, funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: *Provided further*, That prior to executing the authority contained in the previous proviso, the Secretary of State shall consult with the Committees on Appropriations on how such assistance supports the national security interest of the United States.

(c) SECTION 907 OF THE FREEDOM SUPPORT ACT.—Section 907 of the FREEDOM Support Act (22 U.S.C. 5812 note) shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act (22 U.S.C. 5851 et seq.) and section 1424 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2333) or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945 (Public Law 79–173); or

(6) humanitarian assistance.

(d) TURKEY.—

(1) TURKISH PRESIDENTIAL PROTECTION DIRECTORATE.—None of the funds made available by this Act may be used to facilitate or support the sale of defense articles or defense services to the Turkish Presidential Protection Directorate (TPPD) under chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.), unless the Secretary of State determines and reports to the appropriate congressional committees that members of the TPPD that are named in the July 17, 2017 indictment by the Superior Court of the District of Columbia, and against whom charges are pending, have returned to the United States to stand trial in connection with the offenses contained in such indictment or have otherwise been brought to justice: *Provided*, That the limitation in this paragraph shall not apply to the use of funds made available by this Act for border security purposes, for North Atlantic Treaty Organization or coalition operations, or to enhance the protection of United States officials and facilities in Turkey.

(2) RESTRICTION ON FUNDS.—

(A) Not later than November 1, 2019, but no sooner than six months after enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit an update to the report required by section 1282 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) regarding the purchase by the Republic of Turkey of the S–400 missile defense system from the Russian Federation: *Provided*, That such report shall also include a detailed description of plans for the imposition of sanctions, if appropriate, for such purchase pursuant to section 231 of the Countering Russian Influence in Europe and Eurasia Act of 2017 (Public Law 115–44).

(B) None of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to deliver F–35 aircraft to the territory of the Republic of Turkey until the report in subparagraph (A) is submitted to the Congress.

COUNTERING RUSSIAN INFLUENCE AND AGGRESSION

SEC. 7047. (a) LIMITATION.—None of the funds appropriated by this Act may be made available for assistance for the central Government of the Russian Federation.

(b) ANNEXATION OF CRIMEA.—

(1) None of the funds appropriated by this Act may be made available for assistance for the central government of a country that the Secretary of State determines and reports to the Committees on Appropriations has taken affirmative steps intended to support or be supportive of the Russian Federation annexation of Crimea or other territory in Ukraine: *Provided*, That except as otherwise provided in subsection (a), the Secretary may waive the restriction on assistance required by this paragraph if the Secretary determines and reports to such Committees that to do so is in the national interest of the United States, and includes a justification for such interest.

(2) None of the funds appropriated by this Act may be made available for—

(A) the implementation of any action or policy that recognizes the sovereignty of the Russian Federation over Crimea or other territory in Ukraine;

(B) the facilitation, financing, or guarantee of United States Government investments in Crimea or other territory in Ukraine under the control of Russian-backed separatists, if such activity includes the participation of Russian Government officials, or other Russian owned or controlled financial entities; or

(C) assistance for Crimea or other territory in Ukraine under the control of Russian-backed separatists, if such assistance includes the participation of Russian Government officials, or other Russian owned or controlled financial entities.

(3) The Secretary of the Treasury shall instruct the United States executive directors of each international financial institution to vote against any assistance by such institution (including

any loan, credit, or guarantee) for any program that violates the sovereignty or territorial integrity of Ukraine.

(4) The requirements and limitations of this subsection shall cease to be in effect if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Ukraine has reestablished sovereignty over Crimea and other territory in Ukraine under the control of Russian-backed separatists.

(c) OCCUPATION OF THE GEORGIAN TERRITORIES OF ABKHAZIA AND TSKHINVALI REGION/SOUTH OSSETIA.—

(1) None of the funds appropriated by this Act may be made available for assistance for the central government of a country that the Secretary of State determines and reports to the Committees on Appropriations has recognized the independence of, or has established diplomatic relations with, the Russian occupied Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia: *Provided*, That the Secretary shall publish on the Department of State website a list of any such central governments in a timely manner: *Provided further*, That the Secretary may waive the restriction on assistance required by this paragraph if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national interest of the United States, and includes a justification for such interest.

(2) None of the funds appropriated by this Act may be made available to support the Russian occupation of the Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia.

(3) The Secretary of the Treasury shall instruct the United States executive directors of each international financial institution to vote against any assistance by such institution (including any loan, credit, or guarantee) for any program that violates the sovereignty and territorial integrity of Georgia.

(d) COUNTERING RUSSIAN INFLUENCE FUND.—

(1) Of the funds appropriated by this Act under the headings “Assistance for Europe, Eurasia and Central Asia”, “International Narcotics Control and Law Enforcement”, “International Military Education and Training”, and “Foreign Military Financing Program”, not less than \$275,000,000 shall be made available to carry out the purposes of the Countering Russian Influence Fund, as authorized by section 254 of the Countering Russian Influence in Europe and Eurasia Act of 2017 (Public Law 115–44; 22 U.S.C. 9543) and notwithstanding the country limitation in subsection (b) of such section, and programs to enhance the capacity of law enforcement and security forces in countries in Europe and Eurasia and strengthen security cooperation between such countries and the United States and the North Atlantic Treaty Organization, as appropriate.

(2) Funds appropriated by this Act and made available for assistance for the Eastern Partnership countries shall be made available to advance the implementation of Association Agreements and trade agreements with the European Union, and to reduce their vulnerability to external economic and political pressure from the Russian Federation.

(e) DEMOCRACY PROGRAMS.—Funds appropriated by this Act shall be made available to support democracy programs in the

Russian Federation, including to promote Internet freedom, and shall also be made available to support the democracy and rule of law strategy required by section 7071(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

UNITED NATIONS

SEC. 7048. (a) TRANSPARENCY AND ACCOUNTABILITY.—

(1) RESTRICTIONS.—Of the funds appropriated under title I and under the heading “International Organizations and Programs” in title V of this Act that are available for contributions to the United Nations (including the Department of Peacekeeping Operations), any United Nations agency, or the Organization of American States, 15 percent may not be obligated for such organization, department, or agency until the Secretary of State determines and reports to the Committees on Appropriations that the organization, department, or agency is—

(A) posting on a publicly available website, consistent with privacy regulations and due process, regular financial and programmatic audits of such organization, department, or agency, and providing the United States Government with necessary access to such financial and performance audits;

(B) effectively implementing and enforcing policies and procedures which reflect best practices for the protection of whistleblowers from retaliation, including best practices for—

(i) protection against retaliation for internal and lawful public disclosures;

(ii) legal burdens of proof;

(iii) statutes of limitation for reporting retaliation;

(iv) access to independent adjudicative bodies, including external arbitration; and

(v) results that eliminate the effects of proven retaliation; and

(C) effectively implementing and enforcing policies and procedures on the appropriate use of travel funds, including restrictions on first class and business class travel.

(2) WAIVER.—The restrictions imposed by or pursuant to paragraph (1) may be waived on a case-by-case basis if the Secretary of State determines and reports to the Committees on Appropriations that such waiver is necessary to avert or respond to a humanitarian crisis.

(b) RESTRICTIONS ON UNITED NATIONS DELEGATIONS AND ORGANIZATIONS.—

(1) RESTRICTIONS ON UNITED STATES DELEGATIONS.—None of the funds made available by this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such agency, body, or commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

(2) RESTRICTIONS ON CONTRIBUTIONS.—None of the funds made available by this Act may be used by the Secretary of State as a contribution to any organization, agency, commission, or program within the United Nations system if such organization, agency, commission, or program is chaired or presided over by a country the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, section 6(j)(1) of the Export Administration Act of 1979, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(3) WAIVER.—The Secretary of State may waive the restriction in this subsection if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national interest of the United States, including a description of the national interest served.

(c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—None of the funds appropriated by this Act may be made available in support of the United Nations Human Rights Council unless the Secretary of State determines and reports to the Committees on Appropriations that participation in the Council is important to the national interest of the United States and that such Council is taking significant steps to remove Israel as a permanent agenda item and ensure integrity in the election of members to such Council: *Provided*, That such report shall include a description of the national interest served and the steps taken to remove Israel as a permanent agenda item and ensure integrity in the election of members to such Council: *Provided further*, That the Secretary of State shall report to the Committees on Appropriations not later than September 30, 2019, on the resolutions considered in the United Nations Human Rights Council during the previous 12 months, and on steps taken to remove Israel as a permanent agenda item and ensure integrity in the election of members to such Council.

(d) UNITED NATIONS RELIEF AND WORKS AGENCY.—Prior to the initial obligation of funds for the United Nations Relief and Works Agency (UNRWA), the Secretary of State shall report to the Committees on Appropriations, in writing, on whether UNRWA is—

(1) utilizing Operations Support Officers in the West Bank, Gaza, and other fields of operation to inspect UNRWA installations and reporting any inappropriate use;

(2) acting promptly to address any staff or beneficiary violation of its own policies (including the policies on neutrality and impartiality of employees) and the legal requirements under section 301(c) of the Foreign Assistance Act of 1961;

(3) implementing procedures to maintain the neutrality of its facilities, including implementing a no-weapons policy, and conducting regular inspections of its installations, to ensure they are only used for humanitarian or other appropriate purposes;

(4) taking necessary and appropriate measures to ensure it is operating in compliance with the conditions of section 301(c) of the Foreign Assistance Act of 1961 and continuing regular reporting to the Department of State on actions it has taken to ensure conformance with such conditions;

(5) taking steps to ensure the content of all educational materials currently taught in UNRWA-administered schools and summer camps is consistent with the values of human rights, dignity, and tolerance and does not induce incitement;

(6) not engaging in operations with financial institutions or related entities in violation of relevant United States law, and is taking steps to improve the financial transparency of the organization; and

(7) in compliance with the United Nations Board of Auditors' biennial audit requirements and is implementing in a timely fashion the Board's recommendations.

(e) PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

(f) CAPITAL PROJECTS.—Any operating plan submitted pursuant to this Act for funds made available under the heading "Contributions to International Organizations" shall include information on capital projects, as described under such heading in House Report 115–253.

(g) REPORT.—Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amount of funds available for obligation or expenditure in fiscal year 2019 for contributions to any organization, department, agency, or program within the United Nations system or any international program that are withheld from obligation or expenditure due to any provision of law: *Provided*, That the Secretary shall update such report each time additional funds are withheld by operation of any provision of law: *Provided further*, That the reprogramming of any withheld funds identified in such report, including updates thereof, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(h) SEXUAL EXPLOITATION AND ABUSE IN PEACEKEEPING OPERATIONS.—

(1) IN GENERAL.—Funds appropriated by this Act shall be made available to implement section 301 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323).

(2) WITHHOLDING OF FUNDS.—The Secretary of State should withhold assistance to any unit of the security forces of a foreign country if the Secretary has credible information that such unit has engaged in sexual exploitation or abuse, including while serving in a United Nations peacekeeping operation, until the Secretary determines that the government of such country is taking effective steps to hold the responsible members of such unit accountable and to prevent future incidents: *Provided*, That the Secretary shall promptly notify the government of each country subject to any withholding of assistance pursuant to this paragraph, and shall notify the appropriate congressional committees of such withholding not later than 10 days

after a determination to withhold such assistance is made: *Provided further*, That the Secretary shall, to the maximum extent practicable, assist such government in bringing the responsible members of such unit to justice.

(i) **ADDITIONAL AVAILABILITY.**—Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated by this Act which are returned or not made available due to the implementation of subsection (a), the second proviso under the heading “Contributions for International Peacekeeping Activities” in title I of this Act, or section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)), shall remain available for obligation until September 30, 2020: *Provided*, That the requirement to withhold funds for programs in Burma under section 307(a) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated by this Act.

(j) **NATIONAL SECURITY INTEREST WITHHOLDING.**—

(1) **WITHHOLDING.**—The Secretary of State shall withhold 5 percent of the funds appropriated by this Act under the heading “Contributions to International Organizations” for a specialized agency or other entity of the United Nations if the Secretary, in consultation with the United States Ambassador to the United Nations, determines and reports to the Committees on Appropriations that such agency or entity has taken an official action that is against the national security interest of the United States or an ally of the United States, including Israel.

(2) **RELEASE OF FUNDS.**—The Secretary of State, in consultation with the United States Ambassador to the United Nations, may release funds withheld pursuant to paragraph (1) if the Secretary determines and reports to the Committees on Appropriations that such agency or entity is taking steps to address the action that resulted in the withholding of such funds.

(3) **REPROGRAMMING.**—Should the Secretary of State be unable to make a determination pursuant to paragraph (2) regarding the release of withheld funds, such funds may be reprogrammed for other purposes under the heading “Contributions to International Organizations”.

(4) **WAIVER.**—The Secretary of State, following consultation with the Committees on Appropriations, may waive the requirements of this subsection if the Secretary determines that to do so in the national interest.

(k) **TRANSFER OF FUNDS.**—Of the funds appropriated by this Act under the heading “Economic Support Fund”, \$25,000,000 shall be transferred to, and merged with, funds appropriated under the heading “International Organizations and Programs”, of which \$23,000,000 shall be for a contribution to support the United Nations resident coordinator system and \$2,000,000 shall be for a contribution to the Montreal Protocol Multilateral Fund.

LAW ENFORCEMENT AND SECURITY

SEC. 7049. (a) **ASSISTANCE.**—

(1) **COMMUNITY-BASED POLICE ASSISTANCE.**—Funds made available under titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used,

notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance, including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(2) COMBAT CASUALTY CARE.—

(A) Consistent with the objectives of the Foreign Assistance Act of 1961 and the Arms Export Control Act, funds appropriated by this Act under the headings “Peacekeeping Operations” and “Foreign Military Financing Program” shall be made available for combat casualty training and equipment.

(B) The Secretary of State shall offer combat casualty care training and equipment as a component of any package of lethal assistance funded by this Act with funds appropriated under the headings “Peacekeeping Operations” and “Foreign Military Financing Program”: *Provided*, That the requirement of this subparagraph shall apply to a country in conflict, unless the Secretary determines that such country has in place, to the maximum extent practicable, functioning combat casualty care treatment and equipment that meets or exceeds the standards recommended by the Committee on Tactical Combat Casualty Care: *Provided further*, That any such training and equipment for combat casualty care shall be made available through an open and transparent process.

(3) COUNTERTERRORISM PARTNERSHIPS FUND.—Funds appropriated by this Act under the heading Nonproliferation, Anti-terrorism, Demining and Related Programs shall be made available for the Counterterrorism Partnerships Fund for programs in areas liberated from, under the influence of, or adversely affected by, the Islamic State of Iraq and Syria or other terrorist organizations: *Provided*, That such areas shall include the Kurdistan Region of Iraq: *Provided further*, That prior to the obligation of funds made available pursuant to this paragraph, the Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of such funds: *Provided further*, That funds made available pursuant to this paragraph shall be subject to prior consultation with the appropriate congressional committees, and the regular notification procedures of the Committees on Appropriations.

(4) TRAINING RELATED TO INTERNATIONAL HUMANITARIAN LAW.—The Secretary of State shall offer training related to the requirements of international humanitarian law as a component of any package of lethal assistance funded by this Act with funds appropriated under the headings “Peacekeeping Operations” and “Foreign Military Financing Program”: *Provided*, That the requirement of this paragraph shall not apply to a country that is a member of the North Atlantic Treaty Organization (NATO), is a major non-NATO ally designated by section 517(b) of the Foreign Assistance Act of 1961, or is complying with international humanitarian law: *Provided*

further, That any such training shall be made available through an open and transparent process.

(5) SECURITY FORCE PROFESSIONALIZATION.—Funds appropriated by this Act under the headings “International Narcotics Control and Law Enforcement” and “Peacekeeping Operations” shall be made available to increase the capacity of foreign military and law enforcement personnel to operate in accordance with appropriate standards relating to human rights and the protection of civilians in the manner specified under this section in the joint explanatory statement accompanying this Act, following consultation with the Committees on Appropriations: *Provided*, That funds made available pursuant to this paragraph shall only be made available on an open and competitive basis.

(b) AUTHORITIES.—

(1) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(2) DISARMAMENT, DEMOBILIZATION, AND REINTEGRATION.—Section 7034(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2019.

(3) INTERNATIONAL PRISON CONDITIONS.—Of the funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, and “International Narcotics Control and Law Enforcement”, not less than \$5,000,000 shall be made available for assistance to eliminate inhumane conditions in foreign prisons and other detention facilities, notwithstanding section 660 of the Foreign Assistance Act of 1961: *Provided*, That the Secretary of State and the USAID Administrator shall consult with the Committees on Appropriations on the proposed uses of such funds prior to obligation and not later than 120 days after enactment of this Act: *Provided further*, That such funds shall be in addition to funds otherwise made available by this Act for such purpose.

(4) EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.—

(A) Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011) is amended by striking “of this section” and all that follows through the period at the end and inserting “of this section after September 30, 2020.”

(B) Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking “and 2019” and inserting “2019, and 2020”.

(5) COMMERCIAL LEASING OF DEFENSE ARTICLES.—Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt, the North Atlantic Treaty Organization (NATO), and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States

commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

(6) SPECIAL DEFENSE ACQUISITION FUND.—Not to exceed \$900,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund (the Fund), to remain available for obligation until September 30, 2021: *Provided*, That the provision of defense articles and defense services to foreign countries or international organizations from the Fund shall be subject to the concurrence of the Secretary of State.

(7) PUBLIC DISCLOSURE.—For the purposes of funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for units of foreign security forces, the term “to the maximum extent practicable” in section 620M(d)(7) of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) means that the identity of such units shall be made publicly available unless the Secretary of State, on a case-by-case basis, determines and reports to the appropriate congressional committees that disclosure would endanger the safety of human sources or reveal sensitive intelligence sources and methods, or that non-disclosure is in the national security interest of the United States: *Provided*, That any such determination shall include a detailed justification, and may be submitted in classified form.

(c) LIMITATIONS.—

(1) CHILD SOLDIERS.—Funds appropriated by this Act should not be used to support any military training or operations that include child soldiers.

(2) LANDMINES AND CLUSTER MUNITIONS.—

(A) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the Secretary of State may prescribe.

(B) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(i) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments, and the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians; or

(ii) such assistance, license, sale, or transfer is for the purpose of demilitarizing or permanently disposing of such cluster munitions.

(3) CROWD CONTROL ITEMS.—Funds appropriated by this Act should not be used for tear gas, small arms, light weapons, ammunition, or other items for crowd control purposes for foreign security forces that use excessive force to repress peaceful expression, association, or assembly in countries that the Secretary of State determines are undemocratic or are undergoing democratic transitions.

(d) REPORTS.—

(1) SECURITY ASSISTANCE REPORT.—Not later than 120 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report on funds obligated and expended during fiscal year 2018, by country and purpose of assistance, under the headings “Peacekeeping Operations”, “International Military Education and Training”, and “Foreign Military Financing Program”.

(2) QUARTERLY STATUS REPORT.—Following the submission of the quarterly report required by section 36 of Public Law 90–629 (22 U.S.C. 2776), the Secretary of State, in coordination with the Secretary of Defense, shall submit to the Committees on Appropriations a status report that contains the information described under the heading “Foreign Military Financing Program” in House Report 115–829.

(3) VETTING REPORT.—

(A) IN GENERAL.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees on foreign assistance cases submitted for vetting for purposes of section 620M of the Foreign Assistance Act of 1961 during the preceding fiscal year, including—

(i) the total number of cases submitted, approved, suspended, or rejected for human rights reasons; and

(ii) for cases rejected, a description of the steps taken to assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice, in accordance with section 620M(c) of the Foreign Assistance Act of 1961.

(B) FORM.—The report required by this paragraph shall be submitted in unclassified form, but may be accompanied by a classified annex.

(4) ANNUAL FOREIGN MILITARY TRAINING REPORT.—For the purposes of implementing section 656 of the Foreign Assistance Act of 1961, the term “military training provided to foreign military personnel by the Department of Defense and the Department of State” shall be deemed to include all military training provided by foreign governments with funds appropriated to the Department of Defense or the Department of State, except for training provided by the government of a country designated by section 517(b) of such Act as a major non-NATO ally.

ARMS TRADE TREATY

SEC. 7050. None of the funds appropriated by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

INTERNATIONAL CONFERENCES

SEC. 7051. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: *Provided*, That for purposes of this section the term “international conference” shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

AIRCRAFT TRANSFER, COORDINATION, AND USE

SEC. 7052. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Diplomatic Programs”, “International Narcotics Control and Law Enforcement”, “Andean Counterdrug Initiative”, and “Andean Counterdrug Programs” may be used for any other program and in any region.

(b) PROPERTY DISPOSAL.—The authority provided in subsection (a) shall apply only after the Secretary of State determines and reports to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: *Provided*, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) AIRCRAFT COORDINATION.—

(1) AUTHORITY.—The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: *Provided*, That notwithstanding section 7006(b) of this Act, such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting Department of State and USAID programs and activities: *Provided further*, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis: *Provided further*, That funds received by the Department of State in connection with the use of aircraft owned, leased, or chartered by the Department of State may be credited to the Working Capital Fund of the Department and shall be available for expenses related to the purchase, lease, maintenance, chartering, or operation of such aircraft.

(2) SCOPE.—The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

(d) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act shall be borne by the recipient country.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN
GOVERNMENTS

SEC. 7053. The terms and conditions of section 7055 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall apply to this Act: *Provided*, That the date “September 30, 2009” in subsection (f)(2)(B) of such section shall be deemed to be “September 30, 2018”.

INTERNATIONAL MONETARY FUND

SEC. 7054. (a) EXTENSIONS.—The terms and conditions of sections 7086(b) (1) and (2) and 7090(a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall apply to this Act.

(b) REPAYMENT.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to seek to ensure that any loan will be repaid to the IMF before other private or multilateral creditors.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7055. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by Congress: *Provided*, That not to exceed \$25,000 may be made available to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 22 U.S.C. 2151a note).

DISABILITY PROGRAMS

SEC. 7056. (a) ASSISTANCE.—Funds appropriated by this Act under the heading “Economic Support Fund” shall be made available for programs and activities administered by the United States Agency for International Development to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, and integration of individuals with disabilities, including for the cost of translation.

(b) MANAGEMENT, OVERSIGHT, AND TECHNICAL SUPPORT.—Of the funds made available pursuant to this section, 5 percent may be used for USAID for management, oversight, and technical support.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT
MANAGEMENT

SEC. 7057. (a) **AUTHORITY.**—Up to \$93,000,000 of the funds made available in title III of this Act pursuant to or to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used by the United States Agency for International Development to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980 (22 U.S.C. 3948 and 3949).

22 USC 3948
note.(b) **RESTRICTIONS.**—22 USC 3948
note.

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2020.

(c) **CONDITIONS.**—The authority of subsection (a) should only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other non-direct hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, are eliminated.

22 USC 3948
note.

(d) **PROGRAM ACCOUNT CHARGED.**—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which the responsibilities of such individual primarily relate: *Provided*, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading “Operating Expenses”.

22 USC 3948
note.

(e) **FOREIGN SERVICE LIMITED EXTENSIONS.**—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949), may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

22 USC 3948
note.

(f) **DISASTER SURGE CAPACITY.**—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters, or man-made disasters subject to the regular notification procedures of the Committees on Appropriations.

(g) **PERSONAL SERVICES CONTRACTORS.**—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Food for Peace Act (Public Law 83–480; 7 U.S.C. 1721 et seq.), may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed

by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 15 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out title II of the Food for Peace Act (Public Law 83-480; 7 U.S.C. 1721 et seq.), may be made available only for personal services contractors assigned to the Office of Food for Peace.

(h) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, USAID may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(i) SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.—Individuals hired pursuant to the authority provided by section 7059(o) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111-117) may be assigned to or support programs in Afghanistan or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

GLOBAL HEALTH ACTIVITIES

SEC. 7058. (a) IN GENERAL.—Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for provisions under the heading “Global Health Programs” and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of the funds appropriated under title III of this Act, not less than \$575,000,000 should be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

(b) GLOBAL FUND.—Of the funds appropriated by this Act that are available for a contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), 10 percent should be withheld from obligation until the Secretary of State determines and reports to the Committees on Appropriations that the Global Fund is—

(1) maintaining and implementing a policy of transparency, including the authority of the Global Fund Office of the Inspector General (OIG) to publish OIG reports on a public website;

(2) providing sufficient resources to maintain an independent OIG that—

(A) reports directly to the Board of the Global Fund;

(B) maintains a mandate to conduct thorough investigations and programmatic audits, free from undue interference; and

(C) compiles regular, publicly published audits and investigations of financial, programmatic, and reporting aspects of the Global Fund, its grantees, recipients, sub-recipients, and Local Fund Agents;

(3) effectively implementing and enforcing policies and procedures which reflect best practices for the protection of whistleblowers from retaliation, including best practices for—

- (A) protection against retaliation for internal and lawful public disclosures;
- (B) legal burdens of proof;
- (C) statutes of limitation for reporting retaliation;
- (D) access to independent adjudicative bodies, including external arbitration; and
- (E) results that eliminate the effects of proven retaliation:

Provided, That such withholding shall not be in addition to funds that are withheld from the Global Fund in fiscal year 2019 pursuant to the application of any other provision contained in this or any other Act.

(c) CONTAGIOUS INFECTIOUS DISEASE OUTBREAKS.—

(1) EXTRAORDINARY MEASURES.—If the Secretary of State determines and reports to the Committees on Appropriations that an international infectious disease outbreak is sustained, severe, and is spreading internationally, or that it is in the national interest to respond to a Public Health Emergency of International Concern, funds appropriated by this Act under the headings “Global Health Programs”, “Development Assistance”, “International Disaster Assistance”, “Complex Crises Fund”, “Economic Support Fund”, “Democracy Fund”, “Assistance for Europe, Eurasia and Central Asia”, “Migration and Refugee Assistance”, and “Millennium Challenge Corporation” may be made available to combat such infectious disease or public health emergency, and may be transferred to, and merged with, funds appropriated under such headings for the purposes of this paragraph.

(2) CONSULTATION AND NOTIFICATION.—Funds made available by this subsection shall be subject to prior consultation with the appropriate congressional committees, and the regular notification procedures of the Committees on Appropriations.

(d) REPURPOSED FUNDS.—

(1) USES.—Of the unobligated balances available under the heading “Bilateral Economic Assistance” in title IX of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235)—

(A) \$38,000,000 shall be for programs to accelerate the capabilities of targeted countries to prevent, detect, and respond to infectious disease outbreaks; and

(B) \$2,000,000 shall be made available for the Emergency Reserve Fund established pursuant to section 7058(c)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31) and shall be made available under the same terms and conditions of such section: *Provided*, That the second proviso of such paragraph is amended by striking “Secretary of State” and inserting in lieu thereof “Administrator of the United States Agency for International Development”.

(2) CONSULTATION AND NOTIFICATION.—Funds made available by this subsection shall be subject to prior consultation

with, and the regular notification procedures of, the Committees on Appropriations.

(3) TRANSFER BETWEEN ACCOUNTS.—Funds made available pursuant to this subsection under the headings “Global Health Programs” and “International Disaster Assistance” may be transferred to, and merged with, funds made available under such headings: *Provided*, That such transfer authority is in addition to any other transfer authority provided by law.

(4) CLARIFICATION.—Funds made available pursuant to this subsection are in addition to funds otherwise made available for such purposes.

(5) DESIGNATION.—The amounts repurposed under this subsection are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

GENDER EQUALITY

SEC. 7059. (a) GENDER EQUALITY.—Funds appropriated by this Act shall be made available to promote gender equality in United States Government diplomatic and development efforts by raising the status, increasing the participation, and protecting the rights of women and girls worldwide.

(b) WOMEN’S LEADERSHIP.—Of the funds appropriated by title III of this Act, not less than \$50,000,000 shall be made available for programs specifically designed to increase leadership opportunities for women in countries where women and girls suffer discrimination due to law, policy, or practice, by strengthening protections for women’s political status, expanding women’s participation in political parties and elections, and increasing women’s opportunities for leadership positions in the public and private sectors at the local, provincial, and national levels.

(c) GENDER-BASED VIOLENCE.—

(1)(A) Of the funds appropriated under titles III and IV of this Act, not less than \$150,000,000 shall be made available to implement a multi-year strategy to prevent and respond to gender-based violence in countries where it is common in conflict and non-conflict settings.

(B) Funds appropriated under titles III and IV of this Act that are available to train foreign police, judicial, and military personnel, including for international peacekeeping operations, shall address, where appropriate, prevention and response to gender-based violence and trafficking in persons, and shall promote the integration of women into the police and other security forces.

(2) Department of State and United States Agency for International Development gender programs shall incorporate coordinated efforts to combat a variety of forms of gender-based violence, including child marriage, rape, female genital cutting and mutilation, and domestic violence, among other forms of gender-based violence in conflict and non-conflict settings.

(d) WOMEN, PEACE, AND SECURITY.—Funds appropriated by this Act under the headings “Development Assistance”, “Economic

Support Fund”, “Assistance for Europe, Eurasia and Central Asia”, and “International Narcotics Control and Law Enforcement” should be made available to support a multi-year strategy to expand, and improve coordination of, United States Government efforts to empower women as equal partners in conflict prevention, peace building, transitional processes, and reconstruction efforts in countries affected by conflict or in political transition, and to ensure the equitable provision of relief and recovery assistance to women and girls.

(e) WOMEN AND GIRLS AT RISK FROM EXTREMISM.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$15,000,000 shall be made available to support women and girls who are at risk from extremism and conflict, and for the activities described in section 7059(e)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018 (division K of Public Law 115–141): *Provided*, That such funds are in addition to amounts otherwise made available by this Act for such purposes, and shall be made available following consultation with, and the regular notification procedures of, the Committees on Appropriations.

SECTOR ALLOCATIONS

SEC. 7060. (a) BASIC EDUCATION AND HIGHER EDUCATION.—

(1) BASIC EDUCATION.—

(A) Of the funds appropriated under title III of this Act, not less than \$800,000,000 shall be made available for assistance for basic education, and such funds may be made available notwithstanding any other provision of law that restricts assistance to foreign countries: *Provided*, That such funds shall also be used for secondary education activities: *Provided further*, That notifications submitted for basic education programs should, as applicable, describe activities conducted in support of non-state schools: *Provided further*, That the Administrator of the United States Agency for International Development, following consultation with the Committees on Appropriations, may reprogram such funds between countries.

(B) Not later than 30 days after enactment of this Act, the USAID Administrator shall report to the Committees on Appropriations on the status of cumulative unobligated balances and obligated, but unexpended, balances in each country where USAID provides basic education assistance and such report shall also include details on the types of contracts and grants provided and the goals and objectives of such assistance: *Provided*, That the USAID Administrator shall update such report on a quarterly basis until September 30, 2020: *Provided further*, That if the USAID Administrator determines that any unobligated balances of funds specifically designated for assistance for basic education in prior Acts making appropriations for the Department of State, foreign operations, and related programs are in excess of the absorptive capacity of recipient countries, such funds may be made available for other programs authorized under chapter 1 of part I of the Foreign Assistance Act of 1961, notwithstanding such funding designation: *Provided further*, That

the authority of the previous proviso shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(C) Of the funds appropriated under title III of this Act for assistance for basic education programs, not less than \$90,000,000 shall be made available for a contribution to multilateral partnerships that support education.

(2) HIGHER EDUCATION.—Of the funds appropriated by title III of this Act, not less than \$235,000,000 shall be made available for assistance for higher education: *Provided*, That such funds may be made available notwithstanding any other provision of law that restricts assistance to foreign countries, and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of such amount, not less than \$35,000,000 shall be made available for human and institutional capacity building partnerships between higher education institutions in the United States and developing countries, of which not less than \$15,000,000 shall be for new partnerships: *Provided further*, That not later than 45 days after enactment of this Act, the USAID Administrator shall consult with the Committees on Appropriations on the proposed uses of funds for such partnerships.

(b) DEVELOPMENT PROGRAMS.—Of the funds appropriated by this Act under the heading “Development Assistance”, not less than \$12,000,000 shall be made available for cooperative development programs of USAID, and not less than \$30,000,000 shall be made available for the American Schools and Hospitals Abroad program: *Provided*, That any substantive modifications from the prior fiscal year to the evaluation methodology or criteria for selecting grantees for the American Schools and Hospitals Abroad program shall be subject to prior consultation with the Committees on Appropriations.

(c) ENVIRONMENT PROGRAMS.—

(1) AUTHORITY AND NOTIFICATION.—

(A) Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, except for the provisions of this subsection, to support environment programs.

(B) Funds made available pursuant to this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(C) None of the funds in this Act are appropriated or otherwise made available for a contribution, grant, or any other payment for the Green Climate Fund.

(2) CONSERVATION PROGRAMS AND LIMITATIONS.—

(A) Of the funds appropriated under title III of this Act, not less than \$285,000,000 shall be made available for biodiversity conservation programs.

(B) Not less than \$90,664,000 of the funds appropriated under titles III and IV of this Act shall be made available to combat the transnational threat of wildlife poaching and trafficking.

(C) None of the funds appropriated under title IV of this Act may be made available for training or other assistance for any military unit or personnel that the Secretary

of State determines has been credibly alleged to have participated in wildlife poaching or trafficking, unless the Secretary reports to the appropriate congressional committees that to do so is in the national security interest of the United States.

(D) Funds appropriated by this Act for biodiversity programs shall not be used to support the expansion of industrial scale logging or any other industrial scale extractive activity into areas that were primary/intact tropical forests as of December 30, 2013, and the Secretary of the Treasury shall instruct the United States executive directors of each international financial institutions (IFI) to vote against any financing of any such activity.

(3) LARGE DAMS.—The Secretary of the Treasury shall instruct the United States executive director of each IFI that it is the policy of the United States to vote in relation to any loan, grant, strategy, or policy of such institution to support the construction of any large dam consistent with the criteria set forth in Senate Report 114–79, while also considering whether the project involves important foreign policy objectives.

(4) SUSTAINABLE LANDSCAPES.—Of the funds appropriated under title III of this Act, not less than \$125,000,000 shall be made available for sustainable landscapes programs.

(d) FOOD SECURITY AND AGRICULTURAL DEVELOPMENT.—Of the funds appropriated by title III of this Act, not less than \$1,000,600,000 shall be made available for food security and agricultural development programs to carry out the purposes of the Global Food Security Act of 2016 (Public Law 114–195), of which not less than \$315,960,000 shall be made available for the Bureau for Food Security, USAID, including not less than \$55,000,000 for the Feed the Future Innovation Labs: *Provided*, That funds may be made available for a contribution as authorized by section 3202 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by section 3206 of the Agricultural Act of 2014 (Public Law 113–79).

(e) MICRO- AND SMALL ENTERPRISES.—Of the funds appropriated by this Act, not less than \$265,000,000 shall be made available to support the development of, and access to financing for, micro- and small enterprises that benefit the poor, especially women.

(f) PROGRAMS TO COMBAT TRAFFICKING IN PERSONS.—Of the funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, “Assistance for Europe, Eurasia and Central Asia”, and “International Narcotics Control and Law Enforcement”, not less than \$67,000,000 shall be made available for activities to combat trafficking in persons internationally, of which not less than \$45,000,000 shall be from funds made available under the heading “International Narcotics Control and Law Enforcement”: *Provided*, That funds appropriated by this Act that are made available for programs to end modern slavery shall be in addition to funds made available by this subsection to combat trafficking in persons.

(g) RECONCILIATION PROGRAMS.—Funds appropriated by this Act under the headings “Economic Support Fund” and “Development Assistance” shall be made available to support people-to-people reconciliation programs which bring together individuals of different ethnic, religious, and political backgrounds from areas

of civil strife and war: *Provided*, That the USAID Administrator shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the uses of such funds, and such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That to the maximum extent practicable, such funds shall be matched by sources other than the United States Government: *Provided further*, That such funds shall be administered by the Office of Conflict Management and Mitigation, USAID.

(h) WATER AND SANITATION.—Of the funds appropriated by this Act, not less than \$435,000,000 shall be made available for water supply and sanitation projects pursuant to section 136 of the Foreign Assistance Act of 1961, of which not less than \$195,000,000 shall be for programs in sub-Saharan Africa, and of which not less than \$15,000,000 shall be made available to support initiatives by local communities in developing countries to build and maintain safe latrines.

ENTERPRISE FUNDS

SEC. 7061. (a) NOTIFICATION.—None of the funds made available under titles III through VI of this Act may be made available for Enterprise Funds unless the appropriate congressional committees are notified at least 15 days in advance.

(b) DISTRIBUTION OF ASSETS PLAN.—Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the appropriate congressional committees a plan for the distribution of the assets of the Enterprise Fund.

(c) TRANSITION OR OPERATING PLAN.—Prior to a transition to and operation of any private equity fund or other parallel investment fund under an existing Enterprise Fund, the President shall submit such transition or operating plan to the appropriate congressional committees.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7062. None of the funds appropriated or otherwise made available under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers' rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture;

(3) any assistance to an entity outside the United States if such assistance is for the purpose of directly relocating or transferring jobs from the United States to other countries and adversely impacts the labor force in the United States; or

(4) for the enforcement of any rule, regulation, policy, or guidelines implemented pursuant to—

(A) the third proviso of subsection 7079(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117);

(B) the modification proposed by the Overseas Private Investment Corporation in November 2013 to the Corporation’s Environmental and Social Policy Statement relating to coal; or

(C) the Supplemental Guidelines for High Carbon Intensity Projects approved by the Export-Import Bank of the United States on December 12, 2013,

when enforcement of such rule, regulation, policy, or guidelines would prohibit, or have the effect of prohibiting, any coal-fired or other power-generation project the purpose of which is to: (i) provide affordable electricity in International Development Association (IDA)-eligible countries and IDA-blend countries; and (ii) increase exports of goods and services from the United States or prevent the loss of jobs from the United States.

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 7063. (a) TRANSFER OF FUNDS.—Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of \$20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided*, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: *Provided further*, That designated funding levels in this Act shall not be transferred pursuant to this section: *Provided further*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) AUTHORITY.—Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961, the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect until September 30, 2019.

22 USC 2194
note.

INSPECTORS GENERAL

SEC. 7064. (a) PROHIBITION ON USE OF FUNDS.—None of the funds appropriated by this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency of the United States Government over which such Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede the access of such Inspector General to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers

to such Inspector General and expressly limits the right of access of such Inspector General.

(b) **TIMELY ACCESS.**—A department or agency of the United States Government covered by this section shall provide its Inspector General access to all records, documents, and other materials in a timely manner.

(c) **COMPLIANCE.**—Each Inspector General covered by this section shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) **REPORT.**—Each Inspector General covered by this section shall report to the Committees on Appropriations within 5 calendar days of any failure by any department or agency of the United States Government to provide its Inspector General access to all requested records, documents, and other materials.

GLOBAL INTERNET FREEDOM

SEC. 7065. (a) FUNDING.—Of the funds available for obligation during fiscal year 2019 under the headings “International Broadcasting Operations”, “Economic Support Fund”, “Democracy Fund”, and “Assistance for Europe, Eurasia and Central Asia”, not less than \$60,500,000 shall be made available for programs to promote Internet freedom globally: *Provided*, That such programs shall be prioritized for countries whose governments restrict freedom of expression on the Internet, and that are important to the national interest of the United States: *Provided further*, That funds made available pursuant to this section shall be matched, to the maximum extent practicable, by sources other than the United States Government, including from the private sector.

(b) **REQUIREMENTS.**—

(1) Funds appropriated by this Act under the headings “Economic Support Fund”, “Democracy Fund”, and “Assistance for Europe, Eurasia and Central Asia” that are made available pursuant to subsection (a) shall be—

(A) coordinated with other democracy programs funded by this Act under such headings, and shall be incorporated into country assistance and democracy promotion strategies, as appropriate;

(B) for programs to implement the May 2011, International Strategy for Cyberspace; the Department of State International Cyberspace Policy Strategy required by section 402 of the Cybersecurity Act of 2015 (division N of Public Law 114–113); and the comprehensive strategy to promote Internet freedom and access to information in Iran, as required by section 414 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8754);

(C) made available for programs that support the efforts of civil society to counter the development of repressive Internet-related laws and regulations, including countering threats to Internet freedom at international organizations; to combat violence against bloggers and other users; and to enhance digital security training and capacity building for democracy activists;

(D) made available for research of key threats to Internet freedom; the continued development of technologies

that provide or enhance access to the Internet, including circumvention tools that bypass Internet blocking, filtering, and other censorship techniques used by authoritarian governments; and maintenance of the technological advantage of the United States Government over such censorship techniques: *Provided*, That the Secretary of State, in consultation with the Chief Executive Officer (CEO) of the Broadcasting Board of Governors (BBG), shall coordinate any such research and development programs with other relevant United States Government departments and agencies in order to share information, technologies, and best practices, and to assess the effectiveness of such technologies; and

(E) made available only after the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, concurs that such funds are allocated consistent with—

(i) the strategies referenced in subparagraph (B) of this paragraph;

(ii) best practices regarding security for, and oversight of, Internet freedom programs; and

(iii) sufficient resources and support for the development and maintenance of anti-censorship technology and tools.

(2) Funds appropriated by this Act under the heading “International Broadcasting Operations” that are made available pursuant to subsection (a) shall be—

(A) made available only for tools and techniques to securely develop and distribute BBG digital content; facilitate audience access to such content on websites that are censored; coordinate the distribution of BBG digital content to targeted regional audiences; and to promote and distribute such tools and techniques, including digital security techniques;

(B) coordinated with programs funded by this Act under the heading “International Broadcasting Operations”, and shall be incorporated into country broadcasting strategies, as appropriate;

(C) coordinated by the BBG CEO to provide Internet circumvention tools and techniques for audiences in countries that are strategic priorities for the BBG and in a manner consistent with the BBG Internet freedom strategy; and

(D) made available for the research and development of new tools or techniques authorized in paragraph (A) only after the BBG CEO, in consultation with the Secretary of State and other relevant United States Government departments and agencies, evaluates the risks and benefits of such new tools or techniques, and establishes safeguards to minimize the use of such new tools or techniques for illicit purposes.

(c) COORDINATION AND SPEND PLANS.—After consultation among the relevant agency heads to coordinate and de-conflict planned activities, but not later than 90 days after enactment of this Act, the Secretary of State and the BBG CEO shall submit to the Committees on Appropriations spend plans for funds made available by this Act for programs to promote Internet freedom

globally, which shall include a description of safeguards established by relevant agencies to ensure that such programs are not used for illicit purposes: *Provided*, That the Department of State spend plan shall include funding for all such programs for all relevant Department of State and the United States Agency for International Development offices and bureaus.

(d) SECURITY AUDITS.—Funds made available pursuant to this section to promote Internet freedom globally may only be made available to support technologies that undergo comprehensive security audits conducted by the Bureau of Democracy, Human Rights, and Labor, Department of State to ensure that such technology is secure and has not been compromised in a manner detrimental to the interest of the United States or to individuals and organizations benefiting from programs supported by such funds: *Provided*, That the security auditing procedures used by such Bureau shall be reviewed and updated periodically to reflect current industry security standards.

(e) SURGE.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, up to \$2,500,000 may be made available to surge Internet freedom programs in closed societies if the Secretary of State determines and reports to the appropriate congressional committees that such use of funds is in the national interest: *Provided*, That such funds are in addition to amounts made available for such purposes: *Provided further*, That such funds may be transferred to, and merged with, funds appropriated by this Act under the heading “International Broadcasting Operations” following consultation with, and the regular notification procedures of, the Committees on Appropriations.

MULTI-YEAR PLEDGES

SEC. 7066. None of the funds appropriated by this Act may be used to make any pledge for future year funding for any multilateral or bilateral program funded in titles III through VI of this Act unless such pledge was—

(1) previously justified, including the projected future year costs, in a congressional budget justification;

(2) included in an Act making appropriations for the Department of State, foreign operations, and related programs or previously authorized by an Act of Congress;

(3) notified in accordance with the regular notification procedures of the Committees on Appropriations, including the projected future year costs; or

(4) the subject of prior consultation with the Committees on Appropriations and such consultation was conducted at least 7 days in advance of the pledge.

TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

SEC. 7067. (a) LIMITATION.—None of the funds made available by this Act may be used to support or justify the use of torture and other cruel, inhuman, or degrading treatment or punishment by any official or contract employee of the United States Government.

(b) ASSISTANCE.—Funds appropriated under titles III and IV of this Act shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961 and following consultation

with the Committees on Appropriations, for assistance to eliminate torture and other cruel, inhuman, or degrading treatment or punishment by foreign police, military or other security forces in countries receiving assistance from funds appropriated by this Act.

EXTRADITION

SEC. 7068. (a) LIMITATION.—None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings “International Disaster Assistance”, “Complex Crises Fund”, “International Narcotics Control and Law Enforcement”, “Migration and Refugee Assistance”, “United States Emergency Refugee and Migration Assistance Fund”, and “Non-proliferation, Anti-terrorism, Demining and Related Assistance”) for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) CLARIFICATION.—Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) WAIVER.—The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interest of the United States.

WAR CRIMES TRIBUNALS

SEC. 7069. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

BUDGET DOCUMENTS

SEC. 7070. (a) OPERATING PLANS.—Not later than 45 days after the date of enactment of this Act, each department, agency, or organization funded in titles I, II, and VI of this Act, and the Department of the Treasury and Independent Agencies funded in title III of this Act, including the Inter-American Foundation and the United States African Development Foundation, shall submit to the Committees on Appropriations an operating plan for funds appropriated to such department, agency, or organization in such

titles of this Act, or funds otherwise available for obligation in fiscal year 2019, that provides details of the uses of such funds at the program, project, and activity level: *Provided*, That such plans shall include, as applicable, a comparison between the congressional budget justification funding levels, the most recent congressional directives or approved funding levels, and the funding levels proposed by the department or agency; and a clear, concise, and informative description/justification: *Provided further*, That if such department, agency, or organization receives an additional amount under the same heading in title VIII of this Act, operating plans required by this subsection shall include consolidated information on all such funds: *Provided further*, That operating plans that include changes in levels of funding for programs, projects, and activities specified in the congressional budget justification, in this Act, or amounts specifically designated in the respective tables included in the joint explanatory statement accompanying this Act, as applicable, shall be subject to the notification and reprogramming requirements of section 7015 of this Act.

(b) SPEND PLANS.—

(1) Prior to the initial obligation of funds but not later than 120 days after enactment of this Act, the Secretary of State or Administrator of the United States Agency for International Development, as appropriate, shall submit to the Committees on Appropriations a spend plan for funds made available by this Act, for—

(A) assistance for Afghanistan, Iraq, Lebanon, Pakistan, the West Bank and Gaza, Colombia, and countries in Central America;

(B) assistance made available pursuant to section 7047(d) of this Act to counter Russian influence and aggression, except that such plan shall be on a country-by-country basis;

(C) assistance made available pursuant to section 7059 of this Act;

(D) the Indo-Pacific Strategy;

(E) democracy programs, Power Africa, programs to support section 7071(a) of this Act, and sectors enumerated in subsections (a), (c), (d), (e), (f), (g), and (h) of section 7060 of this Act; and

(F) funds provided under the heading “International Narcotics Control and Law Enforcement” for International Organized Crime and for Cybercrime and Intellectual Property Rights: *Provided*, That the spend plans shall include bilateral and global programs funded under such heading along with a brief description of the activities planned for each country.

(2) Not later than 45 days after enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Appropriations a detailed spend plan for funds made available by this Act under the heading “Department of the Treasury, International Affairs Technical Assistance” in title III.

(3) Notwithstanding paragraph (1), up to 10 percent of the funds contained in a spend plan required by this subsection may be obligated prior to the submission of such spend plan if the Secretary of State or the USAID Administrator, as appropriate, determines that the obligation of such funds is necessary

to avoid significant programmatic disruption: *Provided*, That not less than seven days prior to such obligation, the Secretary or Administrator, as appropriate, shall consult with the Committees on Appropriations on the justification for such obligation and the proposed uses of such funds.

(c) SPENDING REPORT.—Not later than 45 days after enactment of this Act, the USAID Administrator shall submit to the Committees on Appropriations a detailed report on spending of funds made available during fiscal year 2018 under the heading “Development Credit Authority”.

(d) CLARIFICATION.—The spend plans referenced in subsection (b) shall not be considered as meeting the notification requirements in this Act or under section 634A of the Foreign Assistance Act of 1961.

(e) CONGRESSIONAL BUDGET JUSTIFICATION.—

(1) The congressional budget justification for Department of State operations and foreign operations shall be provided to the Committees on Appropriations concurrent with the date of submission of the President’s budget for fiscal year 2020: *Provided*, That the appendices for such justification shall be provided to the Committees on Appropriations not later than 10 calendar days thereafter.

(2) The Secretary of State and the USAID Administrator shall include in the congressional budget justification a detailed justification for multi-year availability for any funds requested under the headings “Diplomatic Programs” and “Operating Expenses”.

STABILIZATION AND DEVELOPMENT IN REGIONS IMPACTED BY
EXTREMISM AND CONFLICT

SEC. 7071. (a) COUNTERING FOREIGN FIGHTERS AND EXTREMIST ORGANIZATIONS.—Funds appropriated under titles III and IV of this Act shall be made available for programs and activities to counter and defeat violent extremism and foreign fighters abroad, consistent with the strategy required by section 7073(a)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31): *Provided*, That the Secretary of State shall ensure such programs are coordinated with and complement the efforts of other United States Government agencies and international partners, and that information gained through the conduct of such programs is shared in a timely manner with relevant departments and agencies of the United States Government, other international partners, and the appropriate congressional committees, as appropriate.

(b) RELIEF AND RECOVERY FUND.—

(1) FUNDS AND TRANSFER AUTHORITY.—Of the funds appropriated by this Act under the headings “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, “Peacekeeping Operations”, and “Foreign Military Financing Program”, not less than \$200,000,000 shall be made available for the Relief and Recovery Fund for assistance for areas liberated or at risk from, or under the control of, the Islamic State of Iraq and Syria, other terrorist organizations, or violent extremist organizations, including for stabilization

assistance for vulnerable ethnic and religious minority communities affected by conflict: *Provided*, That such funds are in addition to amounts otherwise made available for such purposes and to amounts specifically designated in this Act or in the joint explanatory statement accompanying this Act for assistance for countries: *Provided further*, That such funds appropriated under such headings may be transferred to, and merged with, funds appropriated under such headings: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by this Act or any other Act, and is subject to the regular notification procedures of the Committees on Appropriations.

(2) TRANSITIONAL JUSTICE.—Of the funds appropriated by this Act under the heading “International Narcotics Control and Law Enforcement” that are made available for the Relief and Recovery Fund, not less than \$5,000,000 shall be made available for programs to promote accountability in Iraq and Syria for genocide, crimes against humanity, and war crimes, which shall be in addition to any other funds made available by this Act for such purposes: *Provided*, That such programs shall include components to develop local investigative and judicial skills, and to collect and preserve evidence and maintain the chain of custody of evidence, including for use in prosecutions: *Provided further*, That such funds shall be administered by the Special Coordinator for the Office of Global Criminal Justice, Department of State: *Provided further*, That funds made available by this paragraph shall only be made available on an open and competitive basis.

(3) FUNDS FOR JORDAN AND TUNISIA.—Of the funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for the Relief and Recovery Fund, not less than the following amounts shall be made available—

(A) \$50,000,000 for assistance for Jordan; and

(B) \$50,000,000 for assistance for Tunisia:

Provided, That such funds are in addition to amounts otherwise made available by this Act for such countries.

(c) PREVENTION OF FAILED STATES THROUGH PUBLIC-PRIVATE PARTNERSHIPS.—Of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for the Relief and Recovery Fund, up to \$10,000,000 shall be made available to implement the program described under this section in the joint explanatory statement accompanying this Act, which shall be apportioned to USAID not later than 90 days after enactment of this Act: *Provided*, That such funds shall be in addition to funds made available for bilateral assistance for such countries, and shall remain available until expended: *Provided further*, That in addition to funds otherwise made available for such purposes, up to \$750,000 of the funds made available by this paragraph may be used by USAID for administrative expenses related to the design and implementation of such program.

(d) COUNTER VIOLENT EXTREMISM IN ASIA.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$2,500,000 shall be made available for programs to counter violent extremism in Asia, including within the Buddhist community: *Provided*, That such funds shall be administered by

the Mission Director of the Regional Development Mission for Asia, USAID: *Provided further*, That such funds are in addition to funds otherwise made available for such purposes.

(e) FRAGILE STATES AND EXTREMISM.—Funds appropriated by this Act shall be made available for the purposes of section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31), subject to the regular notification procedures of the Committees on Appropriations.

(f) GLOBAL CONCESSIONAL FINANCING FACILITY.—Funds appropriated by this Act under the heading “Economic Support Fund” may be made available for the Global Concessional Financing Facility of the World Bank to provide financing to support refugees and host communities: *Provided*, That such funds shall be in addition to funds made available for bilateral assistance in the report required by section 653(a) of the Foreign Assistance Act of 1961, and may only be made available subject to prior consultation with the Committees on Appropriations.

UNITED NATIONS POPULATION FUND

SEC. 7072. (a) CONTRIBUTION.—Of the funds made available under the heading “International Organizations and Programs” in this Act for fiscal year 2019, \$32,500,000 shall be made available for the United Nations Population Fund (UNFPA).

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the “Global Health Programs” account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People’s Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may not be made available unless—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that UNFPA is budgeting for the year in which the report is submitted for a country program in the People’s Republic of China.

(2) If a report under paragraph (1) indicates that UNFPA plans to spend funds for a country program in the People’s Republic of China in the year covered by the report, then the amount of such funds UNFPA plans to spend in the People’s Republic of China shall be deducted from the funds made available to UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

REORGANIZATION AND INFORMATION TECHNOLOGY

SEC. 7073. (a) OVERSIGHT.—

(1) PRIOR CONSULTATION AND NOTIFICATION.—Funds appropriated by this Act, prior Acts making appropriations for the Department of State, foreign operations, and related programs, or any other Act may not be used to implement a reorganization, redesign, or other plan described in paragraph (2) by the Department of State, the United States Agency for International Development, or any other Federal department, agency, or organization funded by this Act without prior consultation by the head of such department, agency, or organization with the appropriate congressional committees: *Provided*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That any such notification submitted to such Committees shall include a detailed justification for any proposed action, including the information specified under this section in the joint explanatory statement accompanying this Act: *Provided further*, That congressional notifications submitted during the previous fiscal year pursuant to section 7081 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018 (division K of Public Law 115–141) may be deemed to meet the notification requirements of this section.

(2) DESCRIPTION OF ACTIVITIES.—Pursuant to paragraph (1), a reorganization, redesign, or other plan shall include any action to—

(A) expand, eliminate, consolidate, or downsize covered departments, agencies, or organizations, including bureaus and offices within or between such departments, agencies, or organizations, including the transfer to other agencies of the authorities and responsibilities of such bureaus and offices;

(B) expand, eliminate, consolidate, or downsize the United States official presence overseas including at bilateral, regional, and multilateral diplomatic facilities and other platforms; or

(C) expand or reduce the size of the Civil Service, Foreign Service, eligible family member, and locally employed staff workforce of the Department of State and USAID from the on-board levels as of December 31, 2017.

(b) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

(1) PERSONNEL LEVELS.—Funds made available by this Act are made available to support the agency-wide on-board Foreign Service and Civil Service staff levels of the Department of State and USAID at not less than the levels as of December 31, 2017.

(2) REPORTS.—

(A) Not later than 30 days after enactment of this Act, and quarterly thereafter until September 30, 2020, the USAID Administrator shall submit a report to the appropriate congressional committees on the status of USAID reorganization as described in the joint explanatory statement accompanying this Act: *Provided*, That the USAID Administrator shall consult with the appropriate congressional committees on the format of such reports.

(B) Not later than 60 days after enactment of this Act and every 60 days thereafter until September 30, 2020, the Secretary of State, in the case of the Department of State, and the USAID Administrator, in the case of USAID, shall report to the appropriate congressional committees on the on-board personnel levels, hiring, and attrition of the Civil Service, Foreign Service, eligible family member, and locally employed staff workforce of the Department of State and USAID, as appropriate, on an operating unit-by-operating unit basis: *Provided*, That such report shall also include a hiring plan, including timelines, for maintaining the agency-wide, on-board Foreign Service and Civil Service at not less than the December 31, 2017 level through fiscal year 2019.

(3) BUREAU OF POPULATION, REFUGEES, AND MIGRATION, DEPARTMENT OF STATE.—None of the funds appropriated by this Act, prior Acts making appropriations for the Department of State, foreign operations, and related programs, or any other Act may be used to downsize, downgrade, consolidate, close, move, or relocate the Bureau of Population, Refugees, and Migration, Department of State, or any activities of such Bureau, to another Federal agency.

(4) ADMINISTRATION OF FUNDS.—Funds made available by this Act—

(A) under the heading “Migration and Refugee Assistance” shall be administered by the Assistant Secretary for Population, Refugees, and Migration, Department of State, and this responsibility shall not be delegated; and

(B) that are made available for the Office of Global Women’s Issues shall be administered by the United States Ambassador-at-Large for Global Women’s Issues, Department of State, and this responsibility shall not be delegated.

(5) INFORMATION TECHNOLOGY PLATFORM.—

(A) None of the funds appropriated in title I of this Act under the heading “Administration of Foreign Affairs” may be made available for a new major information technology (IT) investment without the concurrence of the Chief Information Officer, Department of State.

(B) In complying with the requirements of this paragraph, the Chief Information Officer, Department of State, shall consider whether a new major information technology investment—

(i) is consistent with the Department Information Technology Strategic Plan;

(ii) maintains consolidated control over enterprise IT functions or improves operational maintenance;

(iii) improves Department of State resiliency to a cyber-attack;

(iv) reduces Department of State IT costs over the long-term; and

(v) is in accordance with the Federal Acquisition Regulation (FAR), including FAR Part 6 regarding competition requirements.

(6) TECHNOLOGY MODERNIZATION FUND LIMITATION.—

(A) None of the funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may

be used by an agency to submit a project proposal to the Technology Modernization Board for funding from the Technology Modernization Fund unless, not later than 15 days in advance of submitting the project proposal to the Board, the head of the agency—

- (i) notifies the Committees on Appropriations of the proposed submission of the project proposal; and
- (ii) submits to the Committees on Appropriations a copy of the project proposal.

(B) None of the funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be used by an agency to carry out a project that is approved by the Board unless the head of the agency—

- (i) submits to the Committees on Appropriations a copy of the approved project proposal, including the terms of reimbursement of funding received for the project; and
- (ii) agrees to submit to the Committees on Appropriations a copy of each report relating to the project that the head of the agency submits to the Board.

(7) FOREIGN ASSISTANCE REVIEW.—Programmatic, funding, and organizational changes resulting from implementation of the Foreign Assistance Review shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That such notifications may be submitted in classified form, if necessary.

RESCISSIONS

(INCLUDING RESCISSION OF FUNDS)

SEC. 7074. (a) Of the unobligated balances available under the heading “International Narcotics Control and Law Enforcement”, as identified by Treasury Appropriation Fund Symbol 11 X 1022, \$12,420,000 are rescinded.

(b) Of the grant balances in the Foreign Military Sales Trust Fund, identified by Treasury Appropriation Fund Symbol 97–11 X 8242, which are not currently applied to an active FMS case and which were appropriated prior to fiscal year 2009, \$11,000,000 shall be deobligated, as appropriate, and shall be permanently rescinded.

JOHN S. MCCAIN SCHOLARS PROGRAM

SEC. 7075. Funds appropriated by this Act under the heading “Educational and Cultural Exchange Programs” that are made available for the Benjamin Gilman International Scholarships Program shall also be made available for the John S. McCain Scholars Program, pursuant to section 303 of the International Academic Opportunity Act of 2000 (Public Law 106–309), to include the dependents of active United States military personnel who are receiving any form of Federal Financial Aid under title IV of the Higher Education Act of 1965.

AFGHAN SPECIAL IMMIGRANT VISAS

SEC. 7076. (a) AFGHAN ALLIES.—Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (division F of Public Law 111–8), as amended, is further amended by substituting “18,500” for “14,500” in the matter preceding clause (i). 8 USC 1101 note.

(b) CONDITIONS.—None of the funds appropriated by this Act may be made available for the additional special immigrant visas made available under subsection (a) until the Secretary of State—

(1) develops and implements a system to prioritize the processing of Afghan applicants for special immigrant visas under section 602 of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note); and

(2) submits to the appropriate congressional committees, as defined in section 602(a) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note), the following reports:

(A) the report required under paragraph (12) of section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note), as amended by section 1222 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232);

(B) a report on the procedures and processes used by the Chief of Mission to determine whether an Afghan applicant for a special immigrant visa under section 602 of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) has experienced, is experiencing, or may reasonably be expected to experience an ongoing, serious threat as a result of the qualifying service of the applicant; and

(C) a report on the procedures for background and security checks on Afghan applicants for special immigrant visas under such section.

SAUDI ARABIA

SEC. 7077. None of the funds appropriated by this Act under the heading “International Military Education and Training” may be made available for assistance for the Government of Saudi Arabia.

TITLE VIII**OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM**

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Diplomatic Programs”, \$3,225,971,000, to remain available until September 30, 2020, of which \$2,626,122,000 is for Worldwide Security Protection and shall remain available until expended: *Provided*, That the Secretary of

State may transfer up to \$5,000,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in, and assistance for, Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided further*, That any such transfer shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”, \$54,900,000, to remain available until September 30, 2020, which shall be for the Special Inspector General for Afghanistan Reconstruction (SIGAR) for reconstruction oversight: *Provided*, That printing and reproduction costs of SIGAR shall not exceed amounts for such costs during fiscal year 2018: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for “Contributions to International Organizations”, \$96,240,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for “Contributions for International Peacekeeping Activities”, \$988,656,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for “Operating Expenses”, \$158,067,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for “International Disaster Assistance”, \$584,278,000, to remain available until expended: *Provided*, That such funds shall be apportioned to the United States Agency for International Development not later than 60 days after enactment of this Act: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TRANSITION INITIATIVES

For an additional amount for “Transition Initiatives”, \$62,043,000, to remain available until expended: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund”, \$1,172,336,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance” to respond to refugee crises, including in Africa, the Near East, South and Central Asia, and Europe and Eurasia, \$1,404,124,000, to remain available until expended, except that such funds shall not be made available for the resettlement costs of refugees in the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

PEACEKEEPING OPERATIONS

For an additional amount for “Peacekeeping Operations”, \$325,213,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit

Control Act of 1985: *Provided further*, That funds available for obligation under this heading in this Act may be used to pay assessed expenses of international peacekeeping activities in Somalia under the same terms and conditions, as applicable, as funds appropriated under the heading “Contributions for International Peacekeeping Activities” in this Act, subject to the regular notification procedures of the Committees on Appropriations.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for “Foreign Military Financing Program”, \$229,372,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

ADDITIONAL APPROPRIATIONS

SEC. 8001. Notwithstanding any other provision of law, funds appropriated in this title are in addition to amounts appropriated or otherwise made available in this Act for fiscal year 2019.

EXTENSION OF AUTHORITIES AND CONDITIONS

SEC. 8002. Unless otherwise provided for in this Act, the additional amounts appropriated by this title to appropriations accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts.

TRANSFER OF FUNDS

SEC. 8003.(a) TRANSFER OF FUNDS BETWEEN ACCOUNTS.—

(1) Funds appropriated by this title in this Act under the headings “Transition Initiatives” and “Economic Support Fund” may be transferred to, and merged with, funds appropriated by this title under such headings.

(2) Funds appropriated by this title in this Act under the headings “Peacekeeping Operations” and “Foreign Military Financing Program” may be transferred to, and merged with, funds appropriated by this title under such headings.

(b) GLOBAL SECURITY CONTINGENCY FUND.—Notwithstanding any other provision of this section, up to \$7,500,000 from funds appropriated under the headings “Peacekeeping Operations” and “Foreign Military Financing Program” by this title in this Act may be transferred to, and merged with, funds previously made available under the heading “Global Security Contingency Fund”.

(c) LIMITATION.—The transfer authority provided in subsection (a) may only be exercised to address contingencies.

(d) NOTIFICATION.—The transfer authority provided by this section shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That such transfer authority is in addition to any transfer authority otherwise available under any other provision of law,

including section 610 of the Foreign Assistance Act of 1961 which may be exercised by the Secretary of State for the purposes of this title.

RESCISSION

(INCLUDING RESCISSION OF FUNDS)

SEC. 8004. Of the unobligated balances from amounts available under the heading “Diplomatic and Consular Programs” in title II of the Security Assistance Appropriations Act, 2017 (division B of Public Law 114–254), \$301,200,000 are rescinded: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

This division may be cited as the “Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019”.

DIVISION G—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2019

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$113,910,000, of which not to exceed \$3,065,000 shall be available for the immediate Office of the Secretary; not to exceed \$1,000,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$20,428,000 shall be available for the Office of the General Counsel; not to exceed \$10,331,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$14,300,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,546,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$29,244,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,142,000 shall be available for the Office of Public Affairs; not to exceed \$1,859,000 shall be available for the Office of the Executive Secretariat; not to exceed \$12,181,000 shall be available for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$16,814,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 7 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 7 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed \$60,000

Transportation,
Housing and
Urban
Development,
and Related
Agencies
Appropriations
Act, 2019.
Department of
Transportation
Appropriations
Act, 2019.

shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

RESEARCH AND TECHNOLOGY

For necessary expenses related to the Office of the Assistant Secretary for Research and Technology, \$8,471,000, of which \$2,218,000 shall remain available until September 30, 2021: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training: *Provided further*, That any reference in law, regulation, judicial proceedings, or elsewhere to the Research and Innovative Technology Administration shall continue to be deemed to be a reference to the Office of the Assistant Secretary for Research and Technology of the Department of Transportation.

49 USC 112 note.

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, \$900,000,000, to remain available through September 30, 2021: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, port authority, or a collaboration among such entities on a competitive basis for projects that will have a significant local or regional impact: *Provided further*, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments (including inland port infrastructure and land ports of entry): *Provided further*, That of the amount made available under this heading, the Secretary may use an amount not to exceed \$15,000,000 for the planning, preparation or design of projects eligible for funding under this heading: *Provided further*, That grants awarded under the previous proviso shall not be subject to a minimum grant size: *Provided further*, That the Secretary may use up to 20 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, or sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: *Provided further*, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: *Provided further*, That a grant funded under this heading shall be not less than \$5,000,000 and not greater than \$25,000,000: *Provided further*,

That not more than 10 percent of the funds made available under this heading may be awarded to projects in a single State: *Provided further*, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: *Provided further*, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: *Provided further*, That of the funds made available under this heading not more than 50 percent shall be for projects located in a rural area with a population equal to or less than 200,000: *Provided further*, That for projects located in a rural area, the minimum grant size shall be \$1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: *Provided further*, That of the funds made available under this heading not more than 50 percent shall be for projects located in an urbanized area with a population of more than 200,000: *Provided further*, That funds for an urbanized area under the previous proviso may be obligated to projects in the metropolitan area established under section 134 of title 23, United States Code, that encompasses such urbanized area: *Provided further*, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further*, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: *Provided further*, That the Secretary may set aside not more than 3 percent of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, and the Maritime Administration to fund the award and oversight of grants and credit assistance made under the National Infrastructure Investments program: *Provided further*, That the Secretary shall consider and award projects based solely on the selection criteria from the fiscal year 2017 Notice of Funding Opportunity: *Provided further*, That, notwithstanding the previous proviso, the Secretary shall not use the Federal share or an applicant's ability to generate non-Federal revenue as a selection criteria in awarding projects: *Provided further*, That the Secretary shall issue the Notice of Funding Opportunity no later than 60 days after enactment of this Act: *Provided further*, That such Notice of Funding Opportunity shall require application submissions 90 days after the publishing of such Notice: *Provided further*, That of the applications submitted under the previous two provisos, the Secretary shall make grants no later than 270 days after enactment of this Act in such amounts that the Secretary determines: *Provided further*, That such sums provided for national infrastructure investments for passenger rail transportation projects under title I of division C of the Consolidated and Further Continuing Appropriations Act, 2012 (Public Law 112–55; 125 Stat. 641), shall remain available for expenditure through fiscal year 2019 for the liquidation of valid obligations of active grants awarded with this funding: *Provided further*, That such sums provided for national infrastructure investments for port infrastructure projects under title VIII of division F of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6; 127 Stat. 432) shall remain available through fiscal year 2020 for the liquidation of valid obligations of active grants awarded with this funding:

Provided further, That the 2 preceding provisos shall be applied as if they were in effect on September 30, 2018.

NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE
BUREAU

For necessary expenses of the National Surface Transportation and Innovative Finance Bureau as authorized by 49 U.S.C. 116, \$5,000,000, to remain available until expended: *Provided*, That the Secretary shall notify the House and Senate Committees on Appropriations no less than 15 days prior to exercising the transfer authority granted under section 116(h) of title 49, United States Code.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, \$2,000,000, to remain available through September 30, 2020.

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including necessary upgrades to wide area network and information technology infrastructure, improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, and implementation of enhanced security controls on network devices, \$15,000,000, to remain available through September 30, 2020.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,470,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, \$7,879,000, to remain available until expended: *Provided*, That of such amount, \$1,000,000 shall be for necessary expenses of the Interagency Infrastructure Permitting Improvement Center (IIPIC): *Provided further*, That there may be transferred to this appropriation, to remain available until expended, amounts transferred from other Federal agencies for expenses incurred under this heading for IIPIC activities not related to transportation infrastructure: *Provided further*, That the tools and analysis developed by the IIPIC shall be available to other Federal agencies for the permitting and review of major infrastructure projects not related to transportation only to the extent that other Federal agencies provide funding to the Department as provided for under the previous proviso.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$319,793,000, shall

be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without majority approval of the Working Capital Fund Steering Committee and approval of the Secretary: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For necessary expenses of the Minority Business Resource Center, the provision of financial education outreach activities to eligible transportation-related small businesses, the monitoring of existing loans in the guaranteed loan program, and the modification of such loans of the Minority Business Resource Center, \$500,000, as authorized by 49 U.S.C. 332; *Provided*, That notwithstanding that section, these funds may be for business opportunities related to any mode of transportation.

SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND OUTREACH

For necessary expenses for small and disadvantaged business utilization and outreach activities, \$3,488,000, to remain available until September 30, 2020: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, \$175,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under subsection 41732(b)(3) of title 49, United States Code: *Provided further*, That none of the funds in this Act or any other Act shall be used to enter into a new contract with a community located less than 40 miles from the nearest small hub airport before the Secretary has negotiated with the community over a local cost share: *Provided further*, That amounts authorized to be distributed for the essential air service program under subsection 41742(b) of title 49, United States Code, shall be made available immediately from amounts otherwise provided to the Administrator of the Federal Aviation Administration: *Provided further*, That the Administrator may

reimburse such amounts from fees credited to the account established under section 45303 of title 49, United States Code.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF
TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. The Secretary shall post on the Web site of the Department of Transportation a schedule of all meetings of the Council on Credit and Finance, including the agenda for each meeting, and require the Council on Credit and Finance to record the decisions and actions of each meeting.

SEC. 103. In addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide partial or full payments in advance and accept subsequent reimbursements from all Federal agencies from available funds for transit benefit distribution services that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order No. 13150 and section 3049 of Public Law 109–59: *Provided*, That the Department shall maintain a reasonable operating reserve in the Working Capital Fund, to be expended in advance to provide uninterrupted transit benefits to Government employees: *Provided further*, That such reserve will not exceed one month of benefits payable and may be used only for the purpose of providing for the continuation of transit benefits: *Provided further*, That the Working Capital Fund will be fully reimbursed by each customer agency from available funds for the actual cost of the transit benefit.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, the lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 112–95, \$10,410,758,000, to remain available until September 30, 2020, of which \$9,833,400,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$7,841,720,000 shall be available for air traffic organization activities; not to exceed \$1,336,969,000 shall be available for aviation safety activities; not to exceed \$24,949,000 shall be available for commercial space transportation activities; not to exceed

\$816,398,000 shall be available for finance and management activities; not to exceed \$61,258,000 shall be available for NextGen and operations planning activities; not to exceed \$114,165,000 shall be available for security and hazardous materials safety; and not to exceed \$215,299,000 shall be available for staff offices: *Provided*, That not to exceed 5 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 5 percent: *Provided further*, That any transfer in excess of 5 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 per day for each day after March 31 that such report has not been submitted to Congress: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation, as offsetting collections, funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than \$168,000,000 shall be used to fund direct operations of the current 254 air traffic control towers in the contract tower program, including the contract tower cost share program, and any airport that is currently qualified or that will qualify for the program during the fiscal year: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That none of the funds appropriated or otherwise made available by this Act or any other Act may be used to eliminate the Contract Weather

49 USC 44506
note.

49 USC 44502
note.

Observers program at any airport: *Provided further*, That of the amount appropriated under this heading, up to \$6,000,000 shall be used for providing matching funds to qualified commercial entities seeking to demonstrate or validate technologies that the Federal Aviation Administration considers essential to the safe integration of unmanned aircraft systems (UAS) in the National Airspace System at Federal Aviation Administration designated UAS test sites: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall identify essential integration technologies that could be demonstrated or validated at test sites designated in accordance with the preceding proviso.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, \$3,000,000,000, of which \$512,823,000 shall remain available until September 30, 2020, \$2,372,127,000 shall remain available until September 30, 2021, and \$115,050,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: *Provided further*, That no later than March 31, the Secretary of Transportation shall transmit to the Congress an investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2020 through 2024, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$191,100,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2021: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties,

municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development: *Provided further*, That funds made available under this heading shall be used in accordance with the joint explanatory statement accompanying this Act: *Provided further*, That not to exceed 10 percent of any funding level specified under this heading in the joint explanatory statement accompanying this Act may be transferred to any other funding level specified under this heading in the joint explanatory statement accompanying this Act: *Provided further*, That no transfer may increase or decrease any funding level by more than 10 percent: *Provided further*, That any transfer in excess of 10 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$3,000,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,350,000,000 in fiscal year 2019, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding section 47109(a) of title 49, United States Code, the Government's share of allowable project costs under paragraph (2) for subgrants or paragraph (3) of that section shall be 95 percent for a project at other than a large or medium hub airport that is a successive phase of a multi-phased construction project for which the project sponsor received a grant in fiscal year 2011 for the construction project: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than \$112,600,000 shall be available for administration, not less than \$15,000,000 shall be available for the Airport Cooperative Research Program, not less than \$33,210,000 shall be available for Airport

Technology Research, and \$10,000,000, to remain available until expended, shall be available and transferred to “Office of the Secretary, Salaries and Expenses” to carry out the Small Community Air Service Development Program: *Provided further*, That in addition to airports eligible under section 41743 of title 49, United States Code, such program may include the participation of an airport that serves a community or consortium that is not larger than a small hub airport, according to FAA hub classifications effective at the time the Office of the Secretary issues a request for proposals.

GRANTS-IN-AID FOR AIRPORTS

For an additional amount for “Grants-In-Aid for Airports”, to enable the Secretary of Transportation to make grants for projects as authorized by subchapter 1 of chapter 471 and subchapter 1 of chapter 475 of title 49, United States Code, \$500,000,000, to remain available through September 30, 2021: *Provided*, That amounts made available under this heading shall be derived from the general fund, and such funds shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471: *Provided further*, That the Secretary shall distribute funds provided under this heading as discretionary grants to airports: *Provided further*, That the amount made available under this heading shall not be subject to any limitation on obligations for the Grants-in-Aid for Airports program set forth in any Act: *Provided further*, That the Administrator of the Federal Aviation Administration may retain up to 0.5 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2019.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on “below-market” rates for these items or to grant assurances that require airport sponsors to provide land without cost to the Federal Aviation Administration for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303 and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation

current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 115. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 116. None of the funds in this Act may be obligated or expended for retention bonuses for an employee of the Federal Aviation Administration without the prior written approval of the Assistant Secretary for Administration of the Department of Transportation.

SEC. 117. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number from any display of the Federal Aviation Administration's Aircraft Situational Display to Industry data that is made available to the public, except data made available to a Government agency, for the noncommercial flights of that owner or operator.

SEC. 118. None of the funds in this Act shall be available for salaries and expenses of more than eight political and Presidential appointees in the Federal Aviation Administration.

SEC. 119. None of the funds made available under this Act may be used to increase fees pursuant to section 44721 of title 49, United States Code, until the Federal Aviation Administration provides to the House and Senate Committees on Appropriations a report that justifies all fees related to aeronautical navigation products and explains how such fees are consistent with Executive Order 13642.

SEC. 119A. None of the funds in this Act may be used to close a regional operations center of the Federal Aviation Administration or reduce its services unless the Administrator notifies the House and Senate Committees on Appropriations not less than 90 full business days in advance.

SEC. 119B. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 119C. None of the funds provided under this Act may be used by the Administrator of the Federal Aviation Administration to withhold from consideration and approval any new application for participation in the Contract Tower Program, or for reevaluation of Cost-share Program participants as long as the Federal Aviation Administration has received an application from the airport, and as long as the Administrator determines such tower is eligible using the factors set forth in the Federal Aviation Administration report, Establishment and Discontinuance Criteria for Airport Traffic Control Towers (FAA–APO–90–7 as of August, 1990).

SEC. 119D. Notwithstanding any other provision of law, none of the funds made available in this Act may be obligated or expended

to limit the use of an Organization Designation Authorization's (ODA) delegated functions documented in its procedures manual on a type certification project unless the Administrator documents a systemic airworthiness noncompliance performance issue as a result of inspection or oversight that the safety of air commerce requires a limitation with regard to a specific authorization or where an ODA's capability has not been previously established in terms of a new compliance method or design feature: *Provided*, That in such cases FAA shall work with the ODA holder if requested to develop the capability to execute that function safely, efficiently and effectively: *Provided further*, That this section does not limit the authority of the Federal Aviation Administration to pursue emergency actions on ODAs where specific safety issues are noted.

SEC. 119E. None of the funds made available by this Act and apportioned under section 47114(d) of title 49, United States Code, shall be made available for construction of a storage building, or a portion of such building, to shelter snow equipment in excess of equipment needs established by standards issued by the Secretary of Transportation that is owned by an airport categorized as a local general aviation airport as indicated in Federal Aviation Administration 2017- 2021 National Plan of Integrated Airport Systems (NPIAS) report unless such airport sponsor certifies conformity with the following:

(1) The storage building, or portion thereof, to be constructed will be used to store snow removal equipment exclusively used for clearing airfield pavement of snow and ice following a weather event.

(2) The 30-year annual snowfall normal of the nearest weather station based on the National Oceanic and Atmospheric Administration Summary of Monthly Normals 1981-2010 exceeds 26 inches.

(3) The airport serves as a base for a medical air ambulance transport aircraft; (d) that the airport master record (Form 5010-1) effective on September 14, 2017 for the airport indicates 45 based aircraft consisting of single engine, multiple engine, and jet engine aircraft.

(4) The airport sponsor will complete design of the storage building not later than fiscal year 2018 and initiate construction of the storage building not later than fiscal year 2019.

(5) The area of the storage building, or portion thereof, to be funded under this section shall not exceed 6,000 square feet.

SEC. 119F. (a) TERMINAL AERODROME FORECAST.—The Administrator shall permit an air carrier operation under part 121 of title 14, Code of Federal Regulations, to operate to a destination determined to be under visual flight rules without a Terminal Aerodrome Forecast or Meteorological Aerodrome Report if a current Area Forecast, supplemented by other local weather observations or reports, is available, and an alternate airport that has an available Terminal Aerodrome Forecast and weather report is specified. The air carrier shall have approved procedures for dispatch and en route weather evaluation and shall operate under instrument flight rules en route to the destination.

(b) LIMITATION.—Without a written finding of necessity, based on objective and historical evidence of imminent threat to safety, the Administrator shall not promulgate any operation specification,

policy, or guidance document that is more restrictive than, or requires procedures that are not expressly stated in, the regulations.

SEC. 119G. Of the funds provided under the heading “Grants-in-aid for Airports”, up to \$3,500,000 shall be for necessary expenses, including an independent verification regime, to provide reimbursement to airport sponsors that do not provide gateway operations and providers of general aviation ground support services located at those airports closed during a temporary flight restriction (TFR) for any residence of the President that is designated or identified to be secured by the United States Secret Service, and for direct and incremental financial losses incurred while such airports are closed solely due to the actions of the Federal Government: *Provided*, That no funds shall be obligated or distributed to airport sponsors that do not provide gateway operations and providers of general aviation ground support services until an independent audit is completed: *Provided further*, That losses incurred as a result of violations of law, or through fault or negligence, of such operators and service providers or of third parties (including airports) are not eligible for reimbursements: *Provided further*, That obligation and expenditure of funds are conditional upon full release of the United States Government for all claims for financial losses resulting from such actions.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

Not to exceed \$446,444,304, together with advances and reimbursements received by the Federal Highway Administration, shall be obligated for necessary expenses for administration and operation of the Federal Highway Administration. In addition, \$3,248,000 shall be transferred to the Appalachian Regional Commission in accordance with section 104(a) of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Funds available for the implementation or execution of Federal-aid highway and highway safety construction programs authorized under titles 23 and 49, United States Code, and the provisions of the Fixing America’s Surface Transportation Act shall not exceed total obligations of \$45,268,596,000 for fiscal year 2019: *Provided*, That the Secretary may collect and spend fees, as authorized by title 23, United States Code, to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative

23 USC 104 note.

expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For the payment of obligations incurred in carrying out Federal-aid highway and highway safety construction programs authorized under title 23, United States Code, \$46,007,596,000 derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

HIGHWAY INFRASTRUCTURE PROGRAMS

There is hereby appropriated to the Secretary of Transportation \$3,250,000,000: *Provided*, That the amounts made available under this heading shall be derived from the general fund, shall be in addition to any funds provided for fiscal year 2019 in this or any other Act for “Federal-aid Highways” under chapter 1 of title 23, United States Code, and shall not affect the distribution or amount of funds provided in any other Act: *Provided further*, That section 1101(b) of Public Law 114–94 shall apply to funds made available under this heading: *Provided further*, That of the funds made available under this heading, \$2,729,000,000 shall be set aside for activities eligible under section 133(b)(1)(A) of title 23, United States Code, and for the elimination of hazards and the installation of protective devices at railway-highway crossings, \$16,000,000 shall be set aside for activities eligible under the Puerto Rico Highway Program as described in section 165(b)(2)(C) of such title, \$5,000,000 shall be set aside for activities eligible under the Territorial Highway Program, as described in section 165(c)(6) of such title, \$25,000,000 shall be set aside for the nationally significant Federal lands and tribal projects program under section 1123 of the Fixing America’s Surface Transportation (FAST) Act (Public Law 114–94), and \$475,000,000 shall be set aside for a bridge replacement and rehabilitation program for qualifying States: *Provided further*, That for purposes of this heading, (1) the term “State” means any of the 50 States or the District of Columbia and (2) the term “qualifying State” means a State for which the percentage of total deck area of bridges classified as in poor condition in such State is at least 7.5 percent: *Provided further*, That the funds made available under this heading for activities eligible under section 133(b)(1)(A) of title 23, United States Code, and for the elimination of hazards and the installation of protective devices at railway-highway crossings, shall be suballocated in the manner described in section 133(d) of such title, except that the set-aside described in section 133(h) of such title shall not apply to funds made available under this heading: *Provided further*, That the funds made available under this heading for (1) activities eligible under section 133(b)(1)(A) of such title and for the elimination of hazards and the installation of protective devices at railways-highway crossings, and (2) a bridge replacement and rehabilitation program shall be administered as if apportioned under chapter 1 of such title and shall remain available through September 30, 2022: *Provided further*, That the funds made available under this heading for activities eligible under section 133(b)(1)(A) of title

23, United States Code, and for the elimination of hazards and the installation of protective devices at railway-highway crossings, shall be apportioned to the States in the same ratio as the obligation limitation for fiscal year 2019 is distributed among the States in section 120(a)(5) of this Act: *Provided further*, That, except as provided in the following proviso, the funds made available under this heading for activities eligible under the Puerto Rico Highway Program and activities eligible under the Territorial Highway Program shall be administered as if allocated under sections 165(b) and 165(c), respectively, of such title and shall remain available through September 30, 2022: *Provided further*, That the funds made available under this heading for activities eligible under the Puerto Rico Highway Program shall not be subject to the requirements of sections 165(b)(2)(A) or 165(b)(2)(B) of such title: *Provided further*, That the funds made available under this heading for the nationally significant Federal lands and tribal projects program under section 1123 of the FAST Act shall remain available through September 30, 2022: *Provided further*, That the Secretary shall distribute funds made available under this heading for a bridge replacement and rehabilitation program to each qualifying State by the proportion that the percentage of total deck area of bridges classified as in poor condition in each qualifying State bears to the sum of the percentages of total deck area of bridges classified as in poor condition in all qualifying States: *Provided further*, That the funds made available under this heading for a bridge replacement and rehabilitation program shall be used for highway bridge replacement or rehabilitation projects on public roads: *Provided further*, That except as provided in the following proviso the funds made available under this heading for a bridge replacement and rehabilitation program shall be used in areas of a qualifying State that have a population of 200,000 or fewer individuals: *Provided further*, That if a qualifying State has no bridges located in areas with a population of 200,000 or fewer individuals, or if a qualifying State has insufficient bridge replacement or rehabilitation needs in areas of the State with a population of 200,000 or fewer individuals, the funds made available under this heading for a bridge replacement and rehabilitation program may be used for highway bridge replacement or rehabilitation projects on public roads in any area of the State: *Provided further*, That for purposes of this heading for a bridge replacement and rehabilitation program, the Secretary shall (1) calculate population based on the latest available data from the decennial census conducted under section 141(a) of title 13, United States Code, and (2) calculate the percentages of total deck area of bridges classified as in poor condition based on the National Bridge Inventory as of December 31, 2017.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2019, the Secretary of Transportation shall— 23 USC 104 note.

(1) not distribute from the obligation limitation for Federal-aid highways—

(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

(B) amounts authorized for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under sections 202 or 204 of title 23, United States Code); and

(B) for which obligation limitation was provided in a previous fiscal year;

(3) determine the proportion that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (11) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(12) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under the Fixing America's Surface Transportation Act and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying—

(A) the proportion determined under paragraph (3); by

(B) the amounts authorized to be appropriated for each such program for such fiscal year; and

(5) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the National Highway Performance Program in section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(12) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for such fiscal year; bears to

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations under or for—

(1) section 125 of title 23, United States Code;

(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);

(7) section 157 of title 23, United States Code (as in effect on June 8, 1998);

(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years);

(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;

(10) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but only in an amount equal to \$639,000,000 for each of those fiscal years);

(11) section 1603 of SAFETEA-LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation; and

(12) section 119 of title 23, United States Code (but, for each of fiscal years 2013 through 2019, only in an amount equal to \$639,000,000).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year—

(1) revise a distribution of the obligation limitation made available under subsection (a) if an amount distributed cannot be obligated during that fiscal year; and

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of Public Law 112–141) and 104 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the obligation limitation for Federal-aid highways shall apply to contract authority for transportation research programs carried out under—

(A) chapter 5 of title 23, United States Code; and

(B) title VI of the Fixing America's Surface Transportation Act.

(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

(A) remain available for a period of 4 fiscal years; and

(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for such fiscal year because of the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (a)(5).

(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to chapter 63 of title 49, United States Code, may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highway and highway safety construction programs.

23 USC 313 note.

SEC. 122. Not less than 15 days prior to waiving, under his or her statutory authority, any Buy America requirement for Federal-aid highways projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements.

SEC. 123. None of the funds provided in this Act to the Department of Transportation may be used to provide credit assistance unless not less than 3 days before any application approval to provide credit assistance under sections 603 and 604 of title 23, United States Code, the Secretary of Transportation provides notification in writing to the following committees: the House and Senate Committees on Appropriations; the Committee on Environment and Public Works and the Committee on Banking, Housing and Urban Affairs of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: *Provided*, That such notification shall include, but not be limited to, the name of the project sponsor; a description of the project; whether

credit assistance will be provided as a direct loan, loan guarantee, or line of credit; and the amount of credit assistance.

SEC. 124. None of the funds in this Act may be used to make a grant for a project under section 117 of title 23, United States Code, unless the Secretary, at least 60 days before making a grant under that section, provides written notification to the House and Senate Committees on Appropriations of the proposed grant, including an evaluation and justification for the project and the amount of the proposed grant award: *Provided*, That the written notification required in the previous proviso shall be made no later than 180 days after enactment of this Act.

SEC. 125. (a) A State or territory, as defined in section 165 of title 23, United States Code, may use for any project eligible under section 133(b) of title 23 or section 165 of title 23 and located within the boundary of the State or territory any earmarked amount, and any associated obligation limitation: *Provided*, That the Department of Transportation for the State or territory for which the earmarked amount was originally designated or directed notifies the Secretary of Transportation of its intent to use its authority under this section and submits a quarterly report to the Secretary identifying the projects to which the funding would be applied. Notwithstanding the original period of availability of funds to be obligated under this section, such funds and associated obligation limitation shall remain available for obligation for a period of 3 fiscal years after the fiscal year in which the Secretary of Transportation is notified. The Federal share of the cost of a project carried out with funds made available under this section shall be the same as associated with the earmark.

(b) In this section, the term “earmarked amount” means—

(1) congressionally directed spending, as defined in rule XLIV of the Standing Rules of the Senate, identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the current fiscal year, and administered by the Federal Highway Administration; or

(2) a congressional earmark, as defined in rule XXI of the Rules of the House of Representatives, identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the current fiscal year, and administered by the Federal Highway Administration.

(c) The authority under subsection (a) may be exercised only for those projects or activities that have obligated less than 10 percent of the amount made available for obligation as of October 1 of the current fiscal year, and shall be applied to projects within the same general geographic area within 50 miles for which the funding was designated, except that a State or territory may apply such authority to unexpended balances of funds from projects or activities the State or territory certifies have been closed and for which payments have been made under a final voucher.

(d) The Secretary shall submit consolidated reports of the information provided by the States and territories each quarter to the House and Senate Committees on Appropriations.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31110 of title 49, United States Code, as amended by the Fixing America's Surface Transportation Act, \$284,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That funds available for implementation, execution or administration of motor carrier safety operations and programs authorized under title 49, United States Code, shall not exceed total obligations of \$284,000,000 for "Motor Carrier Safety Operations and Programs" for fiscal year 2019, of which \$9,073,000, to remain available for obligation until September 30, 2021, is for the research and technology program, and of which \$34,824,000, to remain available for obligation until September 30, 2021, is for information management.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out sections 31102, 31103, 31104, and 31313 of title 49, United States Code, as amended by the Fixing America's Surface Transportation Act, \$382,800,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That funds available for the implementation or execution of motor carrier safety programs shall not exceed total obligations of \$382,800,000 in fiscal year 2019 for "Motor Carrier Safety Grants"; of which \$304,300,000 shall be available for the motor carrier safety assistance program, \$32,500,000 shall be available for the commercial driver's license program implementation program, \$44,000,000 shall be available for the high priority activities program, and \$2,000,000 shall be made available for commercial motor vehicle operators grants, of which \$1,000,000 is to be made available from prior year unobligated contract authority provided for Motor Carrier Safety grants in the Transportation Equity Act for the 21st Century (Public Law 105–178), SAFETEA–LU (Public Law 109–59), or other appropriations or authorization acts.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY
ADMINISTRATION

SEC. 130. The Federal Motor Carrier Safety Administration shall send notice of 49 CFR section 385.308 violations by certified mail, registered mail, or another manner of delivery, which records the receipt of the notice by the persons responsible for the violations.

SEC. 131. None of the funds appropriated or otherwise made available to the Department of Transportation by this Act or any other Act may be obligated or expended to implement, administer, or enforce the requirements of section 31137 of title 49, United States Code, or any regulation issued by the Secretary pursuant to such section, with respect to the use of electronic logging devices by operators of commercial motor vehicles, as defined in section 31132(1) of such title, transporting livestock as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471) or insects.

SEC. 132. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to implement, enforce or in any other way make effective the final rule published by the Federal Motor Carrier Safety Administration on May 27, 2015, entitled “Lease and Interchange of Vehicles; Motor Carriers of Passengers”.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety authorized under chapter 301 and part C of subtitle VI of title 49, United States Code, \$190,000,000, of which \$40,000,000 shall remain available through September 30, 2020.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, section 4011 of the Fixing America’s Surface Transportation Act (Public Law 114–94), and chapter 303 of title 49, United States Code, \$152,100,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2019, are in excess of \$152,100,000, of which \$146,700,000 shall be for programs authorized under 23 U.S.C. 403 and section 4011 of the Fixing America’s Surface Transportation Act (Public Law 114–94) and \$5,400,000 shall be for the National Driver Register authorized under chapter 303 of title 49, United States Code: *Provided further*, That within the \$152,100,000 obligation limitation for operations and research, \$20,000,000 shall remain available until September

30, 2020, and shall be in addition to the amount of any limitation imposed on obligations for future years.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out provisions of 23 U.S.C. 402, 404, and 405, and section 4001(a)(6) of the Fixing America's Surface Transportation Act, to remain available until expended, \$610,208,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2019, are in excess of \$610,208,000 for programs authorized under 23 U.S.C. 402, 404, and 405, and section 4001(a)(6) of the Fixing America's Surface Transportation Act, of which \$270,400,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402; \$283,000,000 shall be for "National Priority Safety Programs" under 23 U.S.C. 405; \$30,200,000 shall be for the "High Visibility Enforcement Program" under 23 U.S.C. 404; \$26,608,000 shall be for "Administrative Expenses" under section 4001(a)(6) of the Fixing America's Surface Transportation Act: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed \$500,000 of the funds made available for "National Priority Safety Programs" under 23 U.S.C. 405 for "Impaired Driving Countermeasures" (as described in subsection (d) of that section) shall be available for technical assistance to the States: *Provided further*, That with respect to the "Transfers" provision under 23 U.S.C. 405(a)(8), any amounts transferred to increase the amounts made available under section 402 shall include the obligation authority for such amounts: *Provided further*, That the Administrator shall notify the House and Senate Committees on Appropriations of any exercise of the authority granted under the previous proviso or under 23 U.S.C. 405(a)(8) within 5 days.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION

SEC. 140. An additional \$130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. None of the funds made available by this Act may be used to mandate global positioning system (GPS) tracking in

private passenger motor vehicles without providing full and appropriate consideration of privacy concerns under 5 U.S.C. chapter 5, subchapter II.

SEC. 143. In addition to the amounts made available under the heading, “Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)” for carrying out the provisions of section 403 of title 23, United States Code, \$14,000,000, to remain available until September 30, 2020, shall be made available to the National Highway Traffic Safety Administration from the general fund, of which not to exceed \$7,000,000 shall be available to provide funding for grants, pilot program activities, and innovative solutions to reduce impaired-driving fatalities in collaboration with eligible entities under section 403 of title 23, United States Code, and not to exceed \$7,000,000 shall be available to continue a high visibility enforcement paid-media campaign regarding highway-rail grade crossing safety in collaboration with the Federal Railroad Administration.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$221,698,000, of which \$18,000,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$40,600,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue direct loans and loan guarantees pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, such authority shall exist as long as any such direct loan or loan guarantee is outstanding.

FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR

For necessary expenses related to Federal-State Partnership for State of Good Repair Grants as authorized by section 24911 of title 49, United States Code, \$400,000,000, to remain available until expended: *Provided*, That the Secretary may withhold up to one percent of the amount provided under this heading for the costs of award and project management oversight of grants carried out under section 24911 of title 49, United States Code: *Provided further*, That the Secretary shall issue the Notice of Funding Opportunity that encompasses funds provided under this heading in this Act and previously unawarded funds provided under this heading in fiscal year 2017 by Public Law 115–31 and fiscal year 2018 by Public Law 115–141, no later than 30 days after enactment of this Act: *Provided further*, That the Secretary shall announce the selection of projects to receive awards for the funds in the previous proviso no later than 180 days after enactment of this Act.

CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS

For necessary expenses related to Consolidated Rail Infrastructure and Safety Improvements Grants, as authorized by section 24407 of title 49, United States Code, \$255,000,000, to remain available until expended: *Provided*, That section 24405(f) of title 49, United States Code, shall not apply to projects for the implementation of positive train control systems otherwise eligible under section 24407(c)(1) of title 49, United States Code: *Provided further*, That amounts available under this heading for projects selected for commuter rail passenger transportation may be transferred by the Secretary, after selection, to the appropriate agencies to be administered in accordance with chapter 53 of title 49, United States Code: *Provided further*, That the Secretary shall not limit eligible projects from consideration for funding for planning, engineering, environmental, construction, and design elements of the same project in the same application: *Provided further*, That unobligated balances remaining after 4 years from the date of enactment may be used for any eligible project under section 24407(c) of title 49, United States Code: *Provided further*, That the Secretary may withhold up to one percent of the amount provided under this heading for the costs of award and project management oversight of grants carried out under section 24407 of title 49, United States Code: *Provided further*, That the Secretary shall issue the Notice of Funding Opportunity that encompasses previously unawarded funds provided under this heading in fiscal year 2018 by Public Law 115–141 and funds provided under this heading in this Act no later than 30 days after enactment of this Act: *Provided further*, That the Secretary shall announce the selection of projects to receive awards for the funds in the previous proviso no later than 120 days after enactment of this Act.

RESTORATION AND ENHANCEMENT

For necessary expenses related to Restoration and Enhancement Grants, as authorized by section 24408 of title 49, United States Code, \$5,000,000, to remain available until expended: *Provided*, That the Secretary may withhold up to one percent of the funds provided under this heading to fund the costs of award and project management and oversight: *Provided further*, That the Secretary shall issue the Notice of Funding Opportunity for funds provided under this heading no later than 30 days after enactment of this Act: *Provided further*, That the Secretary shall announce the selection of projects to receive awards for the funds in the previous proviso no later than 120 days after enactment of this Act.

MAGNETIC LEVITATION TECHNOLOGY DEPLOYMENT PROGRAM

For necessary expenses related to the deployment of magnetic levitation transportation projects, consistent with language in 1307(a) through (c) of Public Law 109–59, as amended by section 102 of Public Law 110–244 (section 322 of title 23, United States Code), \$10,000,000, to remain available until expended.

NORTHEAST CORRIDOR GRANTS TO THE NATIONAL RAILROAD
PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the Northeast Corridor as authorized by section 11101(a) of the Fixing America's Surface Transportation Act (division A of Public Law 114-94), \$650,000,000, to remain available until expended: *Provided*, That the Secretary may retain up to one-half of 1 percent of the funds provided under both this heading and the "National Network Grants to the National Railroad Passenger Corporation" heading to fund the costs of project management and oversight of activities authorized by section 11101(c) of division A of Public Law 114-94: *Provided further*, That in addition to the project management oversight funds authorized under section 11101(c) of division A of Public Law 114-94, the Secretary may retain up to an additional \$5,000,000 of the funds provided under this heading to fund expenses associated with the Northeast Corridor Commission established under section 24905 of title 49, United States Code: *Provided further*, That of the amounts made available under this heading and the "National Network Grants to the National Railroad Passenger Corporation" heading, not less than \$50,000,000 shall be made available to bring Amtrak-served facilities and stations into compliance with the Americans with Disabilities Act.

NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD PASSENGER
CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the National Network as authorized by section 11101(b) of the Fixing America's Surface Transportation Act (division A of Public Law 114-94), \$1,291,600,000, to remain available until expended: *Provided*, That the Secretary may retain up to an additional \$2,000,000 of the funds provided under this heading to fund expenses associated with the State-Supported Route Committee established under section 24712 of title 49, United States Code: *Provided further*, That at least \$50,000,000 of the amount provided under this heading shall be available for the development, installation and operation of railroad safety technology, including the implementation of a positive train control system, on State-supported routes as defined under section 24102(13) of title 49, United States Code, on which positive train control systems are not required by law or regulation: *Provided further*, That not less than \$50,000,000 of the amount provided under this heading shall be for capital expenses related to safety improvements, maintenance, and the non-Federal match for discretionary Federal grant programs to enable continued passenger rail operations on long-distance routes (as defined in section 24102 of title 49, United States Code) on which Amtrak is the sole operator on a host railroad's line and a positive train control system is not required by law or regulation: *Provided further*, That none of the funds provided under this heading shall be used by Amtrak to give notice under subsection (a) or (b) of section 24706 of title 49, United States Code, with respect to long-distance routes (as defined in section 24102 of title 49, United States Code) on which Amtrak is the sole operator on a host railroad's line and a positive train control system is

not required by law or regulation, or, except in an emergency or during maintenance or construction outages impacting such routes, to otherwise discontinue, reduce the frequency of, suspend, or substantially alter the route of rail service on any portion of such route operated in fiscal year 2018, including implementation of service permitted by section 24305(a)(3)(A) of title 49, United States Code, in lieu of rail service.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. None of the funds provided to the National Railroad Passenger Corporation may be used to fund any overtime costs in excess of \$35,000 for any individual employee: *Provided*, That the President of Amtrak may waive the cap set in the previous proviso for specific employees when the President of Amtrak determines such a cap poses a risk to the safety and operational efficiency of the system: *Provided further*, That the President of Amtrak shall report to the House and Senate Committees on Appropriations within 60 days of enactment of this Act, a summary of all overtime payments incurred by the Corporation for 2018 and the three prior calendar years: *Provided further*, That such summary shall include the total number of employees that received waivers and the total overtime payments the Corporation paid to those employees receiving waivers for each month for 2018 and for the three prior calendar years.

SEC. 151. It is the sense of Congress that—

- (1) long-distance passenger rail routes provide much-needed transportation access for 4,700,000 riders in 325 communities in 40 States and are particularly important in rural areas; and
- (2) long-distance passenger rail routes and services should be sustained to ensure connectivity throughout the National Network (as defined in section 24102 of title 49, United States Code).

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$113,165,000, of which up to \$1,000,000 shall be available to carry out the provisions of section 5326 of such title: *Provided*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That upon submission to the Congress of the fiscal year 2020 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on New Starts, including proposed allocations for fiscal year 2020.

TRANSIT FORMULA GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the Federal Public Transportation Assistance Program in this account, and for payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by the Fixing America's Surface Transportation Act, section 20005(b) of Public Law 112–141, and section 3006(b) of the Fixing America's Surface Transportation Act, \$9,900,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by the Fixing America's Surface Transportation Act, section 20005(b) of Public Law 112–141, and section 3006(b) of the Fixing America's Surface Transportation Act, shall not exceed total obligations of \$9,939,380,030 in fiscal year 2019: *Provided further*, That the Federal share of the cost of activities carried out under 49 U.S.C. section 5312 shall not exceed 80 percent, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share.

TRANSIT INFRASTRUCTURE GRANTS

For an additional amount for buses and bus facilities grants under section 5339 of title 49, United States Code, state of good repair grants under section 5337 of such title, formula grants for rural areas under section 5311 of such title, high density state apportionments under section 5340(d) of such title, and the bus testing facilities under sections 5312 and 5318 of such title, \$700,000,000 to remain available until expended: *Provided*, That \$350,000,000 shall be available for grants as authorized under section 5339 of such title, of which \$160,000,000 shall be available for the buses and bus facilities formula grants as authorized under section 5339(a) of such title, \$160,000,000 shall be available for the buses and bus facilities competitive grants as authorized under section 5339(b) of such title, and \$30,000,000 shall be available for the low or no emission grants as authorized under section 5339(c) of such title: *Provided further*, That \$263,000,000 shall be available for the state of good repair grants as authorized under section 5337 of such title: *Provided further*, That \$40,000,000 shall be available for formula grants for rural areas as authorized under section 5311 of such title: *Provided further*, That \$40,000,000 shall be available for the high density state apportionments as authorized under section 5340(d) of such title: *Provided further*, That \$1,000,000 shall be available for the bus testing facility as authorized under section 5318 of such title: *Provided further*, That notwithstanding section 5318(a) of such title, \$6,000,000 shall be available for the operation and maintenance of bus testing facilities by institutions of higher education selected pursuant to section 5312(h) of such title: *Provided further*, That the Secretary shall enter into

a contract or cooperative agreement with, or make a grant to, each institution of higher education selected pursuant to section 5312(h) of such title, to operate and maintain a facility to conduct the testing of low or no emission vehicle new bus models using the standards established pursuant to section 5318(e)(2) of such title: *Provided further*, That the term “low or no emission vehicle” has the meaning given the term in section 5312(e)(6) of such title: *Provided further*, That the Secretary shall pay 80 percent of the cost of testing a low or no emission vehicle new bus model at each selected institution of higher education: *Provided further*, That the entity having the vehicle tested shall pay 20 percent of the cost of testing: *Provided further*, That a low or no emission vehicle new bus model tested that receives a passing aggregate test score in accordance with the standards established under section 5318(e)(2) of such title, shall be deemed to be in compliance with the requirements of section 5318(e) of such title: *Provided further*, That amounts made available by this heading shall be derived from the general fund: *Provided further*, That the amounts made available under this heading shall not be subject to any limitation on obligations for transit programs set forth in any Act.

TECHNICAL ASSISTANCE AND TRAINING

For necessary expenses to carry out 49 U.S.C. 5314, \$5,000,000, of which not less than \$1,500,000 shall be for a cooperative agreement through which the Federal Transit Administration assists small-urban, rural and tribal public transit recipients and planning organizations with applied innovation and capacity-building: *Provided*, That the assistance provided under this heading not duplicate the activities of 49 U.S.C. 5311(b) or 49 U.S.C. 5312.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out fixed guideway capital investment grants under section 5309 of title 49, United States Code, and section 3005(b) of the Fixing America’s Surface Transportation Act, \$2,552,687,000, to remain available until September 30, 2022: *Provided*, That of the amounts made available under this heading, \$2,169,783,950 shall be obligated by December 31, 2020: *Provided further*, That of the amounts made available under this heading, \$1,265,670,000 shall be available for projects authorized under section 5309(d) of title 49, United States Code, \$635,000,000 shall be available for projects authorized under section 5309(e) of title 49, United States Code, \$526,500,000 shall be available for projects authorized under section 5309(h) of title 49, United States Code, and \$100,000,000 shall be available for projects authorized under section 3005(b) of the Fixing America’s Surface Transportation Act: *Provided further*, That the Secretary shall continue to administer the capital investment grants program in accordance with the procedural and substantive requirements of section 5309 of title 49, United States Code, and of section 3005(b) of the Fixing America’s Surface Transportation Act.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public

Law 110–432, \$150,000,000, to remain available until expended: *Provided*, That the Secretary of Transportation shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: *Provided further*, That prior to approving such grants, the Secretary shall certify that the Washington Metropolitan Area Transit Authority is making progress to improve its safety management system in response to the Federal Transit Administration’s 2015 safety management inspection: *Provided further*, That the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system before approving such grants: *Provided further*, That the Secretary, in order to ensure safety throughout the rail system, may waive the requirements of section 601(e)(1) of division B of Public Law 110–432.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

(INCLUDING RESCISSION)

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the heading “Fixed Guideway Capital Investment” of the Federal Transit Administration for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2022, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2018, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, none of the funds made available in this Act shall be used to enter into a full funding grant agreement for a project with a New Starts share greater than 51 percent.

SEC. 164. Of the unobligated amounts made available for fiscal years 2005 or prior fiscal years to “Transit Formula Grants”, a total of \$46,560,000 is hereby permanently rescinded.

SEC. 165. None of the funds made available under this Act may be used for the implementation or furtherance of new policies detailed in the “Dear Colleague” letter distributed by the Federal Transit Administration to capital investment grant program project sponsors on June 29, 2018.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as

amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses to conduct the operations, maintenance, and capital asset renewal activities on those portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, \$36,000,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662: *Provided*, That of the amounts made available under this heading, not less than \$16,000,000 shall be used on capital asset renewal activities.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$300,000,000, to remain available until expended.

OPERATIONS AND TRAINING

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of operations and training activities authorized by law, \$149,442,000, of which \$70,593,000 shall remain available until September 30, 2020 for the operations of the United States Merchant Marine Academy, and of which \$18,000,000 shall remain available until expended for the maintenance and repair, equipment, and capital improvements at the United States Merchant Marine Academy: *Provided*, That not later than January 12, 2019, the Administrator of the Maritime Administration shall transmit to the House and Senate Committees on Appropriations the annual report on sexual assault and sexual harassment at the United States Merchant Marine Academy as required pursuant to section 3507 of Public Law 110–417: *Provided further*, That of the amounts made available under this heading, \$3,000,000 shall remain available until September 30, 2020 for the Maritime Environment and Technology Assistance program authorized under section 50307 of title 46, United States Code: *Provided further*, That of the amounts made available under this heading, \$7,000,000, shall remain available until expended for the Short Sea Transportation Program (America's Marine Highways) to make grants for the purposes authorized under sections 55601(b)(1) and (3) of title 46, United States Code: *Provided further*, That available balances under this heading for the Short Sea Transportation Program (America's Marine Highways) from prior year recoveries shall be available to carry out activities authorized under sections 55601(b)(1) and (3) of title 46, United States Code: *Provided further*, That from funds provided under the previous two provisos, the Secretary of Transportation shall make grants no later than 180 days after enactment of this Act in such amounts as the Secretary

determines: *Provided further*, That any unobligated balances available from previous appropriations for programs and activities supporting State Maritime Academies shall be transferred to and merged with the appropriations for “Maritime Administration, State Maritime Academy Operations” and shall be made available for the same purposes.

STATE MARITIME ACADEMY OPERATIONS

For necessary expenses of operations, support and training activities for State Maritime Academies, \$345,200,000, of which \$25,000,000, to remain available until expended, shall be for maintenance, repair, life extension, and capacity improvement of National Defense Reserve Fleet training ships in support of State Maritime Academies, of which \$8,000,000, to remain available until expended, shall be for expenses related to training mariners for costs associated with training vessel sharing pursuant to 46 U.S.C. 51504(g)(3) for costs associated with mobilizing, operating and demobilizing the vessel, including travel costs for students, faculty and crew, the costs of the general agent, crew costs, fuel, insurance, operational fees, and vessel hire costs, as determined by the Secretary, of which \$300,000,000, to remain available until expended, shall be for the National Security Multi-Mission Vessel Program, including funds for construction, planning, administration, and design of school ships, of which \$2,400,000 shall remain available through September 30, 2020, for the Student Incentive Program, of which \$3,800,000 shall remain available until expended for training ship fuel assistance, and of which \$6,000,000 shall remain available until September 30, 2020, for direct payments for State Maritime Academies.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 54101 of title 46, United States Code, as amended by Public Law 113–281, \$20,000,000, to remain available until expended.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$5,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, \$3,000,000, which shall be transferred to and merged with the appropriations for “Operations and Training”, Maritime Administration.

PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

To make grants to improve port facilities as authorized under section 50302 of title 46, United States Code, \$200,000,000 to remain available until expended: *Provided*, That projects eligible for funding provided under this heading shall be projects for coastal

seaports: *Provided further*, That in addition, \$92,730,000, to remain available until expended, shall be for grants to the 15 coastal seaports that handled the greatest number of loaded foreign and domestic twenty-foot equivalent units of containerized cargo in 2016, as identified by the U.S. Army Corps of Engineers: *Provided further*, That the Maritime Administration shall distribute funds provided under this heading as discretionary grants to port authorities or commissions or their subdivisions and agents under existing authority, as well as to a State or political subdivision of a State or local government, a tribal government, a public agency or publicly chartered authority established by one or more States, a special purpose district with a transportation function, a multistate or multijurisdictional group of entities, or a lead entity described above jointly with a private entity or group of private entities: *Provided further*, That projects eligible for funding provided under this heading shall be either within the boundary of a port, or outside the boundary of a port, and directly related to port operations or to an intermodal connection to a port that will improve the safety, efficiency, or reliability of the movement of goods into, out of, around, or within a port, as well as the unloading and loading of cargo at a port: *Provided further*, That in awarding grants from funds made available by the second proviso under this heading for the 15 coastal seaports referred to, the Maritime Administration shall give priority consideration for proposed projects that construct treatment facilities defined in section 305.1 of title 7, Code of Federal Regulations, to meet the phytosanitary treatment requirements of sections 305.5 through 305.8 of title 7, Code of Federal Regulations: *Provided further*, That the Federal share of the costs for which an expenditure is made under this heading shall be up to 80 percent: *Provided further*, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration: *Provided further*, That the proceeds of Federal credit assistance under chapter 6 of title 23, United States Code or sections 501 through 504 of the Railroad and Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, shall be considered to be part of the non-Federal share of project costs if the loan is repayable from non-Federal funds, unless otherwise requested by the project sponsor.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, in addition to any existing authority, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration: *Provided*, That payments received therefor shall be credited to the appropriation charged with the cost thereof and shall remain available until expended: *Provided further*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, \$23,710,000: *Provided*, That the Secretary of Transportation shall issue a final rule to expand the applicability of comprehensive oil spill response plans within 90 days of enactment of this Act: *Provided further*, That the amounts appropriated under this heading shall be reduced by \$10,000 per day for each day that such rule has not been issued following the expiration of the period set forth in the previous proviso.

49 USC 60102
note.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$58,000,000, of which \$7,570,000 shall remain available until September 30, 2021: *Provided*, That up to \$800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$165,000,000, to remain available until September 30, 2021, of which \$23,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which \$134,000,000 shall be derived from the Pipeline Safety Fund; and of which \$8,000,000 shall be derived from fees collected under 49 U.S.C. 60302 and deposited in the Underground Natural Gas Storage Facility Safety Account for the purpose of carrying out 49 U.S.C. 60141: *Provided*, That not less than \$1,058,000 of the funds provided under this heading shall be for the One-Call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For expenses necessary to carry out the Emergency Preparedness Grants program, not more than \$28,318,000 shall remain available until September 30, 2021, from amounts made available by 49 U.S.C. 5116(h), and 5128(b) and (c): *Provided*, That notwithstanding 49 U.S.C. 5116(h)(4), not more than 4 percent of the amounts made available from this account shall be available to

pay administrative costs: *Provided further*, That notwithstanding 49 U.S.C. 5128(b) and (c) and the current year obligation limitation, prior year recoveries recognized in the current year shall be available to develop a hazardous materials response training curriculum for emergency responders, including response activities for the transportation of crude oil, ethanol and other flammable liquids by rail, consistent with National Fire Protection Association standards, and to make such training available through an electronic format: *Provided further*, That the prior year recoveries made available under this heading shall also be available to carry out 49 U.S.C. 5116(a)(1)(C) and 5116(i).

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$92,600,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department of Transportation: *Provided further*, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. (a) During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

(b) During the current fiscal year, applicable appropriations to the Department and its operating administrations shall be available for the purchase, maintenance, operation, and deployment of unmanned aircraft systems that advance the Department's, or its operating administrations', missions.

(c) Any unmanned aircraft system purchased or procured by the Department prior to the enactment of this Act shall be deemed authorized.

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 183. None of the funds in this Act shall be available for salaries and expenses of more than 125 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 184. Funds received by the Federal Highway Administration and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 185. (a) None of the funds provided in this Act to the Department of Transportation may be used to make a loan, loan guarantee, line of credit, or discretionary grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive any discretionary grant award, letter of intent, loan commitment, loan guarantee commitment, line of credit commitment, or full funding grant agreement is announced by the Department or its modal administrations: *Provided*, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

(b) In addition to the notification required in subsection (a), none of the funds made available in this Act to the Department of Transportation may be used to make a loan, loan guarantee, line of credit, cooperative agreement or discretionary grant unless the Secretary of Transportation provides the House and Senate Committees on Appropriations a comprehensive list of all such loans, loan guarantees, lines of credit, cooperative agreement or discretionary grants that will be announced not less the 3 full business days before such announcement: *Provided*, That the requirement to provide a list in this subsection does not apply to any "quick release" of funds from the emergency relief program: *Provided further*, That no list shall involve funds that are not available for obligation.

SEC. 186. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 187. Amounts made available in this or any prior Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments: *Provided*, That amounts made available in this Act shall be available until expended; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002, as amended by the Improper Payments Elimination and Recovery Act of 2010 and Improper Payments Elimination and Recovery Improvement Act of 2012, and Fraud Reduction and Data Analytics Act of 2015: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available: *Provided further*, That where specific project or accounting information associated with the improper payment or payments is not readily available, the Secretary may credit an appropriate account, which shall be available for the purposes and period associated with the account so credited; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to depositing such recovery in the Treasury, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term “improper payments” has the same meaning as that provided in section 2(e)(2) of Public Law 111–204.

SEC. 188. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, transmission of said reprogramming notice shall be provided solely to the House and Senate Committees on Appropriations, and said reprogramming action shall be approved or denied solely by the House and Senate Committees on Appropriations: *Provided*, That the Secretary of Transportation may provide notice to other congressional committees of the action of the House and Senate Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 189. Funds appropriated in this Act to the modal administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the costs of goods and services that are purchased to provide a direct benefit to the applicable modal administration or administrations.

SEC. 190. The Secretary of Transportation is authorized to carry out a program that establishes uniform standards for developing and supporting agency transit pass and transit benefits authorized under section 7905 of title 5, United States Code, including distribution of transit benefits by various paper and electronic media.

SEC. 191. The Department of Transportation may use funds provided by this Act, or any other Act, to assist a contract under title 49 U.S.C. or title 23 U.S.C. utilizing geographic, economic, or any other hiring preference not otherwise authorized by law, or to amend a rule, regulation, policy or other measure that forbids a recipient of a Federal Highway Administration or Federal Transit Administration grant from imposing such hiring preference on a contract or construction project with which the Department of Transportation is assisting, only if the grant recipient certifies the following:

(1) that except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;

(2) that the grant recipient will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and

(3) that any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

This title may be cited as the “Department of Transportation Appropriations Act, 2019”.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

EXECUTIVE OFFICES

For necessary salaries and expenses for Executive Offices, which shall be comprised of the offices of the Secretary, Deputy Secretary, Adjudicatory Services, Congressional and Intergovernmental Relations, Public Affairs, Small and Disadvantaged Business Utilization, and the Center for Faith-Based and Neighborhood Partnerships, \$14,900,000, to remain available until September 30, 2020: *Provided*, That not to exceed \$25,000 of the amount made available under this heading shall be available to the Secretary for official reception and representation expenses as the Secretary may determine.

ADMINISTRATIVE SUPPORT OFFICES

For necessary salaries and expenses for Administrative Support Offices, \$541,500,000, to remain available until September 30, 2020, of which \$70,400,000 shall be available for the Office of the Chief Financial Officer, (and of which \$20,000,000, to remain available until September 30, 2021, shall be for the financial transformation initiative); \$97,800,000 shall be available for the Office of the General Counsel, of which not less than \$15,000,000 shall be for the Departmental Enforcement Center; \$206,300,000 shall be available for the Office of Administration; \$40,400,000 shall be available for the Office of the Chief Human Capital Officer; \$54,300,000 shall be available for the Office of Field Policy and Management;

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Housing and
Urban
Development
Appropriations
Act, 2019.

\$19,100,000 shall be available for the Office of the Chief Procurement Officer; \$3,800,000 shall be available for the Office of Departmental Equal Employment Opportunity; \$4,700,000 shall be available for the Office of Business Transformation; and \$44,700,000 shall be available for the Office of the Chief Information Officer: *Provided*, That funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that directly support program activities funded in this title: *Provided further*, That the Secretary shall provide the House and Senate Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide in electronic form all signed reports required by Congress: *Provided further*, That not more than 10 percent of the funds made available under this heading for the Office of Chief Financial Officer for the financial transformation initiative may be obligated until the Secretary submits to the House and Senate Committees on Appropriations, for approval, a plan for expenditure that includes the financial and internal control capabilities to be delivered and the mission benefits to be realized, key milestones to be met, and the relationship between the proposed use of funds made available under this heading and the projected total cost and scope of the initiative.

PROGRAM OFFICE SALARIES AND EXPENSES

PUBLIC AND INDIAN HOUSING

For necessary salaries and expenses of the Office of Public and Indian Housing, \$219,800,000, to remain available until September 30, 2020.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary salaries and expenses of the Office of Community Planning and Development, \$112,344,000, to remain available until September 30, 2020.

HOUSING

For necessary salaries and expenses of the Office of Housing, \$382,500,000, to remain available until September 30, 2020, of which not less than \$12,000,000 shall be for the Office of Recapitalization.

POLICY DEVELOPMENT AND RESEARCH

For necessary salaries and expenses of the Office of Policy Development and Research, \$26,000,000, to remain available until September 30, 2020.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary salaries and expenses of the Office of Fair Housing and Equal Opportunity, \$72,900,000, to remain available until September 30, 2020.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

For necessary salaries and expenses of the Office of Lead Hazard Control and Healthy Homes, \$8,600,000, to remain available until September 30, 2020.

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the working capital fund for the Department of Housing and Urban Development (referred to in this paragraph as the “Fund”), pursuant, in part, to section 7(f) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(f)), amounts transferred, including reimbursements pursuant to section 7(f), to the Fund under this heading shall be available for Federal shared services used by offices and agencies of the Department, and for such portion of any office or agency’s printing, records management, space renovation, furniture, or supply services as the Secretary determines shall be derived from centralized sources made available by the Department to all offices and agencies and funded through the Fund: *Provided*, That of the amounts made available in this title for salaries and expenses under the headings “Executive Offices”, “Administrative Support Offices”, “Program Office Salaries and Expenses”, and “Government National Mortgage Association”, the Secretary shall transfer to the Fund such amounts, to remain available until expended, as are necessary to fund services, specified in the matter preceding the first proviso, for which the appropriation would otherwise have been available, and may transfer not to exceed an additional \$5,000,000, in aggregate, from all such appropriations, to be merged with the Fund and to remain available until expended for any purpose under this heading: *Provided further*, That amounts in the Fund shall be the only amounts available to each office or agency of the Department for the services, or portion of services, specified in the matter preceding the first proviso: *Provided further*, That with respect to the Fund, the authorities and conditions under this heading shall supplement the authorities and conditions provided under section 7(f).

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (“the Act” herein), not otherwise provided for, \$18,598,000,000, to remain available until expended, shall be available on October 1, 2018 (in addition to the \$4,000,000,000 previously appropriated under this heading that shall be available on October 1, 2018), and \$4,000,000,000, to remain available until expended, shall be available on October

1, 2019: *Provided*, That the amounts made available under this heading are provided as follows:

(1) \$20,313,000,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental vouchers: *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2019 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection and Choice Neighborhoods vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the MTW demonstration, which are instead governed by the terms and conditions of their MTW agreements: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this paragraph), prorate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this paragraph) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget by the latter of 60 days after enactment of this Act or March 1, 2019: *Provided further*, That the Secretary may extend the notification period with the prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the MTW demonstration shall be funded pursuant to their MTW agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That the Secretary may offset public housing agencies' calendar year 2019 allocations based on the excess amounts of public housing agencies' net restricted assets accounts, including HUD-held programmatic reserves (in accordance with VMS data in calendar year 2018 that is verifiable and complete), as determined by the Secretary: *Provided further*, That public housing agencies participating in the MTW demonstration shall also be subject to the offset, as determined by the Secretary, excluding amounts subject to the single fund budget authority provisions of their MTW agreements, from the agencies' calendar year 2019 MTW funding allocation: *Provided further*, That the Secretary shall use any offset referred to in the previous two provisos throughout the calendar year to prevent the termination of rental assistance for families as the result of insufficient funding, as determined by the

Secretary, and to avoid or reduce the proration of renewal funding allocations: *Provided further*, That up to \$100,000,000 shall be available only: (1) for adjustments in the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of vouchers resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the previous 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act; (3) for adjustments for costs associated with HUD-Veterans Affairs Supportive Housing (HUD-VASH) vouchers; and (4) for public housing agencies that despite taking reasonable cost savings measures, as determined by the Secretary, would otherwise be required to terminate rental assistance for families as a result of insufficient funding: *Provided further*, That the Secretary shall allocate amounts under the previous proviso based on need, as determined by the Secretary;

(2) \$85,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, Choice Neighborhood vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106-569, as amended, or under the authority as provided under this Act: *Provided*, That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents: *Provided further*, That the Secretary may only provide replacement vouchers for units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds: *Provided further*, That of the amounts made available under this paragraph, \$5,000,000 may be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of: (A) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (B) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (C) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: *Provided further*, That such tenant protection assistance made available under the previous proviso may be provided under the authority of section 8(t)

or section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)): *Provided further*, That the Secretary shall issue guidance to implement the previous provisos, including, but not limited to, requirements for defining eligible at-risk households within 60 days of the enactment of this Act: *Provided further*, That any tenant protection voucher made available from amounts under this paragraph shall not be reissued by any public housing agency, except the replacement vouchers as defined by the Secretary by notice, when the initial family that received any such voucher no longer receives such voucher, and the authority for any public housing agency to issue any such voucher shall cease to exist: *Provided further*, That the Secretary may provide section 8 rental assistance from amounts made available under this paragraph for units assisted under a project-based subsidy contract funded under the “Project-Based Rental Assistance” heading under this title where the owner has received a Notice of Default and the units pose an imminent health and safety risk to residents: *Provided further*, That to the extent that the Secretary determines that such units are not feasible for continued rental assistance payments or transfer of the subsidy contract associated with such units to another project or projects and owner or owners, any remaining amounts associated with such units under such contract shall be recaptured and used to reimburse amounts used under this paragraph for rental assistance under the preceding proviso;

(3) \$1,886,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, HUD–VASH vouchers, and other special purpose incremental vouchers: *Provided*, That no less than \$1,856,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2019 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading from prior fiscal years, excluding special purpose vouchers, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That all public housing agencies participating in the MTW demonstration shall be funded pursuant to their MTW agreements, and shall be subject to the same uniform percentage decrease as under the previous proviso: *Provided further*, That amounts provided under this

paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) \$225,000,000 for the renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), including necessary administrative expenses: *Provided*, That administrative and other expenses of public housing agencies in administering the special purpose vouchers in this paragraph shall be funded under the same terms and be subject to the same pro rata reduction as the percent decrease for administrative and other expenses to public housing agencies under paragraph (3) of this heading: *Provided further*, That any amounts provided under this paragraph in this Act or prior Acts, remaining available after funding renewals and administrative expenses under this paragraph, shall be available only for incremental tenant-based rental assistance contracts under such section 811 for non-elderly persons with disabilities, including necessary administrative expenses: *Provided further*, That upon turnover, section 811 special purpose vouchers funded under this heading in this or prior Acts, or under any other heading in prior Acts, shall be provided to non-elderly persons with disabilities;

(5) \$4,000,000 shall be for rental assistance and associated administrative fees for Tribal HUD-VASH to serve Native American veterans that are homeless or at-risk of homelessness living on or near a reservation or other Indian areas: *Provided*, That such amount shall be made available for renewal grants to recipients that received assistance under prior Acts under the Tribal HUD-VASH program: *Provided further*, That the Secretary shall be authorized to specify criteria for renewal grants, including data on the utilization of assistance reported by grant recipients: *Provided further*, That such assistance shall be administered in accordance with program requirements under the Native American Housing Assistance and Self-Determination Act of 1996 and modeled after the HUD-VASH program: *Provided further*, That the Secretary shall be authorized to waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such assistance: *Provided further*, That grant recipients shall report to the Secretary on utilization of such rental assistance and other program data, as prescribed by the Secretary: *Provided further*, That the Secretary may reallocate, as determined by the Secretary, amounts returned or recaptured from awards under prior acts;

(6) \$40,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 203 (competition provision) of this title,

to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over;

(7) \$20,000,000 shall be made available for new incremental voucher assistance through the family unification program as authorized by section 8(x) of the Act: *Provided*, That the assistance made available under this paragraph shall continue to remain available for family unification upon turnover: *Provided further*, That for any public housing agency administering voucher assistance appropriated in a prior Act under the family unification program that determines that it no longer has an identified need for such assistance upon turnover, such agency shall notify the Secretary, and the Secretary shall recapture such assistance from the agency and reallocate it to any other public housing agency or agencies based on need for voucher assistance in connection with such program;

(8) \$25,000,000 shall be made available for the mobility demonstration authorized under section 235 of this title, of which up to \$5,000,000 shall be for new incremental voucher assistance and the remainder of which shall be available to provide mobility-related services to families with children, including pre- and post-move counseling and rent deposits, and to offset the administrative costs of operating the mobility demonstration: *Provided*, That incremental voucher assistance made available under this paragraph shall be for families with children participating in the mobility demonstration and shall continue to remain available for families with children upon turnover: *Provided further*, That for any public housing agency administering voucher assistance under the mobility demonstration that determines that it no longer has an identified need for such assistance upon turnover, such agency shall notify the Secretary, and the Secretary shall recapture such assistance from the agency and reallocate it to any other public housing agency or agencies based on need for voucher assistance in connection with such demonstration; and

(9) the Secretary shall separately track all special purpose vouchers funded under this heading.

HOUSING CERTIFICATE FUND

(INCLUDING RESCISSIONS)

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading “Annual Contributions for Assisted Housing” and the heading “Project-Based Rental Assistance”, for fiscal year 2019 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be rescinded: *Provided further*, That amounts heretofore recaptured, or recaptured during the current fiscal year, from section 8 project-based contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the “Act”) \$2,775,000,000, to remain available until September 30, 2022: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2019, the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term “obligate” means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That of the total amount made available under this heading, up to \$14,000,000 shall be to support ongoing public housing financial and physical assessment activities: *Provided further*, That of the total amount made available under this heading, up to \$1,000,000 shall be to support the costs of administrative and judicial receiverships: *Provided further*, That of the total amount provided under this heading, not to exceed \$30,000,000 shall be available for the Secretary to make grants, notwithstanding section 203 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2019: *Provided further*, That of the amount made available under the previous proviso, not less than \$10,000,000 shall be for safety and security measures: *Provided further*, That in addition to the amount in the previous proviso for such safety and security measures, any

amounts that remain available, after all applications received on or before September 30, 2020, for emergency capital needs have been processed, shall be allocated to public housing agencies for such safety and security measures: *Provided further*, That of the total amount provided under this heading, up to \$35,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That of the total amount made available under this heading, \$15,000,000 shall be for a Jobs-Plus initiative modeled after the Jobs-Plus demonstration: *Provided further*, That funding provided under the previous proviso shall be available for competitive grants to partnerships between public housing authorities, local workforce investment boards established under section 107 of the Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. 3122), and other agencies and organizations that provide support to help public housing residents obtain employment and increase earnings: *Provided further*, That applicants must demonstrate the ability to provide services to residents, partner with workforce investment boards, and leverage service dollars: *Provided further*, That the Secretary may allow public housing agencies to request exemptions from rent and income limitation requirements under sections 3 and 6 of the United States Housing Act of 1937 (42 U.S.C. 1437a and 1437d), as necessary to implement the Jobs-Plus program, on such terms and conditions as the Secretary may approve upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective implementation of the Jobs-Plus initiative as a voluntary program for residents: *Provided further*, That the Secretary shall publish by notice in the Federal Register any waivers or alternative requirements pursuant to the preceding proviso no later than 10 days before the effective date of such notice: *Provided further*, That for funds provided under this heading, the limitation in section 9(g)(1) of the Act shall be 25 percent: *Provided further*, That the Secretary may waive the limitation in the previous proviso to allow public housing agencies to fund activities authorized under section 9(e)(1)(C) of the Act: *Provided further*, That the Secretary shall notify public housing agencies requesting waivers under the previous proviso if the request is approved or denied within 14 days of submitting the request: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2019 to public housing agencies that are designated high performers: *Provided further*, That the Department shall notify public housing agencies of their formula allocation within 60 days of enactment of this Act: *Provided further*, That of the total amount provided under this heading, \$25,000,000 shall be available for competitive grants to public housing agencies to evaluate and reduce lead-based paint hazards in public housing by carrying out the activities of risk assessments, abatement, and interim controls (as those terms are defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851b)): *Provided further*, That for purposes of environmental review, a grant under the previous proviso shall be considered funds for projects or activities under title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) for purposes of section 26

of such Act (42 U.S.C. 1437x) and shall be subject to the regulations implementing such section.

PUBLIC HOUSING OPERATING FUND

For 2019 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), \$4,653,116,000, to remain available until September 30, 2020.

CHOICE NEIGHBORHOODS INITIATIVE

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise specified under this heading), for transformation, rehabilitation, and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, schools, public assets, transportation and access to jobs, \$150,000,000, to remain available until September 30, 2021: *Provided*, That grant funds may be used for resident and community services, community development, and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: *Provided further*, That the use of funds made available under this heading shall not be deemed to be public housing notwithstanding section 3(b)(1) of such Act: *Provided further*, That grantees shall commit to an additional period of affordability determined by the Secretary of not fewer than 20 years: *Provided further*, That grantees shall provide a match in State, local, other Federal or private funds: *Provided further*, That grantees may include local governments, tribal entities, public housing authorities, and nonprofits: *Provided further*, That for-profit developers may apply jointly with a public entity: *Provided further*, That for purposes of environmental review, a grantee shall be treated as a public housing agency under section 26 of the United States Housing Act of 1937 (42 U.S.C. 1437x), and grants under this heading shall be subject to the regulations issued by the Secretary to implement such section: *Provided further*, That of the amount provided, not less than \$75,000,000 shall be awarded to public housing agencies: *Provided further*, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies, and resident organizations: *Provided further*, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce, the Attorney General, and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: *Provided further*, That no more than \$5,000,000 of funds made available under this heading may be provided as grants to undertake comprehensive local planning with input from residents and the community: *Provided further*, That unobligated balances, including recaptures, remaining from funds appropriated under the heading “Revitalization of Severely Distressed Public Housing (HOPE VI)” in fiscal year 2011 and prior fiscal years may be used for purposes under this heading, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That the Secretary shall issue the Notice of Funding Availability for funds made available under this heading

no later than 60 days after enactment of this Act: *Provided further*, That the Secretary shall make grant awards no later than one year from the date of enactment of this Act in such amounts that the Secretary determines: *Provided further*, That notwithstanding section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v(o)), the Secretary may, until September 30, 2019, obligate any available unobligated balances made available under this heading in this, or any prior Act.

FAMILY SELF-SUFFICIENCY

For the Family Self-Sufficiency program to support family self-sufficiency coordinators under section 23 of the United States Housing Act of 1937, to promote the development of local strategies to coordinate the use of assistance under sections 8(o) and 9 of such Act with public and private resources, and enable eligible families to achieve economic independence and self-sufficiency, \$80,000,000, to remain available until September 30, 2020: *Provided*, That the Secretary may, by Federal Register notice, waive or specify alternative requirements under subsections b(3), b(4), b(5), or c(1) of section 23 of such Act in order to facilitate the operation of a unified self-sufficiency program for individuals receiving assistance under different provisions of the Act, as determined by the Secretary: *Provided further*, That owners of a privately owned multifamily property with a section 8 contract may voluntarily make a Family Self-Sufficiency program available to the assisted tenants of such property in accordance with procedures established by the Secretary: *Provided further*, That such procedures established pursuant to the previous proviso shall permit participating tenants to accrue escrow funds in accordance with section 23(d)(2) and shall allow owners to use funding from residual receipt accounts to hire coordinators for their own Family Self-Sufficiency program.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), \$655,000,000, to remain available until September 30, 2023: *Provided*, That, notwithstanding NAHASDA, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, \$7,000,000 shall be for providing training and technical assistance to Indian housing authorities and tribally designated housing entities, to support the inspection of Indian housing units, contract expertise, and for training and technical assistance related to funding provided under this heading and other headings under this Act for the needs of Native American families and Indian country: *Provided further*, That of the funds made available under

the previous proviso, not less than \$2,000,000 shall be made available for a national organization as authorized under section 703 of NAHASDA (25 U.S.C. 4212): *Provided further*, That amounts made available under the previous two provisos may be used, contracted, or competed as determined by the Secretary: *Provided further*, That of the amount provided under this heading, \$2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$17,761,989: *Provided further*, That the Department will notify grantees of their formula allocation within 60 days of the date of enactment of this Act: *Provided further*, That for an additional amount for the Native American Housing Block Grants program, as authorized under title I of NAHASDA, \$100,000,000 to remain available until September 30, 2023: *Provided further*, That the Secretary shall obligate this additional amount for competitive grants to eligible recipients authorized under NAHASDA that apply for funds: *Provided further*, That in awarding this additional amount, the Secretary shall consider need and administrative capacity, and shall give priority to projects that will spur construction and rehabilitation: *Provided further*, That up to 1 percent of this additional amount may be transferred, in aggregate, to “Program Office Salaries and Expenses—Public and Indian Housing” for necessary costs of administering and overseeing the obligation and expenditure of this additional amount: *Provided further*, That any funds transferred pursuant to the previous proviso shall remain available until September 30, 2024.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), \$1,440,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to \$553,846,154, to remain available until expended: *Provided further*, That up to \$750,000 of this amount may be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), \$2,000,000, to remain available until September 30, 2023: *Provided*, That notwithstanding section 812(b) of such Act, the Department of Hawaiian Home Lands may not invest grant amounts provided under this heading in investment securities and other obligations: *Provided further*, That amounts made available under this heading in this and prior fiscal years may be used to provide rental assistance to eligible Native Hawaiian families both on and off the

Hawaiian Home Lands, notwithstanding any other provision of law.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$393,000,000, to remain available until September 30, 2020, except that amounts allocated pursuant to section 854(c)(5) of such Act shall remain available until September 30, 2021: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that initially were funded under section 854(c)(5) of such Act from funds made available under this heading in fiscal year 2010 and prior fiscal years that meet all program requirements before awarding funds for new contracts under such section: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$3,365,000,000, to remain available until September 30, 2021, unless otherwise specified: *Provided*, That of the total amount provided, \$3,300,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (“the Act” herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading, not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That a metropolitan city, urban county, unit of general local government, Indian tribe, or insular area that directly or indirectly receives funds under this heading may not sell, trade, or otherwise transfer all or any portion of such funds to another such entity in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act: *Provided further*, That notwithstanding section 105(e)(1) of the Act, no funds provided under this heading may be provided to a for-profit entity for an economic development project under section 105(a)(17) unless such project has been evaluated and selected in accordance with guidelines required under subsection (e)(2): *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act: *Provided further*, That of the total amount provided under this heading, \$65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 203 of this Act), up to \$4,000,000 may be used for emergencies that constitute imminent threats to health and safety.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2019, commitments to guarantee loans under section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), any part of which is guaranteed, shall not exceed a total principal amount of \$300,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in subsection (k) of such section 108: *Provided*, That the Secretary shall collect fees from borrowers, notwithstanding subsection (m) of such section 108, to result in a credit subsidy cost of zero for guaranteeing such loans, and any such fees shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME Investment Partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$1,250,000,000, to remain available until September 30, 2022: *Provided*, That notwithstanding the amount made available under this heading, the threshold reduction requirements in sections 216(10) and 217(b)(4) of such Act shall not apply to allocations of such amount: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, \$54,000,000, to remain available until September 30, 2021: *Provided*, That of the total amount provided under this heading, \$10,000,000 shall be made available to the Self-Help Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That of the total amount provided under this heading, \$35,000,000 shall be made available for the second, third, and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than \$5,000,000 shall be made available for rural capacity building activities: *Provided further*, That of the total amount provided under this heading, \$5,000,000 shall be made available for capacity building by national rural housing organizations with experience assessing national rural conditions and providing financing, training, technical assistance, information, and research to local nonprofits, local governments, and Indian Tribes serving high need rural communities: *Provided further*, That of the total amount provided under this heading, \$4,000,000, shall be made available for a program to rehabilitate and modify the homes of disabled or low-income veterans, as authorized under section 1079 of Public Law 113–291: *Provided further*, That funds provided under the previous proviso shall be awarded within 180 days of enactment of this Act: *Provided further*, That funds provided for such program in fiscal years 2016, 2017, and 2018 shall be awarded within 60 days of enactment of this Act.

HOMELESS ASSISTANCE GRANTS

For the Emergency Solutions Grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the Continuum of Care program as authorized under subtitle C of title IV of such Act; and the Rural Housing Stability Assistance program as authorized under subtitle D of title IV of such Act, \$2,636,000,000, to remain available until September 30, 2021: *Provided*, That any rental assistance amounts that are recaptured under such Continuum of Care program shall remain available until expended: *Provided further*, That not less than \$280,000,000 of the funds appropriated under this heading shall be available for such Emergency Solutions Grants program: *Provided further*, That not less than \$2,219,000,000 of the funds appropriated under this heading shall be available for such Continuum of Care and Rural Housing Stability Assistance programs: *Provided further*, That of the amounts made available under this heading, up to \$50,000,000 shall be made available for grants for rapid re-housing projects and supportive service projects providing coordinated entry, and for eligible activities the Secretary determines to be critical in order to assist survivors of domestic violence, dating violence, and stalking: *Provided further*, That such projects shall be eligible for renewal under the continuum of care program subject to the same terms and conditions as other renewal applicants: *Provided further*, That up to \$7,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: *Provided further*, That all funds awarded for supportive services under the Continuum of Care program and the Rural Housing Stability Assistance program shall be matched by not less than 25 percent in cash or in kind by each grantee: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior fiscal years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall collect system performance measures for each continuum of care, and that relative to fiscal year 2015, under the Continuum of Care competition with respect to funds made available under this heading, the Secretary shall base an increasing share of the score on performance criteria: *Provided further*, That none of the funds provided under this heading shall be available to provide funding for new projects, except for projects created through reallocation, unless the Secretary determines that the continuum of care has demonstrated that projects are evaluated and ranked based on the degree to which they improve the continuum of care's system performance: *Provided further*, That the Secretary shall prioritize funding under the Continuum of Care program to continuums of care that have demonstrated a capacity to reallocate funding from lower performing projects to higher performing projects: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible: *Provided further*, That any unobligated amounts remaining from funds appropriated under this heading in fiscal year 2012 and prior years for project-based rental

assistance for rehabilitation projects with 10-year grant terms may be used for purposes under this heading, notwithstanding the purposes for which such funds were appropriated: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Continuum of Care renewals in fiscal year 2019: *Provided further*, That the Department shall notify grantees of their formula allocation from amounts allocated (which may represent initial or final amounts allocated) for the Emergency Solutions Grant program within 60 days of enactment of this Act: *Provided further*, That up to \$80,000,000 of the funds appropriated under this heading shall be to implement projects to demonstrate how a comprehensive approach to serving homeless youth, age 24 and under, in up to 25 communities, including at least eight communities with substantial rural populations, can dramatically reduce youth homelessness: *Provided further*, That of the amount made available under the previous proviso, up to \$5,000,000 shall be available to provide technical assistance on youth homelessness, and collection, analysis, and reporting of data and performance measures under the comprehensive approaches to serve homeless youth, in addition to and in coordination with other technical assistance funds provided under this title: *Provided further*, That such projects shall be eligible for renewal under the continuum of care program subject to the same terms and conditions as other renewal applicants: *Provided further*, That youth aged 24 and under seeking assistance under this heading shall not be required to provide third party documentation to establish their eligibility under 42 U.S.C. 11302(a) or (b) to receive services: *Provided further*, That unaccompanied youth aged 24 and under or families headed by youth aged 24 and under who are living in unsafe situations may be served by youth-serving providers funded under this heading.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the Act”), not otherwise provided for, \$11,347,000,000, to remain available until expended, shall be available on October 1, 2018 (in addition to the \$400,000,000 previously appropriated under this heading that became available October 1, 2018), and \$400,000,000, to remain available until expended, shall be available on October 1, 2019: *Provided*, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this

paragraph: *Provided further*, That of the total amounts provided under this heading, not to exceed \$245,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance, for carrying out 42 U.S.C. 1437(f): *Provided further*, That the Secretary may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667): *Provided further*, That amounts recaptured under this heading, the heading “Annual Contributions for Assisted Housing”, or the heading “Housing Certificate Fund”, may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That, notwithstanding any other provision of law, upon the request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 8 project-based Housing Assistance Payments contract that authorizes HUD or a Housing Finance Agency to require that surplus project funds be deposited in an interest-bearing residual receipts account and that are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to be available until expended: *Provided further*, That amounts deposited pursuant to the previous proviso shall be available in addition to the amount otherwise provided by this heading for uses authorized under this heading.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, for senior preservation rental assistance contracts, including renewals, as authorized by section 811(e) of the American Housing and Economic Opportunity Act of 2000, as amended, and for supportive services associated with the housing, \$678,000,000, to remain available until September 30, 2022: *Provided*, That of the amount provided under this heading, up to \$90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects: *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 projects: *Provided further*,

That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That upon request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 202 project rental assistance contract and, upon termination of such contract, are in excess of an amount to be determined by the Secretary shall be remitted to the Department and deposited in this account, to remain available until September 30, 2022: *Provided further*, That amounts deposited in this account pursuant to the previous proviso shall be available, in addition to the amounts otherwise provided by this heading, for amendments and renewals: *Provided further*, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be available for amendments and renewals in addition to the purposes for which such funds originally were appropriated: *Provided further*, That of the total amount provided under this heading, \$10,000,000, shall be for a program to be established by the Secretary to make grants to experienced non-profit organizations, States, local governments, or public housing agencies for safety and functional home modification repairs to meet the needs of low-income elderly persons to enable them to remain in their primary residence: *Provided further*, That of the total amount made available under the previous proviso, no less than \$5,000,000 shall be available to meet such needs in communities with substantial rural populations.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), as amended, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, for project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667), including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Cranston-Gonzalez National Housing Act, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, \$184,155,000, to remain available until September 30, 2022, of which \$30,155,000 shall be for capital advance and project rental assistance awards: *Provided*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 projects: *Provided further*, That, upon the request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 811 project rental assistance contract and, upon termination of such contract, are in excess of an amount to be determined by the Secretary shall be remitted to the Department and deposited in this account, to remain available until September 30, 2022: *Provided further*, That amounts deposited in this account pursuant to the previous proviso

shall be available in addition to the amounts otherwise provided by this heading for amendments and renewals: *Provided further*, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be used for amendments and renewals in addition to the purposes for which such funds originally were appropriated.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, \$50,000,000, to remain available until September 30, 2020, including up to \$4,500,000 for administrative contract services: *Provided*, That grants made available from amounts provided under this heading shall be awarded within 180 days of enactment of this Act: *Provided further*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management or literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training: *Provided further*, That for purposes of providing such grants from amounts provided under this heading, the Secretary may enter into multiyear agreements, as appropriate, subject to the availability of annual appropriations.

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-1) in State-aided, noninsured rental housing projects, \$5,000,000, to remain available until expended: *Provided*, That such amount, together with unobligated balances from recaptured amounts appropriated prior to fiscal year 2006 from terminated contracts under such sections of law, and any unobligated balances, including recaptures and carryover, remaining from funds appropriated under this heading after fiscal year 2005, shall also be available for extensions of up to one year for expiring contracts under such sections of law.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to \$12,000,000, to remain available until expended, of which \$12,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2019 so as to result in a final fiscal year 2019 appropriation from the general fund estimated

at zero, and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2019 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That, notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed \$400,000,000,000, to remain available until September 30, 2020: *Provided*, That during fiscal year 2019, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$1,000,000: *Provided further*, That the foregoing amount in the previous proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund: *Provided further*, That for administrative contract expenses of the Federal Housing Administration, \$130,000,000, to remain available until September 30, 2020: *Provided further*, That to the extent guaranteed loan commitments exceed \$200,000,000,000 on or before April 1, 2019, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000: *Provided further*, That notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), during fiscal year 2019 the Secretary may insure and enter into new commitments to insure mortgages under section 255 of the National Housing Act only to the extent that the net credit subsidy cost for such insurance does not exceed zero: *Provided further*, That for fiscal year 2019, the Secretary shall not take any action against a lender solely on the basis of compare ratios that have been adversely affected by defaults on mortgages secured by properties in areas where a major disaster was declared in 2017 or 2018 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

New commitments to guarantee loans insured under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed \$30,000,000,000 in total loan principal, any part of which is to be guaranteed, to remain available until September 30, 2020: *Provided*, That during fiscal year 2019, gross

obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$1,000,000, which shall be for loans to non-profit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$550,000,000,000, to remain available until September 30, 2020: *Provided*, That \$27,000,000, to remain available until September 30, 2020, shall be for necessary salaries and expenses of the Office of Government National Mortgage Association: *Provided further*, That to the extent that guaranteed loan commitments exceed \$155,000,000,000 on or before April 1, 2019, an additional \$100 for necessary salaries and expenses shall be available until expended for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$3,000,000: *Provided further*, That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act, as amended, shall be credited as offsetting collections to this account.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, and for technical assistance, \$96,000,000, to remain available until September 30, 2020: *Provided*, That with respect to amounts made available under this heading, notwithstanding section 203 of this title, the Secretary may enter into cooperative agreements funded with philanthropic entities, other Federal agencies, State or local governments and their agencies, or colleges or universities for research projects: *Provided further*, That with respect to the previous proviso, such partners to the cooperative agreements must contribute at least a 50 percent match toward the cost of the project: *Provided further*, That for non-competitive agreements entered into in accordance with the previous two provisos, the Secretary of Housing and Urban Development shall comply with section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282, 31 U.S.C. note) in lieu of compliance with section 102(a)(4)(C) with respect to documentation of award decisions: *Provided further*, That prior to obligation of technical assistance funding, the Secretary shall submit a plan, for approval, to the House and Senate Committees on Appropriations on how it will allocate funding for this activity:

Provided further, That none of the funds provided under this heading may be available for the doctoral dissertation research grant program.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$65,300,000, to remain available until September 30, 2020: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to develop on-line courses and provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan: *Provided further*, That of the funds made available under this heading, \$300,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$279,000,000, to remain available until September 30, 2020, of which \$45,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970, which shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That not less than \$95,000,000 of the amounts made available under this heading for the award of grants pursuant to section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 shall be provided to areas with the highest lead-based paint abatement needs: *Provided further*, That \$64,000,000 of the funds appropriated under this heading shall be for the implementation of projects to demonstrate how intensive, extended multi-year interventions can dramatically reduce the presence of lead-based paint hazards in communities containing high concentrations of

both pre-1940 housing and low-income families by achieving economies of scale that substantially reduce the cost of lead-based paint remediation activities and administrative costs for grantees: *Provided further*, That such projects in each of seven communities shall be for five years and serve no more than four contiguous census tracts in which there are high concentrations of housing stock built before 1940, in which low-income families with children make up a significantly higher proportion of the population as compared to the State average, and that are located in jurisdictions in which instances of elevated blood lead levels reported to the State are significantly higher than the State average: *Provided further*, That funding awarded for such projects shall be made available for draw down contingent upon the grantee meeting cost-savings, productivity, and grant compliance benchmarks established by the Secretary: *Provided further*, That each recipient of funds for such projects shall contribute an amount not less than 10 percent of the total award, and that the Secretary shall give priority to applicants that secure commitments for additional contributions from public and private sources: *Provided further*, That grantees currently receiving grants made under this heading shall be eligible to apply for such projects, provided that they are deemed to be in compliance with program requirements established by the Secretary: *Provided further*, That each applicant shall certify adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: *Provided further*, That amounts made available under this heading in this or prior appropriations Acts, still remaining available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

INFORMATION TECHNOLOGY FUND

For the development, modernization, and enhancement of, modifications to, and infrastructure for Department-wide and program-specific information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, \$280,000,000, of which \$260,000,000 shall remain available until September 30, 2020, and of which \$20,000,000 shall remain available until September 30, 2021: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts may be used for the purposes specified under this Fund, in addition to any other information technology purposes for which such amounts were appropriated: *Provided further*, That not more than 10 percent of the funds made available under this heading for development, modernization and enhancement may be obligated until the Secretary submits to the House and Senate Committees on Appropriations, for approval, a plan for expenditure that—(A) identifies for each modernization project: (i) the functional and performance capabilities to be delivered and the mission benefits to be realized, (ii) the estimated life-cycle cost, and (iii) key milestones to be met; and (B) demonstrates

that each modernization project is: (i) compliant with the Department's enterprise architecture, (ii) being managed in accordance with applicable life-cycle management policies and guidance, (iii) subject to the Department's capital planning and investment control requirements, and (iv) supported by an adequately staffed project office.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$128,082,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

(INCLUDING RESCISSIONS)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437f note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2019 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 204. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal

Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 205. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 206. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2019 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 207. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 208. The President's formal budget request for fiscal year 2020, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 209. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 210. (a) Notwithstanding any other provision of law, subject to the conditions listed under this section, for fiscal years 2019 and 2020, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt held or insured by the Secretary and statutorily required low-income and very low-income use restrictions if any, associated with one or more multifamily housing project or projects to another multifamily housing project or projects.

(b) PHASED TRANSFERS.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred, to ensure that such project or projects meet the standards under subsection (c).

(c) The transfer authorized in subsection (a) is subject to the following conditions:

(1) NUMBER AND BEDROOM SIZE OF UNITS.—

(A) For occupied units in the transferring project: The number of low-income and very low-income units and the configuration (i.e., bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided to the transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: The Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current market demands, as determined by the Secretary and provided there is no increase in the project-based assistance budget authority.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except that the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects.

(8) If the transferring project meets the requirements of subsection (d)(2), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) The transfer does not increase the cost (as defined in section 502 of the Congressional Budget Act of 1974, as amended) of any FHA-insured mortgage, except to the extent that appropriations are provided in advance for the amount of any such increased cost.

(d) For purposes of this section—

(1) the terms “low-income” and “very low-income” shall have the meanings provided by the statute and/or regulations

governing the program under which the project is insured or assisted;

(2) the term “multifamily housing project” means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act;

(E) housing that is assisted under section 811 of the Cranston-Gonzales National Affordable Housing Act; or

(F) housing or vacant land that is subject to a use agreement;

(3) the term “project-based assistance” means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act;

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959; and

(F) assistance payments made under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act;

(4) the term “receiving project or projects” means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required low-income and very low-income use restrictions are to be transferred;

(5) the term “transferring project” means the multifamily housing project which is transferring some or all of the project-based assistance, debt, and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term “Secretary” means the Secretary of Housing and Urban Development.

(e) RESEARCH REPORT.—The Secretary shall conduct an evaluation of the transfer authority under this section, including the effect of such transfers on the operational efficiency, contract rents, physical and financial conditions, and long-term preservation of the affected properties.

SEC. 211. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005;

(7) is not a youth who left foster care at age 14 or older and is at risk of becoming homeless; and

(8) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 212. The funds made available for Native Alaskans under the heading “Native American Housing Block Grants” in title II of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 213. Notwithstanding any other provision of law, in fiscal year 2019, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 or other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”) and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats

to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 214. The commitment authority funded by fees as provided under the heading “Community Development Loan Guarantees Program Account” may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: *Provided*, That any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

SEC. 215. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

42 USC 1437g
note.

SEC. 216. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 217. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that there is a trained allotment holder for each HUD appropriation under the accounts “Executive Offices” and “Administrative Support Offices,” as well as each account receiving appropriations under the general heading “Program Office Salaries and Expenses”, “Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account”, and “Office of Inspector General” within the Department of Housing and Urban Development.

42 USC 3545a
note.

SEC. 218. The Secretary of the Department of Housing and Urban Development shall, for fiscal year 2019, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of

law, for fiscal year 2019, the Secretary may make the NOFA available only on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary.

SEC. 219. Payment of attorney fees in program-related litigation shall be paid from the individual program office and Office of General Counsel salaries and expenses appropriations. The annual budget submission for the program offices and the Office of General Counsel shall include any such projected litigation costs for attorney fees as a separate line item request. No funds provided in this title may be used to pay any such litigation costs for attorney fees until the Department submits for review a spending plan for such costs to the House and Senate Committees on Appropriations.

SEC. 220. The Secretary is authorized to transfer up to 10 percent or \$5,000,000, whichever is less, of funds appropriated for any office under the heading “Administrative Support Offices” or for any account under the general heading “Program Office Salaries and Expenses” to any other such office or account: *Provided*, That no appropriation for any such office or account shall be increased or decreased by more than 10 percent or \$5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary shall provide notification to such Committees three business days in advance of any such transfers under this section up to 10 percent or \$5,000,000, whichever is less.

SEC. 221. (a) Any entity receiving housing assistance payments shall maintain decent, safe, and sanitary conditions, as determined by the Secretary of Housing and Urban Development (in this section referred to as the “Secretary”), and comply with any standards under applicable State or local laws, rules, ordinances, or regulations relating to the physical condition of any property covered under a housing assistance payment contract.

(b) The Secretary shall take action under subsection (c) when a multifamily housing project with a section 8 contract or contract for similar project-based assistance—

(1) receives a Uniform Physical Condition Standards (UPCS) score of 60 or less; or

(2) fails to certify in writing to the Secretary within 3 days that all Exigent Health and Safety deficiencies identified by the inspector at the project have been corrected.

Such requirements shall apply to insured and noninsured projects with assistance attached to the units under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), but do not apply to such units assisted under section 8(o)(13) (42 U.S.C. 1437f(o)(13)) or to public housing units assisted with capital or operating funds under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g).

(c)(1) Within 15 days of the issuance of the REAC inspection, the Secretary must provide the owner with a Notice of Default with a specified timetable, determined by the Secretary, for correcting all deficiencies. The Secretary must also provide a copy of the Notice of Default to the tenants, the local government, any mortgagees, and any contract administrator. If the owner’s appeal results in a UPCS score of 60 or above, the Secretary may withdraw the Notice of Default.

(2) At the end of the time period for correcting all deficiencies specified in the Notice of Default, if the owner fails to fully correct such deficiencies, the Secretary may—

(A) require immediate replacement of project management with a management agent approved by the Secretary;

(B) impose civil money penalties, which shall be used solely for the purpose of supporting safe and sanitary conditions at applicable properties, as designated by the Secretary, with priority given to the tenants of the property affected by the penalty;

(C) abate the section 8 contract, including partial abatement, as determined by the Secretary, until all deficiencies have been corrected;

(D) pursue transfer of the project to an owner, approved by the Secretary under established procedures, which will be obligated to promptly make all required repairs and to accept renewal of the assistance contract as long as such renewal is offered;

(E) transfer the existing section 8 contract to another project or projects and owner or owners;

(F) pursue exclusionary sanctions, including suspensions or debarments from Federal programs;

(G) seek judicial appointment of a receiver to manage the property and cure all project deficiencies or seek a judicial order of specific performance requiring the owner to cure all project deficiencies;

(H) work with the owner, lender, or other related party to stabilize the property in an attempt to preserve the property through compliance, transfer of ownership, or an infusion of capital provided by a third-party that requires time to effectuate; or

(I) take any other regulatory or contractual remedies available as deemed necessary and appropriate by the Secretary.

(d) The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect, subject to the exercise of contractual abatement remedies to assist relocation of tenants for major threats to health and safety after written notice to the affected tenants. To the extent the Secretary determines, in consultation with the tenants and the local government, that the property is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of—

(1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”); and

(2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance.

(e) The Secretary shall report quarterly on all properties covered by this section that are assessed through the Real Estate Assessment Center and have UPCS physical inspection scores of less than 60 or have received an unsatisfactory management and

occupancy review within the past 36 months. The report shall include—

(1) the enforcement actions being taken to address such conditions, including imposition of civil money penalties and termination of subsidies, and identify properties that have such conditions multiple times;

(2) actions that the Department of Housing and Urban Development is taking to protect tenants of such identified properties; and

(3) any administrative or legislative recommendations to further improve the living conditions at properties covered under a housing assistance payment contract.

This report shall be due to the Senate and House Committees on Appropriations no later than 30 days after the enactment of this Act, and on the first business day of each Federal fiscal year quarter thereafter while this section remains in effect.

SEC. 222. None of the funds made available by this Act, or any other Act, for purposes authorized under section 8 (only with respect to the tenant-based rental assistance program) and section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), may be used by any public housing agency for any amount of salary, including bonuses, for the chief executive officer of which, or any other official or employee of which, that exceeds the annual rate of basic pay payable for a position at level IV of the Executive Schedule at any time during any public housing agency fiscal year 2019.

SEC. 223. None of the funds in this Act provided to the Department of Housing and Urban Development may be used to make a grant award unless the Secretary notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State, locality, housing authority, tribe, nonprofit organization, or other entity selected to receive a grant award is announced by the Department or its offices.

SEC. 224. None of the funds made available by this Act may be used to require or enforce the Physical Needs Assessment (PNA).

SEC. 225. None of the funds made available in this Act shall be used by the Federal Housing Administration, the Government National Mortgage Administration, or the Department of Housing and Urban Development to insure, securitize, or establish a Federal guarantee of any mortgage or mortgage backed security that refinances or otherwise replaces a mortgage that has been subject to eminent domain condemnation or seizure, by a State, municipality, or any other political subdivision of a State.

SEC. 226. None of the funds made available by this Act may be used to terminate the status of a unit of general local government as a metropolitan city (as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) with respect to grants under section 106 of such Act (42 U.S.C. 5306).

SEC. 227. Amounts made available under this Act which are either appropriated, allocated, advanced on a reimbursable basis, or transferred to the Office of Policy Development and Research in the Department of Housing and Urban Development and functions thereof, for research, evaluation, or statistical purposes, and which are unexpended at the time of completion of a contract, grant, or cooperative agreement, may be deobligated and shall immediately become available and may be reobligated in that fiscal year or the subsequent fiscal year for the research, evaluation,

or statistical purposes for which the amounts are made available to that Office subject to reprogramming requirements in section 405 of this Act.

SEC. 228. None of the funds provided in this Act or any other act may be used for awards, including performance, special act, or spot, for any employee of the Department of Housing and Urban Development subject to administrative discipline (including suspension from work), in this or the prior fiscal year, but this prohibition shall not be effective prior to the effective date of any such administrative discipline or after any final decision over-turning such discipline.

SEC. 229. Funds made available in this title under the heading “Homeless Assistance Grants” may be used by the Secretary to participate in Performance Partnership Pilots authorized under section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, section 525 of division H of Public Law 114–113, and such authorities as are enacted for Performance Partnership Pilots in an appropriations Act for fiscal year 2019: *Provided*, That such participation shall be limited to no more than 10 continuums of care and housing activities to improve outcomes for disconnected youth.

SEC. 230. With respect to grant amounts awarded under the heading “Homeless Assistance Grants” for fiscal years 2015, 2016, 2017, 2018 and 2019 for the continuum of care (CoC) program as authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act, costs paid by program income of grant recipients may count toward meeting the recipient’s matching requirements, provided the costs are eligible CoC costs that supplement the recipient’s CoC program.

SEC. 231. (a) From amounts made available under this title under the heading “Homeless Assistance Grants”, the Secretary may award 1-year transition grants to recipients of funds for activities under subtitle C of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) to transition from one Continuum of Care program component to another.

(b) No more than 50 percent of each transition grant may be used for costs of eligible activities of the program component originally funded.

(c) Transition grants made under this section are eligible for renewal in subsequent fiscal years for the eligible activities of the new program component.

(d) In order to be eligible to receive a transition grant, the funding recipient must have the consent of the Continuum of Care and meet standards determined by the Secretary.

SEC. 232. None of the funds made available by this Act may be used by the Department of Housing and Urban Development to direct a grantee to undertake specific changes to existing zoning laws as part of carrying out the final rule entitled “Affirmatively Furthering Fair Housing” (80 Fed. Reg. 42272 (July 16, 2015)) or the notice entitled “Affirmatively Furthering Fair Housing Assessment Tool” (79 Fed. Reg. 57949 (September 26, 2014)).

SEC. 233. Section 218(g) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12748(g)) shall not apply with respect to the right of a jurisdiction to draw funds from its HOME Investment Trust Fund that otherwise expired or would expire in 2016, 2017, 2018, 2019, 2020, or 2021 under that section. Section 231(b) of such Act (42 U.S.C. 12771(b)) shall not apply to any

uninvested funds that otherwise were deducted or would be deducted from the line of credit in the participating jurisdiction's HOME Investment Trust Fund in 2018, 2019, 2020, or 2021 under that section.

SEC. 234. Amounts made available in title II of division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7) under the heading “Indian Housing Loan Guarantee Fund Program Account” for necessary expenses of the Land Title Report Commission are rescinded.

SEC. 235. (a) AUTHORITY.—The Secretary of Housing and Urban Development (in this section referred to as the “Secretary”) may carry out a mobility demonstration program to enable public housing agencies to administer housing choice voucher assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in a manner designed to encourage families receiving such voucher assistance to move to lower-poverty areas and expand access to opportunity areas.

42 USC 1437f
note.

(b) SELECTION OF PHAS.—

(1) REQUIREMENTS.—The Secretary shall establish requirements for public housing agencies to participate in the demonstration program under this section, which shall provide that the following public housing agencies may participate:

(A) Public housing agencies that together—

(i) serve areas with high concentrations of holders of rental assistance vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in poor, low-opportunity neighborhoods; and

(ii) have an adequate number of moderately priced rental units in higher-opportunity areas.

(B) Planned consortia or partial consortia of public housing agencies that—

(i) include at least one agency with a high-performing Family Self-Sufficiency (FSS) program; and

(ii) will enable participating families to continue in such program if they relocate to the jurisdiction served by any other agency of the consortium.

(C) Planned consortia or partial consortia of public housing agencies that—

(i) serve jurisdictions within a single region;

(ii) include one or more small agencies; and

(iii) will consolidate mobility focused operations.

(D) Such other public housing agencies as the Secretary considers appropriate.

(2) SELECTION CRITERIA.—The Secretary shall establish competitive selection criteria for public housing agencies eligible under paragraph (1) to participate in the demonstration program under this section.

(3) RANDOM SELECTION OF FAMILIES.—The Secretary may require participating agencies to use a randomized selection process to select among the families eligible to receive mobility assistance under the demonstration program.

(c) REGIONAL HOUSING MOBILITY PLAN.—The Secretary shall require each public housing agency applying to participate in the demonstration program under this section to submit a Regional Housing Mobility Plan (in this section referred to as a “Plan”), which shall—

(1) identify the public housing agencies that will participate under the Plan and the number of vouchers each participating agency will make available out of their existing programs in connection with the demonstration;

(2) identify any community-based organizations, nonprofit organizations, businesses, and other entities that will participate under the Plan and describe the commitments for such participation made by each such entity;

(3) identify any waivers or alternative requirements under subparagraph (e) requested for the execution of the Plan;

(4) identify any specific actions that the public housing agencies and other entities will undertake to accomplish the goals of the demonstration, which shall include a comprehensive approach to enable a successful transition to opportunity areas and may include counseling and continued support for families;

(5) specify the criteria that the public housing agencies would use to identify opportunity areas under the plan;

(6) provide for establishment of priority and preferences for participating families, including a preference for families with young children, as such term is defined by the Secretary, based on regional housing needs and priorities; and

(7) comply with any other requirements established by the Secretary.

(d) FUNDING FOR MOBILITY-RELATED SERVICES.—

(1) USE OF ADMINISTRATIVE FEES.—Public housing agencies participating in the demonstration program under this section may use administrative fees under section 8(q) of the United States Housing Act of 1937 (42 U.S.C. 1437f(q)), their administrative fee reserves, and funding from private entities to provide mobility-related services in connection with the demonstration program, including services such as counseling, portability coordination, landlord outreach, security deposits, and administrative activities associated with establishing and operating regional mobility programs.

(2) USE OF HOUSING ASSISTANCE FUNDS.—Public housing agencies participating in the demonstration under this section may use housing assistance payments funds under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for security deposits if necessary to enable families to lease units with vouchers in designated opportunity areas.

(e) WAIVERS; ALTERNATIVE REQUIREMENTS.—

(1) WAIVERS.—To allow for public housing agencies to implement and administer their Regional Housing Mobility Plans, the Secretary may waive or specify alternative requirements for the following provisions of the United States Housing Act of 1937:

(A) Sections 8(o)(7)(A) and 8(o)(13)(E)(i) (relating to the term of a lease and mobility requirements).

(B) Section 8(o)(13)(C)(i) (relating to the public housing plan for an agency).

(C) Section 8(r)(2) (relating to the responsibility of a public housing agency to administer ported assistance).

(2) ALTERNATIVE REQUIREMENTS FOR CONSORTIA.—The Secretary shall provide alternative administrative requirements for public housing agencies in a selected region to—

(A) form a consortium that has a single housing choice voucher funding contract; or

(B) enter into a partial consortium to operate all or portions of the Regional Housing Mobility Plan, which may include agencies participating in the Moving To Work Demonstration program.

(3) EFFECTIVE DATE.—Any waiver or alternative requirements pursuant to this subsection shall not take effect before the expiration of the 10-day period beginning upon publication of notice of such waiver or alternative requirement in the Federal Register.

(f) IMPLEMENTATION.—The Secretary may implement the demonstration, including its terms, procedures, requirements, and conditions, by notice.

(g) EVALUATION.—Not later than five years after implementation of the regional housing mobility programs under the demonstration program under this section, the Secretary shall submit to the Congress and publish in the Federal Register a report evaluating the effectiveness of the strategies pursued under the demonstration, subject to the availability of funding to conduct the evaluation. Through official websites and other methods, the Secretary shall disseminate interim findings as they become available, and shall, if promising strategies are identified, notify the Congress of the amount of funds that would be required to expand the testing of these strategies in additional types of public housing agencies and housing markets.

(h) TERMINATION.—The demonstration program under this section shall terminate on October 1, 2028.

SEC. 236. Section 221 of the Department of Housing and Urban Development Appropriations Act, 2015 (42 U.S.C. 1437f–1; Public Law 113–235; 128 Stat 2754) is repealed.

SEC. 237. The Promise Zone designations and Promise Zone Designation Agreements entered into pursuant to such designations, made by the Secretary of Housing and Urban Development in prior fiscal years, shall remain in effect in accordance with the terms and conditions of such agreements.

SEC. 238. None of the funds made available by this Act may be used to establish and apply review criteria, including rating factors or preference points, for participation in or coordination with EnVision Centers, in the evaluation, selection, and award of any funds made available and requiring competitive selection under this Act, except with respect to any such funds otherwise authorized for EnVision Center purposes under this Act.

This title may be cited as the “Department of Housing and Urban Development Appropriations Act, 2019”.

TITLE III

RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$8,400,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 307), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, \$27,490,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, \$23,274,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within the Corporation: *Provided further*, That concurrent with the President's budget request for fiscal year 2020, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2020 in similar format and substance to those submitted by executive agencies of the Federal Government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), \$110,400,000, of which not to exceed \$2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), \$150,000,000, of which \$5,000,000 shall be for a multi-family rental housing program: *Provided*, That an additional \$2,000,000, to remain available until September 30, 2023, shall be for the promotion and development of shared equity housing models.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$37,100,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2019, to result in a final appropriation from the general fund estimated at no more than \$35,850,000.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$3,600,000: *Provided*, That the first proviso in Public Law 115–141 under the heading “United States Interagency Council on Homelessness—Operating Expenses” is amended by striking “2020” and inserting “2028”.

42 USC 11319.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 402. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 403. The expenditure of any appropriation under this Act for any consulting service through a procurement contract pursuant to section 3109 of title 5, United States Code, shall be

limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 404. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2019, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates a new program;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;

(5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less;

(6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or

(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the joint explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include—

(A) a table for each appropriation with a separate column to display the prior year enacted level, the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(B) a delineation in the table for each appropriation and its respective prior year enacted level by object class and program, project, and activity as detailed in this Act, the table accompanying the explanatory statement accompanying this Act, accompanying reports of the House and Senate Committee on Appropriations, or in the budget appendix for the respective appropriations, whichever is more detailed, and shall apply to all items for which a dollar amount is specified and to all programs for which new budget (obligational) authority is provided, as well as to discretionary grants and discretionary grant allocations; and

(C) an identification of items of special congressional interest.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2019 from appropriations made available for salaries and expenses for fiscal year 2019 in this Act, shall remain available through September 30, 2020, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects, as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

SEC. 408. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 409. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his or her period of active military

or naval service, and has within 90 days after his or her release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his or her former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his or her former position and has not been restored thereto.

SEC. 410. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 8301–8305, popularly known as the “Buy American Act”).

SEC. 411. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 8301–8305).

SEC. 412. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 413. (a) None of the funds made available by this Act may be used to approve a new foreign air carrier permit under sections 41301 through 41305 of title 49, United States Code, or exemption application under section 40109 of that title of an air carrier already holding an air operators certificate issued by a country that is party to the U.S.-E.U.-Iceland-Norway Air Transport Agreement where such approval would contravene United States law or Article 17 bis of the U.S.-E.U.-Iceland-Norway Air Transport Agreement.

(b) Nothing in this section shall prohibit, restrict or otherwise preclude the Secretary of Transportation from granting a foreign air carrier permit or an exemption to such an air carrier where such authorization is consistent with the U.S.-E.U.-Iceland-Norway Air Transport Agreement and United States law.

SEC. 414. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of a single agency or department of the United States Government, who are stationed in the United States, at any single international conference unless the relevant Secretary reports to the House and Senate Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: *Provided*, That for purposes of this section the term “international conference” shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

SEC. 415. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board to charge or collect any filing fee for rate or practice complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 416. None of the funds made available by this Act may be used by the Department of Transportation, the Department of Housing and Urban Development, or any other Federal agency to lease or purchase new light duty vehicles for any executive fleet, or for an agency’s fleet inventory, except in accordance with

Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

SEC. 417. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 418. (a) None of the funds made available in this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access.

(b) A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner.

(c) Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

SEC. 419. None of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractors whose performance has been judged to be below satisfactory, behind schedule, over budget, or has failed to meet the basic requirements of a contract, unless the Agency determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program unless such awards or incentive fees are consistent with 16.401(e)(2) of the FAR.

SEC. 420. For an additional amount for the “Railroad Rehabilitation and Improvement Financing Program” account for the cost of modifications, as defined by section 502 of the Federal Credit Reform Act of 1990, of direct loans issued pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, and included in cohort 1, as defined by the Department of Transportation's memorandum to the Office of Management and Budget dated November 5, 2018, \$17,000,000, to remain available until expended: *Provided*, That, for a direct loan included in cohort 1, as defined in the memorandum described in the previous proviso, that has satisfied all obligations attached to such loan, the Secretary shall repay the credit risk premiums of such loan, with interest accrued thereon, not later than 60 days after the enactment of this Act or, for a direct loan included in cohort 1 with obligations that have not yet been satisfied, not later than 60 days after

the date on which all obligations attached to such loan have been satisfied.

SEC. 421. Section 127(l) of title 23, United States Code, is amended by adding at the end the following:

“(3) ADDITIONAL HIGHWAY SEGMENTS.—

“(A) IN GENERAL.—If any segment of highway described in clause (i) or (ii) of this subparagraph is designated as a route of the Interstate System, a vehicle that could operate legally on that segment before the date of such designation may continue to operate on that segment, without regard to any requirement under subsection (a), except that such vehicle shall not exceed a gross vehicle weight of 120,000 pounds. The highway segments referred to in this paragraph are as follows:

“(i) The William H. Natcher Parkway (to be designated as a spur of Interstate Route 65) from Interstate Route 65 in Bowling Green, Kentucky, to United States Route 60 in Owensboro, Kentucky.

“(ii) The Julian M. Carroll (Purchase) Parkway (to be designated as Interstate Route 69) in Kentucky from the Tennessee state line to the interchange with Interstate Route 24, near Calvert City.

“(B) NONDIVISIBLE LOAD OR VEHICLE.—Nothing in this paragraph shall prohibit the State from issuing a permit for a nondivisible load or vehicle with a gross vehicle weight that exceeds 120,000 pounds.”.

SEC. 422. Section 127(s) of title 23, United States Code, is amended—

(1) by striking the subsection heading and inserting the following: “(s) NATURAL GAS AND ELECTRIC BATTERY VEHICLES”;

(2) by inserting “or powered primarily by means of electric battery power” after the first time “natural gas” appears;

(3) by striking “any vehicle weight limit” and inserting “the weight limit on the power unit by up to 2,000 pounds”; and

(4) by striking all that follows after “under this section” and inserting a period after “section”.

SEC. 423. Section 31112(c) of title 49, United States Code, is amended—

(1) in the subsection heading by striking “AND KANSAS” and inserting “KANSAS, AND OREGON”;

(2) in paragraph (4) by striking “and” at the end;

(3) in paragraph (5) by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(6) Oregon may allow the operation of a truck tractor and 2 property-carrying units not in actual lawful operation on a regular or periodic basis on June 1, 1991, if—

“(A) the length of the property-carrying units does not exceed 82 feet 8 inches;

“(B) the combination is used only to transport sugar beets; and

“(C) the operation occurs on United States Route 20, United States Route 26, United States Route 30, or Oregon Route 201 in the vicinity, or between any, of—

“(i) Vale, Oregon;

“(ii) Ontario, Oregon; or

“(iii) Nyssa, Oregon.”.

This division may be cited as the “Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2019”.

DIVISION H—EXTENSIONS, TECHNICAL CORRECTIONS, AND OTHER MATTERS

TITLE I

IMMIGRATION EXTENSIONS

SEC. 101. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be applied by substituting “September 30, 2019” for “September 30, 2015”. 8 USC 1324a note.

SEC. 102. Subclauses 101(a)(27)(C)(ii)(II) and (III) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)(II) and (III)) shall be applied by substituting “September 30, 2019” for “September 30, 2015”. 8 USC 1101 note.

SEC. 103. Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) shall be applied by substituting “September 30, 2019” for “September 30, 2015”. 8 USC 1182 note.

SEC. 104. Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) shall be applied by substituting “September 30, 2019” for “September 30, 2015”. 8 USC 1153 note.

SEC. 105. Notwithstanding the numerical limitation set forth in section 214(g)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary of Homeland Security, after consultation with the Secretary of Labor, and upon the determination that the needs of American businesses cannot be satisfied in fiscal year 2019 with United States workers who are willing, qualified, and able to perform temporary nonagricultural labor, may increase the total number of aliens who may receive a visa under section 101(a)(15)(H)(ii)(b) of such Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) in such fiscal year above such limitation by not more than the highest number of H–2B nonimmigrants who participated in the H–2B returning worker program in any fiscal year in which returning workers were exempt from such numerical limitation.

TITLE II

TECHNICAL CORRECTIONS

SEC. 201. (a) Section 3(20)(B) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(20)(B)), as amended by section 7 of the Strengthening Career and Technical Education for the 21st Century Act (Public Law 115–224), is amended by inserting “, except that, for the purpose of section 132, the term ‘recognized postsecondary credential’ as used in this subparagraph shall not include a baccalaureate degree” after “associate degree”.

(b) The amendment made by subsection (a) shall take effect on July 1, 2019, as if included in the Strengthening Career and 20 USC 2302 note.

Technical Education for the 21st Century Act (Public Law 115–224).

132 Stat. 2973. SEC. 202. Section 243 of title II of division C of Public Law 115–244 is amended by inserting “248” after “section”.

130 Stat. 1014. SEC. 203. Section 177 of division C of Public Law 114–223, as amended by Public Law 114–254, is amended by inserting “and the 116th Congress” after “the 115th Congress” in each instance it appears.

2 USC 1862b. SEC. 204. (a) During fiscal year 2019 and each succeeding fiscal year, amounts appropriated or otherwise made available for the Architect of the Capitol under the heading “House Office Buildings” may be transferred to the House of Representatives and merged with and made available under the heading “Allowances and Expenses”, subject to the approval of the Committee on Appropriations of the House of Representatives.

(b) The period of availability of any amounts transferred to the House of Representatives under this section shall be the same period of availability applicable to such amounts as appropriated for the Architect of the Capitol.

(c) The aggregate amount transferred under this section in any fiscal year may not exceed \$30,000,000.

5 USC 5314. SEC. 205. (a) Section 1781 of the Export Control Reform Act of 2018 (50 U.S.C. 4851) is amended—

(1) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively;

(2) in subsection (b), as so redesignated, in the subsection heading, by striking “IN GENERAL” and inserting “REFERENCE”; and

(3) by inserting before subsection (b), as so redesignated, the following:

“(a) UNDER SECRETARY OF COMMERCE FOR INDUSTRY AND SECURITY.—The President shall appoint, by and with the advice and consent of the Senate, an Under Secretary of Commerce for Industry and Security, who shall carry out—

“(1) all functions of the Secretary under this subtitle; and

“(2) all functions delegated to the Under Secretary of Commerce for Export Administration on the day before the date of the enactment of this Act.”.

(b) Part III of the Export Control Reform Act of 2018 (50 U.S.C. 4851) is amended by adding at the end the following:

50 USC 4852. **“SEC. 1782. ASSISTANT SECRETARIES OF COMMERCE.**

“(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, two Assistant Secretaries of Commerce to assist the Under Secretary of Commerce for Industry and Security in carrying out the functions described in paragraphs (1) and (2) of section 1781(a).

“(b) CONTINUATION IN OFFICE OF ONE ASSISTANT SECRETARY.—An individual appointed as an Assistant Secretary of Commerce under section 15(a) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)) and serving in that position on the day before the date of the enactment of this Act may serve in one of the Assistant Secretary positions established under subsection (a) on and after that date without the need for renomination or reappointment.”.

(c) The table of contents for title XVII of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended by inserting after the item relating to section 1781 the following: 132 Stat. 1654.

“Sec. 1782. Assistant Secretaries of Commerce.”.

(d) The amendments made by this section shall take effect as if included in the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232). 50 USC 4851 note.

TITLE III

BUDGETARY EFFECTS

SEC. 301. (a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

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

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

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

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

Approved February 15, 2019.

LEGISLATIVE HISTORY—H.J. Res. 31:

HOUSE REPORTS: No. 116–9 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 165 (2019):

Jan. 24, considered and passed House.

Jan. 25, considered and passed Senate, amended.

Feb. 14, Senate and House agreed to conference report.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2019):

Feb. 15, Presidential statement.

Public Law 116–7
116th Congress

An Act

Feb. 21, 2019
[H.R. 439]

National FFA
Organization's
Federal Charter
Amendments
Act.
36 USC 101 note.

To amend the charter of the Future Farmers of America, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National FFA Organization’s Federal Charter Amendments Act”.

SEC. 2. ORGANIZATION.

Section 70901 of title 36, United States Code, is amended—

(1) in subsection (a), by striking “corporation” and inserting “FFA”; and

(2) in subsection (b), by striking “corporation” and inserting “FFA”.

SEC. 3. PURPOSES OF THE CORPORATION.

Section 70902 of title 36, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “corporation” and inserting “FFA”;

(2) by redesignating paragraphs (1) and (2) as paragraphs (7) and (8), respectively;

(3) by striking paragraphs (3), (4), (6), and (7);

(4) by redesignating paragraph (5) as paragraph (11);

(5) by redesignating paragraphs (8) and (9) as paragraphs (12) and (13), respectively;

(6) by inserting before paragraph (7), as redesignated by paragraph (2), the following:

“(1) to be an integral component of instruction in agricultural education, including instruction relating to agriculture, food, and natural resources;

“(2) to advance comprehensive agricultural education in the United States, including in public schools, by supporting contextual classroom and laboratory instruction and work-based experiential learning;

“(3) to prepare students for successful entry into productive careers in fields relating to agriculture, food, and natural resources, including by connecting students to relevant postsecondary educational pathways and focusing on the complete delivery of classroom and laboratory instruction, work-based experiential learning, and leadership development;

“(4) to be a resource and support organization that does not select, control, or supervise State association, local chapter, or individual member activities;

“(5) to develop educational materials, programs, services, and events as a service to State and local agricultural education agencies;

“(6) to seek and promote inclusion and diversity in its membership, leadership, and staff to reflect the belief of the FFA in the value of all human beings;”;

(7) in paragraph (7), as redesignated by paragraph (2)—

(A) by striking “composed of students and former students of vocational agriculture in public schools qualifying for Federal reimbursement under the Smith-Hughes Vocational Education Act (20 U.S.C. 11–15, 16–28”; and

(B) by inserting “as such chapters and associations carry out agricultural education programs that are approved by States, territories, or possessions” after “United States”;

(8) in paragraph (8), as redesignated by paragraph (2)—

(A) by striking “to develop” and inserting “to build”;

(B) by striking “train for useful citizenship, and foster patriotism, and thereby” and inserting “and”; and

(C) by striking “aggressive rural and” and inserting “assertive”;

(9) by inserting after paragraph (8), as redesignated by paragraph (2), the following:

“(9) to increase awareness of the global and technological importance of agriculture, food, and natural resources, and the way agriculture contributes to our well-being;

“(10) to promote the intelligent choice and establishment of a career in fields relating to agriculture, food, and natural resources;”;

(10) in paragraph (11), as redesignated by paragraph (4)—

(A) by striking “to procure for and distribute to State” and inserting “to make available to State”;

(B) by inserting “, programs, services,” before “and equipment”; and

(C) by striking “corporation” and inserting “FFA”;

(11) in paragraph (12), as redesignated by paragraph (5), by striking “State boards for vocational” and inserting “State boards and officials for career and technical”; and

(12) in paragraph (13), as redesignated by paragraph (5), by striking “corporation” and inserting “FFA”.

SEC. 4. MEMBERSHIP.

Section 70903(a) of title 36, United States Code, is amended—

(1) by striking “corporation” and inserting “FFA”; and

(2) by striking “as provided in the bylaws” and inserting “as provided in the constitution or bylaws of the FFA”.

SEC. 5. GOVERNING BODY.

Section 70904 of title 36, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “corporation” and inserting “FFA” each place the term appears;

(B) by striking paragraphs (2) and (3) and inserting the following:

“(2) The board—

“(A) shall consist of—

“(i) the Secretary of Education, or the Secretary of Education’s designee who has experience in agricultural education, the FFA, or career and technical education; and

“(ii) other individuals—

“(I) representing the fields of education, agriculture, food, and natural resources; or

“(II) with experience working closely with the FFA; and

“(B) shall not include any individual who is a current employee of the National FFA Organization.

“(3) The number of directors, terms of office of the directors, and the method of selecting the directors, are as provided in the constitution or bylaws of the FFA.”; and

(C) in paragraph (4)—

(i) in the first sentence, by striking “bylaws” and inserting “constitution or bylaws of the FFA”; and

(ii) in the third sentence, by striking “chairman” and inserting “chair”;

(2) by striking subsection (b); and

(3) by inserting after subsection (a) the following:

“(b) OFFICERS.—The officers of the FFA, the terms of officers, and the election of officers, are as provided in the constitution or bylaws of the FFA, except that such officers shall include—

“(1) a national advisor;

“(2) an executive secretary; and

“(3) a treasurer.

“(c) GOVERNING COMMITTEE.—

“(1) The board may designate a governing committee. The terms and method of selecting the governing committee members are as provided in the constitution or bylaws of the FFA, except that all members of the governing committee shall be members of the board of directors and at all times the governing committee shall be comprised of not less than 3 individuals.

“(2) When the board is not in session, the governing committee has the powers of the board subject to the board’s direction and may authorize the seal of the FFA to be affixed to all papers that require it.

“(3) The board shall designate to such committee—

“(A) the chair of the board;

“(B) the executive secretary of the board; and

“(C) the treasurer of the board.”.

SEC. 6. NATIONAL STUDENT OFFICERS.

Section 70905 of title 36, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

“(a) COMPOSITION.—There shall be not less than 6 national student officers of the FFA, including a student president, 4 student vice presidents (each representing regions as provided in the constitution or bylaws of the corporation), and a student secretary.”;

(2) by striking subsection (b);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(4) in subsection (b), as so redesignated, by striking “, except that” and all that follows through “(20 U.S.C. 11–15, 16–28)”.

SEC. 7. POWERS.

Section 70906 of title 36, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “corporation” and inserting “FFA”;

(2) in paragraph (2), by striking “corporate”;

(3) in paragraph (4), by striking “corporation” and inserting “FFA”;

(4) in paragraph (6), by striking “corporation” and inserting “FFA”;

(5) by amending paragraph (8) to read as follows:

“(8) use FFA funds to give prizes, awards, loans, and grants to deserving members, local FFA chapters, and State FFA associations to carry out the purposes of the FFA;”;

(6) by amending paragraph (9) to read as follows:

“(9) produce publications, websites, and other media;”;

(7) in paragraph (10)—

(A) by striking “procure for and distribute to State” and inserting “make available to State”; and

(B) by striking “Future Farmers of America” and inserting “FFA”; and

(8) in paragraph (12), by striking “corporation” and inserting “FFA”.

SEC. 8. NAME, SEALS, EMBLEMS, AND BADGES.

Section 70907 of title 36, United States Code, is amended—

(1) by striking “corporation” and inserting “FFA” each place the term appears;

(2) by striking “name” and inserting “names”;

(3) by striking “‘Future Farmers of America’” and inserting “‘Future Farmers of America’ and ‘National FFA Organization,’”; and

(4) by inserting “education” before “membership”.

SEC. 9. RESTRICTIONS.

Section 70908 of title 36, United States Code, is amended—

(1) in subsection (a), by striking “corporation” and inserting “FFA”;

(2) in subsection (b), by striking “corporation or a director, officer, or member as such” and inserting “FFA or a director, officer, or member acting on behalf of the FFA”;

(3) in subsection (c), by striking “corporation” and inserting “FFA” each place the term appears; and

(4) in subsection (d), in the first sentence, by striking “corporation” and inserting “FFA”.

SEC. 10. RELATIONSHIP TO FEDERAL AGENCIES.

Section 70909 of title 36, United States Code, is amended to read as follows:

“SEC. 70909. RELATIONSHIP TO FEDERAL AGENCIES.

“(a) IN GENERAL.—On request of the board of directors, the FFA may collaborate with Federal agencies, including the Department of Education and the Department of Agriculture on matters of mutual interest and benefit.

“(b) AGENCY ASSISTANCE.—Those Federal agencies may make personnel, services, and facilities available to administer or assist in the administration of the activities of the FFA.

“(c) AGENCY COMPENSATION.—Personnel of the Federal agencies may not receive compensation from the FFA for their services, except that travel and other legitimate expenses as defined by the Federal agencies and approved by the board may be paid.

“(d) COOPERATION WITH STATE BOARDS.—The Federal agencies also may cooperate with State boards and other organizations for career and technical education to assist in the promotion of activities of the FFA.”.

SEC. 11. HEADQUARTERS AND PRINCIPAL OFFICE.

Section 70910 of title 36, United States Code, is amended by striking “of the corporation shall be in the District of Columbia. However, the activities of the corporation are not confined to the District of Columbia but” and inserting “of the FFA shall be as provided in the constitution or bylaws of the FFA. The activities of the FFA”.

SEC. 12. RECORDS AND INSPECTION.

Section 70911 of title 36, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “corporation” and inserting “FFA”; and

(B) in paragraph (3), by striking “entitled to vote”;

and

(2) in subsection (b), by striking “corporation” and inserting “FFA”.

SEC. 13. SERVICE OF PROCESS.

Section 70912 of title 36, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “DISTRICT OF COLUMBIA” and inserting “IN GENERAL”;

(B) by striking “corporation” and inserting “FFA” each place the term appears;

(C) by striking “in the District of Columbia” before “to receive”; and

(D) by striking “Designation of the agent shall be filed in the office of the clerk of the United States District Court for the District of Columbia”; and

(2) in subsection (b)—

(A) by striking “corporation” and inserting “FFA” each place the term appears; and

(B) by inserting “of the FFA” after “association or chapter”.

SEC. 14. LIABILITY FOR ACTS OF OFFICERS OR AGENTS.

Section 70913 of title 36, United States Code, is amended by striking “corporation” and inserting “FFA”.

SEC. 15. DISTRIBUTION OF ASSETS IN DISSOLUTION OR FINAL LIQUIDATION.

Section 70914 of title 36, United States Code, is amended—

(1) by striking “corporation” and inserting “FFA”; and

(2) by striking “vocational agriculture” and inserting “agricultural education”.

Approved February 21, 2019.

LEGISLATIVE HISTORY—H.R. 439:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Jan. 22, considered and passed House.

Feb. 5, considered and passed Senate.

Public Law 116–8
116th Congress

An Act

Mar. 8, 2019

[S. 483]

Pesticide
Registration
Improvement
Extension Act
of 2018.
7 USC 136 note.

To enact into law a bill by reference.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Pesticide Registration Improvement Extension Act of 2018”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Extension and modification of maintenance fee authority.
- Sec. 3. Reregistration and Expedited Processing Fund.
- Sec. 4. Experimental use permits for pesticides.
- Sec. 5. Pesticide registration service fees.
- Sec. 6. Revision of tables regarding covered pesticide registration applications and other covered actions and their corresponding registration service fees.
- Sec. 7. Agricultural worker protection standard; certification of pesticide applicators.

SEC. 2. EXTENSION AND MODIFICATION OF MAINTENANCE FEE AUTHORITY.

(a) **MAINTENANCE FEE.**—Section 4(i)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(1)) is amended—

(1) in subparagraph (C), by striking “an aggregate amount of \$27,800,000 for each of fiscal years 2013 through 2017” and inserting “an average amount of \$31,000,000 for each of fiscal years 2019 through 2023”;

(2) in subparagraph (D)—

(A) in clause (i), by striking “\$115,500 for each of fiscal years 2013 through 2017” and inserting “\$129,400 for each of fiscal years 2019 through 2023”; and

(B) in clause (ii), by striking “\$184,800 for each of fiscal years 2013 through 2017” and inserting “\$207,000 for each of fiscal years 2019 through 2023”;

(3) in subparagraph (E)(i)—

(A) in subclause (I), by striking “\$70,600 for each of fiscal years 2013 through 2017” and inserting “\$79,100 for each of fiscal years 2019 through 2023”; and

(B) in subclause (II), by striking “\$122,100 for each of fiscal years 2013 through 2017” and inserting “\$136,800 for each of fiscal years 2019 through 2023”; and

(4) in subparagraph (I), by striking “2017..” and inserting “2023.”.

(b) **PROHIBITION ON OTHER FEES.**—Section 4(i)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(2)) is amended—

(1) by striking “the date of enactment of this section and ending on September 30, 2019” and inserting “the effective date of the Pesticide Registration Improvement Extension Act of 2018 and ending on September 30, 2025”; and

(2) by inserting after “registration of a pesticide under this Act” the following: “or any other action covered under a table specified in section 33(b)(3),”.

(c) **EXTENSION OF PROHIBITION ON TOLERANCE FEES.**—Section 408(m)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(m)(3)) is amended by striking “2017” and inserting “2023”.

SEC. 3. REREGISTRATION AND EXPEDITED PROCESSING FUND.

(a) **AUTHORIZED USE OF FUND.**—Section 4(k)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(k)(2)(A)) is amended—

(1) in the first sentence, by striking “the fund” and inserting “the Reregistration and Expedited Processing Fund”;

(2) by striking “paragraph (3),” in the first sentence and all that follows through the period at the end of the second sentence and inserting the following: “paragraph (3), to offset the costs of registration review under section 3(g), including the costs associated with any review under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) required as part of the registration review, to offset the costs associated with tracking and implementing registration review decisions, including registration review decisions designed to reduce risk, for the purposes specified in paragraphs (4) and (5), and to enhance the information systems capabilities to improve the tracking of pesticide registration decisions.”;

(3) in clause (i), by striking “are allocated solely” and all that follows through “3(g);” and inserting the following: “are allocated solely for the purposes specified in the first sentence of this subparagraph;”; and

(4) in clause (ii), by striking “necessary to achieve” and all that follows through “3(g);” and inserting the following: “necessary to achieve the purposes specified in the first sentence of this subparagraph;”.

(b) **SET-ASIDE FOR REVIEW OF INERT INGREDIENTS AND EXPEDITED PROCESSING OF SIMILAR APPLICATIONS.**—Section 4(k)(3)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(k)(3)(A)) is amended, in the matter preceding clause (i), by striking “The Administrator shall use” and all that follows through “personnel and resources—” and inserting the following: “For each of fiscal years 2018 through 2023, the Administrator shall use between $\frac{1}{9}$ and $\frac{1}{8}$ of the maintenance fees collected in such fiscal year to obtain sufficient personnel and resources—”.

(c) **SET-ASIDE FOR EXPEDITED RULEMAKING AND GUIDANCE DEVELOPMENT FOR CERTAIN PURPOSES.**—Paragraph (4) of section 4(k) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(k)) is amended to read as follows:

“(4) **EXPEDITED RULEMAKING AND GUIDANCE DEVELOPMENT FOR CERTAIN PRODUCT PERFORMANCE DATA REQUIREMENTS.**—

“(A) SET-ASIDE.—For each of fiscal years 2018 through 2023, the Administrator shall use not more than \$500,000 of the amounts made available to the Administrator in the Reregistration and Expedited Processing Fund for the activities described in subparagraph (B).

Evaluation.

“(B) PRODUCTS CLAIMING EFFICACY AGAINST INVERTEBRATE PESTS OF SIGNIFICANT PUBLIC HEALTH OR ECONOMIC IMPORTANCE.—The Administrator shall use amounts made available under subparagraph (A) to develop, receive comments with respect to, finalize, and implement the necessary rulemaking and guidance for product performance data requirements to evaluate products claiming efficacy against the following invertebrate pests of significant public health or economic importance (in order of importance):

“(i) Bed bugs.

“(ii) Premise (including crawling insects, flying insects, and baits).

“(iii) Pests of pets (including pet pests controlled by spot-ons, collars, shampoos, powders, or dips).

“(iv) Fire ants.

Publication.

“(C) DEADLINES FOR GUIDANCE.—The Administrator shall develop, and publish guidance required by subparagraph (B), with respect to claims of efficacy against pests described in such subparagraph as follows:

“(i) With respect to bed bugs, issue final guidance not later than 30 days after the effective date of the Pesticide Registration Improvement Extension Act of 2018.

“(ii) With respect to pests specified in clause (ii) of such subparagraph—

“(I) submit draft guidance to the Scientific Advisory Panel and for public comment not later than June 30, 2018; and

“(II) complete any response to comments received with respect to such draft guidance and finalize the guidance not later than September 30, 2019.

“(iii) With respect to pests specified in clauses (iii) and (iv) of such subparagraph—

“(I) submit draft guidance to the Scientific Advisory Panel and for public comment not later than June 30, 2019; and

“(II) complete any response to comments received with respect to such draft guidance and finalize the guidance not later than March 31, 2021.

“(D) REVISION.—The Administrator shall revise the guidance required by subparagraph (B) from time to time, but shall permit applicants and registrants sufficient time to obtain data that meet the requirements specified in such revised guidance.

“(E) DEADLINE FOR PRODUCT PERFORMANCE DATA REQUIREMENTS.—The Administrator shall, not later than September 30, 2021, issue regulations prescribing product performance data requirements for any pesticide intended for preventing, destroying, repelling, or mitigating any invertebrate pest of significant public health or economic

importance specified in clauses (i) through (iv) of subparagraph (B).”.

(d) SET-ASIDE FOR GOOD LABORATORY PRACTICES INSPECTIONS.—Section 4(k) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(k)) is amended—

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

(2) by inserting after paragraph (4) the following new paragraph:

“(5) GOOD LABORATORY PRACTICES INSPECTIONS.—

“(A) SET-ASIDE.—For each of fiscal years 2018 through 2023, the Administrator shall use not more than \$500,000 of the amounts made available to the Administrator in the Reregistration and Expedited Processing Fund for the activities described in subparagraph (B).

“(B) ACTIVITIES.—The Administrator shall use amounts made available under subparagraph (A) for enhancements to the good laboratory practices standards compliance monitoring program established under part 160 of title 40 of the Code of Federal Regulations (or successor regulations), with respect to laboratory inspections and data audits conducted in support of pesticide product registrations under this Act. As part of such monitoring program, the Administrator shall make available to each laboratory inspected under such program in support of such registrations a preliminary summary of inspection observations not later than 60 days after the date on which such an inspection is completed.”; and

(3) in paragraph (7), as so redesignated, by striking “paragraphs (2), (3), and (4)” and inserting “paragraphs (2), (3), (4), and (5)”.

Deadline.

SEC. 4. EXPERIMENTAL USE PERMITS FOR PESTICIDES.

Section 5(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136c(a)) is amended—

(1) by striking “permit for a pesticide.” and inserting “permit for a pesticide. An application for an experimental use permit for a covered application under section 33(b) shall conform with the requirements of that section.”; and

(2) by inserting “(or in the case of an application for an experimental use permit for a covered application under section 33(b), not later than the last day of the applicable timeframe for such application specified in such section)” after “all required supporting data”.

SEC. 5. PESTICIDE REGISTRATION SERVICE FEES.

(a) EXTENSION AND MODIFICATION OF FEE AUTHORITY.—Section 33(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(b)) is amended—

(1) in paragraph (2)—

(A) in the heading, by striking “PESTICIDE REGISTRATION”; and

(B) in subparagraph (A), by inserting “or for any other action covered by a table specified in paragraph (3)” after “covered by this Act that is received by the Administrator on or after the effective date of the Pesticide Registration Improvement Act of 2003”;

(2) in paragraph (5)—

(A) in the heading, by striking “PESTICIDE REGISTRATION APPLICATIONS” and inserting “COVERED APPLICATIONS”; and

(B) by striking “pesticide registration application” both places it appears and inserting “covered application”;

(3) in paragraph (6)—

(A) in subparagraph (A)—

(i) by striking “pesticide registration”; and

(ii) by striking “October 1, 2013, and ending on September 30, 2015” and inserting “October 1, 2019, and ending on September 30, 2021”;

(B) in subparagraph (B)—

(i) by striking “pesticide registration”; and

(ii) by striking “2015” each place it appears and inserting “2021”; and

(C) in subparagraph (C), by striking “revised registration service fee schedules” and inserting “service fee schedules revised pursuant to this paragraph”;

(4) in paragraph (7)—

(A) in subparagraph (A)—

(i) by striking “covered pesticide registration” and inserting “covered application”; and

(ii) by inserting before the period at the end the following: “, except that no waiver or fee reduction shall be provided in connection with a request for a letter of certification (commonly referred to as a Gold Seal letter)”;

(B) in subparagraph (F)(i), by striking “pesticide registration”; and

(5) in paragraph (8)—

(A) in subparagraph (A), by striking “pesticide registration”;

(B) in subparagraph (B)(i), by striking “pesticide registration”; and

(C) in subparagraph (C)—

(i) in clause (i), by striking “pesticide registration” and inserting “covered”; and

(ii) in clause (ii)(I), by striking “pesticide registration” and inserting “covered”.

(b) PESTICIDE REGISTRATION FUND SET-ASIDES FOR WORKER PROTECTION, PARTNERSHIP GRANTS, AND PESTICIDE SAFETY EDUCATION.—Section 33(c)(3)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(c)(3)(B)) is amended—

(1) in the heading, by inserting “, PARTNERSHIP GRANTS, AND PESTICIDE SAFETY EDUCATION” after “WORKER PROTECTION”;

(2) in clause (i)—

(A) by striking “2017” and inserting “2023”; and

(B) by inserting before the period at the end the following: “, with an emphasis on field-worker populations in the United States”;

(3) in clause (ii), by striking “2017” and inserting “2023”; and

(4) in clause (iii), by striking “2017” and inserting “2023”.

(c) REFORMS TO REDUCE DECISION TIME REVIEW PERIODS.—Section 33(e) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(e)) is amended—

(1) by striking “Pesticide Registration Improvement Extension Act of 2012” and inserting “Pesticide Registration Improvement Extension Act of 2018”; and

(2) by inserting at the end the following new sentence: “Such reforms shall include identifying opportunities for streamlining review processes for applications for a new active ingredient or a new use and providing prompt feedback to applicants during such review process.”.

(d) DECISION TIME REVIEW PERIODS.—Section 33(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(f)) is amended—

(1) in paragraph (1)—

(A) by striking “Pesticide Registration Improvement Extension Act of 2012” and inserting “Pesticide Registration Improvement Extension Act of 2018”; and

(B) by inserting after “covered pesticide registration actions” the following: “or for any other action covered by a table specified in subsection (b)(3)”;

(2) in paragraph (3), by striking subparagraph (C) and inserting the following new subparagraph:

“(C) applications for any other action covered by a table specified in subsection (b)(3).”; and

(3) in paragraph (4)(A)—

(A) by striking “a pesticide registration application” and inserting “a covered application”; and

(B) by striking “covered pesticide registration application” and inserting “covered application”.

(e) REPORTING REQUIREMENTS.—Section 33(k) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(k)) is amended—

(1) in paragraph (1) by striking “2017” and inserting “2023”; and

(2) in paragraph (2)—

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

“(i) the number of pesticides or pesticide cases reviewed and the number of registration review decisions completed, including—

“(I) the number of cases cancelled;

“(II) the number of cases requiring risk mitigation measures;

“(III) the number of cases removing risk mitigation measures;

“(IV) the number of cases with no risk mitigation needed; and

“(V) the number of cases in which risk mitigation has been fully implemented.”;

(B) in subparagraph (G)—

(i) in clause (i)—

(I) by striking “section 4(k)(4)” and inserting “paragraphs (4) and (5) of section 4(k)”; and

(II) by striking “that section” and inserting “such paragraphs”;

(ii) by striking clauses (ii), (iii), (iv), (v), and (vi);

(iii) by inserting after clause (i) the following new clause:

“(ii) implementing enhancements to—

Reviews.

- “(I) the electronic tracking of covered applications;
- “(II) the electronic tracking of conditional registrations;
- “(III) the endangered species database;
- “(IV) the electronic review of labels submitted with covered applications; and
- “(V) the electronic review and assessment of confidential statements of formula submitted with covered applications; and”; and
- (iv) by redesignating clause (vii) as clause (iii);
- (C) in subparagraph (I), by striking “and” at the end;
- (D) in subparagraph (J), by striking the period at the end and inserting a semicolon; and
- (E) by adding at the end the following new subparagraphs:
 - “(K) a review of the progress made in developing, updating, and implementing product performance test guidelines for pesticide products that are intended to control invertebrate pests of significant public health importance and, by regulation, prescribing product performance data requirements for such pesticide products registered under section 3;
 - “(L) a review of the progress made in the priority review and approval of new pesticides to control invertebrate public health pests that may transmit vector-borne disease for use in the United States, including each territory or possession of the United States, and United States military installations globally;
 - “(M) a review of the progress made in implementing enhancements to the good laboratory practices standards compliance monitoring program established under part 160 of title 40 of the Code of Federal Regulations (or successor regulations);
 - “(N) the number of approvals for active ingredients, new uses, and pesticide end use products granted in connection with the Design for the Environment program (or any successor program) of the Environmental Protection Agency; and
 - “(O) with respect to funds in the Pesticide Registration Fund reserved under subsection (c)(3), a review that includes—
 - “(i) a description of the amount and use of such funds—
 - “(I) to carry out activities relating to worker protection under clause (i) of subsection (c)(3)(B);
 - “(II) to award partnership grants under clause (ii) of such subsection; and
 - “(III) to carry out the pesticide safety education program under clause (iii) of such subsection;
 - “(ii) an evaluation of the appropriateness and effectiveness of the activities, grants, and program described in clause (i);
 - “(iii) a description of how stakeholders are engaged in the decision to fund such activities, grants, and program; and

Evaluation.

“(iv) with respect to activities relating to worker protection carried out under subparagraph (B)(i) of such subsection, a summary of the analyses from stakeholders, including from worker community-based organizations, on the appropriateness and effectiveness of such activities.”

Summary.

(f) **TERMINATION OF EFFECTIVENESS.**—Section 33(m) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(m)) is amended—

(1) in paragraph (1), by striking “2017” and inserting “2023”; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking “FISCAL YEAR 2018.—During fiscal year 2018” and inserting “FISCAL YEAR 2024.—During fiscal year 2024”; and

(ii) by striking “2017” and inserting “2023”;

(B) in subparagraph (B)—

(i) by striking “FISCAL YEAR 2019.—During fiscal year 2019” and inserting “FISCAL YEAR 2025.—During fiscal year 2025”; and

(ii) by striking “2017” and inserting “2023”;

(C) in subparagraph (C), by striking “SEPTEMBER 30, 2019.—Effective September 30, 2019” and inserting “SEPTEMBER 30, 2025.—Effective September 30, 2025”; and

(D) in subparagraph (D), by striking “2017” both places it appears and inserting “2023”.

SEC. 6. REVISION OF TABLES REGARDING COVERED PESTICIDE REGISTRATION APPLICATIONS AND OTHER COVERED ACTIONS AND THEIR CORRESPONDING REGISTRATION SERVICE FEES.

Extension.
Notification.
Time period.
Deadline.

Paragraph (3) of section 33(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(b)) is amended to read as follows:

“(3) **SCHEDULE OF COVERED APPLICATIONS AND OTHER ACTIONS AND THEIR REGISTRATION SERVICE FEES.**—Subject to paragraph (6), the schedule of registration applications and other covered actions and their corresponding registration service fees shall be as follows:

“TABLE 1. — REGISTRATION DIVISION — NEW ACTIVE INGREDIENTS

EPA No.	New CR No.	Action	Decision Review Time (Months) ₍₁₎	Registration Service Fee (\$)
R010	1	New Active Ingredient, Food use. (2)(3)	24	753,082
R020	2	New Active Ingredient, Food use; reduced risk. (2)(3)	18	627,568

“TABLE 1. — REGISTRATION DIVISION — NEW ACTIVE INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R040	3	New Active Ingredient, Food use; Experimental Use Permit application; establish temporary tolerance; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows. (3)	18	462,502
R060	4	New Active Ingredient, Non-food use; outdoor. (2)(3)	21	523,205
R070	5	New Active Ingredient, Non-food use; outdoor; reduced risk. (2)(3)	16	436,004
R090	6	New Active Ingredient, Non-food use; outdoor; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows. (3)	16	323,690

“TABLE 1. — REGISTRATION DIVISION — NEW ACTIVE
INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R110	7	New Active In- gredient, Non- food use; in- door. (2)(3)	20	290,994
R120	8	New Active In- gredient, Non- food use; in- door; reduced risk. (2)(3)	14	242,495
R121	9	New Active In- gredient, Non- food use; in- door; Experi- mental Use Permit appli- cation; sub- mitted before application for registration; credit 45% of fee toward new active in- gredient appli- cation that fol- lows. (3)	18	182,327
R122	10	Enriched iso- mer(s) of reg- istered mixed- isomer active ingredient. (2)(3)	18	317,128
R123	11	New Active In- gredient, Seed treatment only; includes agricultural and non-agri- cultural seeds; residues not expected in raw agricul- tural commod- ities. (2)(3)	18	471,861

“TABLE 1. — REGISTRATION DIVISION — NEW ACTIVE INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R125	12	New Active Ingredient, Seed treatment; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows. (3)	16	323,690

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 2. — REGISTRATION DIVISION — NEW USES

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R130	13	First food use; indoor; food/food handling. (2) (3)	21	191,444
R140	14	Additional food use; Indoor; food/food handling. (3) (4)	15	44,672
R150	15	First food use. (2)(3)	21	317,104
R155	16 (new)	First food use, Experimental Use Permit application; a.i. registered for non-food outdoor use. (3)(4)	21	264,253
R160	17	First food use; reduced risk. (2)(3)	16	264,253
R170	18	Additional food use. (3) (4)	15	79,349

“TABLE 2. — REGISTRATION DIVISION — NEW USES—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R175	19	Additional food uses covered within a crop group resulting from the conversion of existing approved crop group(s) to one or more revised crop groups. (3)(4)	10	66,124
R180	20	Additional food use; reduced risk. (3)(4)	10	66,124
R190	21	Additional food uses; 6 or more submitted in one application. (3)(4)	15	476,090
R200	22	Additional Food Use; 6 or more submitted in one application; Reduced Risk. (3)(4)	10	396,742
R210	23	Additional food use; Experimental Use Permit application; establish temporary tolerance; no credit toward new use registration. (3)(4)	12	48,986

“TABLE 2. — REGISTRATION DIVISION — NEW USES—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R220	24	Additional food use; Experimental Use Permit application; crop destruct basis; no credit toward new use registration. (3)(4)	6	19,838
R230	25	Additional use; non-food; outdoor. (3) (4)	15	31,713
R240	26	Additional use; non-food; outdoor; reduced risk. (3)(4)	10	26,427
R250	27	Additional use; non-food; outdoor; Experimental Use Permit application; no credit toward new use registration. (3)(4)	6	19,838
R251	28	Experimental Use Permit application which requires no changes to the tolerance(s); non-crop destruct basis. (3)	8	19,838
R260	29	New use; non-food; indoor. (3) (4)	12	15,317
R270	30	New use; non-food; indoor; reduced risk. (3)(4)	9	12,764

“TABLE 2. — REGISTRATION DIVISION — NEW USES—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R271	31	New use; non-food; indoor; Experimental Use Permit application; no credit toward new use registration. (3)(4)	6	9,725
R273	32	Additional use; seed treatment; limited uptake into Raw Agricultural Commodities; includes crops with established tolerances (e.g., for soil or foliar application); includes food and/or non-food uses. (3)(4)	12	50,445
R274	33	Additional uses; seed treatment only; 6 or more submitted in one application; limited uptake into raw agricultural commodities; includes crops with established tolerances (e.g., for soil or foliar application); includes food and/or non-food uses. (3)(4)	12	302,663

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

“TABLE 3. — REGISTRATION DIVISION — IMPORT AND OTHER TOLERANCES

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R280	34	Establish import tolerance; new active ingredient or first food use. (2)	21	319,072
R290	35	Establish Import tolerance; Additional new food use.	15	63,816
R291	36	Establish import tolerances; additional food uses; 6 or more crops submitted in one petition.	15	382,886

“TABLE 3. — REGISTRATION DIVISION — IMPORT AND
OTHER TOLERANCES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R292	37	Amend an established tolerance (e.g., decrease or increase) and/or harmonize established tolerances with Codex MRLs; domestic or import; applicant-initiated.	11	45,341
R293	38	Establish tolerance(s) for inadvertent residues in one crop; applicant-initiated.	12	53,483
R294	39	Establish tolerances for inadvertent residues; 6 or more crops submitted in one application; applicant-initiated.	12	320,894
R295	40	Establish tolerance(s) for residues in one rotational crop in response to a specific rotational crop application; submission of corresponding label amendments which specify the necessary plant-back restrictions; applicant-initiated. (3) (4)	15	66,124

“TABLE 3. — REGISTRATION DIVISION — IMPORT AND
OTHER TOLERANCES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R296	41	Establish tolerances for residues in rotational crops in response to a specific rotational crop petition; 6 or more crops submitted in one application; submission of corresponding label amendments which specify the necessary plant-back restrictions; applicant-initiated. (3) (4)	15	396,742
R297	42	Amend 6 or more established tolerances (e.g., decrease or increase) in one petition; domestic or import; applicant-initiated.	11	272,037
R298	43	Amend an established tolerance (e.g., decrease or increase); domestic or import; submission of corresponding amended labels (requiring science review). (3) (4)	13	58,565

“TABLE 3. — REGISTRATION DIVISION — IMPORT AND
OTHER TOLERANCES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R299	44	Amend 6 or more established tolerances (e.g., decrease or increase); domestic or import; submission of corresponding amended labels (requiring science review). (3) (4)	13	285,261

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) Amendment applications to add the revised use pattern(s) to registered product labels are covered by the base fee for the category. All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the amendment application package is subject to the registration service fee for a new product or a new inert approval. However, if an amendment application only proposes to register the amendment for a new product and there are no amendments in the application, then review of one new product application is covered by the base fee. All such associated applications that are submitted together will be subject to the category decision review time.

“TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R300	45	New product; or similar combination product (already registered) to an identical or substantially similar in composition and use to a registered product; registered source of active ingredient; no data review on acute toxicity, efficacy or CRP – only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data, or applicant submits specific authorization letter from data owner. Category also includes 100% repackage of registered end-use or manufacturing-use product that requires no data submission nor data matrix. (2)(3)	4	1,582

“TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R301	46	New product; or similar combination product (already registered) to an identical or substantially similar in composition and use to a registered product; registered source of active ingredient; selective data citation only for data on product chemistry and/or acute toxicity and/or public health pest efficacy (identical data citation and claims to cited product(s)), where applicant does not own all required data and does not have a specific authorization letter from data owner. (2)(3)	4	1,897

“TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R310	47	<p>New end-use or manufacturing-use product with registered source(s) of active ingredient(s); includes products containing two or more registered active ingredients previously combined in other registered products; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:</p> <ul style="list-style-type: none"> ● product chemistry and/or ● acute toxicity and/or ● child resistant packaging and/or ● pest(s) requiring efficacy (4) - for up to 3 target pests. (2)(3) 	7	7,301

“TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R314	48	<p>New end use product containing up to three registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:</p> <ul style="list-style-type: none"> ● product chemistry and/or ● acute toxicity and/or ● child resistant packaging and/or ● pest(s) requiring efficacy (4) - for up to 3 target pests. (2)(3) 	8	8,626

“TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R319	49	<p>New end use product containing up to three registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:</p> <ul style="list-style-type: none"> ● product chemistry and/or ● acute toxicity and/or ● child resistant packaging and/or ● pest(s) requiring efficacy (4) - for 4 to 7 target pests. (2)(3) 	10	12,626

“TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R318	50 (new)	<p>New end use product containing four or more registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:</p> <ul style="list-style-type: none"> ● product chemistry and/or ● acute toxicity and/or ● child resistant packaging and/or ● pest(s) requiring efficacy (4) - for up to 3 target pests. (2)(3) 	9	13,252

“TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R321	51 (new)	<p>New end use product containing four or more registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:</p> <ul style="list-style-type: none"> ● product chemistry and/or ● acute toxicity and/or ● child resistant packaging and/or ● pest(s) requiring efficacy (4) - for 4 to 7 target pests. (2)(3) 	11	17,252

“TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R315	52	New end-use, on-animal product, registered source of active ingredient(s), with the submission of data and/or waivers for only: <ul style="list-style-type: none"> ● animal safety and ● pest(s) requiring efficacy (4) and/or ● product chemistry and/or ● acute toxicity and/or ● child resistant packaging. (2) (3) 	9	9,820

“TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R316	53 (new)	<p>New end-use or manufacturing product with registered source(s) of active ingredient(s) including products containing two or more registered active ingredients previously combined in other registered products; excludes products requiring or citing an animal safety study; and requires review of data and/or waivers for only:</p> <ul style="list-style-type: none"> ● product chemistry and/or ● acute toxicity and/or ● child resistant packaging and/or ● pest(s) requiring efficacy (4) - for greater than 3 and up to 7 target pests. <p>(2)(3)</p>	9	11,301

“TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R317	54 (new)	New end-use or manufacturing product with registered source(s) of active ingredient(s) including products containing 2 or more registered active ingredients previously combined in other registered products; excludes products requiring or citing an animal safety study; and requires review of data and/or waivers for only: <ul style="list-style-type: none"> ● product chemistry and/or ● acute toxicity and/or ● child resistant packaging and/or ● pest(s) requiring efficacy (4) - for greater than 7 target pests. (2)(3) 	10	15,301
R320	55	New product; new physical form; requires data review in science divisions. (2)(3)	12	13,226

“TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R331	56	New product; re-pack of identical registered end-use product as a manufacturing-use product, or identical registered manufacturing-use product as an end use product; same registered uses only. (2)(3)	3	2,530
R332	57	New manufacturing-use product; registered active ingredient; unregistered source of active ingredient; submission of completely new generic data package; registered uses only; requires review in RD and science divisions. (2)(3)	24	283,215

“TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R333	58	New product; MUP or End use product with unregistered source of active ingredient; requires science data review; new physical form; etc. Cite-all or selective data citation where applicant owns all required data. (2)(3)	10	19,838
R334	59	New product; MUP or End use product with unregistered source of the active ingredient; requires science data review; new physical form; etc. Selective data citation. (2)(3)	11	23,100

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) For the purposes of classifying proposed registration actions into PRIA categories, “pest(s) requiring efficacy” are: public health pests listed in PR Notice 2002–1, livestock pests (e.g. Horn flies, Stable flies), wood-destroying pests (e.g. termites, carpenter ants, wood-boring beetles) and certain invasive species (e.g. Asian Longhorned beetle, Emerald Ashborer). This list may be updated/refined as invasive pest needs arise. To determine the number of pests for the PRIA categories, pests have been placed into groups (general; e.g., cockroaches) and pest specific (specifically a test species). If seeking a label claim against a pest group (general), use the group listing below and each group will count as 1. The general pests groups are: mites, dust mites, chiggers, ticks, hard ticks, soft ticks, cattle ticks, scorpions, spiders, centipedes, lice, fleas, cockroaches, keds, bot flies, screwworms, filth flies, blow flies, house flies, flesh flies, mosquitoes, biting flies, horse flies, stable flies, deer flies, sand flies, biting midges, black flies, true bugs, bed bugs, stinging bees, wasps, yellow jackets, hornets, ants (excluding carpenter ants), fire and harvester ants, wood destroying beetles, carpenter ants, termites, subterranean termites, dry wood termites, arboreal termites, damp wood termites and invasive species. If seeking a claim against a specific pest without a general claim then each specific pest will count as 1.

“TABLE 5. — REGISTRATION DIVISION — AMENDMENTS

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R340	60	Amendment requiring data review within RD (e.g., changes to precautionary label statements); includes adding/modifying pest(s) claims for up to 2 target pests, excludes products requiring or citing an animal safety study. (2)(3)(4)	4	4,988
R341	61 (New)	Amendment requiring data review within RD (e.g., changes to precautionary label statements), includes adding/modifying pest(s) claims for greater than 2 target pests, excludes products requiring or citing an animal safety study. (2)(3)(4)	6	5,988
R345	62	Amending on-animal products previously registered, with the submission of data and/or waivers for only: <ul style="list-style-type: none"> ● animal safety and ● pest(s) requiring efficacy (4) and/or ● product chemistry and/or ● acute toxicity and/or ● child resistant packaging. (2)(3) 	7	8,820

“TABLE 5. — REGISTRATION DIVISION — AMENDMENTS—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R350	63	Amendment requiring data review in science divisions (e.g., changes to REI, or PPE, or PHI, or use rate, or number of applications; or add aerial application; or modify GW/SW advisory statement). (2)(3)	9	13,226
R351	64	Amendment adding a new unregistered source of active ingredient. (2)(3)	8	13,226
R352	65	Amendment adding already approved uses; selective method of support; does not apply if the applicant owns all cited data. (2)(3)	8	13,226
R371	66	Amendment to Experimental Use Permit; (does not include extending a permit's time period). (3)	6	10,090

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98–10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) For the purposes of classifying proposed registration actions into PRIA categories, “pest(s) requiring efficacy” are: public health pests listed in PR Notice 2002–1, livestock pests (e.g. Horn flies, Stable flies), wood-destroying pests (e.g. termites, carpenter ants, wood-boring beetles) and certain invasive species (e.g. Asian Longhorned beetle, Emerald Ashborer). This list may be updated/refined as invasive pest needs arise. To determine the number of pests for the PRIA categories, pests have been placed into groups (general; e.g., cockroaches) and pest specific (specifically a test species). If seeking a label claim against a pest group (general), use the group listing below and each group will count as 1. The general pests groups are: mites, dust mites, chiggers, ticks, hard ticks, soft ticks, cattle ticks, scorpions, spiders, centipedes, lice, fleas, cockroaches, keds, bot flies, screwworms, filth flies, blow flies, house flies, flesh flies, mosquitoes, biting flies, horse flies, stable flies, deer flies, sand flies, biting midges, black flies, true bugs, bed bugs, stinging bees, wasps, yellow jackets, hornets, ants (excluding carpenter ants), fire and harvester ants, wood destroying beetles, carpenter ants, termites, subterranean termites, dry wood termites, arboreal termites, damp wood termites and invasive species. If seeking a claim against a specific pest without a general claim then each specific pest will count as 1.

“TABLE 6. — REGISTRATION DIVISION — OTHER ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R124	67	Conditional Ruling on Pre-application Study Waivers; applicant-initiated.	6	2,530

“TABLE 6. — REGISTRATION DIVISION — OTHER ACTIONS—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R272	68	Review of Study Protocol applicant-initiated; excludes DART, pre-registration conference, Rapid Response review, DNT protocol review, protocol needing HSRB review.	3	2,530
R275	69	Rebuttal of agency reviewed protocol, applicant initiated.	3	2,530
R370	70	Cancer reassessment; applicant-initiated.	18	198,250

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

“TABLE 7. — ANTIMICROBIALS DIVISION — NEW ACTIVE INGREDIENTS

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
A380	71	New Active Ingredient; Indirect Food use; establish tolerance or tolerance exemption if required. (2)(3)	24	137,841

“TABLE 7. — ANTIMICROBIALS DIVISION — NEW ACTIVE INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A390	72	New Active Ingredient; Direct Food use; establish tolerance or tolerance exemption if required. (2)(3)	24	229,733
A410	73	New Active Ingredient Non-food use.(2)(3)	21	229,733
A431	74	New Active Ingredient, Non-food use; low-risk. (2)(3)	12	80,225

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 8. — ANTIMICROBIALS DIVISION — NEW USES

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
A440	75	New Use, Indirect Food Use, establish tolerance or tolerance exemption. (2)(3)(4)	21	31,910
A441	76	Additional Indirect food uses; establish tolerances or tolerance exemptions if required; 6 or more submitted in one application. (3)(4)(5)	21	114,870
A450	77	New use, Direct food use, establish tolerance or tolerance exemption. (2)(3)(4)	21	95,724

“TABLE 8. — ANTIMICROBIALS DIVISION — NEW USES—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
A451	78	Additional Direct food uses; establish tolerances or tolerance exemptions if required; 6 or more submitted in one application. (3)(4)(5)	21	182,335
A500	79	New use, non-food. (4)(5)	12	31,910
A501	80	New use, non-food; 6 or more submitted in one application. (4)(5)	15	76,583

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) If EPA data rules are amended to newly require clearance under section 408 of the FFDCA for an ingredient of an antimicrobial product where such ingredient was not previously subject to such a clearance, then review of the data for such clearance of such product is not subject to a registration service fee for the tolerance action for two years from the effective date of the rule.

(4) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(5) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

“TABLE 9. — ANTIMICROBIALS DIVISION — NEW PRODUCTS
AND AMENDMENTS

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A530	81	New product, identical or substantially similar in composition and use to a registered product; no data review or only product chemistry data; cite all data citation or selective data citation where applicant owns all required data; or applicant submits specific authorization letter from data owner. Category also includes 100% re-package of registered end-use or manufacturing use product that requires no data submission nor data matrix. (2)(3)	4	1,278

“TABLE 9. — ANTIMICROBIALS DIVISION — NEW PRODUCTS
AND AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A531	82	New product; identical or substantially similar in composition and use to a registered product; registered source of active ingredient: selective data citation only for data on product chemistry and/or acute toxicity and/or public health pest efficacy, where applicant does not own all required data and does not have a specific authorization letter from data owner. (2)(3)	4	1,824

“TABLE 9. — ANTIMICROBIALS DIVISION — NEW PRODUCTS
AND AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A532	83	New product; identical or substantially similar in composition and use to a registered product; registered active ingredient; unregistered source of active ingredient; cite-all data citation except for product chemistry; product chemistry data submitted. (2)(3)	5	5,107
A540	84	New end use product; FIFRA §2(mm) uses only; up to 25 public health organisms. (2)(3)(5)(6)	5	5,107
A541	85 (new)	New end use product; FIFRA §2(mm) uses only; 26–50 public health organisms. (2)(3)(5)(6)	7	8,500
A542	86 (new)	New end use product; FIFRA §2(mm) uses only; ≥ 51 public health organisms. (2)(3)(5)	10	15,000

“TABLE 9. — ANTIMICROBIALS DIVISION — NEW PRODUCTS
AND AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A550	87	New end-use product; uses other than FIFRA §2(mm); non-FQPA product. (2)(3)(5)	9	13,226
A560	88	New manufacturing use product; registered active ingredient; selective data citation. (2)(3)	6	12,596
A565	89 (new)	New manufacturing-use product; registered active ingredient; unregistered source of active ingredient; submission of new generic data package; registered uses only; requires science review. (2)(3)	12	18,234
A570	90	Label amendment requiring data review; up to 25 public health organisms. (3)(4)(5)(6)	4	3,831
A573	91 (new)	Label amendment requiring data review; 26–50 public health organisms. (2)(3)(5)(7)	6	6,350

“TABLE 9. — ANTIMICROBIALS DIVISION — NEW PRODUCTS
AND AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A574	92 (new)	Label amend- ment requir- ing data re- view; ≥ 51 public health organisms. (2)(3)(5)(7)	9	11,000
A572	93	New Product or amendment requiring data review for risk assessment by Science Branch (e.g., changes to REI, or PPE, or use rate). (2)(3)(4)	9	13,226

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4)(a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98–10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

(5) The applicant must identify the substantially similar product if opting to use cite-all or the selective method to support acute toxicity data requirements.

(6) Once a submission for a new product with public health organisms has been submitted and classified in either A540 or A541, additional organisms submitted for the same product before expiration of the first submission's original decision review time period will result in reclassification of both the original and subsequent submission into the appropriate new category based on the sum of the number of organisms in both submissions. A reclassification would result in a new PRIA start date and require additional fees to meet the fee of the new category.

(7) Once a submission for a label amendment with public health organisms has been submitted and classified in either A570 or A573, additional organisms submitted for the same product before expiration of the first submission's original decision review time period will result in reclassification of both the original and subsequent submission into the appropriate new category based on the sum of the number of organisms in both submissions. A reclassification would result in a new PRIA start date and require additional fees to meet the fee of the new category.

“TABLE 10. — ANTIMICROBIALS DIVISION —
EXPERIMENTAL USE PERMITS AND OTHER ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A520	94	Experimental Use Permit application, non-food use. (2)	9	6,383

“TABLE 10. — ANTIMICROBIALS DIVISION — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A521	95	Review of public health efficacy study protocol within AD, per AD Internal Guidance for the Efficacy Protocol Review Process; Code will also include review of public health efficacy study protocol and data review for devices making pesticidal claims; applicant-initiated; Tier 1.	4	4,726
A522	96	Review of public health efficacy study protocol outside AD by members of AD Efficacy Protocol Review Expert Panel; Code will also include review of public health efficacy study protocol and data review for devices making pesticidal claims; applicant-initiated; Tier 2.	12	12,156

“TABLE 10. — ANTIMICROBIALS DIVISION — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A537	97 (new)	New Active Ingredient/New Use, Experimental Use Permit application; Direct food use; Establish tolerance or tolerance exemption if required. Credit 45% of fee toward new active ingredient/new use application that follows.	18	153,156
A538	98 (new)	New Active Ingredient/New Use, Experimental Use Permit application; Indirect food use; Establish tolerance or tolerance exemption if required Credit 45% of fee toward new active ingredient/new use application that follows.	18	95,724

“TABLE 10. — ANTIMICROBIALS DIVISION — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A539	99 (new)	New Active Ingredient/New Use, Experimental Use Permit application; Nonfood use. Credit 45% of fee toward new active ingredient/new use application that follows.	15	92,163
A529	100	Amendment to Experimental Use Permit; requires data review or risk assessment. (2)	9	11,429
A523	101	Review of protocol other than a public health efficacy study (i.e., Toxicology or Exposure Protocols).	9	12,156
A571	102	Science reassessment: Cancer risk, refined ecological risk, and/or endangered species; applicant-initiated.	18	95,724
A533	103 (new)	Exemption from the requirement of an Experimental Use Permit. (2)	4	2,482

“TABLE 10. — ANTIMICROBIALS DIVISION — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
A534	104 (new)	Rebuttal of agency reviewed protocol, applicant initiated.	4	4,726
A535	105 (new)	Conditional Ruling on Pre-application Study Waiver or Data Bridging Argument; applicant-initiated.	6	2,409
A536	106 (new)	Conditional Ruling on Pre-application Direct Food, Indirect Food, Nonfood use determination; applicant-initiated.	4	2,482

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 11. — BIOPESTICIDES DIVISION — NEW ACTIVE INGREDIENTS

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B580	107	New active ingredient; food use; petition to establish a tolerance. (2)(3)	20	51,053
B590	108	New active ingredient; food use; petition to establish a tolerance exemption. (2)(3)	18	31,910
B600	109	New active ingredient; non-food use. (2)(3)	13	19,146
B610	110	New active ingredient; Experimental Use Permit application; petition to establish a temporary tolerance or temporary tolerance exemption. (3)	10	12,764
B611	111	New active ingredient; Experimental Use Permit application; petition to establish permanent tolerance exemption. (3)	12	12,764
B612	112	New active ingredient; no change to a permanent tolerance exemption. (2)(3)	10	17,550

“TABLE 11. — BIOPESTICIDES DIVISION — NEW ACTIVE
INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
B613	113	New active ingredient; petition to convert a temporary tolerance or a temporary tolerance exemption to a permanent tolerance or tolerance exemption. (2)(3)	11	17,550
B620	114	New active ingredient; Experimental Use Permit application; non-food use including crop destruct. (3)	7	6,383

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 12. — BIOPESTICIDES DIVISION — NEW USES

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B630	115	First food use; petition to establish a tolerance exemption. (2)(4)	13	12,764
B631	116	New food use; petition to amend an established tolerance. (3)(4)	12	12,764
B640	117	First food use; petition to establish a tolerance. (2)(4)	19	19,146
B643	118	New Food use; petition to amend an established tolerance exemption. (3)(4)	10	12,764
B642	119	First food use; indoor; food/food handling. (2)(4)	12	31,910

“TABLE 12. — BIOPESTICIDES DIVISION — NEW USES—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B644	120	New use, no change to an established tolerance or tolerance exemption. (3)(4)	8	12,764
B650	121	New use; non-food. (3)(4)	7	6,383
B645	122 (new)	New food use; Experimental Use Permit application; petition to amend or add a tolerance exemption. (4)	12	12,764
B646	123 (new)	New use; non-food use including crop destruct; Experimental Use Permit application. (4)	7	6,383

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

(4) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 13. — BIOPESTICIDES DIVISION — NEW PRODUCTS

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B652	124	New product; registered source of active ingredient; requires petition to amend established tolerance or tolerance exemption; requires 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)(3)	13	12,764

“TABLE 13. — BIOPESTICIDES DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ₍₁₎	Registration Service Fee (\$)
B660	125	New product; registered source of active ingredient(s); identical or substantially similar in composition and use to a registered product. No data review, or only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data or authorization from data owner is demonstrated. Category includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission or data matrix. For microbial pesticides, the active ingredient(s) must not be re-isolated. (2)(3)	4	1,278

“TABLE 13. — BIOPESTICIDES DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ₍₁₎	Registration Service Fee (\$)
B670	126	New product; registered source of active ingredient(s); requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)(3)	7	5,107

“TABLE 13. — BIOPESTICIDES DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
B671	127	New product; un-registered source of active ingredient(s); requires a petition to amend an established tolerance or tolerance exemption; requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)(3)	17	12,764

“TABLE 13. — BIOPESTICIDES DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ₍₁₎	Registration Service Fee (\$)
B672	128	New product; un-registered source of active ingredient(s); non-food use or food use re-quires: 1) sub-mission of prod-uct specific data; or 2) cita-tion of pre-viously re-viewed and ac-cepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a sci-entifically-sound rationale based on pub-licly available literature or other relevant information that addresses the data re-quirement; or 5) submission of a request for a data require-ment to be waived sup-ported by a sci-entifically-sound rationale explaining why the data re-quirement does not apply. (2)(3)	13	9,118

“TABLE 13. — BIOPESTICIDES DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B673	129	New product MUP/EP; un- registered source of active ingredient(s); citation of Tech- nical Grade Ac- tive Ingredient (TGAI) data previously re- viewed and ac- cepted by the Agency. Re- quires an Agen- cy determina- tion that the cited data sup- ports the new product. (2)(3)	10	5,107
B674	130	New product MUP; Repack of identical reg- istered end-use product as a manufacturing- use product; same registered uses only. (2)(3)	4	1,278
B675	131	New Product MUP; reg- istered source of active ingre- dient; submis- sion of com- pletely new ge- neric data pack- age; registered uses only. (2)(3)	10	9,118

“TABLE 13. — BIOPESTICIDES DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ₍₁₎	Registration Service Fee (\$)
B676	132	New product; more than one active ingre- dient where one active ingre- dient is an un- registered source; product chemistry data must be sub- mitted; re- quires: 1) sub- mission of prod- uct specific data, and 2) ci- tation of pre- viously re- viewed and ac- cepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a sci- entifically- sound rationale based on pub- licly available literature or other relevant information that addresses the data re- quirement; or 5) submission of a request for a data require- ment to be waived sup- ported by a sci- entifically- sound rationale explaining why the data re- quirement does not apply. (2)(3)	13	9,118

“TABLE 13. — BIOPESTICIDES DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
B677	133	New end-use non-food animal product with submission of two or more target animal safety studies; includes data and/or waivers of data for only: <ul style="list-style-type: none"> ● product chemistry and/or ● acute toxicity and/or ● public health pest efficacy and/or ● animal safety studies and/or ● child resistant packaging. (2)(3)	10	8,820

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 14. — BIOPESTICIDES DIVISION — AMENDMENTS

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B621	134	Amendment; Experimental Use Permit; no change to an established temporary tolerance or tolerance exemption. (3)	7	5,107
B622	135	Amendment; Experimental Use Permit; petition to amend an established or temporary tolerance or tolerance exemption. (3)	11	12,764
B641	136	Amendment of an established tolerance or tolerance exemption.	13	12,764
B680	137	Amendment; registered sources of active ingredient(s); no new use(s); no changes to an established tolerance or tolerance exemption. Requires data submission. (2)(3)	5	5,107
B681	138	Amendment; unregistered source of active ingredient(s). Requires data submission. (2)(3)	7	6,079
B683	139	Label amendment; requires review/update of previous risk assessment(s) without data submission (e.g., labeling changes to REI, PPE, PHI). (2)(3)	6	5,107
B684	140	Amending non-food animal product that includes submission of target animal safety data; previously registered. (2)(3)	8	8,820

“TABLE 14. — BIOPESTICIDES DIVISION — AMENDMENTS—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
B685	141 (new)	Amendment; add a new biochemical unregistered source of active ingredient or a new microbial production site. Requires submission of analysis of samples data and source/production site-specific manufacturing process description. (3)	5	5,107

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98–10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant’s written or electronic confirmation of agreement to the Agency.

“TABLE 15. — BIOPESTICIDES DIVISION — SCLP

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B690	142	New active ingredient; food or non-food use. (2)(6)	7	2,554
B700	143	Experimental Use Permit application; new active ingredient or new use. (6)	7	1,278
B701	144	Extend or amend Experimental Use Permit. (6)	4	1,278

“TABLE 15. — BIOPESTICIDES DIVISION — SCLP—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B710	145	New product; registered source of active ingredient(s); identical or substantially similar in composition and use to a registered product; no change in an established tolerance or tolerance exemption. No data review, or only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data or authorization from data owner is demonstrated. Category includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission or data matrix. (3)(6)	4	1,278

“TABLE 15. — BIOPESTICIDES DIVISION — SCLP—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B720	146	New product; registered source of active ingredient(s); requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (3)(6)	5	1,278

“TABLE 15. — BIOPESTICIDES DIVISION — SCLP—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
B721	147	New product; unregistered source of active ingredient. (3)(6)	7	2,676
B722	148	New use and/or amendment; petition to establish a tolerance or tolerance exemption. (4)(5)(6)	7	2,477
B730	149	Label amendment requiring data submission. (4)(6)	5	1,278

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(4) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98–10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

(5) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

(6) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 16. — BIOPESTICIDES DIVISION — OTHER ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
B614	150	Pre-application; Conditional Ruling on rationales for addressing a data requirement in lieu of data; applicant-initiated; applies to one rationale at a time.	3	2,530
B615	151	Rebuttal of agency reviewed protocol, applicant initiated.	3	2,530
B682	152	Protocol review; applicant initiated; excludes time for HSRB review.	3	2,432

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

“TABLE 17. — BIOPESTICIDES DIVISION — PIP

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
B740	153	<p>Experimental Use Permit application; no petition for tolerance/tolerance exemption. Includes:</p> <ol style="list-style-type: none"> 1. non-food/feed use(s) for a new (2) or registered (3) PIP (12); 2. food/feed use(s) for a new or registered PIP with crop destruct (12); 3. food/feed use(s) for a new or registered PIP in which an established tolerance/tolerance exemption exists for the intended use(s). (4)(12) 	6	95,724

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
B741	154 (new)	Experimental Use Permit application; no petition for tolerance/tolerance exemption. Includes: 1. non-food/feed use(s) for a new (2) or registered (3) PIP; 2. food/feed use(s) for a new or registered PIP with crop destruct; 3. food/feed use(s) for a new or registered PIP in which an established tolerance/tolerance exemption exists for the intended use(s); SAP Review. (12)	12	159,538
B750	155	Experimental Use Permit application; with a petition to establish a temporary or permanent tolerance/tolerance exemption for the active ingredient. Includes new food/feed use for a registered (3) PIP. (4)(12)	9	127,630

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B770	156	Experimental Use Permit application; new (2) PIP; with petition to establish a temporary tolerance/tolerance exemption for the active ingredient; credit 75% of B771 fee toward registration application for a new active ingredient that follows; SAP review. (5)(12)	15	191,444
B771	157	Experimental Use Permit application; new (2) PIP; with petition to establish a temporary tolerance/tolerance exemption for the active ingredient; credit 75% of B771 fee toward registration application for a new active ingredient that follows. (12)	10	127,630
B772	158	Application to amend or extend an Experimental Use Permit; no petition since the established tolerance/tolerance exemption for the active ingredient is unaffected. (12)	3	12,764

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
B773	159	Application to amend or extend an Experimental Use Permit; with petition to extend a temporary tolerance/tolerance exemption for the active ingredient. (12)	5	31,910
B780	160	Registration application; new (2) PIP; non-food/feed. (12)	12	159,537
B790	161	Registration application; new (2) PIP; non-food/feed; SAP review. (5)(12)	18	223,351
B800	162	Registration application; new (2) PIP; with petition to establish permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. (12)	13	172,300

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
B810	163	Registration application; new (2) PIP; with petition to establish permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. SAP review. (5)(12)	19	236,114
B820	164	Registration application; new (2) PIP; with petition to establish or amend a permanent tolerance/tolerance exemption of an active ingredient. (12)	15	204,208
B840	165	Registration application; new (2) PIP; with petition to establish or amend a permanent tolerance/tolerance exemption of an active ingredient. SAP review. (5)(12)	21	268,022

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
B851	166	Registration application; new event of a previously registered PIP active ingredient(s); no petition since permanent tolerance/tolerance exemption is already established for the active ingredient(s). (12)	9	127,630
B870	167	Registration application; registered (3) PIP; new product; new use; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (4) (12)	9	38,290
B880	168	Registration application; registered (3) PIP; new product or new terms of registration; additional data submitted; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (6) (7) (12)	9	31,910

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
B881	169	Registration application; registered (3) PIP; new product or new terms of registration; additional data submitted; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). SAP review. (5)(6)(7)(12)	15	95,724
B882	170 (new)	Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption; SAP Review. (8)(12)	15	191,444

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B883	171	Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. (8) (12)	9	127,630
B884	172	Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient. (8)(12)	12	159,537
B885	173	Registration application; registered (3) PIP, seed increase; breeding stack of previously approved PIPs, same crop; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (9)(12)	6	31,910

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B886	174 (new)	Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient. SAP Review. (8) (12)	18	223,351
B890	175	Application to amend a seed increase registration; converts registration to commercial registration; no petition since permanent tolerance/tolerance exemption is already established for the active ingredient(s). (12)	9	63,816
B891	176	Application to amend a seed increase registration; converts registration to a commercial registration; no petition since a permanent tolerance/tolerance exemption already established for the active ingredient(s); SAP review. (5)(12)	15	127,630

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
B900	177	Application to amend a registration, including actions such as extending an expiration date, modifying an IRM plan, or adding an insect to be controlled. (10)(11)(12)	6	12,764
B901	178	Application to amend a registration, including actions such as extending an expiration date, modifying an IRM plan, or adding an insect to be controlled. SAP review. (10) (11) (12)	12	76,578
B902	179	PIP Protocol review.	3	6,383
B903	180	Inert ingredient tolerance exemption; e.g., a marker such as NPT II; reviewed in BPPD.	6	63,816
B904	181	Import tolerance or tolerance exemption; processed commodities/food only (inert or active ingredient).	9	127,630
B905	182 (new)	SAP Review.	6	63,816

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
B906	183 (new)	Petition to establish a temporary tolerance/tolerance exemption for one or more active ingredients.	3	31,907
B907	184 (new)	Petition to establish a temporary tolerance/tolerance exemption for one or more active ingredients based on an existing temporary tolerance/tolerance exemption.	3	12,764
B908	185 (new)	Petition to establish a temporary tolerance/tolerance exemption for one or more active ingredients or inert ingredients.	3	44,671

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) New PIP = a PIP with an active ingredient that has not been registered.

(3) Registered PIP = a PIP with an active ingredient that is currently registered.

(4) Transfer registered PIP through conventional breeding for new food/feed use, such as from field corn to sweet corn.

(5) The scientific data involved in this category are complex. EPA often seeks technical advice from the Scientific Advisory Panel on risks that pesticides pose to wildlife, farm workers, pesticide applicators, non-target species, as well as insect resistance, and novel scientific issues surrounding new technologies. The scientists of the SAP neither make nor recommend policy decisions. They provide advice on the science used to make these decisions. Their advice is invaluable to the EPA as it strives to protect humans and the environment from risks posed by pesticides. Due to the time it takes to schedule and prepare for meetings with the SAP, additional time and costs are needed.

(6) Registered PIPs stacked through conventional breeding.

(7) Deployment of a registered PIP with a different IRM plan (e.g., seed blend).

(8) The negotiated acreage cap will depend upon EPA’s determination of the potential environmental exposure, risk(s) to non-target organisms, and the risk of targeted pest developing resistance to the pesticidal substance. The uncertainty of these risks may reduce the allowable acreage, based upon the quantity and type of non-target organism data submitted and the lack of insect resistance management data, which is usually not required for seed-increase registrations. Registrants are encouraged to consult with EPA prior to submission of a registration application in this category.

(9) Application can be submitted prior to or concurrently with an application for commercial registration.

(10) For example, IRM plan modifications that are applicant-initiated.

(11) EPA-initiated amendments shall not be charged fees.

(12) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant’s written or electronic confirmation of agreement to the Agency.

“TABLE 18. — INERT INGREDIENTS

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
I001	186	Approval of new food use inert ingredient. (2)(3)	13	27,000
I002	187	Amend currently approved inert ingredient tolerance or exemption from tolerance; new data. (2)	11	7,500
I003	188	Amend currently approved inert ingredient tolerance or exemption from tolerance; no new data. (2)	9	3,308

“TABLE 18. — INERT INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
I004	189	Approval of new non-food use inert ingredient. (2)	6	11,025
I005	190	Amend currently approved non-food use inert ingredient with new use pattern; new data. (2)	6	5,513
I006	191	Amend currently approved non-food use inert ingredient with new use pattern; no new data. (2)	3	3,308
I007	192	Approval of substantially similar non-food use inert ingredients when original inert is compositionally similar with similar use pattern. (2)	4	1,654
I008	193	Approval of new or amended polymer inert ingredient, food use. (2)	5	3,749
I009	194	Approval of new or amended polymer inert ingredient, non-food use. (2)	4	3,087

“TABLE 18. — INERT INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
I010	195	Petition to amend a single tolerance exemption descriptor, or single non-food use descriptor, to add ≤ 10 CASRNs; no new data. (2)	6	1,654
I011	196 (new)	Approval of new food use safener with tolerance or exemption from tolerance. (2)(8)	24	597,683
I012	197 (new)	Approval of new non-food use safener. (2)(8)	21	415,241
I013	198 (new)	Approval of additional food use for previously approved safener with tolerance or exemption from tolerance. (2)	15	62,975
I014	199 (new)	Approval of additional non-food use for previously approved safener. (2)	15	25,168
I015	200 (new)	Approval of new generic data for previously approved food use safener. (2)	24	269,728

“TABLE 18. — INERT INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
I016	201 (new)	Approval of amendment(s) to tolerance and label for previously approved safener. (2)	13	55,776

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) If another covered application is submitted that depends upon an application to approve an inert ingredient, each application will be subject to its respective registration service fee. The decision review time line for both submissions will be the longest of the associated applications. If the application covers multiple ingredients grouped by EPA into one chemical class, a single registration service fee will be assessed for approval of those ingredients.

(3) If EPA data rules are amended to newly require clearance under section 408 of the FFDCA for an ingredient of an antimicrobial product where such ingredient was not previously subject to such a clearance, then review of the data for such clearance of such product is not subject to a registration service fee for the tolerance action for two years from the effective date of the rule.

(4) Any other covered application that is associated with and dependent on the HSRB review will be subject to its separate registration service fee. The decision review times for the associated actions run concurrently, but will end at the date of the latest review time.

(5) Any other covered application that is associated with and dependent on the SAP review will be subject to its separate registration service fee. The decision review time for the associated action will be extended by the decision review time for the SAP review.

(6) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(7) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(8) If a new safener is submitted in the same package as a new active ingredient, and that new active ingredient is determined to be reduced risk, then the safener would get the same reduced timeframe as the new active ingredient.

“TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
M001	202	Study protocol requiring Human Studies Review Board review as defined in 40 CFR Part 26 in support of an active ingredient. (4)	9	7,938
M002	203	Completed study requiring Human Studies Review Board review as defined in 40 CFR Part 26 in support of an active ingredient. (4)	9	7,938

“TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS
ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
M003	204	External technical peer review of new active ingredient, product, or amendment (e.g., consultation with FIFRA Scientific Advisory Panel) for an action with a decision timeframe of less than 12 months. Applicant initiated request based on a requirement of the Administrator, as defined by FIFRA § 25(d), in support of a novel active ingredient, or unique use pattern or application technology. Excludes PIP active ingredients. (5)	12	63,945

“TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS
ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ₍₁₎	Registration Service Fee (\$)
M004	205	External technical peer review of new active ingredient, product, or amendment (e.g., consultation with FIFRA Scientific Advisory Panel) for an action with a decision timeframe of greater than 12 months. Applicant initiated request based on a requirement of the Administrator, as defined by FIFRA § 25(d), in support of a novel active ingredient, or unique use pattern or application technology. Excludes PIP active ingredients. (5)	18	63,945

“TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
M005	206	New Product: Combination, Contains a combination of active ingredients from a registered and/or unregistered source; conventional, antimicrobial and/or biopesticide. Requires coordination with other regulatory divisions to conduct review of data, label and/or verify the validity of existing data as cited. Only existing uses for each active ingredient in the combination product. (6)(7)	9	22,050
M006	207	Request for up to 5 letters of certification (Gold Seal) for one actively registered product (excludes distributor products). (8)	1	277
M007	208	Request to extend Exclusive Use of data as provided by FIFRA Section 3(c)(1)(F)(ii).	12	5,513

“TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
M008	209	Request to grant Exclusive Use of data as provided by FIFRA Section 3(c)(1)(F)(vi) for a minor use, when a FIFRA Section 2(l)(2) determination is required.	15	1,654
M009	210 (new)	Non-FIFRA Regulated Determination: Applicant initiated, per product.	4	2,363
M010	211 (new)	Conditional ruling on pre-application, product substantial similarity.	4	2,363
M011	212 (new)	Label amendment to add the DfE logo; requires data review; no other label changes. (9)	4	3,648

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) If another covered application is submitted that depends upon an application to approve an inert ingredient, each application will be subject to its respective registration service fee. The decision review time line for both submissions will be the longest of the associated applications. If the application covers multiple ingredients grouped by EPA into one chemical class, a single registration service fee will be assessed for approval of those ingredients.

(3) If EPA data rules are amended to newly require clearance under section 408 of the FFDCA for an ingredient of an antimicrobial product where such ingredient was not previously subject to such a clearance, then review of the data for such clearance of such product is not subject to a registration service fee for the tolerance action for two years from the effective date of the rule.

(4) Any other covered application that is associated with and dependent on the HSRB review will be subject to its separate registration service fee. The decision review times for the associated actions run concurrently, but will end at the date of the latest review time.

(5) Any other covered application that is associated with and dependent on the SAP review will be subject to its separate registration service fee. The decision review time for the associated action will be extended by the decision review time for the SAP review.

(6) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(7) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(8) Due to low fee and short time frame this category is not eligible for small business waivers. Gold seal applies to one registered product.

(9) This category includes amendments the sole purpose of which is to add DfE (or equivalent terms that do not use “safe” or derivatives of “safe”) logos to a label. DfE is a voluntary program. A label bearing a DfE logo is not considered an Agency endorsement because the ingredients in the qualifying product must meet objective, scientific criteria established and widely publicized by EPA.”.

Time periods.
Regulations.

7 USC 136w
note.

SEC. 7. AGRICULTURAL WORKER PROTECTION STANDARD; CERTIFICATION OF PESTICIDE APPLICATORS.

(a) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending not earlier than October 1, 2021, the Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”)—

(1) shall carry out—

(A) the final rule of the Administrator entitled “Pesticides; Agricultural Worker Protection Standard Revisions” (80 Fed. Reg. 67496 (November 2, 2015)); and

(B) the final rule of the Administrator entitled “Pesticides; Certification of Pesticide Applicators” (82 Fed. Reg. 952 (January 4, 2017)); and

(2) shall not revise or develop revisions to the rules described in subparagraphs (A) and (B) of paragraph (1).

(b) EXCEPTIONS.—Prior to October 1, 2021, the Administrator may propose, and after a notice and public comment period of not less than 90 days, promulgate revisions to the final rule described in subsection (a)(1)(A) addressing application exclusion zones under part 170 of title 40, Code of Federal Regulations,

Deadline.
Notice.
Public comments.
7 USC 136w
note.

consistent with the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(c) GAO REPORT.—The Comptroller General of the United States shall—

(1) conduct a study on the use of the designated representative, including the effect of that use on the availability of pesticide application and hazard information and worker health and safety; and Study.

(2) not later than October 1, 2021, make publically available a report describing the study under paragraph (1), including any recommendations to prevent the misuse of pesticide application and hazard information, if that misuse is identified. Public information. Recommendations.

Approved March 8, 2019.

LEGISLATIVE HISTORY—S. 483:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Feb. 14, considered and passed Senate.

Feb. 25, considered and passed House, amended.

Feb. 28, Senate concurred in House amendment.

Public Law 116–9
116th Congress

An Act

Mar. 12, 2019
[S. 47]

To provide for the management of the natural resources of the United States,
and for other purposes.

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

John D.
Dingell, Jr.
Conservation,
Management,
and Recreation
Act.
16 USC 1 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “John D. Dingell, Jr. Conservation, Management, and Recreation Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definition of Secretary.

TITLE I—PUBLIC LAND AND FORESTS

Subtitle A—Land Exchanges and Conveyances

- Sec. 1001. Craggs land exchange, Colorado.
- Sec. 1002. Arapaho National Forest boundary adjustment.
- Sec. 1003. Santa Ana River Wash Plan land exchange.
- Sec. 1004. Udall Park land exchange.
- Sec. 1005. Confirmation of State land grants.
- Sec. 1006. Custer County Airport conveyance.
- Sec. 1007. Pascua Yaqui Tribe land conveyance.
- Sec. 1008. La Paz County land conveyance.
- Sec. 1009. Lake Bistineau land title stability.
- Sec. 1010. Lake Fannin land conveyance.
- Sec. 1011. Land conveyance and utility right-of-way, Henry’s Lake Wilderness Study Area, Idaho.
- Sec. 1012. Conveyance to Ukpeagvik Inupiat Corporation.
- Sec. 1013. Public purpose conveyance to City of Hyde Park, Utah.
- Sec. 1014. Juab County conveyance.
- Sec. 1015. Black Mountain Range and Bullhead City land exchange.
- Sec. 1016. Cottonwood land exchange.
- Sec. 1017. Embry-Riddle Tri-City land exchange.

Subtitle B—Public Land and National Forest System Management

- Sec. 1101. Bolts Ditch access.
- Sec. 1102. Clarification relating to a certain land description under the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005.
- Sec. 1103. Frank and Jeanne Moore Wild Steelhead Special Management Area.
- Sec. 1104. Maintenance or replacement of facilities and structures at Smith Gulch.
- Sec. 1105. Repeal of provision limiting the export of timber harvested from certain Kake Tribal Corporation land.
- Sec. 1106. Designation of Fowler and Boskoff Peaks.
- Sec. 1107. Coronado National Forest land conveyance.
- Sec. 1108. Deschutes Canyon-Steelhead Falls Wilderness Study Area boundary adjustment, Oregon.
- Sec. 1109. Maintenance of Federal mineral leases based on extraction of helium.
- Sec. 1110. Small miner waivers to claim maintenance fees.
- Sec. 1111. Saint Francis Dam Disaster National Memorial and National Monument.

- Sec. 1112. Owyhee Wilderness Areas boundary modifications.
- Sec. 1113. Chugach Region land study.
- Sec. 1114. Wildfire technology modernization.
- Sec. 1115. McCoy Flats Trail System.
- Sec. 1116. Technical corrections to certain laws relating to Federal land in the State of Nevada.
- Sec. 1117. Ashley Karst National Recreation and Geologic Area.
- Sec. 1118. John Wesley Powell National Conservation Area.
- Sec. 1119. Alaska Native Vietnam era veterans land allotment.
- Sec. 1120. Red River gradient boundary survey.
- Sec. 1121. San Juan County settlement implementation.
- Sec. 1122. Rio Puerco Watershed management program.
- Sec. 1123. Ashley Springs land conveyance.

Subtitle C—Wilderness Designations and Withdrawals

PART I—GENERAL PROVISIONS

- Sec. 1201. Organ Mountains-Desert Peaks conservation.
- Sec. 1202. Cerro del Yuta and Río San Antonio Wilderness Areas.
- Sec. 1203. Methow Valley, Washington, Federal land withdrawal.
- Sec. 1204. Emigrant Crevice withdrawal.
- Sec. 1205. Oregon Wildlands.

PART II—EMERY COUNTY PUBLIC LAND MANAGEMENT

- Sec. 1211. Definitions.
- Sec. 1212. Administration.
- Sec. 1213. Effect on water rights.
- Sec. 1214. Savings clause.

SUBPART A—SAN RAFAEL SWELL RECREATION AREA

- Sec. 1221. Establishment of Recreation Area.
- Sec. 1222. Management of Recreation Area.
- Sec. 1223. San Rafael Swell Recreation Area Advisory Council.

SUBPART B—WILDERNESS AREAS

- Sec. 1231. Additions to the National Wilderness Preservation System.
- Sec. 1232. Administration.
- Sec. 1233. Fish and wildlife management.
- Sec. 1234. Release.

SUBPART C—WILD AND SCENIC RIVER DESIGNATION

- Sec. 1241. Green River wild and scenic river designation.

SUBPART D—LAND MANAGEMENT AND CONVEYANCES

- Sec. 1251. Goblin Valley State Park.
- Sec. 1252. Jurassic National Monument.
- Sec. 1253. Public land disposal and acquisition.
- Sec. 1254. Public purpose conveyances.
- Sec. 1255. Exchange of BLM and School and Institutional Trust Lands Administration land.

Subtitle D—Wild and Scenic Rivers

- Sec. 1301. Lower Farmington River and Salmon Brook wild and scenic river.
- Sec. 1302. Wood-Pawcatuck watershed wild and scenic river segments.
- Sec. 1303. Nashua wild and scenic rivers, Massachusetts and New Hampshire.

Subtitle E—California Desert Protection and Recreation

- Sec. 1401. Definitions.

PART I—DESIGNATION OF WILDERNESS IN THE CALIFORNIA DESERT CONSERVATION AREA

- Sec. 1411. California desert conservation and recreation.

PART II—DESIGNATION OF SPECIAL MANAGEMENT AREA

- Sec. 1421. Vinagre Wash Special Management Area.

PART III—NATIONAL PARK SYSTEM ADDITIONS

- Sec. 1431. Death Valley National Park boundary revision.
- Sec. 1432. Mojave National Preserve.

Sec. 1433. Joshua Tree National Park.

PART IV—OFF-HIGHWAY VEHICLE RECREATION AREAS

Sec. 1441. Off-highway vehicle recreation areas.

PART V—MISCELLANEOUS

Sec. 1451. Transfer of land to Anza-Borrego Desert State Park.

Sec. 1452. Wildlife corridors.

Sec. 1453. Prohibited uses of acquired, donated, and conservation land.

Sec. 1454. Tribal uses and interests.

Sec. 1455. Release of Federal reversionary land interests.

Sec. 1456. California State school land.

Sec. 1457. Designation of wild and scenic rivers.

Sec. 1458. Conforming amendments.

Sec. 1459. Juniper Flats.

Sec. 1460. Conforming amendments to California Military Lands Withdrawal and Overflights Act of 1994.

Sec. 1461. Desert tortoise conservation center.

TITLE II—NATIONAL PARKS

Subtitle A—Special Resource Studies

Sec. 2001. Special resource study of James K. Polk presidential home.

Sec. 2002. Special resource study of Thurgood Marshall school.

Sec. 2003. Special resource study of President Street Station.

Sec. 2004. Amache special resource study.

Sec. 2005. Special resource study of George W. Bush Childhood Home.

Subtitle B—National Park System Boundary Adjustments and Related Matters

Sec. 2101. Shiloh National Military Park boundary adjustment.

Sec. 2102. Ocmulgee Mounds National Historical Park boundary.

Sec. 2103. Kennesaw Mountain National Battlefield Park boundary.

Sec. 2104. Fort Frederica National Monument, Georgia.

Sec. 2105. Fort Scott National Historic Site boundary.

Sec. 2106. Florissant Fossil Beds National Monument boundary.

Sec. 2107. Voyageurs National Park boundary adjustment.

Sec. 2108. Acadia National Park boundary.

Sec. 2109. Authority of Secretary of the Interior to accept certain properties, Missouri.

Sec. 2110. Home of Franklin D. Roosevelt National Historic Site.

Subtitle C—National Park System Redesignations

Sec. 2201. Designation of Saint-Gaudens National Historical Park.

Sec. 2202. Redesignation of Robert Emmet Park.

Sec. 2203. Fort Sumter and Fort Moultrie National Historical Park.

Sec. 2204. Reconstruction Era National Historical Park and Reconstruction Era National Historic Network.

Sec. 2205. Golden Spike National Historical Park.

Sec. 2206. World War II Pacific sites.

Subtitle D—New Units of the National Park System

Sec. 2301. Medgar and Myrlie Evers Home National Monument.

Sec. 2302. Mill Springs Battlefield National Monument.

Sec. 2303. Camp Nelson Heritage National Monument.

Subtitle E—National Park System Management

Sec. 2401. Denali National Park and Preserve natural gas pipeline.

Sec. 2402. Historically Black Colleges and Universities Historic Preservation program reauthorized.

Sec. 2402A. John H. Chafee Coastal Barrier Resources System.

Sec. 2403. Authorizing cooperative management agreements between the District of Columbia and the Secretary of the Interior.

Sec. 2404. Fees for Medical Services.

Sec. 2405. Authority to grant easements and rights-of-way over Federal lands within Gateway National Recreation Area.

Sec. 2406. Adams Memorial Commission.

Sec. 2407. Technical corrections to references to the African American Civil Rights Network.

Sec. 2408. Transfer of the James J. Howard Marine Sciences Laboratory.

Sec. 2409. Bows in parks.

- Sec. 2410. Wildlife management in parks.
- Sec. 2411. Pottawattamie County reversionary interest.
- Sec. 2412. Designation of Dean Stone Bridge.

Subtitle F—National Trails and Related Matters

- Sec. 2501. North Country Scenic Trail Route adjustment.
- Sec. 2502. Extension of Lewis and Clark National Historic Trail.
- Sec. 2503. American Discovery Trail signage.
- Sec. 2504. Pike National Historic Trail study.

TITLE III—CONSERVATION AUTHORIZATIONS

- Sec. 3001. Reauthorization of Land and Water Conservation Fund.
- Sec. 3002. Conservation incentives landowner education program.

TITLE IV—SPORTSMEN'S ACCESS AND RELATED MATTERS

Subtitle A—National Policy

- Sec. 4001. Congressional declaration of national policy.

Subtitle B—Sportsmen's Access to Federal Land

- Sec. 4101. Definitions.
- Sec. 4102. Federal land open to hunting, fishing, and recreational shooting.
- Sec. 4103. Closure of Federal land to hunting, fishing, and recreational shooting.
- Sec. 4104. Shooting ranges.
- Sec. 4105. Identifying opportunities for recreation, hunting, and fishing on Federal land.

Subtitle C—Open Book on Equal Access to Justice

- Sec. 4201. Federal action transparency.

Subtitle D—Migratory Bird Framework and Hunting Opportunities for Veterans

- Sec. 4301. Federal closing date for hunting of ducks, mergansers, and coots.

Subtitle E—Miscellaneous

- Sec. 4401. Respect for treaties and rights.
- Sec. 4402. No priority.
- Sec. 4403. State authority for fish and wildlife.

TITLE V—HAZARDS AND MAPPING

- Sec. 5001. National Volcano Early Warning and Monitoring System.
- Sec. 5002. Reauthorization of National Geologic Mapping Act of 1992.

TITLE VI—NATIONAL HERITAGE AREAS

- Sec. 6001. National Heritage Area designations.
- Sec. 6002. Adjustment of boundaries of Lincoln National Heritage Area.
- Sec. 6003. Finger Lakes National Heritage Area study.
- Sec. 6004. National Heritage Area amendments.

TITLE VII—WILDLIFE HABITAT AND CONSERVATION

- Sec. 7001. Wildlife habitat and conservation.
- Sec. 7002. Reauthorization of Neotropical Migratory Bird Conservation Act.
- Sec. 7003. John H. Chafee Coastal Barrier Resources System.

TITLE VIII—WATER AND POWER

Subtitle A—Reclamation Title Transfer

- Sec. 8001. Purpose.
- Sec. 8002. Definitions.
- Sec. 8003. Authorization of transfers of title to eligible facilities.
- Sec. 8004. Eligibility criteria.
- Sec. 8005. Liability.
- Sec. 8006. Benefits.
- Sec. 8007. Compliance with other laws.

Subtitle B—Endangered Fish Recovery Programs

- Sec. 8101. Extension of authorization for annual base funding of fish recovery programs; removal of certain reporting requirement.
- Sec. 8102. Report on recovery implementation programs.

Subtitle C—Yakima River Basin Water Enhancement Project

- Sec. 8201. Authorization of phase III.

- Sec. 8202. Modification of purposes and definitions.
- Sec. 8203. Yakima River Basin Water Conservation Program.
- Sec. 8204. Yakima Basin water projects, operations, and authorizations.

Subtitle D—Bureau of Reclamation Facility Conveyances

- Sec. 8301. Conveyance of Maintenance Complex and District Office of the Arbuckle Project, Oklahoma.
- Sec. 8302. Contra Costa Canal transfer.

Subtitle E—Project Authorizations

- Sec. 8401. Extension of Equus Beds Division of the Wichita Project.

Subtitle F—Modifications of Existing Programs

- Sec. 8501. Watersmart.

Subtitle G—Bureau of Reclamation Transparency

- Sec. 8601. Definitions.
- Sec. 8602. Asset Management Report enhancements for reserved works.
- Sec. 8603. Asset Management Report enhancements for transferred works.

TITLE IX—MISCELLANEOUS

- Sec. 9001. Every Kid Outdoors Act.
- Sec. 9002. Good Samaritan Search and Recovery Act.
- Sec. 9003. John S. McCain III 21st Century Conservation Service Corps Act.
- Sec. 9004. National Nordic Museum Act.
- Sec. 9005. Designation of National George C. Marshall Museum and Library.
- Sec. 9006. 21st Century Respect Act.
- Sec. 9007. American World War II Heritage Cities.
- Sec. 9008. Quindaro Townsite National Commemorative Site.
- Sec. 9009. Designation of National Comedy Center in Jamestown, New York.
- Sec. 9010. John H. Chafee Coastal Barrier Resources System.

16 USC 1 note.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of the Interior.

TITLE I—PUBLIC LAND AND FORESTS

Subtitle A—Land Exchanges and Conveyances

SEC. 1001. CRAGS LAND EXCHANGE, COLORADO.

(a) **PURPOSES.**—The purposes of this section are—

- (1) to authorize, direct, expedite and facilitate the land exchange set forth herein; and
- (2) to promote enhanced public outdoor recreational and natural resource conservation opportunities in the Pike National Forest near Pikes Peak, Colorado, via acquisition of the non-Federal land and trail easement.

(b) **DEFINITIONS.**—In this section:

(1) **BHI.**—The term “BHI” means Broadmoor Hotel, Inc., a Colorado corporation.

(2) **FEDERAL LAND.**—The term “Federal land” means all right, title, and interest of the United States in and to approximately 83 acres of land within the Pike National Forest, El Paso County, Colorado, together with a nonexclusive perpetual access easement to BHI to and from such land on Forest Service Road 371, as generally depicted on the map entitled “Proposed Craggs Land Exchange—Federal Parcel—Emerald Valley Ranch” and dated March 2015.

(3) NON-FEDERAL LAND.—The term “non-Federal land” means the land and trail easement to be conveyed to the Secretary by BHI in the exchange and is—

(A) approximately 320 acres of land within the Pike National Forest, Teller County, Colorado, as generally depicted on the map entitled “Proposed Craggs Land Exchange–Non-Federal Parcel–Craggs Property” and dated March 2015; and

(B) a permanent trail easement for the Barr Trail in El Paso County, Colorado, as generally depicted on the map entitled “Proposed Craggs Land Exchange–Barr Trail Easement to United States” and dated March 2015, and which shall be considered as a voluntary donation to the United States by BHI for all purposes of law.

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, unless otherwise specified.

(c) LAND EXCHANGE.—

(1) IN GENERAL.—If BHI offers to convey to the Secretary all right, title, and interest of BHI in and to the non-Federal land, the Secretary shall accept the offer and simultaneously convey to BHI the Federal land.

(2) LAND TITLE.—Title to the non-Federal land conveyed and donated to the Secretary under this section shall be acceptable to the Secretary and shall conform to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government.

(3) PERPETUAL ACCESS EASEMENT TO BHI.—The nonexclusive perpetual access easement to be granted to BHI as shown on the map referred to in subsection (b)(2) shall allow—

(A) BHI to fully maintain, at BHI’s expense, and use Forest Service Road 371 from its junction with Forest Service Road 368 in accordance with historic use and maintenance patterns by BHI; and

(B) full and continued public and administrative access and use of Forest Service Road 371 in accordance with the existing Forest Service travel management plan, or as such plan may be revised by the Secretary.

(4) ROUTE AND CONDITION OF ROAD.—BHI and the Secretary may mutually agree to improve, relocate, reconstruct, or otherwise alter the route and condition of all or portions of such road as the Secretary, in close consultation with BHI, may determine advisable.

(5) EXCHANGE COSTS.—BHI shall pay for all land survey, appraisal, and other costs to the Secretary as may be necessary to process and consummate the exchange directed by this section, including reimbursement to the Secretary, if the Secretary so requests, for staff time spent in such processing and consummation.

(d) EQUAL VALUE EXCHANGE AND APPRAISALS.—

(1) APPRAISALS.—The values of the lands to be exchanged under this section shall be determined by the Secretary through appraisals performed—

(A) in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions;

(ii) the Uniform Standards of Professional Appraisal Practice; and

- (iii) appraisal instructions issued by the Secretary; and
 - (B) by an appraiser mutually agreed to by the Secretary and BHI.
- (2) EQUAL VALUE EXCHANGE.—The values of the Federal land and non-Federal land parcels exchanged shall be equal, or if they are not equal, shall be equalized as follows:
 - (A) SURPLUS OF FEDERAL LAND VALUE.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land parcel identified in subsection (b)(3)(A), BHI shall make a cash equalization payment to the United States as necessary to achieve equal value, including, if necessary, an amount in excess of that authorized pursuant to section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).
 - (B) USE OF FUNDS.—Any cash equalization moneys received by the Secretary under subparagraph (A) shall be—
 - (i) deposited in the fund established under Public Law 90–171 (commonly known as the “Sisk Act”; 16 U.S.C. 484a); and
 - (ii) made available to the Secretary for the acquisition of land or interests in land in Region 2 of the Forest Service.
 - (C) SURPLUS OF NON-FEDERAL LAND VALUE.—If the final appraised value of the non-Federal land parcel identified in subsection (b)(3)(A) exceeds the final appraised value of the Federal land, the United States shall not make a cash equalization payment to BHI, and surplus value of the non-Federal land shall be considered a donation by BHI to the United States for all purposes of law.
- (3) APPRAISAL EXCLUSIONS.—
 - (A) SPECIAL USE PERMIT.—The appraised value of the Federal land parcel shall not reflect any increase or diminution in value due to the special use permit existing on the date of enactment of this Act to BHI on the parcel and improvements thereunder.
 - (B) BARR TRAIL EASEMENT.—The Barr Trail easement donation identified in subsection (b)(3)(B) shall not be appraised for purposes of this section.
- (e) MISCELLANEOUS PROVISIONS.—
 - (1) WITHDRAWAL PROVISIONS.—
 - (A) WITHDRAWAL.—Lands acquired by the Secretary under this section shall, without further action by the Secretary, be permanently withdrawn from all forms of appropriation and disposal under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1930 (30 U.S.C. 1001 et seq.).
 - (B) WITHDRAWAL REVOCATION.—Any public land order that withdraws the Federal land from appropriation or disposal under a public land law shall be revoked to the extent necessary to permit disposal of the Federal land parcel to BHI.
 - (C) WITHDRAWAL OF FEDERAL LAND.—All Federal land authorized to be exchanged under this section, if not already withdrawn or segregated from appropriation or disposal under the public lands laws upon enactment of

this Act, is hereby so withdrawn, subject to valid existing rights, until the date of conveyance of the Federal land to BHI.

(2) **POSTEXCHANGE LAND MANAGEMENT.**—Land acquired by the Secretary under this section shall become part of the Pike-San Isabel National Forest and be managed in accordance with the laws, rules, and regulations applicable to the National Forest System.

(3) **EXCHANGE TIMETABLE.**—It is the intent of Congress that the land exchange directed by this section be consummated no later than 1 year after the date of enactment of this Act.

(4) **MAPS, ESTIMATES, AND DESCRIPTIONS.**—

(A) **MINOR ERRORS.**—The Secretary and BHI may by mutual agreement make minor boundary adjustments to the Federal and non-Federal lands involved in the exchange, and may correct any minor errors in any map, acreage estimate, or description of any land to be exchanged.

(B) **CONFLICT.**—If there is a conflict between a map, an acreage estimate, or a description of land under this section, the map shall control unless the Secretary and BHI mutually agree otherwise.

(C) **AVAILABILITY.**—Upon enactment of this Act, the Secretary shall file and make available for public inspection in the headquarters of the Pike-San Isabel National Forest a copy of all maps referred to in this section.

SEC. 1002. ARAPAHO NATIONAL FOREST BOUNDARY ADJUSTMENT.

16 USC 539j
note.

(a) **IN GENERAL.**—The boundary of the Arapaho National Forest in the State of Colorado is adjusted to incorporate the approximately 92.95 acres of land generally depicted as “The Wedge” on the map entitled “Arapaho National Forest Boundary Adjustment” and dated November 6, 2013, and described as lots three, four, eight, and nine of section 13, Township 4 North, Range 76 West, Sixth Principal Meridian, Colorado. A lot described in this subsection may be included in the boundary adjustment only after the Secretary of Agriculture obtains written permission for such action from the lot owner or owners.

(b) **BOWEN GULCH PROTECTION AREA.**—The Secretary of Agriculture shall include all Federal land within the boundary described in subsection (a) in the Bowen Gulch Protection Area established under section 6 of the Colorado Wilderness Act of 1993 (16 U.S.C. 539j).

(c) **LAND AND WATER CONSERVATION FUND.**—For purposes of section 200306(a)(2)(B)(i) of title 54, United States Code, the boundaries of the Arapaho National Forest, as modified under subsection (a), shall be considered to be the boundaries of the Arapaho National Forest as in existence on January 1, 1965.

(d) **PUBLIC MOTORIZED USE.**—Nothing in this section opens privately owned lands within the boundary described in subsection (a) to public motorized use.

(e) **ACCESS TO NON-FEDERAL LANDS.**—Notwithstanding the provisions of section 6(f) of the Colorado Wilderness Act of 1993 (16 U.S.C. 539j(f)) regarding motorized travel, the owners of any non-Federal lands within the boundary described in subsection (a) who historically have accessed their lands through lands now or hereafter owned by the United States within the boundary

described in subsection (a) shall have the continued right of motorized access to their lands across the existing roadway.

SEC. 1003. SANTA ANA RIVER WASH PLAN LAND EXCHANGE.

(a) **DEFINITIONS.**—In this section:

(1) **CONSERVATION DISTRICT.**—The term “Conservation District” means the San Bernardino Valley Water Conservation District, a political subdivision of the State of California.

(2) **FEDERAL EXCHANGE PARCEL.**—The term “Federal exchange parcel” means the approximately 90 acres of Federal land administered by the Bureau of Land Management generally depicted as “BLM Equalization Land to SBVWCD” on the Map and is to be conveyed to the Conservation District if necessary to equalize the fair market values of the lands otherwise to be exchanged.

(3) **FEDERAL LAND.**—The term “Federal land” means the approximately 327 acres of Federal land administered by the Bureau of Land Management generally depicted as “BLM Land to SBVWCD” on the Map.

(4) **MAP.**—The term “Map” means the map entitled “Santa Ana River Wash Land Exchange” and dated September 3, 2015.

(5) **NON-FEDERAL EXCHANGE PARCEL.**—The term “non-Federal exchange parcel” means the approximately 59 acres of land owned by the Conservation District generally depicted as “SBVWCD Equalization Land” on the Map and is to be conveyed to the United States if necessary to equalize the fair market values of the lands otherwise to be exchanged.

(6) **NON-FEDERAL LAND.**—The term “non-Federal Land” means the approximately 310 acres of land owned by the Conservation District generally depicted as “SBVWCD to BLM” on the Map.

(b) **EXCHANGE OF LAND; EQUALIZATION OF VALUE.**—

(1) **EXCHANGE AUTHORIZED.**—Notwithstanding the land use planning requirements of sections 202, 210, and 211 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1720, 1721), subject to valid existing rights, and conditioned upon any equalization payment necessary under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), and paragraph (2), as soon as practicable, but not later than 2 years after the date of enactment of this Act, if the Conservation District offers to convey the exchange land to the United States, the Secretary shall—

(A) convey to the Conservation District all right, title, and interest of the United States in and to the Federal land, and any such portion of the Federal exchange parcel as may be required to equalize the values of the lands exchanged; and

(B) accept from the Conservation District a conveyance of all right, title, and interest of the Conservation District in and to the non-Federal land, and any such portion of the non-Federal exchange parcel as may be required to equalize the values of the lands exchanged.

(2) **EQUALIZATION PAYMENT.**—To the extent an equalization payment is necessary under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the amount of such equalization payment shall first be made by way of in-kind transfer of such portion of the Federal exchange

parcel to the Conservation District, or transfer of such portion of the non-Federal exchange parcel to the United States, as the case may be, as may be necessary to equalize the fair market values of the exchanged properties. The fair market value of the Federal exchange parcel or non-Federal exchange parcel, as the case may be, shall be credited against any required equalization payment. To the extent such credit is not sufficient to offset the entire amount of equalization payment so indicated, any remaining amount of equalization payment shall be treated as follows:

(A) If the equalization payment is to equalize values by which the Federal land exceeds the non-Federal land and the credited value of the non-Federal exchange parcel, Conservation District may make the equalization payment to the United States, notwithstanding any limitation regarding the amount of the equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)). In the event Conservation District opts not to make the indicated equalization payment, the exchange shall not proceed.

(B) If the equalization payment is to equalize values by which the non-Federal land exceeds the Federal land and the credited value of the Federal exchange parcel, the Secretary shall order the exchange without requirement of any additional equalization payment by the United States to the Conservation District.

(3) APPRAISALS.—

(A) The value of the land to be exchanged under this section shall be determined by appraisals conducted by one or more independent and qualified appraisers.

(B) The appraisals shall be conducted in accordance with nationally recognized appraisal standards, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(4) TITLE APPROVAL.—Title to the land to be exchanged under this section shall be in a format acceptable to the Secretary and the Conservation District.

(5) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize a map and legal descriptions of all land to be conveyed under this section. The Secretary may correct any minor errors in the map or in the legal descriptions. The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(6) COSTS OF CONVEYANCE.—As a condition of conveyance, any costs related to the conveyance under this section shall be paid by the Conservation District.

(c) APPLICABLE LAW.—

(1) ACT OF FEBRUARY 20, 1909.—

(A) The Act of February 20, 1909 (35 Stat. 641), shall not apply to the Federal land and any public exchange land transferred under this section.

(B) The exchange of lands under this section shall be subject to continuing rights of the Conservation District under the Act of February 20, 1909 (35 Stat. 641), on the non-Federal land and any exchanged portion of the

non-Federal exchange parcel for the continued use, maintenance, operation, construction, or relocation of, or expansion of, groundwater recharge facilities on the non-Federal land, to accommodate groundwater recharge of the Bunker Hill Basin to the extent that such activities are not in conflict with any Habitat Conservation Plan or Habitat Management Plan under which such non-Federal land or non-Federal exchange parcel may be held or managed.

(2) FLPMA.—Except as otherwise provided in this section, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), shall apply to the exchange of land under this section.

(d) CANCELLATION OF SECRETARIAL ORDER 241.—Secretarial Order 241, dated November 11, 1929 (withdrawing a portion of the Federal land for an unconstructed transmission line), is terminated and the withdrawal thereby effected is revoked.

SEC. 1004. UDALL PARK LAND EXCHANGE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term “City” means the city of Tucson, Arizona.

(2) NON-FEDERAL LAND.—The term “non-Federal land” means the approximately 172.8-acre parcel of City land identified in the patent numbered 02-90-0001 and dated October 4, 1989, and more particularly described as lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, sec. 5, T.14 S., R.15 E., Gila and Salt River Meridian, Arizona.

(b) CONVEYANCE OF FEDERAL REVERSIONARY INTEREST IN LAND LOCATED IN TUCSON, ARIZONA.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall convey to the City, without consideration, the reversionary interests of the United States in and to the non-Federal land for the purpose of unencumbering the title to the non-Federal land to enable economic development of the non-Federal land.

(2) LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the exact legal descriptions of the non-Federal land shall be determined in a manner satisfactory to the Secretary.

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions to the conveyance under paragraph (1), consistent with that paragraph, as the Secretary considers appropriate to protect the interests of the United States.

(4) COSTS.—The City shall pay all costs associated with the conveyance under paragraph (1), consistent with that paragraph, including the costs of any surveys, recording costs, and other reasonable costs.

SEC. 1005. CONFIRMATION OF STATE LAND GRANTS.

(a) IN GENERAL.—Subject to valid existing rights, the State of Utah may select any lands in T. 6 S. and T. 7 S., R. 1 W., Salt Lake Base and Meridian, that are owned by the United States, under the administrative jurisdiction of the Bureau of Land Management, and identified as available for disposal by land exchange in the Record of Decision for the Pony Express Resource Management Plan and Rangeland Program Summary for Utah County (January 1990), as amended by the Pony Express Plan

Amendment (November 1997), in fulfillment of the land grants made in sections 6, 8, and 12 of the Act of July 16, 1894 (28 Stat. 107) as generally depicted on the map entitled “Proposed Utah County Quantity Grants” and dated June 27, 2017, to further the purposes of the State of Utah School and Institutional Trust Lands Administration, without further land use planning action by the Bureau of Land Management.

(b) APPLICATION.—The criteria listed in Decision 3 of the Lands Program of the resource management plan described in subsection (a) shall not apply to any land selected under that subsection.

(c) EFFECT ON LIMITATION.—Nothing in this section affects the limitation established under section 2815(d) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65).

SEC. 1006. CUSTER COUNTY AIRPORT CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term “County” means Custer County, South Dakota.

(2) FEDERAL LAND.—The term “Federal land” means all right, title, and interest of the United States in and to approximately 65.7 acres of National Forest System land, as generally depicted on the map.

(3) MAP.—The term “map” means the map entitled “Custer County Airport Conveyance” and dated October 19, 2017.

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(b) LAND CONVEYANCE.—

(1) IN GENERAL.—Subject to the terms and conditions described in paragraph (2), if the County submits to the Secretary an offer to acquire the Federal land for the market value, as determined by the appraisal under paragraph (3), the Secretary shall convey the Federal land to the County.

(2) TERMS AND CONDITIONS.—The conveyance under paragraph (1) shall be—

(A) subject to valid existing rights;

(B) made by quitclaim deed; and

(C) subject to any other terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) APPRAISAL.—

(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall complete an appraisal to determine the market value of the Federal land.

(B) STANDARDS.—The appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(4) MAP.—

(A) AVAILABILITY OF MAP.—The map shall be kept on file and available for public inspection in the appropriate office of the Forest Service.

(B) CORRECTION OF ERRORS.—The Secretary may correct any errors in the map.

(5) CONSIDERATION.—As consideration for the conveyance under paragraph (1), the County shall pay to the Secretary an amount equal to the market value of the Federal land, as determined by the appraisal under paragraph (3).

(6) SURVEY.—The exact acreage and legal description of the Federal land to be conveyed under paragraph (1) shall be determined by a survey satisfactory to the Secretary.

(7) COSTS OF CONVEYANCE.—As a condition on the conveyance under paragraph (1), the County shall pay to the Secretary all costs associated with the conveyance, including the cost of—

(A) the appraisal under paragraph (3); and

(B) the survey under paragraph (6).

(8) PROCEEDS FROM THE SALE OF LAND.—Any proceeds received by the Secretary from the conveyance under paragraph (1) shall be—

(A) deposited in the fund established under Public Law 90–171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a); and

(B) available to the Secretary until expended, without further appropriation, for the acquisition of inholdings in units of the National Forest System in the State of South Dakota.

SEC. 1007. PASCUA YAQUI TRIBE LAND CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term “District” means the Tucson Unified School District No. 1, a school district recognized as such under the laws of the State of Arizona.

(2) MAP.—The term “Map” means the map entitled “Pascua Yaqui Tribe Land Conveyance Act”, dated March 14, 2016, and on file and available for public inspection in the local office of the Bureau of Land Management.

(3) RECREATION AND PUBLIC PURPOSES ACT.—The term “Recreation and Public Purposes Act” means the Act of June 14, 1926 (43 U.S.C. 869 et seq.).

(4) TRIBE.—The term “Tribe” means the Pascua Yaqui Tribe of Arizona, a federally recognized Indian Tribe.

(b) LAND TO BE HELD IN TRUST.—

(1) PARCEL A.—Subject to paragraph (2) and to valid existing rights, all right, title, and interest of the United States in and to the approximately 39.65 acres of Federal lands generally depicted on the map as “Parcel A” are declared to be held in trust by the United States for the benefit of the Tribe.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the day after the date on which the District relinquishes all right, title, and interest of the District in and to the approximately 39.65 acres of land described in paragraph (1).

(c) LANDS TO BE CONVEYED TO THE DISTRICT.—

(1) PARCEL B.—

(A) IN GENERAL.—Subject to valid existing rights and payment to the United States of the fair market value, the United States shall convey to the District all right, title, and interest of the United States in and to the approximately 13.24 acres of Federal lands generally depicted on the map as “Parcel B”.

(B) DETERMINATION OF FAIR MARKET VALUE.—The fair market value of the property to be conveyed under subparagraph (A) shall be determined by the Secretary in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(C) COSTS OF CONVEYANCE.—As a condition of the conveyance under this paragraph, all costs associated with the conveyance shall be paid by the District.

(2) PARCEL C.—

(A) IN GENERAL.—If, not later than 1 year after the completion of the appraisal required by subparagraph (C), the District submits to the Secretary an offer to acquire the Federal reversionary interest in all of the approximately 27.5 acres of land conveyed to the District under Recreation and Public Purposes Act and generally depicted on the map as “Parcel C”, the Secretary shall convey to the District such reversionary interest in the lands covered by the offer. The Secretary shall complete the conveyance not later than 30 days after the date of the offer.

(B) SURVEY.—Not later than 90 days after the date of enactment of this Act, the Secretary shall complete a survey of the lands described in this paragraph to determine the precise boundaries and acreage of the lands subject to the Federal reversionary interest.

(C) APPRAISAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal reversionary interest in the lands identified by the survey required by subparagraph (B). The appraisal shall be completed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(D) CONSIDERATION.—As consideration for the conveyance of the Federal reversionary interest under this paragraph, the District shall pay to the Secretary an amount equal to the appraised value of the Federal interest, as determined under subparagraph (C). The consideration shall be paid not later than 30 days after the date of the conveyance.

(E) COSTS OF CONVEYANCE.—As a condition of the conveyance under this paragraph, all costs associated with the conveyance, including the cost of the survey required by subparagraph (B) and the appraisal required by subparagraph (C), shall be paid by the District.

(d) GAMING PROHIBITION.—The Tribe may not conduct gaming activities on lands taken into trust pursuant to this section, either as a matter of claimed inherent authority, under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), or under regulations promulgated by the Secretary or the National Indian Gaming Commission.

(e) WATER RIGHTS.—

(1) IN GENERAL.—There shall be no Federal reserved right to surface water or groundwater for any land taken into trust by the United States for the benefit of the Tribe under this section.

(2) **STATE WATER RIGHTS.**—The Tribe retains any right or claim to water under State law for any land taken into trust by the United States for the benefit of the Tribe under this section.

(3) **FORFEITURE OR ABANDONMENT.**—Any water rights that are appurtenant to land taken into trust by the United States for the benefit of the Tribe under this section may not be forfeited or abandoned.

(4) **ADMINISTRATION.**—Nothing in this section affects or modifies any right of the Tribe or any obligation of the United States under Public Law 95–375.

SEC. 1008. LA PAZ COUNTY LAND CONVEYANCE.

(a) **DEFINITIONS.**—In this section:

(1) **COUNTY.**—The term “County” means La Paz County, Arizona.

(2) **FEDERAL LAND.**—The term “Federal land” means the approximately 5,935 acres of land managed by the Bureau of Land Management and designated as “Federal land to be conveyed” on the map.

(3) **MAP.**—The term “map” means the map prepared by the Bureau of Land Management entitled “Proposed La Paz County Land Conveyance” and dated October 1, 2018.

(b) **CONVEYANCE TO LA PAZ COUNTY, ARIZONA.**—

(1) **IN GENERAL.**—Notwithstanding the planning requirement of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713) and in accordance with this section and other applicable law, as soon as practicable after receiving a request from the County to convey the Federal land, the Secretary shall convey the Federal land to the County.

(2) **RESTRICTIONS ON CONVEYANCE.**—

(A) **IN GENERAL.**—The conveyance under paragraph (1) shall be subject to—

(i) valid existing rights; and

(ii) such terms and conditions as the Secretary determines to be necessary.

(B) **EXCLUSION.**—The Secretary shall exclude from the conveyance under paragraph (1) any Federal land that contains significant cultural, environmental, wildlife, or recreational resources.

(3) **PAYMENT OF FAIR MARKET VALUE.**—The conveyance under paragraph (1) shall be for the fair market value of the Federal land to be conveyed, as determined—

(A) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) based on an appraisal that is conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(4) **PROTECTION OF TRIBAL CULTURAL ARTIFACTS.**—As a condition of the conveyance under paragraph (1), the County shall, and as a condition of any subsequent conveyance, any subsequent owner shall—

(A) make good faith efforts to avoid disturbing Tribal artifacts;

(B) minimize impacts on Tribal artifacts if they are disturbed;

(C) coordinate with the Colorado River Indian Tribes Tribal Historic Preservation Office to identify artifacts of cultural and historic significance; and

(D) allow Tribal representatives to rebury unearthed artifacts at or near where they were discovered.

(5) AVAILABILITY OF MAP.—

(A) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(B) CORRECTIONS.—The Secretary and the County may, by mutual agreement—

(i) make minor boundary adjustments to the Federal land to be conveyed under paragraph (1); and

(ii) correct any minor errors in the map, an acreage estimate, or the description of the Federal land.

(6) WITHDRAWAL.—The Federal land is withdrawn from the operation of the mining and mineral leasing laws of the United States.

(7) COSTS.—As a condition of the conveyance of the Federal land under paragraph (1), the County shall pay—

(A) an amount equal to the appraised value determined in accordance with paragraph (3)(B); and

(B) all costs related to the conveyance, including all surveys, appraisals, and other administrative costs associated with the conveyance of the Federal land to the County under paragraph (1).

(8) PROCEEDS FROM THE SALE OF LAND.—The proceeds from the sale of land under this subsection shall be—

(A) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(B) used in accordance with that Act (43 U.S.C. 2301 et seq.).

SEC. 1009. LAKE BISTINEAU LAND TITLE STABILITY.

(a) DEFINITIONS.—In this section:

(1) CLAIMANT.—The term “claimant” means any individual, group, or corporation authorized to hold title to land or mineral interests in land in the State of Louisiana with a valid claim to the omitted land, including any mineral interests.

(2) MAP.—The term “Map” means the map entitled “Lands as Delineated by Original Survey December 18, 1842 showing the 1969 Meander Line at the 148.6 Elevation Line” and dated January 30, 2018.

(3) OMITTED LAND.—

(A) IN GENERAL.—The term “omitted land” means the land in lots 6, 7, 8, 9, 10, 11, 12, and 13 of sec. 30, T. 16 N., R. 10 W., Louisiana Meridian, comprising a total of approximately 229.72 acres, as depicted on the Map, that—

(i) was in place during the Original Survey; but

(ii) was not included in the Original Survey.

(B) INCLUSION.—The term “omitted land” includes—

(i) Peggy’s Island in lot 1 of sec. 17, T. 16 N., R. 10 W., Louisiana Meridian; and

(ii) Hog Island in lot 1 of sec. 29, T. 16 N., R. 10 W., Louisiana Meridian.

(4) ORIGINAL SURVEY.—The term “Original Survey” means the survey of land surrounding Lake Bistineau, Louisiana, conducted by the General Land Office in 1838 and approved by the Surveyor General on December 8, 1842.

(b) CONVEYANCES.—

(1) IN GENERAL.—Consistent with the first section of the Act of December 22, 1928 (commonly known as the “Color of Title Act”) (45 Stat. 1069, chapter 47; 43 U.S.C. 1068), except as provided by this section, the Secretary shall convey to the claimant the omitted land, including any mineral interests, that has been held in good faith and in peaceful, adverse possession by a claimant or an ancestor or grantor of the claimant, under claim or color of title, based on the Original Survey.

(2) CONFIRMATION OF TITLE.—The conveyance or patent of omitted land to a claimant under paragraph (1) shall have the effect of confirming title to the surface and minerals in the claimant and shall not serve as any admission by a claimant.

(c) PAYMENT OF COSTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the conveyance required under subsection (b) shall be without consideration.

(2) CONDITION.—As a condition of the conveyance of the omitted land under subsection (b), before making the conveyance, the Secretary shall recover from the State of Louisiana any costs incurred by the Secretary relating to any survey, platting, legal description, or associated activities required to prepare and issue a patent under that subsection.

(d) MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file, and make available for public inspection in the appropriate offices of the Bureau of Land and Management, the Map and legal descriptions of the omitted land to be conveyed under subsection (b).

SEC. 1010. LAKE FANNIN LAND CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term “County” means Fannin County, Texas.

(2) MAP.—The term “map” means the map entitled “Lake Fannin Conveyance” and dated November 21, 2013.

(3) NATIONAL FOREST SYSTEM LAND.—The term “National Forest System land” means the approximately 2,025 acres of National Forest System land generally depicted on the map.

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(b) LAND CONVEYANCE.—

(1) IN GENERAL.—Subject to the terms and conditions described in paragraph (2), if the County submits to the Secretary an offer to acquire the National Forest System land for the fair market value, as determined by the appraisal under paragraph (3), the Secretary shall convey the National Forest System land to the County.

(2) **TERMS AND CONDITIONS.**—The conveyance under paragraph (1) shall be—

(A) subject to valid existing rights;

(B) made by quitclaim deed; and

(C) subject to any other terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) **APPRAISAL.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete an appraisal to determine the fair market value of the National Forest System land.

(B) **STANDARDS.**—The appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(4) **MAP.**—

(A) **AVAILABILITY OF MAP.**—The map shall be kept on file and available for public inspection in the appropriate office of the Forest Service.

(B) **CORRECTION OF ERRORS.**—The Secretary may correct minor errors in the map.

(5) **CONSIDERATION.**—As consideration for the conveyance under paragraph (1), the County shall pay to the Secretary an amount equal to the fair market value of the National Forest System land, as determined by the appraisal under paragraph (3).

(6) **SURVEY.**—The exact acreage and legal description of the National Forest System land to be conveyed under paragraph (1) shall be determined by a survey satisfactory to the Secretary and the County.

(7) **USE.**—As a condition of the conveyance under paragraph (1), the County shall agree to manage the land conveyed under that subsection for public recreational purposes.

(8) **COSTS OF CONVEYANCE.**—As a condition on the conveyance under paragraph (1), the County shall pay to the Secretary all costs associated with the conveyance, including the cost of—

(A) the appraisal under paragraph (3); and

(B) the survey under paragraph (6).

SEC. 1011. LAND CONVEYANCE AND UTILITY RIGHT-OF-WAY, HENRY'S LAKE WILDERNESS STUDY AREA, IDAHO.

(a) **CONVEYANCE AND RIGHT-OF-WAY AUTHORIZED.**—Notwithstanding section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the Secretary may—

(1) convey to the owner of a private residence located at 3787 Valhalla Road in Island Park, Idaho (in this section referred to as the “owner”), all right, title, and interest of the United States in and to the approximately 0.5 acres of Federal land in the Henry's Lake Wilderness Study Area described as lot 14, section 33, Township 16 North, Range 43 East, Boise Meridian, Fremont County, Idaho; and

(2) grant Fall River Electric in Ashton, Idaho, the right to operate, maintain, and rehabilitate a right-of-way encumbering approximately 0.4 acres of Federal land in the Henry's Lake Wilderness Study Area described as lot 15, section 33, Township 16 North, Range 43 East, Boise Meridian, Fremont County, Idaho, which includes an electric distribution line and access road, 850' in length, 20' in width.

(b) CONSIDERATION; CONDITIONS.—

(1) LAND DISPOSAL.—The Secretary shall convey the land under subsection (a)(1) in accordance with section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) and part 2711.3-3 of title 43, Code of Federal Regulations. As consideration for the conveyance the owner shall pay to the Secretary an amount equal to the fair market value as valued by a qualified land appraisal and approved by the Appraisal and Valuation Services Office.

(2) RIGHT-OF-WAY.—The Secretary shall grant the right-of-way granted under subsection (a)(2) in accordance with section 205 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1715), and part 2800 of title 43, Code of Federal Regulations.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of the land and the grant of the right-of-way under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1012. CONVEYANCE TO UKPEAGVIK INUPIAT CORPORATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, subject to valid existing rights, the Secretary shall convey to the Ukpeagvik Inupiat Corporation all right, title, and interest held by the United States in and to sand and gravel deposits underlying the surface estate owned by the Ukpeagvik Inupiat Corporation within and contiguous to the Barrow gas fields, and more particularly described as follows:

(1) T. 21 N. R. 16 W., secs. 7, 17-18, 19-21, and 28-29, of the Umiat Meridian.

(2) T. 21 N. R. 17 W., secs. 1-2 and 11-14, of the Umiat Meridian.

(3) T. 22 N. R. 18 W., secs. 4, 9, and 29-32, of the Umiat Meridian.

(4) T. 22 N. R. 19 W., secs. 25 and 36, of the Umiat Meridian.

(b) ENTITLEMENT FULFILLED.—The conveyance under this section shall fulfill the entitlement granted to the Ukpeagvik Inupiat Corporation under section 12(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(a)).

(c) COMPLIANCE WITH ENDANGERED SPECIES ACT OF 1973.—Nothing in this section affects any requirement, prohibition, or exception under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 1013. PUBLIC PURPOSE CONVEYANCE TO CITY OF HYDE PARK, UTAH.

(a) IN GENERAL.—Notwithstanding the land use planning requirement of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), on written request by the City of Hyde Park, Utah (referred to in this section

as the “City”), the Secretary shall convey, without consideration, to the City the parcel of public land described in subsection (b)(1) for public recreation or other public purposes consistent with uses allowed under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.).

(b) DESCRIPTION OF LAND.—

(1) IN GENERAL.—The parcel of public land referred to in subsection (a) is the approximately 80-acre parcel identified on the map entitled “Hyde Park Land Conveyance Act” and dated October 23, 2017.

(2) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(c) SURVEY.—The exact acreage and legal description of the land to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(d) CONVEYANCE COSTS.—As a condition for the conveyance under this section, all costs associated with the conveyance shall be paid by the City.

SEC. 1014. JUAB COUNTY CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term “County” means Juab County, Utah.

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(3) NEPHI WORK CENTER CONVEYANCE PARCEL.—The term “Nephi Work Center conveyance parcel” means the parcel of approximately 2.17 acres of National Forest System land in the County, located at 740 South Main Street, Nephi, Utah, as depicted as Tax Lot Numbers #XA00-0545-1111 and #XA00-0545-2 on the map entitled “Nephi Plat B” and dated May 6, 1981.

(b) CONVEYANCE OF NEPHI WORK CENTER CONVEYANCE PARCEL, JUAB COUNTY, UTAH.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Secretary receives a request from the County and subject to valid existing rights and such terms and conditions as are mutually satisfactory to the Secretary and the County, including such additional terms as the Secretary determines to be necessary, the Secretary shall convey to the County without consideration all right, title, and interest of the United States in and to the Nephi Work Center conveyance parcel.

(2) COSTS.—Any costs relating to the conveyance under paragraph (1), including processing and transaction costs, shall be paid by the County.

(3) USE OF LAND.—The land conveyed to the County under paragraph (1) shall be used by the County—

(A) to house fire suppression and fuels mitigation personnel;

(B) to facilitate fire suppression and fuels mitigation activities; and

(C) for infrastructure and equipment necessary to carry out subparagraphs (A) and (B).

SEC. 1015. BLACK MOUNTAIN RANGE AND BULLHEAD CITY LAND EXCHANGE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term “City” means Bullhead City, Arizona.

(2) NON-FEDERAL LAND.—The term “non-Federal Land” means the approximately 1,100 acres of land owned by Bullhead City in the Black Mountain Range generally depicted as “Bullhead City Land to be Exchanged to BLM” on the Map.

(3) MAP.—The term “Map” means the map entitled “Bullhead City Land Exchange” and dated August 24, 2018.

(4) FEDERAL LAND.—The term “Federal land” means the approximately 345.2 acres of land in Bullhead City, Arizona, generally depicted as “Federal Land to be exchanged to Bullhead City” on the Map.

(b) LAND EXCHANGE.—

(1) IN GENERAL.—If after December 15, 2020, the City offers to convey to the Secretary all right, title, and interest of the City in and to the non-Federal land, the Secretary shall accept the offer and simultaneously convey to the City all right, title, and interest of the United States in and to the Federal land.

(2) LAND TITLE.—Title to the non-Federal land conveyed to the Secretary under this section shall be in a form acceptable to the Secretary and shall conform to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government.

(3) EXCHANGE COSTS.—The City shall pay for all land survey, appraisal, and other costs to the Secretary as may be necessary to process and consummate the exchange under this section.

(c) EQUAL VALUE EXCHANGE AND APPRAISALS.—

(1) APPRAISALS.—The values of the lands to be exchanged under this section shall be determined by the Secretary through appraisals performed—

(A) in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions;

(ii) the Uniform Standards of Professional Appraisal Practice; and

(iii) appraisal instructions issued by the Secretary; and

(B) by an appraiser mutually agreed to by the Secretary and the City.

(2) EQUAL VALUE EXCHANGE.—The values of the Federal and non-Federal land parcels exchanged shall be equal, or if they are not equal, shall be equalized as follows:

(A) SURPLUS OF FEDERAL LAND VALUE.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the City shall reduce the amount of land it is requesting from the Federal Government in order to create an equal value in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)). Land that is not exchanged because of equalization under this subparagraph shall remain subject to lease under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.).

(B) **USE OF FUNDS.**—Any cash equalization moneys received by the Secretary under subparagraph (A) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act (43 U.S.C. 2301 et seq.).

(C) **SURPLUS OF NON-FEDERAL LAND VALUE.**—If the final appraised value of the non-Federal land exceeds the final appraised value of the Federal land, the United States shall not make a cash equalization payment to the City, and surplus value of the non-Federal land shall be considered a donation by the City to the United States for all purposes of law.

(d) **WITHDRAWAL PROVISIONS.**—Lands acquired by the Secretary under this section are, upon such acquisition, automatically and permanently withdrawn from all forms of appropriation and disposal under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1930 (30 U.S.C. 1001 et seq.).

(e) **MAPS, ESTIMATES, AND DESCRIPTIONS.**—

(1) **MINOR ERRORS.**—The Secretary and the City may, by mutual agreement—

(A) make minor boundary adjustments to the Federal and non-Federal lands involved in the exchange; and

(B) correct any minor errors in any map, acreage estimate, or description of any land to be exchanged.

(2) **CONFLICT.**—If there is a conflict between a map, an acreage estimate, or a description of land under this section, the map shall control unless the Secretary and the City mutually agree otherwise.

(3) **AVAILABILITY.**—The Secretary shall file and make available for public inspection in the Arizona headquarters of the Bureau of Land Management a copy of all maps referred to in this section.

SEC. 1016. COTTONWOOD LAND EXCHANGE.

(a) **DEFINITIONS.**—In this section:

(1) **COUNTY.**—The term “County” means Yavapai County, Arizona.

(2) **FEDERAL LAND.**—The term “Federal land” means all right, title, and interest of the United States in and to approximately 80 acres of land within the Coconino National Forest, in Yavapai County, Arizona, generally depicted as “Coconino National Forest Parcels ‘Federal Land’” on the map.

(3) **MAP.**—The term “map” means the map entitled “Cottonwood Land Exchange”, with the revision date July 5, 2018\Version 1.

(4) **NON-FEDERAL LAND.**—The term “non-Federal land” means the approximately 369 acres of land in Yavapai County, Arizona, generally depicted as “Yavapai County Parcels ‘Non-Federal Land’” on the map.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, unless otherwise specified.

(b) **LAND EXCHANGE.**—

(1) IN GENERAL.—If the County offers to convey to the Secretary all right, title, and interest of the County in and to the non-Federal land, the Secretary shall accept the offer and simultaneously convey to the County all right, title, and interest of the United States to the Federal land.

(2) LAND TITLE.—Title to the non-Federal land conveyed to the Secretary under this section shall be acceptable to the Secretary and shall conform to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government.

(3) EXCHANGE COSTS.—The County shall pay for all land survey, appraisal, and other costs to the Secretary as may be necessary to process and consummate the exchange under this section, including reimbursement to the Secretary, if the Secretary so requests, for staff time spent in such processing and consummation.

(c) EQUAL VALUE EXCHANGE AND APPRAISALS.—

(1) APPRAISALS.—The values of the lands to be exchanged under this section shall be determined by the Secretary through appraisals performed—

(A) in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions;

(ii) the Uniform Standards of Professional Appraisal Practice; and

(iii) appraisal instructions issued by the Secretary; and

(B) by an appraiser mutually agreed to by the Secretary and the County.

(2) EQUAL VALUE EXCHANGE.—The values of the Federal and non-Federal land parcels exchanged shall be equal, or if they are not equal, shall be equalized as follows:

(A) SURPLUS OF FEDERAL LAND VALUE.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the County shall make a cash equalization payment to the United States as necessary to achieve equal value, including, if necessary, an amount in excess of that authorized pursuant to section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(B) USE OF FUNDS.—Any cash equalization moneys received by the Secretary under subparagraph (A) shall be—

(i) deposited in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”; 16 U.S.C. 484a); and

(ii) made available to the Secretary for the acquisition of land or interests in land in Region 3 of the Forest Service.

(C) SURPLUS OF NON-FEDERAL LAND VALUE.—If the final appraised value of the non-Federal land exceeds the final appraised value of the Federal land, the United States shall not make a cash equalization payment to the County, and surplus value of the non-Federal land shall be considered a donation by the County to the United States for all purposes of law.

(d) **WITHDRAWAL PROVISIONS.**—Lands acquired by the Secretary under this section are, upon such acquisition, automatically and permanently withdrawn from all forms of appropriation and disposal under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1930 (30 U.S.C. 1001 et seq.).

(e) **MANAGEMENT OF LAND.**—Land acquired by the Secretary under this section shall become part of the Coconino National Forest and be managed in accordance with the laws, rules, and regulations applicable to the National Forest System.

(f) **MAPS, ESTIMATES, AND DESCRIPTIONS.**—

(1) **MINOR ERRORS.**—The Secretary and the County may, by mutual agreement—

(A) make minor boundary adjustments to the Federal and non-Federal lands involved in the exchange; and

(B) correct any minor errors in any map, acreage estimate, or description of any land to be exchanged.

(2) **CONFLICT.**—If there is a conflict between a map, an acreage estimate, or a description of land under this section, the map shall control unless the Secretary and the County mutually agree otherwise.

(3) **AVAILABILITY.**—The Secretary shall file and make available for public inspection in the headquarters of the Coconino National Forest a copy of all maps referred to in this section.

SEC. 1017. EMBRY-RIDDLE TRI-CITY LAND EXCHANGE.

(a) **DEFINITIONS.**—In this section:

(1) **NON-FEDERAL LAND.**—The term “non-Federal land” means the approximately 16-acre parcel of University land identified in section 3(a) of Public Law 105-363 (112 Stat. 3297).

(2) **UNIVERSITY.**—The term “University” means Embry-Riddle Aeronautical University, Florida.

(b) **CONVEYANCE OF FEDERAL REVERSIONARY INTEREST IN LAND LOCATED IN THE COUNTY OF YAVAPAI, ARIZONA.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, if after the completion of the appraisal required under subsection (c), the University submits to the Secretary an offer to acquire the reversionary interests of the United States in and to the non-Federal land, the Secretary shall convey to the University the reversionary interests of the United States in and to the non-Federal land for the purpose of unencumbering the title to the non-Federal land to enable economic development of the non-Federal land.

(2) **LEGAL DESCRIPTIONS.**—As soon as practicable after the date of enactment of this Act, the exact legal description of the non-Federal land shall be determined in a manner satisfactory to the Secretary.

(3) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions to the conveyance under paragraph (1), consistent with this section, as the Secretary considers appropriate to protect the interests of the United States.

(4) **COSTS.**—The University shall pay all costs associated with the conveyance under paragraph (1), including the costs of the appraisal required under subsection (c), the costs of any surveys, recording costs, and other reasonable costs.

(c) APPRAISAL.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the reversionary interests of the United States in and to the non-Federal land.

(2) APPLICABLE LAW.—The appraisal shall be completed in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(d) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance of the reversionary interests of the United States in and to the non-Federal land under this section, the University shall pay to the Secretary an amount equal to the appraised value of the interests of the United States, as determined under subsection (c).

(2) DEPOSIT; USE.—Amounts received under paragraph (1) shall be—

(A) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(B) used in accordance with that Act (43 U.S.C. 2301 et seq.).

Subtitle B—Public Land and National Forest System Management

SEC. 1101. BOLTS DITCH ACCESS.

(a) ACCESS GRANTED.—The Secretary of Agriculture shall permit by special use authorization nonmotorized access and use, in accordance with section 293.6 of title 36, Code of Federal Regulations, of the Bolts Ditch Headgate and the Bolts Ditch within the Holy Cross Wilderness, Colorado, as designated by Public Law 96–560 (94 Stat. 3265), for the purposes of the diversion of water and use, maintenance, and repair of such ditch and headgate by the Town of Minturn, Colorado, a Colorado Home Rule Municipality.

(b) LOCATION OF FACILITIES.—The Bolts Ditch headgate and ditch segment referenced in subsection (a) are as generally depicted on the map entitled “Bolts Ditch headgate and Ditch Segment” and dated November 2015.

SEC. 1102. CLARIFICATION RELATING TO A CERTAIN LAND DESCRIPTION UNDER THE NORTHERN ARIZONA LAND EXCHANGE AND VERDE RIVER BASIN PARTNERSHIP ACT OF 2005.

Section 104(a)(5) of the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005 (Public Law 109–110; 119 Stat. 2356) is amended by inserting before the period at the end “, which, notwithstanding section 102(a)(4)(B), includes the N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, the N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, and the N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 34, Township 22 North, Range 2 East, Gila and Salt River Meridian, Coconino County, Arizona, comprising approximately 25 acres”.

SEC. 1103. FRANK AND JEANNE MOORE WILD STEELHEAD SPECIAL MANAGEMENT AREA. 16 USC 539s.

(a) FINDINGS.—Congress finds that—

(1) Frank Moore has committed his life to family, friends, his country, and fly fishing;

(2) Frank Moore is a World War II veteran who stormed the beaches of Normandy along with 150,000 troops during the D-Day Allied invasion and was awarded the Chevalier of the French Legion of Honor for his bravery;

(3) Frank Moore returned home after the war, started a family, and pursued his passion of fishing on the winding rivers in Oregon;

(4) as the proprietor of the Steamboat Inn along the North Umpqua River in Oregon for nearly 20 years, Frank Moore, along with his wife Jeanne, shared his love of fishing, the flowing river, and the great outdoors, with visitors from all over the United States and the world;

(5) Frank Moore has spent most of his life fishing the vast rivers of Oregon, during which time he has contributed significantly to efforts to conserve fish habitats and protect river health, including serving on the State of Oregon Fish and Wildlife Commission;

(6) Frank Moore has been recognized for his conservation work with the National Wildlife Federation Conservationist of the Year award, the Wild Steelhead Coalition Conservation Award, and his 2010 induction into the Fresh Water Fishing Hall of Fame; and

(7) in honor of the many accomplishments of Frank Moore, both on and off the river, approximately 99,653 acres of Forest Service land in the State of Oregon should be designated as the “Frank and Jeanne Moore Wild Steelhead Special Management Area”.

(b) DEFINITIONS.—In this section:

(1) MAP.—The term “Map” means the map entitled “Frank Moore Wild Steelhead Special Management Area Designation Act” and dated June 23, 2016.

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(3) SPECIAL MANAGEMENT AREA.—The term “Special Management Area” means the Frank and Jeanne Moore Wild Steelhead Special Management Area designated by subsection (c)(1).

(4) STATE.—The term “State” means the State of Oregon.

(c) FRANK AND JEANNE MOORE WILD STEELHEAD SPECIAL MANAGEMENT AREA, OREGON.—

(1) DESIGNATION.—The approximately 99,653 acres of Forest Service land in the State, as generally depicted on the Map, is designated as the “Frank and Jeanne Moore Wild Steelhead Special Management Area”.

(2) MAP; LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map and legal description of the Special Management Area.

(B) FORCE OF LAW.—The map and legal description prepared under subparagraph (A) shall have the same force and effect as if included in this section, except that the

Secretary may correct clerical and typographical errors in the map and legal description.

(C) AVAILABILITY.—The map and legal description prepared under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(3) ADMINISTRATION.—Subject to valid existing rights, the Special Management Area shall be administered by the Secretary—

(A) in accordance with all laws (including regulations) applicable to the National Forest System; and

(B) in a manner that—

(i) conserves and enhances the natural character, scientific use, and the botanical, recreational, ecological, fish and wildlife, scenic, drinking water, and cultural values of the Special Management Area;

(ii) maintains and seeks to enhance the wild salmonid habitat of the Special Management Area;

(iii) maintains or enhances the watershed as a thermal refuge for wild salmonids; and

(iv) preserves opportunities for recreation, including primitive recreation.

(4) FISH AND WILDLIFE.—Nothing in this section affects the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

(5) ADJACENT MANAGEMENT.—Nothing in this section—

(A) creates any protective perimeter or buffer zone around the Special Management Area; or

(B) modifies the applicable travel management plan for the Special Management Area.

(6) WILDFIRE MANAGEMENT.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the Special Management Area, consistent with the purposes of this section, including the use of aircraft, machinery, mechanized equipment, fire breaks, backfires, and retardant.

(7) VEGETATION MANAGEMENT.—Nothing in this section prohibits the Secretary from conducting vegetation management projects within the Special Management Area in a manner consistent with—

(A) the purposes described in paragraph (3); and

(B) the applicable forest plan.

(8) PROTECTION OF TRIBAL RIGHTS.—Nothing in this section diminishes any treaty rights of an Indian Tribe.

(9) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the Special Management Area river segments designated by paragraph (1) is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

SEC. 1104. MAINTENANCE OR REPLACEMENT OF FACILITIES AND STRUCTURES AT SMITH GULCH. 16 USC 1274 note.

The authorization of the Secretary of Agriculture to maintain or replace facilities or structures for commercial recreation services at Smith Gulch under section 3(a)(24)(D) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(24)(D))—

(1) may include improvements or replacements that the Secretary of Agriculture determines—

(A) are consistent with section 9(b) of the Central Idaho Wilderness Act of 1980 (16 U.S.C. 1281 note; Public Law 96–312); and

(B) would reduce the impact of the commercial recreation facilities or services on wilderness or wild and scenic river resources and values; and

(2) authorizes the Secretary of Agriculture to consider including, as appropriate—

(A) hydroelectric generators and associated electrical transmission facilities;

(B) water pumps for fire suppression;

(C) transitions from propane to electrical lighting;

(D) solar energy systems;

(E) 6-volt or 12-volt battery banks for power storage; and

(F) other improvements or replacements which are consistent with this section that the Secretary of Agriculture determines appropriate.

SEC. 1105. REPEAL OF PROVISION LIMITING THE EXPORT OF TIMBER HARVESTED FROM CERTAIN KAKE TRIBAL CORPORATION LAND.

Section 42 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629h) is amended—

(1) by striking subsection (h);

(2) by redesignating subsection (i) as subsection (h); and

(3) in subsection (h) (as so redesignated), in the first sentence, by striking “and to provide” and all that follows through “subsection (h)”.

SEC. 1106. DESIGNATION OF FOWLER AND BOSKOFF PEAKS.

16 USC 1132 note.

(a) DESIGNATION OF FOWLER PEAK.—

(1) IN GENERAL.—The 13,498-foot mountain peak, located at 37.8569° N, by –108.0117° W, in the Uncompahgre National Forest in the State of Colorado, shall be known and designated as “Fowler Peak”.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the peak described in paragraph (1) shall be deemed to be a reference to “Fowler Peak”.

(b) DESIGNATION OF BOSKOFF PEAK.—

(1) IN GENERAL.—The 13,123-foot mountain peak, located at 37.85549° N, by –108.03112° W, in the Uncompahgre National Forest in the State of Colorado, shall be known and designated as “Boskoff Peak”.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the peak described in paragraph (1) shall be deemed to be a reference to “Boskoff Peak”.

SEC. 1107. CORONADO NATIONAL FOREST LAND CONVEYANCE.**(a) DEFINITIONS.—In this section:****(1) PERMITTEE.—**

(A) **IN GENERAL.**—The term “permittee” means a person who, on the date of enactment of this Act, holds a valid permit for use of a property.

(B) **INCLUSIONS.**—The term “permittee” includes any heirs, executors, and assigns of the permittee or interest of the permittee.

(2) PROPERTY.—The term “property” means—

(A) the approximately 1.1 acres of National Forest System land in sec. 8, T. 10 S., R. 16 E., Gila and Salt River Meridian, as generally depicted on the map entitled “Coronado National Forest Land Conveyance Act of 2017”, special use permit numbered SAN5005-03, and dated October 2017;

(B) the approximately 4.5 acres of National Forest System land in sec. 8, T. 10 S., R. 16 E., Gila and Salt River Meridian, as generally depicted on the map entitled “Coronado National Forest Land Conveyance Act of 2017”, special use permit numbered SAN5116-03, and dated October 2017; and

(C) the approximately 3.9 acres of National Forest System land in NW¼, sec. 1, T. 10 S., R. 15 E., Gila and Salt River Meridian, as generally depicted on the map entitled “Coronado National Forest Land Conveyance Act of 2017”, special use permit numbered SAN5039-02, and dated October 2017.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(b) SALE.—

(1) **IN GENERAL.**—Subject to valid existing rights, during the period described in paragraph (2), not later than 90 days after the date on which a permittee submits a request to the Secretary, the Secretary shall—

(A) accept tender of consideration from that permittee; and

(B) sell and quitclaim to that permittee all right, title, and interest of the United States in and to the property for which the permittee holds a permit.

(2) **PERIOD DESCRIBED.**—The period referred to in paragraph (1) is the period beginning on the date of enactment of this Act and ending on the date of expiration of the applicable permit.

(c) **TERMS AND CONDITIONS.**—The Secretary may establish such terms and conditions on the sales of the properties under this section as the Secretary determines to be in the public interest.

(d) **CONSIDERATION.**—A sale of a property under this section shall be for cash consideration equal to the market value of the property, as determined by the appraisal described in subsection (e).

(e) APPRAISAL.—

(1) **IN GENERAL.**—The Secretary shall complete an appraisal of each property, which shall—

(A) include the value of any appurtenant easements; and

(B) exclude the value of any private improvements made by a permittee of the property before the date of appraisal.

(2) STANDARDS.—An appraisal under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions, established in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

(B) the Uniform Standards of Professional Appraisal Practice.

(f) COSTS.—The Secretary shall pay—

(1) the cost of a conveyance of a property under this section; and

(2) the cost of an appraisal under subsection (e).

(g) PROCEEDS FROM THE SALE OF LAND.—Any payment received by the Secretary from the sale of property under this section shall be deposited in the fund established under Public Law 90–171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a) and shall be available to the Secretary until expended for the acquisition of inholdings in national forests in the State of Arizona.

(h) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of each property.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this section, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—The maps and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in the office of the Supervisor of the Coronado National Forest.

SEC. 1108. DESCHUTES CANYON-STEELHEAD FALLS WILDERNESS STUDY AREA BOUNDARY ADJUSTMENT, OREGON.

(a) BOUNDARY ADJUSTMENT.—The boundary of the Deschutes Canyon-Steelhead Falls Wilderness Study Area is modified to exclude approximately 688 acres of public land, as depicted on the map entitled “Deschutes Canyon-Steelhead Falls Wilderness Study Area (WSA) Proposed Boundary Adjustment” and dated September 26, 2018.

(b) EFFECT OF EXCLUSION.—

(1) IN GENERAL.—The public land excluded from the Deschutes Canyon-Steelhead Falls Wilderness Study Area under subsection (a)—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with—

(i) this section;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any applicable resource management plan.

(2) MANAGEMENT.—The Secretary shall manage the land excluded from the Deschutes Canyon-Steelhead Falls Wilderness Study Area under subsection (a) to improve fire resiliency

and forest health, including the conduct of wildfire prevention and response activities, as appropriate.

(3) OFF-ROAD RECREATIONAL MOTORIZED USE.—The Secretary shall not permit off-road recreational motorized use on the public land excluded from the Deschutes Canyon-Steelhead Falls Wilderness Study Area under subsection (a).

SEC. 1109. MAINTENANCE OF FEDERAL MINERAL LEASES BASED ON EXTRACTION OF HELIUM.

The first section of the Mineral Leasing Act (30 U.S.C. 181) is amended in the fifth paragraph by inserting after “purchaser thereof” the following: “, and that extraction of helium from gas produced from such lands shall maintain the lease as if the extracted helium were oil and gas”.

SEC. 1110. SMALL MINER WAIVERS TO CLAIM MAINTENANCE FEES.

(a) DEFINITIONS.—In this section:

(1) COVERED CLAIMHOLDER.—The term “covered claimholder” means—

(A) the claimholder of the claims in the State numbered AA023149, AA023163, AA047913, AA047914, AA047915, AA047916, AA047917, AA047918, and AA047919 (as of December 29, 2004);

(B) the claimholder of the claim in the State numbered FF-059315 (as of December 29, 2004);

(C) the claimholder of the claims in the State numbered FF-58607, FF-58608, FF-58609, FF-58610, FF-58611, FF-58613, FF-58615, FF-58616, FF-58617, and FF-58618 (as of December 31, 2003); and

(D) the claimholder of the claims in the State numbered FF-53988, FF-53989, and FF-53990 (as of December 31, 1987).

(2) DEFECT.—The term “defect” includes a failure—

(A) to timely file—

(i) a small miner maintenance fee waiver application;

(ii) an affidavit of annual labor associated with a small miner maintenance fee waiver application; or

(iii) an instrument required under section 314(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a)); and

(B) to pay the required application fee for a small maintenance fee waiver application.

(3) STATE.—The term “State” means the State of Alaska.

(b) TREATMENT OF COVERED CLAIMHOLDERS.—Notwithstanding section 10101(d) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(d)) and section 314(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(c)), each covered claimholder shall, during the 60-day period beginning on the date on which the covered claimholder receives written notification from the Bureau of Land Management by registered mail of the opportunity, have the opportunity—

(1)(A) to cure any defect in a small miner maintenance fee waiver application (including the failure to timely file a small miner maintenance fee waiver application) for any prior period during which the defect existed; or

(B) to pay any claim maintenance fees due for any prior period during which the defect existed; and

(2) to cure any defect in the filing of any instrument required under section 314(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a)) (including the failure to timely file any required instrument) for any prior period during which the defect existed.

(c) REINSTATEMENT OF CLAIMS DEEMED FORFEITED.—The Secretary shall reinstate any claim of a covered claimholder as of the date declared forfeited and void—

(1) under section 10104 of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28i) for failure to pay the claim maintenance fee or obtain a valid waiver under section 10101 of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f); or

(2) under section 314(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(c)) for failure to file any instrument required under section 314(a) of that Act (43 U.S.C. 1744(a)) for any prior period during which the defect existed if the covered claimholder—

(A) cures the defect; or

(B) pays the claim maintenance fee under subsection

(b)(1)(B).

SEC. 1111. SAINT FRANCIS DAM DISASTER NATIONAL MEMORIAL AND NATIONAL MONUMENT.

54 USC 320301
notes.

(a) DEFINITIONS.—In this section:

(1) MEMORIAL.—The term “Memorial” means the Saint Francis Dam Disaster National Memorial authorized under subsection (b)(1).

(2) MONUMENT.—The term “Monument” means the Saint Francis Dam Disaster National Monument established by subsection (d)(1).

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(4) STATE.—The term “State” means the State of California.

(b) SAINT FRANCIS DAM DISASTER NATIONAL MEMORIAL.—

(1) ESTABLISHMENT.—The Secretary may establish a memorial at the Saint Francis Dam site in the county of Los Angeles, California, for the purpose of honoring the victims of the Saint Francis Dam disaster of March 12, 1928.

(2) REQUIREMENTS.—The Memorial shall be—

(A) known as the “Saint Francis Dam Disaster National Memorial”; and

(B) managed by the Forest Service.

(3) DONATIONS.—The Secretary may accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Secretary for purposes of developing, designing, constructing, and managing the Memorial.

(c) RECOMMENDATIONS FOR MEMORIAL.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress recommendations regarding—

(A) the planning, design, construction, and long-term management of the Memorial;

(B) the proposed boundaries of the Memorial;

(C) a visitor center and educational facilities at the Memorial; and

(D) ensuring public access to the Memorial.

(2) CONSULTATION.—In preparing the recommendations required under paragraph (1), the Secretary shall consult with—

(A) appropriate Federal agencies;

(B) State, Tribal, and local governments, including the Santa Clarita City Council; and

(C) the public.

(d) ESTABLISHMENT OF SAINT FRANCIS DAM DISASTER NATIONAL MONUMENT.—

(1) ESTABLISHMENT.—There is established as a national monument in the State certain National Forest System land administered by the Secretary in the county of Los Angeles, California, comprising approximately 353 acres, as generally depicted on the map entitled “Proposed Saint Francis Dam Disaster National Monument” and dated September 12, 2018, to be known as the “Saint Francis Dam Disaster National Monument”.

(2) PURPOSE.—The purpose of the Monument is to conserve and enhance for the benefit and enjoyment of the public the cultural, archaeological, historical, watershed, educational, and recreational resources and values of the Monument.

(e) DUTIES OF THE SECRETARY WITH RESPECT TO MONUMENT.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary shall develop a management plan for the Monument.

(B) CONSULTATION.—The management plan shall be developed in consultation with—

(i) appropriate Federal agencies;

(ii) State, Tribal, and local governments; and

(iii) the public.

(C) CONSIDERATIONS.—In developing and implementing the management plan, the Secretary shall, with respect to methods of protecting and providing access to the Monument, consider the recommendations of the Saint Francis Disaster National Memorial Foundation, the Santa Clarita Valley Historical Society, and the Community Hiking Club of Santa Clarita.

(2) MANAGEMENT.—The Secretary shall manage the Monument—

(A) in a manner that conserves and enhances the cultural and historic resources of the Monument; and

(B) in accordance with—

(i) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(ii) the laws generally applicable to the National Forest System;

(iii) this section; and

(iv) any other applicable laws.

(3) USES.—

(A) USE OF MOTORIZED VEHICLES.—The use of motorized vehicles within the Monument may be permitted only—

(i) on roads designated for use by motorized vehicles in the management plan required under paragraph (1);

- (ii) for administrative purposes; or
- (iii) for emergency responses.

(B) GRAZING.—The Secretary shall permit grazing within the Monument, where established before the date of enactment of this Act—

- (i) subject to all applicable laws (including regulations and Executive orders); and
- (ii) consistent with the purpose described in subsection (d)(2).

(4) NO BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around the Monument.

(B) ACTIVITIES OUTSIDE NATIONAL MONUMENT.—The fact that an activity or use on land outside the Monument can be seen or heard within the Monument shall not preclude the activity or use outside the boundary of the Monument.

(f) CLARIFICATION ON FUNDING.—

(1) USE OF EXISTING FUNDS.—This section shall be carried out using amounts otherwise made available to the Secretary.

(2) NO ADDITIONAL FUNDS.—No additional funds are authorized to be appropriated to carry out this section.

(g) EFFECT.—Nothing in this section affects the operation, maintenance, replacement, or modification of existing water resource, flood control, utility, pipeline, or telecommunications facilities that are located outside the boundary of the Monument, subject to the special use authorities of the Secretary of Agriculture and other applicable laws.

SEC. 1112. OWYHEE WILDERNESS AREAS BOUNDARY MODIFICATIONS.

(a) BOUNDARY MODIFICATIONS.—

(1) NORTH FORK OWYHEE WILDERNESS.—The boundary of the North Fork Owyhee Wilderness established by section 1503(a)(1)(D) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1033) is modified to exclude certain land, as depicted on—

16 USC 1132
note.

(A) the Bureau of Land Management map entitled “North Fork Owyhee and Pole Creek Wilderness Aerial” and dated July 19, 2016; and

(B) the Bureau of Land Management map entitled “North Fork Owyhee River Wilderness Big Springs Camp Zoom Aerial” and dated July 19, 2016.

(2) OWYHEE RIVER WILDERNESS.—The boundary of the Owyhee River Wilderness established by section 1503(a)(1)(E) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1033) is modified to exclude certain land, as depicted on—

16 USC 1132
note.

(A) the Bureau of Land Management map entitled “North Fork Owyhee, Pole Creek, and Owyhee River Wilderness Aerial” and dated July 19, 2016;

(B) the Bureau of Land Management map entitled “Owyhee River Wilderness Kincaid Reservoir Zoom Aerial” and dated July 19, 2016; and

(C) the Bureau of Land Management map entitled “Owyhee River Wilderness Dickshooter Road Zoom Aerial” and dated July 19, 2016.

16 USC 1132
note.

(3) **POLE CREEK WILDERNESS.**—The boundary of the Pole Creek Wilderness established by section 1503(a)(1)(F) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1033) is modified to exclude certain land, as depicted on—

(A) the Bureau of Land Management map entitled “North Fork Owyhee, Pole Creek, and Owyhee River Wilderness Aerial” and dated July 19, 2016; and

(B) the Bureau of Land Management map entitled “Pole Creek Wilderness Pullout Zoom Aerial” and dated July 19, 2016.

(b) **MAPS.**—

(1) **EFFECT.**—The maps referred to in subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct minor errors in the maps.

(2) **AVAILABILITY.**—The maps referred to in subsection (a) shall be available in the appropriate offices of the Bureau of Land Management.

SEC. 1113. CHUGACH REGION LAND STUDY.

(a) **DEFINITIONS.**—In this section:

(1) **CAC.**—The term “CAC” means the Chugach Alaska Corporation.

(2) **CAC LAND.**—The term “CAC land” means land conveyed to CAC pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) under which—

(A) both the surface estate and the subsurface estate were conveyed to CAC; or

(B)(i) the subsurface estate was conveyed to CAC; and

(ii) the surface estate or a conservation easement in the surface estate was acquired by the State or by the United States as part of the program.

(3) **PROGRAM.**—The term “program” means the Habitat Protection and Acquisition Program of the Exxon Valdez Oil Spill Trustee Council.

(4) **REGION.**—The term “Region” means the Chugach Region, Alaska.

(5) **STUDY.**—The term “study” means the study conducted under subsection (b)(1).

(b) **CHUGACH REGION LAND EXCHANGE STUDY.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Secretary of Agriculture and in consultation with CAC, shall conduct a study of land ownership and use patterns in the Region.

(2) **STUDY REQUIREMENTS.**—The study shall—

(A) assess the social and economic impacts of the program, including impacts caused by split estate ownership patterns created by Federal acquisitions under the program, on—

(i) the Region; and

(ii) CAC and CAC land;

(B) identify sufficient acres of accessible and economically viable Federal land that can be offered in exchange for CAC land identified by CAC as available for exchange; and

(C) provide recommendations for land exchange options with CAC that would—

- (i) consolidate ownership of the surface and mineral estate of Federal land under the program; and
- (ii) convey to CAC Federal land identified under subparagraph (B).

(c) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the results of the study, including—

- (1) a recommendation on options for 1 or more land exchanges; and
- (2) detailed information on—
 - (A) the acres of Federal land identified for exchange; and
 - (B) any other recommendations provided by the Secretary.

SEC. 1114. WILDFIRE TECHNOLOGY MODERNIZATION.

43 USC 1748b–1.

(a) **PURPOSE.**—The purpose of this section is to promote the use of the best available technology to enhance the effective and cost-efficient response to wildfires—

- (1) to meet applicable protection objectives; and
- (2) to increase the safety of—
 - (A) firefighters; and
 - (B) the public.

(b) **DEFINITIONS.**—In this section:

- (1) **SECRETARIES.**—The term “Secretaries” means—
 - (A) the Secretary of Agriculture; and
 - (B) the Secretary.

(2) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—

- (A) the Secretary of Agriculture, with respect to activities under the Department of Agriculture; and
- (B) the Secretary, with respect to activities under the Department of the Interior.

(c) **UNMANNED AIRCRAFT SYSTEMS.**—

(1) **DEFINITIONS.**—In this subsection, the terms “unmanned aircraft” and “unmanned aircraft system” have the meanings given those terms in section 44801 of title 49, United States Code.

(2) **ESTABLISHMENT OF PROGRAM.**—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture, shall establish a research, development, and testing program, or expand an applicable existing program, to assess unmanned aircraft system technologies, including optionally piloted aircraft, across the full range of wildland fire management operations in order to accelerate the deployment and integration of those technologies into the operations of the Secretaries.

(3) **EXPANDING USE OF UNMANNED AIRCRAFT SYSTEMS ON WILDFIRES.**—In carrying out the program established under paragraph (2), the Secretaries, in coordination with the Federal Aviation Administration, State wildland firefighting agencies, and other relevant Federal agencies, shall enter into an agreement under which the Secretaries shall develop consistent

protocols and plans for the use on wildland fires of unmanned aircraft system technologies, including for the development of real-time maps of the location of wildland fires.

(d) LOCATION SYSTEMS FOR WILDLAND FIREFIGHTERS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, subject to the availability of appropriations, the Secretaries, in coordination with State wildland firefighting agencies, shall jointly develop and operate a tracking system (referred to in this subsection as the “system”) to remotely locate the positions of fire resources for use by wildland firefighters, including, at a minimum, any fire resources assigned to Federal type 1 wildland fire incident management teams.

(2) REQUIREMENTS.—The system shall—

(A) use the most practical and effective technology available to the Secretaries to remotely track the location of an active resource, such as a Global Positioning System;

(B) depict the location of each fire resource on the applicable maps developed under subsection (c)(3);

(C) operate continuously during the period for which any firefighting personnel are assigned to the applicable Federal wildland fire; and

(D) be subject to such terms and conditions as the Secretary concerned determines necessary for the effective implementation of the system.

(3) OPERATION.—The Secretary concerned shall—

(A) before commencing operation of the system—

(i) conduct not fewer than 2 pilot projects relating to the operation, management, and effectiveness of the system; and

(ii) review the results of those pilot projects;

(B) conduct training, and maintain a culture, such that an employee, officer, or contractor shall not rely on the system for safety; and

(C) establish procedures for the collection, storage, and transfer of data collected under this subsection to ensure—

(i) data security; and

(ii) the privacy of wildland fire personnel.

(e) WILDLAND FIRE DECISION SUPPORT.—

(1) PROTOCOL.—To the maximum extent practicable, the Secretaries shall ensure that wildland fire management activities conducted by the Secretaries, or conducted jointly by the Secretaries and State wildland firefighting agencies, achieve compliance with applicable incident management objectives in a manner that—

(A) minimizes firefighter exposure to the lowest level necessary; and

(B) reduces overall costs of wildfire incidents.

(2) WILDFIRE DECISION SUPPORT SYSTEM.—

(A) IN GENERAL.—The Secretaries, in coordination with State wildland firefighting agencies, shall establish a system or expand an existing system to track and monitor decisions made by the Secretaries or State wildland firefighting agencies in managing wildfires.

(B) COMPONENTS.—The system established or expanded under subparagraph (A) shall be able to alert the Secretaries if—

- (i) unusual costs are incurred;
- (ii) an action to be carried out would likely—
 - (I) endanger the safety of a firefighter; or
 - (II) be ineffective in meeting an applicable suppression or protection goal; or
- (iii) a decision regarding the management of a wildfire deviates from—
 - (I) an applicable protocol established by the Secretaries, including the requirement under paragraph (1); or
 - (II) an applicable spatial fire management plan or fire management plan of the Secretary concerned.

(f) SMOKE PROJECTIONS FROM ACTIVE WILDLAND FIRES.—The Secretaries shall establish a program, to be known as the “Inter-agency Wildland Fire Air Quality Response Program”, under which the Secretary concerned—

(1) to the maximum extent practicable, shall assign 1 or more air resource advisors to a type 1 incident management team managing a Federal wildland fire; and

(2) may assign 1 or more air resource advisors to a type 2 incident management team managing a wildland fire.

(g) FIREFIGHTER INJURIES DATABASE.—

(1) IN GENERAL.—Section 9(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208(a)) is amended—

(A) in paragraph (2), by inserting “, categorized by the type of fire” after “such injuries and deaths”; and

(B) in paragraph (3), by striking “activities,” and inserting the following: “activities, including—

“(A) all injuries sustained by a firefighter and treated by a doctor, categorized by the type of firefighter;

“(B) all deaths sustained while undergoing a pack test or preparing for a work capacity;

“(C) all injuries or deaths resulting from vehicle accidents; and

“(D) all injuries or deaths resulting from aircraft crashes;”.

(2) USE OF EXISTING DATA GATHERING AND ANALYSIS ORGANIZATIONS.—Section 9(b)(3) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208(b)(3)) is amended by inserting “, including the Center for Firefighter Injury Research and Safety Trends” after “public and private”.

(3) MEDICAL PRIVACY OF FIREFIGHTERS.—Section 9 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208) is amended by adding at the end the following:

“(e) MEDICAL PRIVACY OF FIREFIGHTERS.—The collection, storage, and transfer of any medical data collected under this section shall be conducted in accordance with—

“(1) the privacy regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note; Public Law 104–191); and

“(2) other applicable regulations, including parts 160, 162, and 164 of title 45, Code of Federal Regulations (as in effect on the date of enactment of this subsection).”.

(h) RAPID RESPONSE EROSION DATABASE.—

(1) IN GENERAL.—The Secretaries, in consultation with the Administrator of the National Aeronautics and Space Administration and the Secretary of Commerce, shall establish and maintain a database, to be known as the “Rapid Response Erosion Database” (referred to in this subsection as the “Database”).

(2) OPEN-SOURCE DATABASE.—

(A) AVAILABILITY.—The Secretaries shall make the Database (including the original source code)—

(i) web-based; and

(ii) available without charge.

(B) COMPONENTS.—To the maximum extent practicable, the Database shall provide for—

(i) the automatic incorporation of spatial data relating to vegetation, soils, and elevation into an applicable map created by the Secretary concerned that depicts the changes in land-cover and soil properties caused by a wildland fire; and

(ii) the generation of a composite map that can be used by the Secretary concerned to model the effectiveness of treatments in the burned area to prevent flooding, erosion, and landslides under a range of weather scenarios.

(3) USE.—The Secretary concerned shall use the Database, as applicable, in developing recommendations for emergency stabilization treatments or modifications to drainage structures to protect values-at-risk following a wildland fire.

(4) COORDINATION.—The Secretaries may share the Database, and any results generated in using the Database, with any State or unit of local government.

(i) PREDICTING WHERE WILDFIRES WILL START.—

(1) IN GENERAL.—The Secretaries, in consultation with the Administrator of the National Aeronautics and Space Administration, the Secretary of Energy, and the Secretary of Commerce, through the capabilities and assets located at the National Laboratories, shall establish and maintain a system to predict the locations of future wildfires for fire-prone areas of the United States.

(2) COOPERATION; COMPONENTS.—The system established under paragraph (1) shall be based on, and seek to enhance, similar systems in existence on the date of enactment of this Act, including the Fire Danger Assessment System.

(3) USE IN FORECASTS.—Not later than 1 year after the date of enactment of this Act, the Secretaries shall use the system established under paragraph (1), to the maximum extent practicable, for purposes of developing any wildland fire potential forecasts.

(4) COORDINATION.—The Secretaries may share the system established under paragraph (1), and any results generated in using the system, with any State or unit of local government.

(j) TERMINATION OF AUTHORITY.—The authority provided by this section terminates on the date that is 10 years after the date of enactment of this Act.

(k) SAVINGS CLAUSE.—Nothing in this section—

(1) requires the Secretary concerned to establish a new program, system, or database to replace an existing program,

system, or database that meets the objectives of this section;
or

(2) precludes the Secretary concerned from using existing or future technology that—

(A) is more efficient, safer, or better meets the needs of firefighters, other personnel, or the public; and

(B) meets the objectives of this section.

SEC. 1115. MCCOY FLATS TRAIL SYSTEM.

(a) **DEFINITIONS.**—In this section:

(1) **COUNTY.**—The term “County” means Uintah County, Utah.

(2) **DECISION RECORD.**—The term “Decision Record” means the Decision Record prepared by the Bureau of Land Management for the Environmental Assessment for the McCoy Flats Trail System numbered DOI–BLM–G010–2012–0057 and dated October 2012.

(3) **STATE.**—The term “State” means the State of Utah.

(4) **TRAIL SYSTEM.**—The term “Trail System” means the McCoy Flats Trail System established by subsection (b)(1).

(b) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Subject to valid existing rights, there is established the McCoy Flats Trail System in the State.

(2) **AREA INCLUDED.**—The Trail System shall include public land administered by the Bureau of Land Management in the County, as described in the Decision Record.

(c) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map and legal description of the Trail System.

(2) **AVAILABILITY; TRANSMITTAL TO CONGRESS.**—The map and legal description prepared under paragraph (1) shall be—

(A) available in appropriate offices of the Bureau of Land Management; and

(B) transmitted by the Secretary to—

(i) the Committee on Natural Resources of the House of Representatives; and

(ii) the Committee on Energy and Natural Resources of the Senate.

(3) **FORCE AND EFFECT.**—The map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this section, except that the Secretary may correct any clerical or typographical errors in the map and legal description.

(d) **ADMINISTRATION.**—The Secretary shall administer the Trail System in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(2) this section; and

(3) other applicable law.

(e) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation and coordination with the County and affected Indian Tribes, shall prepare a management plan for the Trail System.

(2) **PUBLIC COMMENT.**—The management plan shall be developed with opportunities for public comment.

(3) INTERIM MANAGEMENT.—Until the completion of the management plan, the Trail System shall be administered in accordance with the Decision Record.

(4) RECREATIONAL OPPORTUNITIES.—In developing the management plan, the Secretary shall seek to provide for new mountain bike route and trail construction to increase recreational opportunities within the Trail System, consistent with this section.

(f) USES.—The Trail System shall be used for nonmotorized mountain bike recreation, as described in the Decision Record.

(g) ACQUISITION.—

(1) IN GENERAL.—On the request of the State, the Secretary shall seek to acquire State land, or interests in State land, located within the Trail System by purchase from a willing seller or exchange.

(2) ADMINISTRATION OF ACQUIRED LAND.—Any land acquired under this subsection shall be administered as part of the Trail System.

(h) FEES.—No fees shall be charged for access to, or use of, the Trail System and associated parking areas.

SEC. 1116. TECHNICAL CORRECTIONS TO CERTAIN LAWS RELATING TO FEDERAL LAND IN THE STATE OF NEVADA.

(a) AMENDMENT TO CONVEYANCE OF FEDERAL LAND IN STOREY COUNTY, NEVADA.—Section 3009(d) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3751) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (B) through (D) and redesignating subparagraph (E) as subparagraph (D); and

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

“(B) FEDERAL LAND.—The term ‘Federal land’ means the land generally depicted as ‘Federal land’ on the map.

“(C) MAP.—The term ‘map’ means the map entitled ‘Storey County Land Conveyance’ and dated June 6, 2018.”.

(2) in paragraph (3)—

(A) in subparagraph (A)(i), by striking “after completing the mining claim validity review under paragraph (2)(B), if requested by the County,”; and

(B) in subparagraph (B)—

(i) in clause (i)—

(I) in the matter preceding subclause (I), by striking “each parcel of land located in a mining townsite” and inserting “any Federal land”;

(II) in subclause (I), by striking “mining townsite” and inserting “Federal land”; and

(III) in subclause (II), by striking “mining townsite (including improvements to the mining townsite), as identified for conveyance on the map” and inserting “Federal land (including improvements)”;

(ii) by striking clause (ii);

(iii) by striking the subparagraph designation and heading and all that follows through “With respect” in the matter preceding subclause (I) of clause (i) and inserting the following:

“(B) VALID MINING CLAIMS.—With respect”; and

(iv) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and indenting appropriately;

(3) in paragraph (4)(A), by striking “a mining townsite conveyed under paragraph (3)(B)(i)(II)” and inserting “Federal land conveyed under paragraph (2)(B)(ii)”;

(4) in paragraph (5), by striking “a mining townsite under paragraph (3)” and inserting “Federal land under paragraph (2)”;

(5) in paragraph (6), in the matter preceding subparagraph (A), by striking “mining townsite” and inserting “Federal land”;

(6) in paragraph (7), by striking “A mining townsite to be conveyed by the United States under paragraph (3)” and inserting “The exterior boundary of the Federal land to be conveyed by the United States under paragraph (2)”;

(7) in paragraph (9)—

(A) by striking “a mining townsite under paragraph (3)” and inserting “the Federal land under paragraph (2)”;

and
(B) by striking “the mining townsite” and inserting “the Federal land”;

(8) in paragraph (10), by striking “the examination” and all that follows through the period at the end and inserting “the conveyance under paragraph (2) should be completed by not later than 18 months after the date of enactment of the John D. Dingell, Jr. Conservation, Management, and Recreation Act.”;

(9) by striking paragraphs (2) and (8);

(10) by redesignating paragraphs (3) through (7) and (9) and (10) as paragraphs (2) through (6) and (7) and (8) respectively; and

(11) by adding at the end the following:

“(9) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.”.

(b) MODIFICATION OF UTILITY CORRIDOR.—The Secretary shall realign the utility corridor established by section 301(a) of the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108-424; 118 Stat. 2412) to be aligned as generally depicted on the map entitled “Proposed LCCRDA Utility Corridor Realignment” and dated March 14, 2017, by modifying the map entitled “Lincoln County Conservation, Recreation, and Development Act” (referred to in this subsection as the “Map”) and dated October 1, 2004, by—

(1) removing the utility corridor from sections 5, 6, 7, 8, 9, 10, 11, 14, and 15, T. 7 N., R. 68 E., of the Map; and

(2) redesignating the utility corridor so as to appear on the Map in—

(A) sections 31, 32, and 33, T. 8 N., R. 68 E.;

(B) sections 4, 5, 6, and 7, T. 7 N., R. 68 E.; and

(C) sections 1 and 12, T. 7 N., 67 E.

(c) FINAL CORRECTIVE PATENT IN CLARK COUNTY, NEVADA.—

(1) VALIDATION OF PATENT.—Patent number 27-2005-0081, issued by the Bureau of Land Management on February 18, 2005, is affirmed and validated as having been issued pursuant to, and in compliance with, the Nevada-Florida Land Exchange

Authorization Act of 1988 (Public Law 100-275; 102 Stat. 52), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) for the benefit of the desert tortoise, other species, and the habitat of the desert tortoise and other species to increase the likelihood of the recovery of the desert tortoise and other species.

(2) RATIFICATION OF RECONFIGURATION.—The process used by the United States Fish and Wildlife Service and the Bureau of Land Management in reconfiguring the land described in paragraph (1), as depicted on Exhibit 1-4 of the Final Environmental Impact Statement for the Planned Development Project MSHCP, Lincoln County, NV (FWS-R8-ES-2008-N0136), and the reconfiguration provided for in special condition 10 of the Corps of Engineers Permit No. 000005042, are ratified.

(d) ISSUANCE OF CORRECTIVE PATENT IN LINCOLN COUNTY, NEVADA.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Bureau of Land Management, may issue a corrective patent for the 7,548 acres of land in Lincoln County, Nevada, depicted on the map prepared by the Bureau of Land Management entitled “Proposed Lincoln County Land Reconfiguration” and dated January 28, 2016.

(2) APPLICABLE LAW.—A corrective patent issued under paragraph (1) shall be treated as issued pursuant to, and in compliance with, the Nevada-Florida Land Exchange Authorization Act of 1988 (Public Law 100-275; 102 Stat. 52).

(e) CONVEYANCE TO LINCOLN COUNTY, NEVADA, TO SUPPORT A LANDFILL.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, and subject to valid existing rights, at the request of Lincoln County, Nevada, the Secretary shall convey without consideration under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.), to Lincoln County all right, title and interest of the United States in and to approximately 400 acres of land in Lincoln County, Nevada, more particularly described as follows: T. 11 S., R. 62, E., Section 25 E $\frac{1}{2}$ of W $\frac{1}{2}$; and W $\frac{1}{2}$ of E $\frac{1}{2}$; and E $\frac{1}{2}$ of SE $\frac{1}{4}$.

(2) RESERVATION.—The Secretary shall reserve to the United States the mineral estate in any land conveyed under paragraph (1).

(3) USE OF CONVEYED LAND.—The land conveyed under paragraph (1) shall be used by Lincoln County, Nevada, to provide a suitable location for the establishment of a centralized landfill and to provide a designated area and authorized facilities to discourage unauthorized dumping and trash disposal on environmentally-sensitive public land. Lincoln County may not dispose of the land conveyed under paragraph (1).

(4) REVERSION.—If Lincoln County, Nevada, ceases to use any parcel of land conveyed under paragraph (1) for the purposes described in paragraph (3)—

(A) title to the parcel shall revert to the Secretary, at the option of the Secretary; and

(B) Lincoln County shall be responsible for any reclamation necessary to restore the parcel to a condition acceptable to the Secretary.

(f) MT. MORIAH WILDERNESS, HIGH SCHELLS WILDERNESS, AND ARC DOME WILDERNESS BOUNDARY ADJUSTMENTS.—

(1) AMENDMENTS TO THE PAM WHITE WILDERNESS ACT OF 2006.—Section 323 of the Pam White Wilderness Act of 2006 (16 U.S.C. 1132 note; 120 Stat. 3031) is amended by striking subsection (e) and inserting the following:

“(e) MT. MORIAH WILDERNESS ADJUSTMENT.—The boundary of the Mt. Moriah Wilderness established under section 2(13) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note) is adjusted to include—

“(1) the land identified as the ‘Mount Moriah Wilderness Area’ and ‘Mount Moriah Additions’ on the map entitled ‘Eastern White Pine County’ and dated November 29, 2006; and

“(2) the land identified as ‘NFS Lands’ on the map entitled ‘Proposed Wilderness Boundary Adjustment Mt. Moriah Wilderness Area’ and dated January 19, 2017.

“(f) HIGH SCHELLS WILDERNESS ADJUSTMENT.—The boundary of the High Schells Wilderness established under subsection (a)(11) is adjusted—

“(1) to include the land identified as ‘Include as Wilderness’ on the map entitled ‘McCoy Creek Adjustment’ and dated November 3, 2014; and

“(2) to exclude the land identified as ‘NFS Lands’ on the map entitled ‘Proposed Wilderness Boundary Adjustment High Schells Wilderness Area’ and dated January 19, 2017.”.

(2) AMENDMENTS TO THE NEVADA WILDERNESS PROTECTION ACT OF 1989.—The Nevada Wilderness Protection Act of 1989 (Public Law 101–195; 16 U.S.C. 1132 note) is amended by adding at the end the following:

“SEC. 12. ARC DOME BOUNDARY ADJUSTMENT.

16 USC 1132
note.

“The boundary of the Arc Dome Wilderness established under section 2(2) is adjusted to exclude the land identified as ‘Exclude from Wilderness’ on the map entitled ‘Arc Dome Adjustment’ and dated November 3, 2014.”.

SEC. 1117. ASHLEY KARST NATIONAL RECREATION AND GEOLOGIC AREA.

16 USC 460bbbbb.

(a) DEFINITIONS.—In this section:

(1) MANAGEMENT PLAN.—The term “Management Plan” means the management plan for the Recreation Area prepared under subsection (e)(2)(A).

(2) MAP.—The term “Map” means the map entitled “Northern Utah Lands Management Act-Overview” and dated February 4, 2019.

(3) RECREATION AREA.—The term “Recreation Area” means the Ashley Karst National Recreation and Geologic Area established by subsection (b)(1).

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(5) STATE.—The term “State” means the State of Utah.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to valid existing rights, there is established the Ashley Karst National Recreation and Geologic Area in the State.

(2) AREA INCLUDED.—The Recreation Area shall consist of approximately 173,475 acres of land in the Ashley National Forest, as generally depicted on the Map.

(c) PURPOSES.—The purposes of the Recreation Area are to conserve and protect the watershed, geological, recreational, wildlife, scenic, natural, cultural, and historic resources of the Recreation Area.

(d) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of the Recreation Area.

(2) EFFECT.—The map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this section, except that the Secretary may correct minor errors in the map or legal description.

(3) AVAILABILITY.—A copy of the map and legal description prepared under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(e) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Recreation Area in accordance with—

(A) the laws generally applicable to the National Forest System, including the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) this section; and

(C) any other applicable law.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall prepare a management plan for the Recreation Area.

(B) CONSULTATION.—The Secretary shall—

(i) prepare the management plan in consultation and coordination with Uintah County, Utah, and affected Indian Tribes; and

(ii) provide for public input in the preparation of the management plan.

(f) USES.—The Secretary shall only allow such uses of the Recreation Area that would—

(1) further the purposes for which the Recreation Area is established; and

(2) promote the long-term protection and management of the watershed and underground karst system of the Recreation Area.

(g) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as needed for emergency response or administrative purposes, the use of motorized vehicles in the Recreation Area shall be permitted only on roads and motorized routes designated in the Management Plan for the use of motorized vehicles.

(2) NEW ROADS.—No new permanent or temporary roads or other motorized vehicle routes shall be constructed within the Recreation Area after the date of enactment of this Act.

(3) EXISTING ROADS.—

(A) IN GENERAL.—Necessary maintenance or repairs to existing roads designated in the Management Plan for the use of motorized vehicles, including necessary repairs to keep existing roads free of debris or other safety hazards, shall be permitted after the date of enactment of this Act, consistent with the requirements of this section.

(B) REROUTING.—Nothing in this subsection prevents the Secretary from rerouting an existing road or trail to protect Recreation Area resources from degradation, or to protect public safety, as determined to be appropriate by the Secretary.

(4) OVER SNOW VEHICLES.—

(A) IN GENERAL.—Nothing in this section prohibits the use of snowmobiles and other over snow vehicles within the Recreation Area.

(B) WINTER RECREATION USE PLAN.—Not later than 2 years after the date of enactment of this Act, the Secretary shall undertake a winter recreation use planning process, which shall include opportunities for use by snowmobiles or other over snow vehicles in appropriate areas of the Recreation Area.

(5) APPLICABLE LAW.—Activities authorized under this subsection shall be consistent with the applicable forest plan and travel management plan for, and any law (including regulations) applicable to, the Ashley National Forest.

(h) WATER INFRASTRUCTURE.—

(1) EXISTING ACCESS.—The designation of the Recreation Area shall not affect the ability of authorized users to access, operate, and maintain water infrastructure facilities within the Recreation Area in accordance with applicable authorizations and permits.

(2) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary shall offer to enter into a cooperative agreement with authorized users and local governmental entities to provide, in accordance with any applicable law (including regulations)—

(i) access, including motorized access, for repair and maintenance to water infrastructure facilities within the Recreation Area, including Whiterocks Reservoir, subject to such terms and conditions as the Secretary determines to be necessary; and

(ii) access and maintenance by authorized users and local governmental entities for the continued delivery of water to the Ashley Valley if water flows cease or become diminished due to impairment of the karst system, subject to such terms and conditions as the Secretary determines to be necessary.

(i) GRAZING.—The grazing of livestock in the Recreation Area, where established before the date of enactment of this Act, shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary in accordance with—

(1) applicable law (including regulations);

(2) the purposes of the Recreation Area; and

(3) the guidelines set forth in the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 5487 of the 96th Congress (H. Rept. 96–617).

(j) FISH AND WILDLIFE.—Nothing in this section affects the jurisdiction of the State with respect to the management of fish and wildlife on Federal land in the State.

(k) WILDLIFE WATER PROJECTS.—The Secretary, in consultation with the State, may authorize wildlife water projects (including guzzlers) within the Recreation Area.

(l) WATER RIGHTS.—Nothing in this section—

(1) constitutes an express or implied reservation by the United States of any water rights with respect to the Recreation Area;

(2) affects any water rights in the State;

(3) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(4) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(5) affects any interstate water compact in existence on the date of enactment of this Act; or

(6) shall be considered to be a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(m) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the Recreation Area is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(n) VEGETATION MANAGEMENT.—Nothing in this section prevents the Secretary from conducting vegetation management projects, including fuels reduction activities, within the Recreation Area for the purposes of improving water quality and reducing risks from wildfire.

(o) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in consultation with other Federal, State, local, and Tribal agencies, as appropriate, from conducting wildland fire treatment operations or restoration operations in the Recreation Area, consistent with the purposes of this section.

(p) RECREATION FEES.—Except for fees for improved campgrounds, the Secretary is prohibited from collecting recreation entrance or recreation use fees within the Recreation Area.

(q) COMMUNICATION INFRASTRUCTURE.—Nothing in this section affects the continued use of, and access to, communication infrastructure (including necessary upgrades) within the Recreation Area, in accordance with applicable authorizations and permits.

(r) NON-FEDERAL LAND.—

(1) IN GENERAL.—Nothing in this section affects non-Federal land or interests in non-Federal land within the Recreation Area.

(2) ACCESS.—The Secretary shall provide reasonable access to non-Federal land or interests in non-Federal land within the Recreation Area.

(s) OUTFITTING AND GUIDE ACTIVITIES.—Outfitting and guide services within the Recreation Area, including commercial outfitting and guide services, are authorized in accordance with this section and other applicable law (including regulations).

SEC. 1118. JOHN WESLEY POWELL NATIONAL CONSERVATION AREA. 16 USC 460cccc.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “Map” means the Bureau of Land Management map entitled “Proposed John Wesley Powell National Conservation Area” and dated December 10, 2018.

(2) NATIONAL CONSERVATION AREA.—The term “National Conservation Area” means the John Wesley Powell National Conservation Area established by subsection (b)(1).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to valid existing rights, there is established the John Wesley Powell National Conservation Area in the State of Utah.

(2) AREA INCLUDED.—The National Conservation Area shall consist of approximately 29,868 acres of public land administered by the Bureau of Land Management as generally depicted on the Map.

(c) PURPOSES.—The purposes of the National Conservation Area are to conserve, protect, and enhance for the benefit of present and future generations the nationally significant historic, cultural, natural, scientific, scenic, recreational, archaeological, educational, and wildlife resources of the National Conservation Area.

(d) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and file a map and legal description of the National Conservation Area with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(2) EFFECT.—The map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this section, except that the Secretary may correct minor errors in the map or legal description.

(3) AVAILABILITY.—A copy of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(e) MANAGEMENT.—The Secretary shall manage the National Conservation Area—

(1) in a manner that conserves, protects, and enhances the resources of the National Conservation Area;

(2) in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law; and

(3) as a component of the National Landscape Conservation System.

(4) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a management plan for the National Conservation Area.

(B) CONSULTATION.—The Secretary shall prepare the management plan—

(i) in consultation and coordination with the State of Utah, Uintah County, and affected Indian Tribes; and

(ii) after providing for public input.

(f) USES.—The Secretary shall only allow such uses of the National Conservation Area as the Secretary determines would further the purposes for which the National Conservation is established.

(g) ACQUISITION.—

(1) IN GENERAL.—The Secretary may acquire land or interests in land within the boundaries of the National Conservation Area by purchase from a willing seller, donation, or exchange.

(2) INCORPORATION IN NATIONAL CONSERVATION AREA.—Any land or interest in land located inside the boundary of the National Conservation Area that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the National Conservation Area.

(3) STATE LAND.—On request of the Utah School and Institutional Trust Lands Administration and, if practicable, not later than 5 years after the date of enactment of this Act, the Secretary shall seek to acquire all State-owned land within the boundaries of the National Conservation Area by exchange or purchase, subject to the appropriation of necessary funds.

(h) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Subject to paragraph (2), except in cases in which motorized vehicles are needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated in the management plan.

(2) USE OF MOTORIZED VEHICLES PRIOR TO COMPLETION OF MANAGEMENT PLAN.—Prior to completion of the management plan, the use of motorized vehicles within the National Conservation Area shall be permitted in accordance with the applicable Bureau of Land Management resource management plan.

(i) GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary in accordance with—

(1) applicable law (including regulations);

(2) the purposes of the National Conservation Area; and

(3) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101-405).

(j) FISH AND WILDLIFE.—Nothing in this section affects the jurisdiction of the State of Utah with respect to the management of fish and wildlife on Federal land in the State.

(k) **WILDLIFE WATER PROJECTS.**—The Secretary, in consultation with the State of Utah, may authorize wildlife water projects (including guzzlers) within the National Conservation Area.

(l) **GREATER SAGE-GROUSE CONSERVATION PROJECTS.**—Nothing in this section affects the authority of the Secretary to undertake Greater sage-grouse (*Centrocercus urophasianus*) conservation projects to maintain and improve Greater sage-grouse habitat, including the management of vegetation through mechanical means, to further the purposes of the National Conservation Area.

(m) **WATER RIGHTS.**—Nothing in this section—

(1) constitutes an express or implied reservation by the United States of any water rights with respect to the National Conservation Area;

(2) affects any water rights in the State;

(3) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(4) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(5) affects any interstate water compact in existence on the date of enactment of this Act; or

(6) shall be considered to be a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(n) **NO BUFFER ZONES.**—

(1) **IN GENERAL.**—Nothing in this section creates a protective perimeter or buffer zone around the National Conservation Area.

(2) **ACTIVITIES OUTSIDE NATIONAL CONSERVATION AREA.**—The fact that an authorized activity or use on land outside the National Conservation Area can be seen or heard within the National Conservation Area shall not preclude the activity or use outside the boundary of the Area.

(o) **WITHDRAWAL.**—

(1) **IN GENERAL.**—Subject to valid existing rights, all Federal land in the National Conservation Area (including any land acquired after the date of enactment of this Act) is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(p) **VEGETATION MANAGEMENT.**—Nothing in this section prevents the Secretary from conducting vegetation management projects, including fuels reduction activities, within the National Conservation Area that are consistent with this section and that further the purposes of the National Conservation Area.

(q) **WILDLAND FIRE OPERATIONS.**—Nothing in this section prohibits the Secretary, in consultation with other Federal, State, local, and Tribal agencies, as appropriate, from conducting wildland fire prevention and restoration operations in the National Conservation Area, consistent with the purposes of this section.

(r) **RECREATION FEES.**—Except for improved campgrounds, the Secretary is prohibited from collecting recreation entrance or use fees within the National Conservation Area.

(s) **OUTFITTING AND GUIDE ACTIVITIES.**—Outfitting and guide services within the National Conservation Area, including commercial outfitting and guide services, are authorized in accordance with this section and other applicable law (including regulations).

(t) **NON-FEDERAL LAND.**—

(1) **IN GENERAL.**—Nothing in this section affects non-Federal land or interests in non-Federal land within the National Conservation Area.

(2) **REASONABLE ACCESS.**—The Secretary shall provide reasonable access to non-Federal land or interests in non-Federal land within the National Conservation Area.

(u) **RESEARCH AND INTERPRETIVE MANAGEMENT.**—The Secretary may establish programs and projects for the conduct of scientific, historical, cultural, archeological, and natural studies through the use of public and private partnerships that further the purposes of the National Conservation Area.

43 USC 1629g–1. **SEC. 1119. ALASKA NATIVE VIETNAM ERA VETERANS LAND ALLOTMENT.**

(a) **DEFINITIONS.**—In this section:

(1) **AVAILABLE FEDERAL LAND.**—

(A) **IN GENERAL.**—The term “available Federal land” means Federal land in the State that—

(i) is vacant, unappropriated, and unreserved and is identified as available for selection under subsection (b)(5); or

(ii) has been selected by, but not yet conveyed to—

(I) the State, if the State agrees to voluntarily relinquish the selection of the Federal land for selection by an eligible individual; or

(II) a Regional Corporation or a Village Corporation, if the Regional Corporation or Village Corporation agrees to voluntarily relinquish the selection of the Federal land for selection by an eligible individual.

(B) **EXCLUSIONS.**—The term “available Federal land” does not include any Federal land in the State that is—

(i)(I) a right-of-way of the TransAlaska Pipeline; or

(II) an inner or outer corridor of such a right-of-way;

(ii) withdrawn or acquired for purposes of the Armed Forces;

(iii) under review for a pending right-of-way for a natural gas corridor;

(iv) within the Arctic National Wildlife Refuge;

(v) within a unit of the National Forest System;

(vi) designated as wilderness by Congress;

(vii) within a unit of the National Park System, a National Preserve, or a National Monument;

(viii) within a component of the National Trails System;

(ix) within a component of the National Wild and Scenic Rivers System; or

(x) within the National Petroleum Reserve—Alaska.

(2) ELIGIBLE INDIVIDUAL.—The term “eligible individual” means an individual who, as determined by the Secretary in accordance with subsection (c)(1), is—

(A) a Native veteran—

(i) who served in the Armed Forces during the period between August 5, 1964, and December 31, 1971; and

(ii) has not received an allotment made pursuant to—

(I) the Act of May 17, 1906 (34 Stat. 197, chapter 2469) (as in effect on December 17, 1971);

(II) section 14(h)(5) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(5)); or

(III) section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g); or

(B) is the personal representative of the estate of a deceased eligible individual described in subparagraph (A), who has been duly appointed in the appropriate Alaska State court or a registrar has qualified, acting for the benefit of the heirs of the estate of a deceased eligible individual described in subparagraph (A).

(3) NATIVE; REGIONAL CORPORATION; VILLAGE CORPORATION.—The terms “Native”, “Regional Corporation”, and “Village Corporation” have the meanings given those terms in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(4) STATE.—The term “State” means the State of Alaska.

(5) VETERAN.—The term “veteran” has the meaning given the term in section 101 of title 38, United States Code.

(b) ALLOTMENTS FOR ELIGIBLE INDIVIDUALS.—

(1) INFORMATION TO DETERMINE ELIGIBILITY.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall provide to the Secretary a list of all members of the Armed Forces who served during the period between August 5, 1964, and December 31, 1971.

(B) USE.—The Secretary shall use the information provided under subparagraph (A) to determine whether an individual meets the military service requirements under subsection (a)(2)(A)(i).

(C) OUTREACH AND ASSISTANCE.—The Secretary, in coordination with the Secretary of Veterans Affairs, shall conduct outreach, and provide assistance in applying for allotments, to eligible individuals.

(2) REGULATIONS.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this subsection.

(3) SELECTION BY ELIGIBLE INDIVIDUALS.—

(A) IN GENERAL.—An eligible individual—

(i) may select 1 parcel of not less than 2.5 acres and not more than 160 acres of available Federal land; and

(ii) on making a selection pursuant to clause (i), shall submit to the Secretary an allotment selection application for the applicable parcel of available Federal land.

(B) SELECTION PERIOD.—An eligible individual may apply for an allotment during the 5-year period beginning on the effective date of the final regulations issued under paragraph (2).

(4) CONFLICTING SELECTIONS.—If 2 or more eligible individuals submit to the Secretary an allotment selection application under paragraph (3)(A)(ii) for the same parcel of available Federal land, the Secretary shall—

(A) give preference to the selection application received on the earliest date; and

(B) provide to each eligible individual the selection application of whom is rejected under subparagraph (A) an opportunity to select a substitute parcel of available Federal land.

(5) IDENTIFICATION OF AVAILABLE FEDERAL LAND ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the State, Regional Corporations, and Village Corporations, shall identify Federal land administered by the Bureau of Land Management as available Federal land for allotment selection in the State by eligible individuals.

(B) CERTIFICATION; SURVEY.—The Secretary shall—

(i) certify that the available Federal land identified under subparagraph (A) is free of known contamination; and

(ii) survey the available Federal land identified under subparagraph (A) into aliquot parts and lots, segregating all navigable and meanderable waters and land not available for allotment selection.

(C) MAPS.—As soon as practicable after the date on which available Federal land is identified under subparagraph (A), the Secretary shall submit to Congress, and publish in the Federal Register, 1 or more maps depicting the identified available Federal land.

(D) CONVEYANCES.—Any available Federal land conveyed to an eligible individual under this paragraph shall be subject to—

(i) valid existing rights; and

(ii) the reservation of minerals to the United States.

(E) INTENT OF CONGRESS.—It is the intent of Congress that not later than 1 year after the date on which an eligible individual submits an allotment selection application for available Federal land that meets the requirements of this section, as determined by the Secretary, the Secretary shall issue to the eligible individual a certificate of allotment with respect to the available Federal land covered by the allotment selection application, subject to the requirements of subparagraph (D).

(c) IDENTIFICATION OF AVAILABLE FEDERAL LAND IN UNITS OF THE NATIONAL WILDLIFE REFUGE SYSTEM.—

(1) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(A) conduct a study to determine whether any additional Federal lands within units of the National Wildlife Refuge System in the State should be made available for allotment selection; and

(B) report the findings and conclusions of the study to Congress.

(2) CONTENT OF THE REPORT.—The Secretary shall include in the report required under paragraph (1)—

(A) the Secretary's determination whether Federal lands within units of the National Wildlife Refuge System in the State should be made available for allotment selection by eligible individuals; and

(B) identification of the specific areas (including maps) within units of the National Wildlife Refuge System in the State that the Secretary determines should be made available, consistent with the mission of the National Wildlife Refuge System and the specific purposes for which the unit was established, and this subsection.

(3) FACTORS TO BE CONSIDERED.—In determining whether Federal lands within units of the National Wildlife Refuge System in the State should be made available under paragraph (1)(A), the Secretary shall take into account—

(A) the proximity of the Federal land made available for allotment selection under subsection (b)(5) to eligible individuals;

(B) the proximity of the units of the National Wildlife Refuge System in the State to eligible individuals; and

(C) the amount of additional Federal land within units of the National Wildlife Refuge System in the State that the Secretary estimates would be necessary to make allotments available for selection by eligible individuals.

(4) IDENTIFYING FEDERAL LAND IN UNITS OF THE NATIONAL WILDLIFE REFUGE SYSTEM.—In identifying whether Federal lands within units of the National Wildlife Refuge System in the State should be made available for allotment under paragraph (2)(B), the Secretary shall not identify any Federal land in a unit of the National Wildlife Refuge System—

(A) the conveyance of which, independently or as part of a group of allotments—

(i) could significantly interfere with biological, physical, cultural, scenic, recreational, natural quiet, or subsistence values of the unit of the National Wildlife Refuge System;

(ii) could obstruct access by the public or the Fish and Wildlife Service to the resource values of the unit;

(iii) could trigger development or future uses in an area that would adversely affect resource values of the surrounding National Wildlife Refuge System land;

(iv) could open an area of a unit to new access and uses that adversely affect resources values of the unit; or

(v) could interfere with the management plan of the unit;

(B) that is located within 300 feet from the shore of a navigable water body;

(C) that is not consistent with the purposes for which the unit of the National Wildlife Refuge System was established;

(D) that is designated as wilderness by Congress; or

(E) that is within the Arctic National Wildlife Refuge.

(d) **LIMITATION.**—No Federal land may be identified for selection or made available for allotment within a unit of the National Wildlife Refuge System unless it has been authorized by an Act of Congress subsequent to the date of enactment of this Act. Further, any proposed conveyance of land within a unit of the National Wildlife Refuge System must have been identified by the Secretary in accordance with subsection (c)(4) in the report to Congress required by subsection (c) and include patent provisions that the land remains subject to the laws and regulations governing the use and development of the Refuge.

SEC. 1120. RED RIVER GRADIENT BOUNDARY SURVEY.

(a) **DEFINITIONS.**—In this section:

(1) **AFFECTED AREA.**—

(A) **IN GENERAL.**—The term “affected area” means land along the approximately 116-mile stretch of the Red River, from its confluence with the north fork of the Red River on the west to the 98th meridian on the east.

(B) **EXCLUSIONS.**—The term “affected area” does not include the portion of the Red River within the boundary depicted on the survey prepared by the Bureau of Land Management entitled “Township 5 South, Range 14 West, of the Indian Meridian, Oklahoma, Dependent Resurvey and Survey” and dated February 28, 2006.

(2) **GRADIENT BOUNDARY SURVEY METHOD.**—The term “gradient boundary survey method” means the measurement technique used to locate the South Bank boundary line in accordance with the methodology established in *Oklahoma v. Texas*, 261 U.S. 340 (1923) (recognizing that the boundary line along the Red River is subject to change due to erosion and accretion).

(3) **LANDOWNER.**—The term “landowner” means any individual, group, association, corporation, federally recognized Indian tribe or member of such an Indian tribe, or other private or governmental legal entity that owns an interest in land in the affected area.

(4) **SECRETARY.**—The term “Secretary” means the Secretary, acting through the Director of the Bureau of Land Management.

(5) **SOUTH BANK.**—The term “South Bank” means the water-washed and relatively permanent elevation or acclivity (commonly known as a “cut bank”) along the southerly or right side of the Red River that—

(A) separates the bed of that river from the adjacent upland, whether valley or hill; and

(B) usually serves, as specified in the fifth paragraph of *Oklahoma v. Texas*, 261 U.S. 340 (1923)—

(i) to confine the waters within the bed; and

(ii) to preserve the course of the river.

(6) **SOUTH BANK BOUNDARY LINE.**—The term “South Bank boundary line” means the boundary, with respect to title and

ownership, between the States of Oklahoma and Texas identified through the gradient boundary survey method that does not impact or alter the permanent political boundary line between the States along the Red River, as outlined under article II, section B of the Red River Boundary Compact enacted by the States and consented to by Congress pursuant to Public Law 106-288 (114 Stat. 919).

(b) SURVEY OF SOUTH BANK BOUNDARY LINE.—

(1) SURVEY REQUIRED.—

(A) IN GENERAL.—The Secretary shall commission a survey to identify the South Bank boundary line in the affected area.

(B) REQUIREMENTS.—The survey shall—

- (i) adhere to the gradient boundary survey method;
- (ii) span the length of the affected area;
- (iii) be conducted by 1 or more independent third-party surveyors that are—

(I) licensed and qualified to conduct official gradient boundary surveys; and

(II) selected by the Secretary, in consultation with—

(aa) the Texas General Land Office;

(bb) the Oklahoma Commissioners of the Land Office, in consultation with the attorney general of the State of Oklahoma; and

(cc) each affected federally recognized Indian Tribe; and

(iv) subject to the availability of appropriations, be completed not later than 2 years after the date of enactment of this Act.

(2) APPROVAL OF THE BOUNDARY SURVEY.—

(A) IN GENERAL.—Not later than 60 days after the date on which the survey or a portion of the survey under paragraph (1)(A) is completed, the Secretary shall submit the survey for approval to—

(i) the Texas General Land Office;

(ii) the Oklahoma Commissioners of the Land Office, in consultation with the attorney general of the State of Oklahoma; and

(iii) each affected federally recognized Indian Tribe.

(B) TIMING OF APPROVAL.—Not later than 60 days after the date on which each of the Texas General Land Office, the Oklahoma Commissioners of the Land Office, in consultation with the attorney general of the State of Oklahoma, and each affected federally recognized Indian Tribe notify the Secretary of the approval of the boundary survey or a portion of the survey by the applicable office or federally recognized Indian Tribe, the Secretary shall determine whether to approve the survey or portion of the survey, subject to subparagraph (D).

(C) SUBMISSION OF PORTIONS OF SURVEY FOR APPROVAL.—As portions of the survey are completed, the Secretary may submit the completed portions of the survey for approval under subparagraph (A).

(D) WRITTEN APPROVAL.—The Secretary shall only approve the survey, or a portion of the survey, that has the written approval of each of—

- (i) the Texas General Land Office;
- (ii) the Oklahoma Commissioners of the Land Office, in consultation with the attorney general of the State of Oklahoma; and
- (iii) each affected federally recognized Indian Tribe.

(c) SURVEY OF INDIVIDUAL PARCELS.—Surveys of individual parcels in the affected area shall be conducted in accordance with the boundary survey approved under subsection (b)(2).

(d) NOTICE AND AVAILABILITY OF SURVEY.—Not later than 60 days after the date on which the boundary survey is approved under subsection (b)(2), the Secretary shall—

- (1) publish notice of the approval of the survey in—
 - (A) the Federal Register; and
 - (B) 1 or more local newspapers; and
- (2) on request, furnish to any landowner a copy of—
 - (A) the survey; and
 - (B) any field notes relating to—
 - (i) the individual parcel of the landowner; or
 - (ii) any individual parcel adjacent to the individual parcel of the landowner.

(e) EFFECT OF SECTION.—Nothing in this section—

(1) modifies any interest of the State of Oklahoma or Texas, or the sovereignty, property, or trust rights of any federally recognized Indian Tribe, relating to land located north of the South Bank boundary line, as established by the survey;

(2) modifies any land patented under the Act of December 22, 1928 (45 Stat. 1069, chapter 47; 43 U.S.C. 1068) (commonly known as the “Color of Title Act”), before the date of enactment of this Act;

(3) modifies or supersedes the Red River Boundary Compact enacted by the States of Oklahoma and Texas and consented to by Congress pursuant to Public Law 106-288 (114 Stat. 919);

(4) creates or reinstates any Indian reservation or any portion of such a reservation;

(5) modifies any interest or any property or trust rights of any individual Indian allottee; or

(6) alters any valid right of the State of Oklahoma or the Kiowa, Comanche, or Apache Indian tribes to the mineral interest trust fund established under the Act of June 12, 1926 (44 Stat. 740, chapter 572).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$1,000,000.

30 USC 201 note.

SEC. 1121. SAN JUAN COUNTY SETTLEMENT IMPLEMENTATION.

(a) EXCHANGE OF COAL PREFERENCE RIGHT LEASE APPLICATIONS.—

(1) DEFINITION OF BIDDING RIGHT.—In this subsection, the term “bidding right” means an appropriate legal instrument or other written documentation, including an entry in an account managed by the Secretary, issued or created under

subpart 3435 of title 43, Code of Federal Regulations, that may be used—

(A) in lieu of a monetary payment for 50 percent of a bonus bid for a coal lease sale under the Mineral Leasing Act (30 U.S.C. 181 et seq.); or

(B) as a monetary credit against 50 percent of any rental or royalty payments due under any Federal coal lease.

(2) USE OF BIDDING RIGHT.—

(A) IN GENERAL.—If the Secretary retires a coal preference right lease application under the Mineral Leasing Act (30 U.S.C. 181 et seq.) by issuing a bidding right in exchange for the relinquishment of the coal preference right lease application, the bidding right subsequently may be used in lieu of 50 percent of the amount owed for any monetary payment of—

(i) a bonus in a coal lease sale; or

(ii) rental or royalty under a Federal coal lease.

(B) PAYMENT CALCULATION.—

(i) IN GENERAL.—The Secretary shall calculate a payment of amounts owed to a relevant State under section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)) based on the combined value of the bidding rights and amounts received.

(ii) AMOUNTS RECEIVED.—Except as provided in this paragraph, for purposes of calculating the payment of amounts owed to a relevant State under clause (i) only, a bidding right shall be considered amounts received.

(C) REQUIREMENT.—The total number of bidding rights issued by the Secretary under subparagraph (A) before October 1, 2029, shall not exceed the number of bidding rights that reflect a value equivalent to \$67,000,000.

(3) SOURCE OF PAYMENTS.—The Secretary shall make payments to the relevant State under paragraph (2) from monetary payments received by the Secretary when bidding rights are exercised under this section.

(4) TREATMENT OF PAYMENTS.—A payment to a State under this subsection shall be treated as a payment under section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)).

(5) TRANSFERABILITY; LIMITATION.—

(A) TRANSFERABILITY.—A bidding right issued for a coal preference right lease application under the Mineral Leasing Act (30 U.S.C. 181 et seq.) shall be fully transferable to any other person.

(B) NOTIFICATION OF SECRETARY.—A person who transfers a bidding right shall notify the Secretary of the transfer by any method determined to be appropriate by the Secretary.

(C) EFFECTIVE PERIOD.—

(i) IN GENERAL.—A bidding right issued under the Mineral Leasing Act (30 U.S.C. 181 et seq.) shall terminate on the expiration of the 7-year period beginning on the date the bidding right is issued.

(ii) TOLLING OF PERIOD.—The 7-year period described in clause (i) shall be tolled during any period in which exercise of the bidding right is precluded

by temporary injunctive relief granted under, or administrative, legislative, or judicial suspension of, the Federal coal leasing program.

(6) DEADLINE.—

(A) IN GENERAL.—If an existing settlement of a coal preference right lease application has not been implemented as of the date of enactment of this Act, not later than 180 days after that date of enactment, the Secretary shall complete the bidding rights valuation process in accordance with the terms of the settlement.

(B) DATE OF VALUATION.—For purposes of the valuation process under subparagraph (A), the market price of coal shall be determined as of the date of the settlement.

(b) CERTAIN LAND SELECTIONS OF THE NAVAJO NATION.—

(1) CANCELLATION OF CERTAIN SELECTIONS.—The land selections made by the Navajo Nation pursuant to Public Law 93-531 (commonly known as the “Navajo-Hopi Land Settlement Act of 1974”) (88 Stat. 1712) that are depicted on the map entitled “Navajo-Hopi Land Settlement Act Selected Lands” and dated April 2, 2015, are cancelled.

(2) AUTHORIZATION FOR NEW SELECTION.—

(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D) and paragraph (3), the Navajo Nation may make new land selections in accordance with the Act referred to in paragraph (1) to replace the land selections cancelled under that paragraph.

(B) ACREAGE CAP.—The total acreage of land selected under subparagraph (A) shall not exceed 15,000 acres of land.

(C) EXCLUSIONS.—The following land shall not be eligible for selection under subparagraph (A):

(i) Land within a unit of the National Landscape Conservation System.

(ii) Land within—

(I) the Glade Run Recreation Area;

(II) the Fossil Forest Research Natural Area;

or

(III) a special management area or area of critical environmental concern identified in a land use plan developed under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) that is in effect on the date of enactment of this Act.

(iii) Any land subject to a lease or contract under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Act of July 31, 1947 (commonly known as the “Materials Act of 1947”) (30 U.S.C. 601 et seq.) as of the date of the selection.

(iv) Land not under the jurisdiction of the Bureau of Land Management.

(v) Land identified as “Parcels Excluded from Selection” on the map entitled “Parcels excluded for selection under the San Juan County Settlement Implementation Act” and dated December 14, 2018.

(D) DEADLINE.—Not later than 7 years after the date of enactment of this Act, the Navajo Nation shall make all selections under subparagraph (A).

(E) WITHDRAWAL.—Any land selected by the Navajo Nation under subparagraph (A) shall be withdrawn from disposal, leasing, and development until the date on which the selected land is placed into trust for the Navajo Nation.

(3) EQUAL VALUE.—

(A) IN GENERAL.—Notwithstanding the acreage limitation in the second proviso of section 11(c) of Public Law 93–531 (commonly known as the “Navajo-Hopi Land Settlement Act of 1974”) (25 U.S.C. 640d–10(c)) and subject to paragraph (2)(B), the value of the land selected under paragraph (2)(A) and the land subject to selections cancellation under paragraph (1) shall be equal, based on appraisals conducted under subparagraph (B).

(B) APPRAISALS.—

(i) IN GENERAL.—The value of the land selected under paragraph (2)(A) and the land subject to selections cancelled under paragraph (1) shall be determined by appraisals conducted in accordance with—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(ii) TIMING.—

(I) LAND SUBJECT TO SELECTIONS CANCELLED.—Not later than 18 months after the date of enactment of this Act, the appraisal under clause (i) of the land subject to selections cancelled under paragraph (1) shall be completed.

(II) NEW SELECTIONS.—The appraisals under clause (i) of the land selected under paragraph (2)(A) shall be completed as the Navajo Nation finalizes those land selections.

(4) BOUNDARY.—For purposes of this subsection and the Act referred to in paragraph (1), the present boundary of the Navajo Reservation is depicted on the map entitled “Navajo Nation Boundary” and dated November 16, 2015.

(c) DESIGNATION OF AH-SHI-SLE-PAH WILDERNESS.—

(1) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 7,242 acres of land as generally depicted on the map entitled “San Juan County Wilderness Designations” and dated April 2, 2015, is designated as wilderness and as a component of the National Wilderness Preservation System, which shall be known as the “Ah-shi-sle-pah Wilderness” (referred to in this subsection as the “Wilderness”).

16 USC 1132
note.

(2) MANAGEMENT.—

(A) IN GENERAL.—Subject to valid existing rights, the Wilderness shall be administered by the Director of the Bureau of Land Management in accordance with this subsection and the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act.

(B) ADJACENT MANAGEMENT.—

(i) IN GENERAL.—Congress does not intend for the designation of the Wilderness to create a protective perimeter or buffer zone around the Wilderness.

(ii) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within the Wilderness shall not preclude the conduct of the activities or uses outside the boundary of the Wilderness.

(C) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land that is within the boundary of the Wilderness that is acquired by the United States shall—

(i) become part of the Wilderness; and

(ii) be managed in accordance with—

(I) the Wilderness Act (16 U.S.C. 1131 et seq.);

(II) this subsection; and

(III) any other applicable laws.

(D) GRAZING.—Grazing of livestock in the Wilderness, where established before the date of enactment of this Act, shall be allowed to continue in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 5487 of the 96th Congress (H. Rept. 96–617).

(3) RELEASE OF WILDERNESS STUDY AREAS.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the land within the Ah-shi-sle-pah Wilderness Study Area not designated as wilderness by this subsection has been adequately studied for wilderness designation and is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

(d) EXPANSION OF BISTI/DE-NA-ZIN WILDERNESS.—

(1) IN GENERAL.—There is designated as wilderness and as a component of the National Wilderness Preservation System certain Federal land comprising approximately 2,250 acres, as generally depicted on the map entitled “San Juan County Wilderness Designations” and dated April 2, 2015, which is incorporated in and shall be considered to be a part of the Bisti/De-Na-Zin Wilderness.

(2) ADMINISTRATION.—Subject to valid existing rights, the land designated as wilderness by paragraph (1) shall be administered by the Director of the Bureau of Land Management (referred to in this subsection as the “Director”), in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) the San Juan Basin Wilderness Protection Act of 1984 (Public Law 98–603; 98 Stat. 3155; 110 Stat. 4211).

(3) ADJACENT MANAGEMENT.—

(A) IN GENERAL.—Congress does not intend for the designation of the land as wilderness by paragraph (1) to create a protective perimeter or buffer zone around that land.

(B) NONWILDERNESS ACTIVITIES.—The fact that non-wilderness activities or uses can be seen or heard from

areas within the land designated as wilderness by paragraph (1) shall not preclude the conduct of the activities or uses outside the boundary of that land.

(4) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land that is within the boundary of the land designated as wilderness by paragraph (1) that is acquired by the United States shall—

(A) become part of the Bisti/De-Na-Zin Wilderness; and

(B) be managed in accordance with—

- (i) the Wilderness Act (16 U.S.C. 1131 et seq.);
- (ii) the San Juan Basin Wilderness Protection Act of 1984 (Public Law 98–603; 98 Stat. 3155; 110 Stat. 4211);
- (iii) this subsection; and
- (iv) any other applicable laws.

(5) GRAZING.—Grazing of livestock in the land designated as wilderness by paragraph (1), where established before the date of enactment of this Act, shall be allowed to continue in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 5487 of the 96th Congress (H. Rept. 96–617).

(e) ROAD MAINTENANCE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary, acting through the Director of the Bureau of Indian Affairs, shall ensure that L–54 between I–40 and Alamo, New Mexico, is maintained in a condition that is safe for motorized use.

(2) USE OF FUNDS.—In carrying out paragraph (1), the Secretary and the Director of the Bureau of Indian Affairs may not require any Indian Tribe to use any funds—

(A) owned by the Indian Tribe; or

(B) provided to the Indian Tribe pursuant to a contract under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304 et seq.).

(3) ROAD UPGRADE.—

(A) IN GENERAL.—Nothing in this subsection requires the Secretary or any Indian Tribe to upgrade the condition of L–54 as of the date of enactment of this Act.

(B) WRITTEN AGREEMENT.—An upgrade to L–54 may not be made without the written agreement of the Pueblo of Laguna.

(4) INVENTORY.—Nothing in this subsection requires L–54 to be placed on the National Tribal Transportation Facility Inventory.

SEC. 1122. RIO PUERCO WATERSHED MANAGEMENT PROGRAM.

(a) REAUTHORIZATION OF THE RIO PUERCO MANAGEMENT COMMITTEE.—Section 401(b)(4) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4147; 123 Stat. 1108) is amended by striking “Omnibus Public Land Management Act of 2009” and inserting “John D. Dingell, Jr. Conservation, Management, and Recreation Act”.

(b) REAUTHORIZATION OF THE RIO PUERCO WATERSHED MANAGEMENT PROGRAM.—Section 401(e) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4148; 123 Stat. 1108) is amended by striking “Omnibus Public Land Management Act of 2009” and inserting “John D. Dingell, Jr. Conservation, Management, and Recreation Act”.

SEC. 1123. ASHLEY SPRINGS LAND CONVEYANCE.

(a) CONVEYANCE.—Subject to valid existing rights, at the request of Uintah County, Utah (referred to in this section as the “County”), the Secretary shall convey to the County, without consideration, the approximately 791 acres of public land administered by the Bureau of Land Management, as generally depicted on the map entitled “Ashley Springs Property” and dated February 4, 2019, subject to the following restrictions:

(1) The conveyed land shall be managed as open space to protect the watershed and underground karst system and aquifer.

(2) Mining or any form of mineral development on the conveyed land is prohibited.

(3) The County shall allow for non-motorized public recreation access on the conveyed land.

(4) No new roads may be constructed on the conveyed land.

(b) REVERSION.—A conveyance under subsection (a) shall include a reversionary clause to ensure that management of the land described in that subsection shall revert to the Secretary if the land is no longer being managed in accordance with that subsection.

Subtitle C—Wilderness Designations and Withdrawals

PART I—GENERAL PROVISIONS

SEC. 1201. ORGAN MOUNTAINS-DESERT PEAKS CONSERVATION.

54 USC 320301
note.

(a) DEFINITIONS.—In this section:

(1) MONUMENT.—The term “Monument” means the Organ Mountains-Desert Peaks National Monument established by Presidential Proclamation 9131 (79 Fed. Reg. 30431).

(2) STATE.—The term “State” means the State of New Mexico.

(3) WILDERNESS AREA.—The term “wilderness area” means a wilderness area designated by subsection (b)(1).

(b) DESIGNATION OF WILDERNESS AREAS.—

(1) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness and as components of the National Wilderness Preservation System:

16 USC 1132
note.

(A) ADEN LAVA FLOW WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 27,673 acres, as generally depicted on the map entitled “Potrillo Mountains Complex” and dated September 27, 2018, which shall be known as the “Aden Lava Flow Wilderness”.

(B) BROAD CANYON WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 13,902 acres, as generally depicted on the map entitled “Desert Peaks Complex” and dated October 1, 2018, which shall be known as the “Broad Canyon Wilderness”.

16 USC 1132
note.

(C) CINDER CONE WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 16,935 acres, as generally depicted on the map entitled “Potrillo Mountains Complex” and dated September 27, 2018, which shall be known as the “Cinder Cone Wilderness”.

16 USC 1132
note.

(D) EAST POTRILLO MOUNTAINS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana and Luna counties comprising approximately 12,155 acres, as generally depicted on the map entitled “Potrillo Mountains Complex” and dated September 27, 2018, which shall be known as the “East Potrillo Mountains Wilderness”.

16 USC 1132
note.

(E) MOUNT RILEY WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana and Luna counties comprising approximately 8,382 acres, as generally depicted on the map entitled “Potrillo Mountains Complex” and dated September 27, 2018, which shall be known as the “Mount Riley Wilderness”.

16 USC 1132
note.

(F) ORGAN MOUNTAINS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 19,916 acres, as generally depicted on the map entitled “Organ Mountains Area” and dated September 21, 2016, which shall be known as the “Organ Mountains Wilderness”, the boundary of which shall be offset 400 feet from the centerline of Dripping Springs Road in T. 23 S., R. 04 E., sec. 7, New Mexico Principal Meridian.

16 USC 1132
note.

(G) POTRILLO MOUNTAINS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana and Luna counties comprising approximately 105,085 acres, as generally depicted on the map entitled “Potrillo Mountains Complex” and dated September 27, 2018, which shall be known as the “Potrillo Mountains Wilderness”.

16 USC 1132
note.

(H) ROBLEDO MOUNTAINS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 16,776 acres, as generally depicted on the map entitled “Desert Peaks Complex” and dated October 1, 2018, which shall be known as the “Robledo Mountains Wilderness”.

16 USC 1132
note.

(I) SIERRA DE LAS UVAS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 11,114 acres, as generally depicted on the map entitled “Desert Peaks Complex” and dated October 1, 2018, which shall be known as the “Sierra de las Uvas Wilderness”.

16 USC 1132
note.

(J) WHITETHORN WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana and Luna counties comprising approximately 9,616 acres,

16 USC 1132
note.

as generally depicted on the map entitled “Potrillo Mountains Complex” and dated September 27, 2018, which shall be known as the “Whitethorn Wilderness”.

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the wilderness areas with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) FORCE OF LAW.—The maps and legal descriptions filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the maps and legal descriptions.

(C) PUBLIC AVAILABILITY.—The maps and legal descriptions filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(3) MANAGEMENT.—Subject to valid existing rights, the wilderness areas shall be administered by the Secretary—

(A) as components of the National Landscape Conservation System; and

(B) in accordance with—

(i) this section; and

(ii) the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(I) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(II) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(4) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land that is within the boundary of a wilderness area that is acquired by the United States shall—

(A) become part of the wilderness area within the boundaries of which the land is located; and

(B) be managed in accordance with—

(i) the Wilderness Act (16 U.S.C. 1131 et seq.);

(ii) this section; and

(iii) any other applicable laws.

(5) GRAZING.—Grazing of livestock in the wilderness areas, where established before the date of enactment of this Act, shall be administered in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(6) MILITARY OVERFLIGHTS.—Nothing in this subsection restricts or precludes—

(A) low-level overflights of military aircraft over the wilderness areas, including military overflights that can be seen or heard within the wilderness areas;

(B) the designation of new units of special airspace over the wilderness areas; or

(C) the use or establishment of military flight training routes over the wilderness areas.

(7) BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this subsection creates a protective perimeter or buffer zone around any wilderness area.

(B) ACTIVITIES OUTSIDE WILDERNESS AREAS.—The fact that an activity or use on land outside any wilderness area can be seen or heard within the wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.

(8) PARAGLIDING.—The use of paragliding within areas of the East Potrillo Mountains Wilderness designated by paragraph (1)(D) in which the use has been established before the date of enactment of this Act, shall be allowed to continue in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), subject to any terms and conditions that the Secretary determines to be necessary.

(9) CLIMATOLOGIC DATA COLLECTION.—Subject to such terms and conditions as the Secretary may prescribe, nothing in this section precludes the installation and maintenance of hydrologic, meteorologic, or climatologic collection devices in wilderness areas if the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

(10) FISH AND WILDLIFE.—Nothing in this section affects the jurisdiction of the State with respect to fish and wildlife located on public land in the State, except that the Secretary, after consultation with the New Mexico Department of Game and Fish, may designate zones where, and establish periods during which, no hunting or fishing shall be permitted for reasons of public safety, administration, or compliance with applicable law.

(11) WITHDRAWALS.—

(A) IN GENERAL.—Subject to valid existing rights, the Federal land within the wilderness areas and any land or interest in land that is acquired by the United States in the wilderness areas after the date of enactment of this Act is withdrawn from—

(i) entry, appropriation, or disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(B) PARCEL B.—The approximately 6,498 acres of land generally depicted as “Parcel B” on the map entitled “Organ Mountains Area” and dated September 21, 2016, is withdrawn in accordance with subparagraph (A), except that the land is not withdrawn for purposes of the issuance of oil and gas pipeline or road rights-of-way.

(C) PARCEL C.—The approximately 1,297 acres of land generally depicted as “Parcel C” on the map entitled “Organ Mountains Area” and dated September 21, 2016, is withdrawn in accordance with subparagraph (A), except that the land is not withdrawn from disposal under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.).

(D) PARCEL D.—

(i) IN GENERAL.—The Secretary of the Army shall allow for the conduct of certain recreational activities on the approximately 2,035 acres of land generally depicted as “Parcel D” on the map entitled “Organ Mountains Area” and dated September 21, 2016 (referred to in this paragraph as the “parcel”), which is a portion of the public land withdrawn and reserved for military purposes by Public Land Order 833 dated May 21, 1952 (17 Fed. Reg. 4822).

(ii) OUTDOOR RECREATION PLAN.—

(I) IN GENERAL.—The Secretary of the Army shall develop a plan for public outdoor recreation on the parcel that is consistent with the primary military mission of the parcel.

(II) REQUIREMENT.—In developing the plan under subclause (I), the Secretary of the Army shall ensure, to the maximum extent practicable, that outdoor recreation activities may be conducted on the parcel, including hunting, hiking, wildlife viewing, and camping.

(iii) CLOSURES.—The Secretary of the Army may close the parcel or any portion of the parcel to the public as the Secretary of the Army determines to be necessary to protect—

(I) public safety; or

(II) the safety of the military members training on the parcel.

(iv) TRANSFER OF ADMINISTRATIVE JURISDICTION; WITHDRAWAL.—

(I) IN GENERAL.—On a determination by the Secretary of the Army that military training capabilities, personnel safety, and installation security would not be hindered as a result of the transfer to the Secretary of administrative jurisdiction over the parcel, the Secretary of the Army shall transfer to the Secretary administrative jurisdiction over the parcel.

(II) WITHDRAWAL.—On transfer of the parcel under subclause (I), the parcel shall be—

(aa) under the jurisdiction of the Director of the Bureau of Land Management; and

(bb) withdrawn from—

(AA) entry, appropriation, or disposal under the public land laws;

(BB) location, entry, and patent under the mining laws; and

(CC) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(III) RESERVATION.—On transfer under subclause (I), the parcel shall be reserved for management of the resources of, and military training conducted on, the parcel in accordance with a memorandum of understanding entered into under clause (v).

(v) MEMORANDUM OF UNDERSTANDING RELATING TO MILITARY TRAINING.—

(I) IN GENERAL.—If, after the transfer of the parcel under clause (iv)(I), the Secretary of the Army requests that the Secretary enter into a memorandum of understanding, the Secretary shall enter into a memorandum of understanding with the Secretary of the Army providing for the conduct of military training on the parcel.

(II) REQUIREMENTS.—The memorandum of understanding entered into under subclause (I) shall—

(aa) address the location, frequency, and type of training activities to be conducted on the parcel;

(bb) provide to the Secretary of the Army access to the parcel for the conduct of military training;

(cc) authorize the Secretary or the Secretary of the Army to close the parcel or a portion of the parcel to the public as the Secretary or the Secretary of the Army determines to be necessary to protect—

(AA) public safety; or

(BB) the safety of the military members training; and

(dd) to the maximum extent practicable, provide for the protection of natural, historic, and cultural resources in the area of the parcel.

(vi) MILITARY OVERFLIGHTS.—Nothing in this subparagraph restricts or precludes—

(I) low-level overflights of military aircraft over the parcel, including military overflights that can be seen or heard within the parcel;

(II) the designation of new units of special airspace over the parcel; or

(III) the use or establishment of military flight training routes over the parcel.

(12) ROBLEDO MOUNTAINS.—

(A) IN GENERAL.—The Secretary shall manage the Federal land described in subparagraph (B) in a manner that preserves the character of the land for the future inclusion of the land in the National Wilderness Preservation System.

(B) LAND DESCRIPTION.—The land referred to in subparagraph (A) is certain land administered by the Bureau of Land Management, comprising approximately 100 acres as generally depicted as “Lookout Peak Communication Site” on the map entitled “Desert Peaks Complex” and dated October 1, 2018.

(C) USES.—The Secretary shall permit only such uses on the land described in subparagraph (B) as were permitted on the date of enactment of this Act.

(13) RELEASE OF WILDERNESS STUDY AREAS.—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land in Doña Ana County administered by the Bureau of Land Management not designated as wilderness by paragraph (1) or described in paragraph (12)—

(A) has been adequately studied for wilderness designation;

(B) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(C) shall be managed in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

(iii) any other applicable laws.

(14) PRIVATE LAND.—In accordance with section 5 of the Wilderness Act (16 U.S.C. 1134), the Secretary shall ensure adequate access to non-Federal land located within the boundary of a wilderness area.

(c) BORDER SECURITY.—

(1) IN GENERAL.—Nothing in this section—

(A) prevents the Secretary of Homeland Security from undertaking law enforcement and border security activities, in accordance with section 4(c) of the Wilderness Act (16 U.S.C. 1133(c)), within the wilderness areas, including the ability to use motorized access within a wilderness area while in pursuit of a suspect;

(B) affects the 2006 Memorandum of Understanding among the Department of Homeland Security, the Department of the Interior, and the Department of Agriculture regarding cooperative national security and counterterrorism efforts on Federal land along the borders of the United States; or

(C) prevents the Secretary of Homeland Security from conducting any low-level overflights over the wilderness areas that may be necessary for law enforcement and border security purposes.

(2) WITHDRAWAL AND ADMINISTRATION OF CERTAIN AREA.—

(A) WITHDRAWAL.—The area identified as “Parcel A” on the map entitled “Potrillo Mountains Complex” and dated September 27, 2018, is withdrawn in accordance with subsection (b)(11)(A).

(B) ADMINISTRATION.—Except as provided in subparagraphs (C) and (D), the Secretary shall administer the area described in subparagraph (A) in a manner that, to the maximum extent practicable, protects the wilderness character of the area.

(C) USE OF MOTOR VEHICLES.—The use of motor vehicles, motorized equipment, and mechanical transport shall be prohibited in the area described in subparagraph (A) except as necessary for—

(i) the administration of the area (including the conduct of law enforcement and border security activities in the area); or

(ii) grazing uses by authorized permittees.

(D) EFFECT OF SUBSECTION.—Nothing in this paragraph precludes the Secretary from allowing within the area described in subparagraph (A) the installation and maintenance of communication or surveillance infrastructure necessary for law enforcement or border security activities.

(3) RESTRICTED ROUTE.—The route excluded from the Potrillo Mountains Wilderness identified as “Restricted—Administrative Access” on the map entitled “Potrillo Mountains Complex” and dated September 27, 2018, shall be—

(A) closed to public access; but

(B) available for administrative and law enforcement uses, including border security activities.

(d) ORGAN MOUNTAINS-DESERT PEAKS NATIONAL MONUMENT.—

54 USC 320301
note.

(1) MANAGEMENT PLAN.—In preparing and implementing the management plan for the Monument, the Secretary shall include a watershed health assessment to identify opportunities for watershed restoration.

(2) INCORPORATION OF ACQUIRED STATE TRUST LAND AND INTERESTS IN STATE TRUST LAND.—

(A) IN GENERAL.—Any land or interest in land that is within the State trust land described in subparagraph

(B) that is acquired by the United States shall—

(i) become part of the Monument; and

(ii) be managed in accordance with—

(I) Presidential Proclamation 9131 (79 Fed. Reg. 30431);

(II) this section; and

(III) any other applicable laws.

(B) DESCRIPTION OF STATE TRUST LAND.—The State trust land referred to in subparagraph (A) is the State trust land in T. 22 S., R. 01 W., New Mexico Principal Meridian and T. 22 S., R. 02 W., New Mexico Principal Meridian.

(3) LAND EXCHANGES.—

(A) IN GENERAL.—Subject to subparagraphs (C) through (F), the Secretary shall attempt to enter into an agreement to initiate an exchange under section 2201.1 of title 43, Code of Federal Regulations (or successor regulations), with the Commissioner of Public Lands of New Mexico, by the date that is 18 months after the date of enactment of this Act, to provide for a conveyance to the State of all right, title, and interest of the United States in and to Bureau of Land Management land in the State identified under subparagraph (B) in exchange for the conveyance by the State to the Secretary of all right, title, and interest of the State in and to parcels of State trust land within the boundary of the Monument identified under that subparagraph or described in paragraph (2)(B).

(B) IDENTIFICATION OF LAND FOR EXCHANGE.—The Secretary and the Commissioner of Public Lands of New Mexico shall jointly identify the Bureau of Land Management land and State trust land eligible for exchange under

this paragraph, the exact acreage and legal description of which shall be determined by surveys approved by the Secretary and the New Mexico State Land Office.

(C) APPLICABLE LAW.—A land exchange under subparagraph (A) shall be carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(D) CONDITIONS.—A land exchange under subparagraph (A) shall be subject to—

(i) valid existing rights; and

(ii) such terms as the Secretary and the State shall establish.

(E) VALUATION, APPRAISALS, AND EQUALIZATION.—

(i) IN GENERAL.—The value of the Bureau of Land Management land and the State trust land to be conveyed in a land exchange under this paragraph—

(I) shall be equal, as determined by appraisals conducted in accordance with clause (ii); or

(II) if not equal, shall be equalized in accordance with clause (iii).

(ii) APPRAISALS.—

(I) IN GENERAL.—The Bureau of Land Management land and State trust land to be exchanged under this paragraph shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the State.

(II) REQUIREMENTS.—An appraisal under subclause (I) shall be conducted in accordance with—

(aa) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(bb) the Uniform Standards of Professional Appraisal Practice.

(iii) EQUALIZATION.—

(I) IN GENERAL.—If the value of the Bureau of Land Management land and the State trust land to be conveyed in a land exchange under this paragraph is not equal, the value may be equalized by—

(aa) making a cash equalization payment to the Secretary or to the State, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(bb) reducing the acreage of the Bureau of Land Management land or State trust land to be exchanged, as appropriate.

(II) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under subclause (I)(aa) shall be—

(aa) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(bb) used in accordance with that Act.

(F) LIMITATION.—No exchange of land shall be conducted under this paragraph unless mutually agreed to by the Secretary and the State.

SEC. 1202. CERRO DEL YUTA AND RÍO SAN ANTONIO WILDERNESS AREAS.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Río Grande del Norte National Monument Proposed Wilderness Areas” and dated July 28, 2015.

(2) WILDERNESS AREA.—The term “wilderness area” means a wilderness area designated by subsection (b)(1).

(b) DESIGNATION OF CERRO DEL YUTA AND RÍO SAN ANTONIO WILDERNESS AREAS.—

(1) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the Río Grande del Norte National Monument are designated as wilderness and as components of the National Wilderness Preservation System:

(A) CERRO DEL YUTA WILDERNESS.—Certain land administered by the Bureau of Land Management in Taos County, New Mexico, comprising approximately 13,420 acres as generally depicted on the map, which shall be known as the “Cerro del Yuta Wilderness”. 16 USC 1132 note.

(B) RÍO SAN ANTONIO WILDERNESS.—Certain land administered by the Bureau of Land Management in Río Arriba County, New Mexico, comprising approximately 8,120 acres, as generally depicted on the map, which shall be known as the “Río San Antonio Wilderness”. 16 USC 1132 note.

(2) MANAGEMENT OF WILDERNESS AREAS.—Subject to valid existing rights, the wilderness areas shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this section, except that with respect to the wilderness areas designated by this section—

(A) any reference to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(3) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land within the boundary of the wilderness areas that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with—

- (i) the Wilderness Act (16 U.S.C. 1131 et seq.);
- (ii) this section; and
- (iii) any other applicable laws.

(4) GRAZING.—Grazing of livestock in the wilderness areas, where established before the date of enactment of this Act, shall be administered in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(5) BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around the wilderness areas.

(B) ACTIVITIES OUTSIDE WILDERNESS AREAS.—The fact that an activity or use on land outside a wilderness area can be seen or heard within the wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.

(6) RELEASE OF WILDERNESS STUDY AREAS.—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land within the San Antonio Wilderness Study Area not designated as wilderness by this section—

(A) has been adequately studied for wilderness designation;

(B) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(C) shall be managed in accordance with this section.

(7) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and legal descriptions of the wilderness areas with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) FORCE OF LAW.—The map and legal descriptions filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the legal description and map.

(C) PUBLIC AVAILABILITY.—The map and legal descriptions filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(8) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The wilderness areas shall be administered as components of the National Landscape Conservation System.

(9) FISH AND WILDLIFE.—Nothing in this section affects the jurisdiction of the State of New Mexico with respect to fish and wildlife located on public land in the State.

(10) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the wilderness areas designated by paragraph (1), including any land or interest in land that is acquired by the United States after the date of enactment of this Act, is withdrawn from—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(11) TREATY RIGHTS.—Nothing in this section enlarges, diminishes, or otherwise modifies any treaty rights.

SEC. 1203. METHOW VALLEY, WASHINGTON, FEDERAL LAND WITHDRAWAL.

(a) **DEFINITION OF MAP.**—In this section, the term “Map” means the Forest Service map entitled “Methow Headwaters Withdrawal Proposal Legislative Map” and dated May 24, 2016.

(b) **WITHDRAWAL.**—Subject to valid existing rights, the approximately 340,079 acres of Federal land and interests in the land located in the Okanogan-Wenatchee National Forest within the area depicted on the Map as “Proposed Withdrawal” is withdrawn from all forms of—

- (1) entry, appropriation, or disposal under the public land laws;
- (2) location, entry, and patent under the mining laws; and
- (3) disposition under the mineral leasing and geothermal leasing laws.

(c) **ACQUIRED LAND.**—Any land or interest in land within the area depicted on the Map as “Proposed Withdrawal” that is acquired by the United States after the date of enactment of this Act shall, on acquisition, be immediately withdrawn in accordance with this section.

(d) **AVAILABILITY OF MAP.**—The Map shall be kept on file and made available for public inspection in the appropriate offices of the Forest Service and the Bureau of Land Management.

SEC. 1204. EMIGRANT CREVICE WITHDRAWAL.

(a) **DEFINITION OF MAP.**—In this section, the term “map” means the map entitled “Emigrant Crevice Proposed Withdrawal Area” and dated November 10, 2016.

(b) **WITHDRAWAL.**—Subject to valid existing rights in existence on the date of enactment of this Act, the National Forest System land and interests in the National Forest System land, as depicted on the map, is withdrawn from—

- (1) location, entry, and patent under the mining laws; and
- (2) disposition under all laws pertaining to mineral and geothermal leasing.

(c) **ACQUIRED LAND.**—Any land or interest in land within the area depicted on the map that is acquired by the United States after the date of enactment of this Act shall, on acquisition, be immediately withdrawn in accordance with this section.

(d) **MAP.**—

(1) **SUBMISSION OF MAP.**—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file the map with—

- (A) the Committee on Energy and Natural Resources of the Senate; and
- (B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The map filed under paragraph (1) shall have the same force and effect as if included in this section, except that the Secretary of Agriculture may correct clerical and typographical errors in the map.

(3) **PUBLIC AVAILABILITY.**—The map filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and the Bureau of Land Management.

(e) EFFECT.—Nothing in this section affects any recreational use, including hunting or fishing, that is authorized on land within the area depicted on the map under applicable law as of the date of enactment of this Act.

SEC. 1205. OREGON WILDLANDS.

(a) WILD AND SCENIC RIVER ADDITIONS, DESIGNATIONS AND TECHNICAL CORRECTIONS.—

(1) ADDITIONS TO ROGUE WILD AND SCENIC RIVER.—

(A) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (5) and inserting the following:

“(5) ROGUE, OREGON.—

“(A) IN GENERAL.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge, to be administered by the Secretary of the Interior or the Secretary of Agriculture, as agreed to by the Secretaries of the Interior and Agriculture or as directed by the President.

“(B) ADDITIONS.—In addition to the segment described in subparagraph (A), there are designated the following segments in the Rogue River:

“(i) KELSEY CREEK.—The approximately 6.8-mile segment of Kelsey Creek from the Wild Rogue Wilderness boundary in T. 32 S., R. 9 W., sec. 25, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(ii) EAST FORK KELSEY CREEK.—

“(I) SCENIC RIVER.—The approximately 0.2-mile segment of East Fork Kelsey Creek from headwaters downstream to the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 5, Willamette Meridian, as a scenic river.

“(II) WILD RIVER.—The approximately 4.6-mile segment of East Fork Kelsey Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 5, Willamette Meridian, to the confluence with Kelsey Creek, as a wild river.

“(iii) WHISKY CREEK.—

“(I) RECREATIONAL RIVER.—The approximately 1.6-mile segment of Whisky Creek from the confluence of the East Fork and West Fork to the south boundary of the non-Federal land in T. 33 S., R. 8 W., sec. 17, Willamette Meridian, as a recreational river.

“(II) WILD RIVER.—The approximately 1.2-mile segment of Whisky Creek from road 33-8-23 to the confluence with the Rogue River, as a wild river.

“(iv) EAST FORK WHISKY CREEK.—

“(I) SCENIC RIVER.—The approximately 0.9-mile segment of East Fork Whisky Creek from its headwaters to Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 11, Willamette Meridian, as a scenic river.

“(II) WILD RIVER.—The approximately 2.6-mile segment of East Fork Whisky Creek from the Wild

Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 11, Willamette Meridian, downstream to road 33-8-26 crossing, as a wild river.

“(III) RECREATIONAL RIVER.—The approximately 0.3-mile segment of East Fork Whisky Creek from road 33-8-26 to the confluence with Whisky Creek, as a recreational river.

“(v) WEST FORK WHISKY CREEK.—The approximately 4.8-mile segment of West Fork Whisky Creek from its headwaters to the confluence with the East Fork Whisky Creek, as a wild river.

“(vi) BIG WINDY CREEK.—

“(I) SCENIC RIVER.—The approximately 1.5-mile segment of Big Windy Creek from its headwaters to road 34-9-17.1, as a scenic river.

“(II) WILD RIVER.—The approximately 5.8-mile segment of Big Windy Creek from road 34-9-17.1 to the confluence with the Rogue River, as a wild river.

“(vii) EAST FORK BIG WINDY CREEK.—

“(I) SCENIC RIVER.—The approximately 0.2-mile segment of East Fork Big Windy Creek from its headwaters to road 34-8-36, as a scenic river.

“(II) WILD RIVER.—The approximately 3.7-mile segment of East Fork Big Windy Creek from road 34-8-36 to the confluence with Big Windy Creek, as a wild river.

“(viii) LITTLE WINDY CREEK.—

“(I) SCENIC RIVER.—The approximately 1.2-mile segment of Little Windy Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 33, Willamette Meridian, as a scenic river.

“(II) WILD RIVER.—The approximately 1.9-mile segment of Little Windy Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 34, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(ix) HOWARD CREEK.—

“(I) SCENIC RIVER.—The approximately 3.5-mile segment of Howard Creek from its headwaters to road 34-9-34, as a scenic river.

“(II) WILD RIVER.—The approximately 6.9-mile segment of Howard Creek from 0.1 miles downstream of road 34-9-34 to the confluence with the Rogue River, as a wild river.

“(III) WILD RIVER.—The approximately 3.5-mile segment of Anna Creek from its headwaters to the confluence with Howard Creek, as a wild river.

“(x) MULE CREEK.—

“(I) SCENIC RIVER.—The approximately 3.5-mile segment of Mule Creek from its headwaters downstream to the Wild Rogue Wilderness boundary as a scenic river.

“(II) WILD RIVER.—The approximately 7.8-mile segment of Mule Creek from the Wild Rogue

Wilderness boundary in T. 32 S., R. 9 W., sec. 29, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(xi) MISSOURI CREEK.—

“(I) SCENIC RIVER.—The approximately 3.1-mile segment of Missouri Creek from its headwaters downstream to the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 24, Willamette Meridian, as a scenic river.

“(II) WILD RIVER.—The approximately 1.6-mile segment of Missouri Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 24, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(xii) JENNY CREEK.—

“(I) SCENIC RIVER.—The approximately 3.1-mile segment of Jenny Creek from its headwaters downstream to the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 28, Willamette Meridian, as a scenic river.

“(II) WILD RIVER.—The approximately 1.8-mile segment of Jenny Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 28, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(xiii) RUM CREEK.—

“(I) SCENIC RIVER.—The approximately 2.2-mile segment of Rum Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 34 S., R. 8 W., sec. 9, Willamette Meridian, as a scenic river.

“(II) WILD RIVER.—The approximately 2.2-mile segment of Rum Creek from the Wild Rogue Wilderness boundary in T. 34 S., R. 8 W., sec. 9, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(xiv) EAST FORK RUM CREEK.—

“(I) SCENIC RIVER.—The approximately 0.8-mile segment of East Fork Rum Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 34 S., R. 8 W., sec. 10, Willamette Meridian, as a scenic river.

“(II) WILD RIVER.—The approximately 1.3-mile segment of East Fork Rum Creek from the Wild Rogue Wilderness boundary in T. 34 S., R. 8 W., sec. 10, Willamette Meridian, to the confluence with Rum Creek, as a wild river.

“(xv) WILDCAT CREEK.—The approximately 1.7-mile segment of Wildcat Creek from its headwaters downstream to the confluence with the Rogue River, as a wild river.

“(xvi) MONTGOMERY CREEK.—The approximately 1.8-mile segment of Montgomery Creek from its headwaters downstream to the confluence with the Rogue River, as a wild river.

“(xvii) HEWITT CREEK.—

“(I) SCENIC RIVER.—The approximately 1.4-mile segment of Hewitt Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 19, Willamette Meridian, as a scenic river.

“(II) WILD RIVER.—The approximately 1.2-mile segment of Hewitt Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 19, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(xviii) BUNKER CREEK.—The approximately 6.6-mile segment of Bunker Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xix) DULOG CREEK.—

“(I) SCENIC RIVER.—The approximately 0.8-mile segment of Dulog Creek from its headwaters to 0.1 miles downstream of road 34-8-36, as a scenic river.

“(II) WILD RIVER.—The approximately 1.0-mile segment of Dulog Creek from road 34-8-36 to the confluence with the Rogue River, as a wild river.

“(xx) QUAIL CREEK.—The approximately 1.7-mile segment of Quail Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 1, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(xxi) MEADOW CREEK.—The approximately 4.1-mile segment of Meadow Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxii) RUSSIAN CREEK.—The approximately 2.5-mile segment of Russian Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 20, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(xxiii) ALDER CREEK.—The approximately 1.2-mile segment of Alder Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxiv) BOOZE CREEK.—The approximately 1.5-mile segment of Booze Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxv) BRONCO CREEK.—The approximately 1.8-mile segment of Bronco Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxvi) COPSEY CREEK.—The approximately 1.5-mile segment of Copsey Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxvii) CORRAL CREEK.—The approximately 0.5-mile segment of Corral Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxviii) COWLEY CREEK.—The approximately 0.9-mile segment of Cowley Creek from its headwaters

to the confluence with the Rogue River, as a wild river.

“(xxix) DITCH CREEK.—The approximately 1.8-mile segment of Ditch Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 5, Willamette Meridian, to its confluence with the Rogue River, as a wild river.

“(xxx) FRANCIS CREEK.—The approximately 0.9-mile segment of Francis Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxxii) LONG GULCH.—

“(I) SCENIC RIVER.—The approximately 1.4-mile segment of Long Gulch from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 23, Willamette Meridian, as a scenic river.

“(II) WILD RIVER.—The approximately 1.1-mile segment of Long Gulch from the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 23, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(xxxii) BAILEY CREEK.—

“(I) SCENIC RIVER.—The approximately 1.4-mile segment of Bailey Creek from its headwaters to the Wild Rogue Wilderness boundary on the west section line of T. 34 S., R. 8 W., sec. 14, Willamette Meridian, as a scenic river.

“(II) WILD RIVER.—The approximately 1.7-mile segment of Bailey Creek from the west section line of T. 34 S., R. 8 W., sec. 14, Willamette Meridian, to the confluence of the Rogue River, as a wild river.

“(xxxiii) SHADY CREEK.—The approximately 0.7-mile segment of Shady Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxxiv) SLIDE CREEK.—

“(I) SCENIC RIVER.—The approximately 0.5-mile segment of Slide Creek from its headwaters to road 33–9–6, as a scenic river.

“(II) WILD RIVER.—The approximately 0.7-mile section of Slide Creek from road 33–9–6 to the confluence with the Rogue River, as a wild river.”.

(B) MANAGEMENT.—Each river segment designated by subparagraph (B) of section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (as added by subparagraph (A)) shall be managed as part of the Rogue Wild and Scenic River.

(C) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the river segments designated by subparagraph (B) of section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (as added by subparagraph (A)) is withdrawn from all forms of—

(i) entry, appropriation, or disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(D) ADDITIONAL PROTECTIONS FOR ROGUE RIVER TRIBUTARIES.—

(i) LICENSING BY COMMISSION.—The Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works on or directly affecting any stream described in clause (iv).

(ii) OTHER AGENCIES.—

(I) IN GENERAL.—No department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project on or directly affecting any stream segment that is described in clause (iv), except to maintain or repair water resources projects in existence on the date of enactment of this Act.

(II) EFFECT.—Nothing in this clause prohibits any department or agency of the United States in assisting by loan, grant, license, or otherwise, a water resources project—

(aa) the primary purpose of which is ecological or aquatic restoration;

(bb) that provides a net benefit to water quality and aquatic resources; and

(cc) that is consistent with protecting and enhancing the values for which the river was designated.

(iii) WITHDRAWAL.—Subject to valid existing rights, the Federal land located within $\frac{1}{4}$ mile on either side of the stream segments described in clause (iv) is withdrawn from all forms of—

(I) entry, appropriation, or disposal under the public land laws;

(II) location, entry, and patent under the mining laws; and

(III) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(iv) DESCRIPTION OF STREAM SEGMENTS.—The following are the stream segments referred to in clause (i):

(I) KELSEY CREEK.—The approximately 2.5-mile segment of Kelsey Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 32 S., R. 9 W., sec. 25, Willamette Meridian.

(II) GRAVE CREEK.—The approximately 10.2-mile segment of Grave Creek from the east boundary of T. 34 S., R. 7 W., sec. 1, Willamette Meridian, downstream to the confluence with the Rogue River.

(III) CENTENNIAL GULCH.—The approximately 2.2-mile segment of Centennial Gulch from its headwaters to its confluence with the Rogue River in T. 34 S., R. 7, W., sec. 18, Willamette Meridian.

(IV) QUAIL CREEK.—The approximately 0.8-mile segment of Quail Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 1, Willamette Meridian.

(V) DITCH CREEK.—The approximately 0.7-mile segment of Ditch Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 5, Willamette Meridian.

(VI) GALICE CREEK.—The approximately 2.2-mile segment of Galice Creek from the confluence with the North Fork Galice Creek downstream to the confluence with the Rogue River in T. 34 S., R. 8 W., sec. 36, Willamette Meridian.

(VII) QUARTZ CREEK.—The approximately 3.3-mile segment of Quartz Creek from its headwaters to its confluence with the North Fork Galice Creek in T. 35 S., R. 8 W., sec. 4, Willamette Meridian.

(VIII) NORTH FORK GALICE CREEK.—The approximately 5.7-mile segment of the North Fork Galice Creek from its headwaters to its confluence with the South Fork Galice Creek in T. 35 S., R. 8 W., sec. 3, Willamette Meridian.

(2) TECHNICAL CORRECTIONS TO THE WILD AND SCENIC RIVERS ACT.—

(A) CHETCO, OREGON.—Section 3(a)(69) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(69)) is amended—

(i) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

(ii) in the matter preceding clause (i) (as so redesignated), by striking “The 44.5-mile” and inserting the following:

“(A) DESIGNATIONS.—The 44.5-mile”;

(iii) in clause (i) (as so redesignated)—

(I) by striking “25.5-mile” and inserting “27.5-mile”; and

(II) by striking “Boulder Creek at the Kalmiopsis Wilderness boundary” and inserting “Mislatah Creek”;

(iv) in clause (ii) (as so redesignated)—

(I) by striking “8-mile” and inserting “7.5-mile”; and

(II) by striking “Boulder Creek to Steel Bridge” and inserting “Mislatah Creek to Eagle Creek”;

(v) in clause (iii) (as so redesignated)—

(I) by striking “11-mile” and inserting “9.5-mile”; and

(II) by striking “Steel Bridge” and inserting “Eagle Creek”; and

(vi) by adding at the end the following:

“(B) WITHDRAWAL.—Subject to valid rights, the Federal land within the boundaries of the river segments designated by subparagraph (A) is withdrawn from all forms of—

“(i) entry, appropriation, or disposal under the public land laws;

“(ii) location, entry, and patent under the mining laws; and

“(iii) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.”.

(B) WHYCHUS CREEK, OREGON.—Section 3(a)(102) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(102)) is amended—

(i) in the paragraph heading, by striking “SQUAW CREEK” and inserting “WHYCHUS CREEK”;

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(iii) in the matter preceding clause (i) (as so redesignated)—

(I) by striking “The 15.4-mile” and inserting the following:

“(A) DESIGNATIONS.—The 15.4-mile”; and

(II) by striking “McAllister Ditch, including the Soap Fork Squaw Creek, the North Fork, the South Fork, the East and West Forks of Park Creek, and Park Creek Fork” and inserting “Plainview Ditch, including the Soap Creek, the North and South Forks of Whychus Creek, the East and West Forks of Park Creek, and Park Creek”;

(iv) in clause (ii) (as so redesignated), by striking “McAllister Ditch” and inserting “Plainview Ditch”; and

(v) by adding at the end the following:

“(B) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the river segments designated by subparagraph (A) is withdrawn from all forms of—

“(i) entry, appropriation, or disposal under the public land laws;

“(ii) location, entry, and patent under the mining laws; and

“(iii) disposition under all laws relating to mineral and geothermal leasing or mineral materials.”.

(3) WILD AND SCENIC RIVER DESIGNATIONS, WASSON CREEK AND FRANKLIN CREEK, OREGON.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“(214) FRANKLIN CREEK, OREGON.—The 4.5-mile segment from its headwaters to the private land boundary in sec. 8, to be administered by the Secretary of Agriculture as a wild river.

“(215) WASSON CREEK, OREGON.—The 10.1-mile segment in the following classes:

“(A) The 4.2-mile segment from the eastern boundary of T. 21 S., R. 9 W., sec. 17, downstream to the western boundary of T. 21 S., R. 10 W., sec. 12, to be administered by the Secretary of the Interior as a wild river.

“(B) The 5.9-mile segment from the western boundary of T. 21 S., R. 10 W., sec. 12, downstream to the eastern boundary of the northwest quarter of T. 21 S., R. 10 W., sec. 22, to be administered by the Secretary of Agriculture as a wild river.”.

(4) WILD AND SCENIC RIVER DESIGNATIONS, MOLALLA RIVER, OREGON.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by paragraph (3)) is amended by adding at the end the following:

“(216) MOLALLA RIVER, OREGON.—

“(A) IN GENERAL.—The following segments in the State of Oregon, to be administered by the Secretary of the Interior as a recreational river:

“(i) MOLALLA RIVER.—The approximately 15.1-mile segment from the southern boundary line of T. 7 S., R. 4 E., sec. 19, downstream to the edge of the Bureau of Land Management boundary in T. 6 S., R. 3 E., sec. 7.

“(ii) TABLE ROCK FORK MOLALLA RIVER.—The approximately 6.2-mile segment from the easternmost Bureau of Land Management boundary line in the NE¼ sec. 4, T. 7 S., R. 4 E., downstream to the confluence with the Molalla River.

“(B) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the river segments designated by subparagraph (A) is withdrawn from all forms of—

“(i) entry, appropriation, or disposal under the public land laws;

“(ii) location, entry, and patent under the mining laws; and

“(iii) disposition under all laws relating to mineral and geothermal leasing or mineral materials.”.

(5) DESIGNATION OF ADDITIONAL WILD AND SCENIC RIVERS.—

(A) ELK RIVER, OREGON.—

(i) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (76) and inserting the following:

“(76) ELK, OREGON.—The 69.2-mile segment to be administered by the Secretary of Agriculture in the following classes:

“(A) MAINSTEM.—The 17-mile segment from the confluence of the North and South Forks of the Elk to Anvil Creek as a recreational river.

“(B) NORTH FORK.—

“(i) SCENIC RIVER.—The approximately 0.6-mile segment of the North Fork Elk from its source in T. 33 S., R. 12 W., sec. 21, Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

“(ii) WILD RIVER.—The approximately 5.5-mile segment of the North Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the South Fork Elk, as a wild river.

“(C) SOUTH FORK.—

“(i) SCENIC RIVER.—The approximately 0.9-mile segment of the South Fork Elk from its source in the southeast quarter of T. 33 S., R. 12 W., sec. 32, Willamette Meridian, Forest Service Road 3353, as a scenic river.

“(ii) WILD RIVER.—The approximately 4.2-mile segment of the South Fork Elk from 0.01 miles below

Forest Service Road 3353 to its confluence with the North Fork Elk, as a wild river.

“(D) OTHER TRIBUTARIES.—

“(i) ROCK CREEK.—The approximately 1.7-mile segment of Rock Creek from its headwaters to the west boundary of T. 32 S., R. 14 W., sec. 30, Willamette Meridian, as a wild river.

“(ii) BALD MOUNTAIN CREEK.—The approximately 8-mile segment of Bald Mountain Creek from its headwaters, including Salal Spring to its confluence with Elk River, as a recreational river.

“(iii) SOUTH FORK BALD MOUNTAIN CREEK.—The approximately 3.5-mile segment of South Fork Bald Mountain Creek from its headwaters to its confluence with Bald Mountain Creek, as a scenic river.

“(iv) PLATINUM CREEK.—The approximately 1-mile segment of Platinum Creek from—

“(I) its headwaters to Forest Service Road 5325, as a wild river; and

“(II) Forest Service Road 5325 to its confluence with Elk River, as a scenic river.

“(v) PANTHER CREEK.—The approximately 5.0-mile segment of Panther Creek from—

“(I) its headwaters, including Mountain Well, to Forest Service Road 5325, as a wild river; and

“(II) Forest Service Road 5325 to its confluence with Elk River, as a scenic river.

“(vi) EAST FORK PANTHER CREEK.—The approximately 3.0-mile segment of East Fork Panther Creek from its headwaters, to the confluence with Panther Creek, as a wild river.

“(vii) WEST FORK PANTHER CREEK.—The approximately 3.0-mile segment of West Fork Panther Creek from its headwaters to the confluence with Panther Creek as a wild river.

“(viii) LOST CREEK.—The approximately 1.0-mile segment of Lost Creek from—

“(I) its headwaters to Forest Service Road 5325, as a wild river; and

“(II) Forest Service Road 5325 to its confluence with the Elk River, as a scenic river.

“(ix) MILBURY CREEK.—The approximately 1.5-mile segment of Milbury Creek from—

“(I) its headwaters to Forest Service Road 5325, as a wild river; and

“(II) Forest Service Road 5325 to its confluence with the Elk River, as a scenic river.

“(x) BLACKBERRY CREEK.—The approximately 5.0-mile segment of Blackberry Creek from—

“(I) its headwaters to Forest Service Road 5325, as a wild river; and

“(II) Forest Service Road 5325 to its confluence with the Elk River, as a scenic river.

“(xi) EAST FORK BLACKBERRY CREEK.—The approximately 2.0-mile segment of the unnamed tributary locally known as ‘East Fork Blackberry Creek’ from its headwaters in T. 33 S., R. 13 W., sec. 26, Willamette

Meridian, to its confluence with Blackberry Creek, as a wild river.

“(xii) MCCURDY CREEK.—The approximately 1.0-mile segment of McCurdy Creek from—

“(I) its headwaters to Forest Service Road 5325, as a wild river; and

“(II) Forest Service Road 5325 to its confluence with the Elk River, as a scenic river.

“(xiii) BEAR CREEK.—The approximately 1.5-mile segment of Bear Creek from headwaters to the confluence with Bald Mountain Creek, as a recreational river.

“(xiv) BUTLER CREEK.—The approximately 4-mile segment of Butler Creek from—

“(I) its headwaters to the south boundary of T. 33 S., R. 13 W., sec. 8, Willamette Meridian, as a wild river; and

“(II) from the south boundary of T. 33 S., R. 13 W., sec. 8, Willamette Meridian, to its confluence with Elk River, as a scenic river.

“(xv) EAST FORK BUTLER CREEK.—The approximately 2.8-mile segment locally known as the ‘East Fork of Butler Creek’ from its headwaters on Mount Butler in T. 32 S., R. 13 W., sec. 29, Willamette Meridian, to its confluence with Butler Creek, as a scenic river.

“(xvi) PURPLE MOUNTAIN CREEK.—The approximately 2.0-mile segment locally known as ‘Purple Mountain Creek’ from—

“(I) its headwaters in secs. 35 and 36, T. 33 S., R. 14 W., Willamette Meridian, to 0.01 miles above Forest Service Road 5325, as a wild river; and

“(II) 0.01 miles above Forest Service Road 5325 to its confluence with the Elk River, as a scenic river.”

(ii) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the river segments designated by paragraph (76) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by clause (i)) is withdrawn from all forms of—

(I) entry, appropriation, or disposal under the public land laws;

(II) location, entry, and patent under the mining laws; and

(III) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

(B) DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS.—

(i) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by paragraph (4)) is amended by adding at the end the following:

“(217) NESTUCCA RIVER, OREGON.—The approximately 15.5-mile segment from its confluence with Ginger Creek downstream until it crosses the western edge of T. 4 S., R. 7 W.,

sec. 7, Willamette Meridian, to be administered by the Secretary of the Interior as a recreational river.

“(218) WALKER CREEK, OREGON.—The approximately 2.9-mile segment from the headwaters in T. 3 S., R. 6 W., sec. 20 downstream to the confluence with the Nestucca River in T. 3 S., R. 6 W., sec. 15, Willamette Meridian, to be administered by the Secretary of the Interior as a recreational river.

“(219) NORTH FORK SILVER CREEK, OREGON.—The approximately 6-mile segment from the headwaters in T. 35 S., R. 9 W., sec. 1 downstream to the western edge of the Bureau of Land Management boundary in T. 35 S., R. 9 W., sec. 17, Willamette Meridian, to be administered by the Secretary of the Interior as a recreational river.

“(220) JENNY CREEK, OREGON.—The approximately 17.6-mile segment from the Bureau of Land Management boundary located at the north boundary of the southwest quarter of the southeast quarter of T. 38 S., R. 4 E., sec. 34, Willamette Meridian, downstream to the Oregon State border, to be administered by the Secretary of the Interior as a scenic river.

“(221) SPRING CREEK, OREGON.—The approximately 1.1-mile segment from its source at Shoat Springs in T. 40 S., R. 4 E., sec. 34, Willamette Meridian, downstream to the confluence with Jenny Creek in T. 41 S., R. 4 E., sec. 3, Willamette Meridian, to be administered by the Secretary of the Interior as a scenic river.

“(222) LOBSTER CREEK, OREGON.—The approximately 5-mile segment from T. 15 S., R. 8 W., sec. 35, Willamette Meridian, downstream to the northern edge of the Bureau of Land Management boundary in T. 15 S., R. 8 W., sec. 15, Willamette Meridian, to be administered by the Secretary of the Interior as a recreational river.

“(223) ELK CREEK, OREGON.—The approximately 7.3-mile segment from its confluence with Flat Creek near river mile 9, to the southern edge of the Army Corps of Engineers boundary in T. 33 S., R. 1 E., sec. 30, Willamette Meridian, near river mile 1.7, to be administered by the Secretary of the Interior as a scenic river.”

(ii) ADMINISTRATION OF ELK CREEK.—

(I) LATERAL BOUNDARIES OF ELK CREEK.—The lateral boundaries of the river segment designated by paragraph (223) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by clause (i)) shall include an average of not more than 640 acres per mile measured from the ordinary high water mark on both sides of the river segment.

(II) DEAUTHORIZATION.—The Elk Creek Project authorized under the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1192) is deauthorized.

(iii) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the river segments designated by paragraphs (217) through (223) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by clause (i)) is withdrawn from all forms of—

(I) entry, appropriation, or disposal under the public land laws;

16 USC 1274
note.

16 USC 1274
note.

(II) location, entry, and patent under the mining laws; and

(III) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

(b) DEVIL’S STAIRCASE WILDERNESS.—

(1) DEFINITIONS.—In this subsection:

(A) MAP.—The term “map” means the map entitled “Devil’s Staircase Wilderness Proposal” and dated July 26, 2018.

(B) SECRETARY.—The term “Secretary” means—

(i) the Secretary, with respect to public land administered by the Secretary; or

(ii) the Secretary of Agriculture, with respect to National Forest System land.

(C) STATE.—The term “State” means the State of Oregon.

(D) WILDERNESS.—The term “Wilderness” means the Devil’s Staircase Wilderness designated by paragraph (2).

16 USC 1132
note.

(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 30,621 acres of Forest Service land and Bureau of Land Management land in the State, as generally depicted on the map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Devil’s Staircase Wilderness”.

(3) MAP; LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map and legal description of the Wilderness.

(B) FORCE OF LAW.—The map and legal description prepared under subparagraph (A) shall have the same force and effect as if included in this subsection, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(C) AVAILABILITY.—The map and legal description prepared under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(4) ADMINISTRATION.—Subject to valid existing rights, the area designated as wilderness by this subsection shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land within the Wilderness.

(5) FISH AND WILDLIFE.—Nothing in this subsection affects the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

(6) ADJACENT MANAGEMENT.—

(A) IN GENERAL.—Nothing in this subsection creates any protective perimeter or buffer zone around the Wilderness.

(B) **ACTIVITIES OUTSIDE WILDERNESS.**—The fact that a nonwilderness activity or use on land outside the Wilderness can be seen or heard within the Wilderness shall not preclude the activity or use outside the boundary of the Wilderness.

(7) **PROTECTION OF TRIBAL RIGHTS.**—Nothing in this subsection diminishes any treaty rights of an Indian Tribe.

(8) **TRANSFER OF ADMINISTRATIVE JURISDICTION.**—

(A) **IN GENERAL.**—Administrative jurisdiction over the approximately 49 acres of Bureau of Land Management land north of the Umpqua River in T. 21 S., R. 11 W., sec. 32, is transferred from the Bureau of Land Management to the Forest Service.

(B) **ADMINISTRATION.**—The Secretary shall administer the land transferred by subparagraph (A) in accordance with—

(i) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(ii) any laws (including regulations) applicable to the National Forest System.

PART II—EMERY COUNTY PUBLIC LAND MANAGEMENT

SEC. 1211. DEFINITIONS.

16 USC 460ddd
note.

In this part:

(1) **COUNCIL.**—The term “Council” means the San Rafael Swell Recreation Area Advisory Council established under section 1223(a).

(2) **COUNTY.**—The term “County” means Emery County in the State.

(3) **MANAGEMENT PLAN.**—The term “Management Plan” means the management plan for the Recreation Area developed under section 1222(c).

(4) **MAP.**—The term “Map” means the map entitled “Emery County Public Land Management Act of 2018 Overview Map” and dated February 5, 2019.

(5) **RECREATION AREA.**—The term “Recreation Area” means the San Rafael Swell Recreation Area established by section 1221(a)(1).

(6) **SECRETARY.**—The term “Secretary” means—

(A) the Secretary, with respect to public land administered by the Bureau of Land Management; and

(B) the Secretary of Agriculture, with respect to National Forest System land.

(7) **STATE.**—The term “State” means the State of Utah.

(8) **WILDERNESS AREA.**—The term “wilderness area” means a wilderness area designated by section 1231(a).

SEC. 1212. ADMINISTRATION.

16 USC 460ddd
note.

Nothing in this part affects or modifies—

(1) any right of any federally recognized Indian Tribe;
or

(2) any obligation of the United States to any federally recognized Indian Tribe.

16 USC 460ddd note. **SEC. 1213. EFFECT ON WATER RIGHTS.**

Nothing in this part—

(1) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(2) affects any water right (as defined by applicable State law) in existence on the date of enactment of this Act, including any water right held by the United States;

(3) affects any interstate water compact in existence on the date of enactment of this Act;

(4) shall be considered to be a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act; or

(5) affects the management and operation of Flaming Gorge Dam and Reservoir, including the storage, management, and release of water.

16 USC 460ddd note. **SEC. 1214. SAVINGS CLAUSE.**

Nothing in this part diminishes the authority of the Secretary under Public Law 92–195 (commonly known as the “Wild Free-Roaming Horses and Burros Act”) (16 U.S.C. 1331 et seq.).

Subpart A—San Rafael Swell Recreation Area

16 USC 460ddd. **SEC. 1221. ESTABLISHMENT OF RECREATION AREA.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to valid existing rights, there is established the San Rafael Swell Recreation Area in the State.

(2) AREA INCLUDED.—The Recreation Area shall consist of approximately 216,995 acres of Federal land managed by the Bureau of Land Management, as generally depicted on the Map.

(b) PURPOSES.—The purposes of the Recreation Area are to provide for the protection, conservation, and enhancement of the recreational, cultural, natural, scenic, wildlife, ecological, historical, and educational resources of the Recreation Area.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Recreation Area with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subpart, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—A copy of the map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

16 USC 460ddd–1. **SEC. 1222. MANAGEMENT OF RECREATION AREA.**

(a) IN GENERAL.—The Secretary shall administer the Recreation Area—

(1) in a manner that conserves, protects, and enhances the purposes for which the Recreation Area is established; and

(2) in accordance with—

(A) this section;

(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(C) other applicable laws.

(b) USES.—The Secretary shall allow only uses of the Recreation Area that are consistent with the purposes for which the Recreation Area is established.

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Recreation Area.

(2) REQUIREMENTS.—The Management Plan shall—

(A) describe the appropriate uses and management of the Recreation Area;

(B) be developed with extensive public input;

(C) take into consideration any information developed in studies of the land within the Recreation Area; and

(D) be developed fully consistent with the settlement agreement entered into on January 13, 2017, in the case in the United States District Court for the District of Utah styled “Southern Utah Wilderness Alliance, et al. v. U.S. Department of the Interior, et al.” and numbered 2:12-cv-257 DAK.

(d) MOTORIZED VEHICLES; NEW ROADS.—

(1) MOTORIZED VEHICLES.—Except as needed for emergency response or administrative purposes, the use of motorized vehicles in the Recreation Area shall be permitted only on roads and motorized routes designated in the Management Plan for the use of motorized vehicles.

(2) NEW ROADS.—No new permanent or temporary roads or other motorized vehicle routes shall be constructed within the Recreation Area after the date of enactment of this Act.

(3) EXISTING ROADS.—

(A) IN GENERAL.—Necessary maintenance or repairs to existing roads designated in the Management Plan for the use of motorized vehicles, including necessary repairs to keep existing roads free of debris or other safety hazards, shall be permitted after the date of enactment of this Act, consistent with the requirements of this section.

(B) EFFECT.—Nothing in this subsection prevents the Secretary from rerouting an existing road or trail to protect Recreation Area resources from degradation or to protect public safety, as determined to be appropriate by the Secretary.

(e) GRAZING.—

(1) IN GENERAL.—The grazing of livestock in the Recreation Area, if established before the date of enactment of this Act, shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary in accordance with—

(A) applicable law (including regulations); and

(B) the purposes of the Recreation Area.

(2) INVENTORY.—Not later than 5 years after the date of enactment of this Act, the Secretary, in collaboration with any affected grazing permittee, shall carry out an inventory of facilities and improvements associated with grazing activities in the Recreation Area.

(f) COLD WAR SITES.—The Secretary shall manage the Recreation Area in a manner that educates the public about Cold War and historic uranium mine sites in the Recreation Area, subject to such terms and conditions as the Secretary considers necessary to protect public health and safety.

(g) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land located within the boundary of the Recreation Area that is acquired by the United States after the date of enactment of this Act shall—

(1) become part of the Recreation Area; and

(2) be managed in accordance with applicable laws, including as provided in this section.

(h) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Recreation Area, including any land or interest in land that is acquired by the United States within the Recreation Area after the date of enactment of this Act, is withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(i) STUDY OF NONMOTORIZED RECREATION OPPORTUNITIES.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with interested parties, shall conduct a study of nonmotorized recreation trail opportunities, including bicycle trails, within the Recreation Area, consistent with the purposes of the Recreation Area.

(j) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the State in accordance with section 307(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(b)) and other applicable laws to provide for the protection, management, and maintenance of the Recreation Area.

16 USC
460ddd-2.

SEC. 1223. SAN RAFAEL SWELL RECREATION AREA ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory council, to be known as the “San Rafael Swell Recreation Area Advisory Council”.

(b) DUTIES.—The Council shall advise the Secretary with respect to the preparation and implementation of the Management Plan for the Recreation Area.

(c) APPLICABLE LAW.—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) section 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739).

(d) MEMBERS.—The Council shall include 7 members, to be appointed by the Secretary, of whom, to the maximum extent practicable—

- (1) 1 member shall represent the Emery County Commission;
- (2) 1 member shall represent motorized recreational users;
- (3) 1 member shall represent nonmotorized recreational users;
- (4) 1 member shall represent permittees holding grazing allotments within the Recreation Area or wilderness areas designated in this part;
- (5) 1 member shall represent conservation organizations;
- (6) 1 member shall have expertise in the historical uses of the Recreation Area; and
- (7) 1 member shall be appointed from the elected leadership of a Federally recognized Indian Tribe that has significant cultural or historical connections to, and expertise in, the landscape, archeological sites, or cultural sites within the County.

Subpart B—Wilderness Areas

SEC. 1231. ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

- (1) BIG WILD HORSE MESA.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,192 acres, generally depicted on the Map as “Proposed Big Wild Horse Mesa Wilderness”, which shall be known as the “Big Wild Horse Mesa Wilderness”. 16 USC 1132 note.
- (2) COLD WASH.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 11,001 acres, generally depicted on the Map as “Proposed Cold Wash Wilderness”, which shall be known as the “Cold Wash Wilderness”. 16 USC 1132 note.
- (3) DESOLATION CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 142,996 acres, generally depicted on the Map as “Proposed Desolation Canyon Wilderness”, which shall be known as the “Desolation Canyon Wilderness”. 16 USC 1132 note.
- (4) DEVIL’S CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 8,675 acres, generally depicted on the Map as “Proposed Devil’s Canyon Wilderness”, which shall be known as the “Devil’s Canyon Wilderness”. 16 USC 1132 note.
- (5) EAGLE CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 13,832 acres, generally depicted on the Map as “Proposed Eagle Canyon Wilderness”, which shall be known as the “Eagle Canyon Wilderness”. 16 USC 1132 note.
- (6) HORSE VALLEY.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 12,201 acres, generally depicted on the Map as “Proposed Horse Valley Wilderness”, which shall be known as the “Horse Valley Wilderness”. 16 USC 1132 note.
- (7) LABYRINTH CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 16 USC 1132 note.

54,643 acres, generally depicted on the Map as “Proposed Labyrinth Canyon Wilderness”, which shall be known as the “Labyrinth Canyon Wilderness”.

16 USC 1132
note.

(8) LITTLE OCEAN DRAW.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 20,660 acres, generally depicted on the Map as “Proposed Little Ocean Draw Wilderness”, which shall be known as the “Little Ocean Draw Wilderness”.

16 USC 1132
note.

(9) LITTLE WILD HORSE CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 5,479 acres, generally depicted on the Map as “Proposed Little Wild Horse Canyon Wilderness”, which shall be known as the “Little Wild Horse Canyon Wilderness”.

16 USC 1132
note.

(10) LOWER LAST CHANCE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 19,338 acres, generally depicted on the Map as “Proposed Lower Last Chance Wilderness”, which shall be known as the “Lower Last Chance Wilderness”.

16 USC 1132
note.

(11) MEXICAN MOUNTAIN.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 76,413 acres, generally depicted on the Map as “Proposed Mexican Mountain Wilderness”, which shall be known as the “Mexican Mountain Wilderness”.

16 USC 1132
note.

(12) MIDDLE WILD HORSE MESA.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 16,343 acres, generally depicted on the Map as “Proposed Middle Wild Horse Mesa Wilderness”, which shall be known as the “Middle Wild Horse Mesa Wilderness”.

16 USC 1132
note.

(13) MUDDY CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 98,023 acres, generally depicted on the Map as “Proposed Muddy Creek Wilderness”, which shall be known as the “Muddy Creek Wilderness”.

16 USC 1132
note.

(14) NELSON MOUNTAIN.—

(A) IN GENERAL.—Certain Federal land managed by the Forest Service, comprising approximately 7,176 acres, and certain Federal land managed by the Bureau of Land Management, comprising approximately 257 acres, generally depicted on the Map as “Proposed Nelson Mountain Wilderness”, which shall be known as the “Nelson Mountain Wilderness”.

(B) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the 257-acre portion of the Nelson Mountain Wilderness designated by subparagraph (A) is transferred from the Bureau of Land Management to the Forest Service.

16 USC 1132
note.

(15) RED’S CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 17,325 acres, generally depicted on the Map as “Proposed Red’s Canyon Wilderness”, which shall be known as the “Red’s Canyon Wilderness”.

16 USC 1132
note.

(16) SAN RAFAEL REEF.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 60,442 acres, generally depicted on the Map as “Proposed San Rafael Reef Wilderness”, which shall be known as the “San Rafael Reef Wilderness”.

(17) **SID’S MOUNTAIN.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 49,130 acres, generally depicted on the Map as “Proposed Sid’s Mountain Wilderness”, which shall be known as the “Sid’s Mountain Wilderness”. 16 USC 1132 note.

(18) **TURTLE CANYON.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 29,029 acres, generally depicted on the Map as “Proposed Turtle Canyon Wilderness”, which shall be known as the “Turtle Canyon Wilderness”. 16 USC 1132 note.

(b) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) **EFFECT.**—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this part, except that the Secretary may correct clerical and typographical errors in the maps and legal descriptions.

(3) **AVAILABILITY.**—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate office of the Secretary.

SEC. 1232. ADMINISTRATION.

(a) **MANAGEMENT.**—Subject to valid existing rights, the wilderness areas shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) **RECREATIONAL CLIMBING.**—Nothing in this part prohibits recreational rock climbing activities in the wilderness areas, such as the placement, use, and maintenance of fixed anchors, including any fixed anchor established before the date of the enactment of this Act—

(1) in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

(c) **TRAIL PLAN.**—After providing opportunities for public comment, the Secretary shall establish a trail plan that addresses hiking and equestrian trails on the wilderness areas in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(d) **LIVESTOCK.**—

(1) **IN GENERAL.**—The grazing of livestock in the wilderness areas, if established before the date of enactment of this Act, shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101-405).

(2) INVENTORY.—With respect to each wilderness area in which grazing of livestock is allowed to continue under paragraph (1), not later than 2 years after the date of enactment of this Act, the Secretary, in collaboration with any affected grazing permittee, shall carry out an inventory of facilities and improvements associated with grazing activities in the wilderness area.

(e) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Congress does not intend for the designation of the wilderness areas to create protective perimeters or buffer zones around the wilderness areas.

(2) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

(f) MILITARY OVERFLIGHTS.—Nothing in this subpart restricts or precludes—

(1) low-level overflights of military aircraft over the wilderness areas, including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

(g) COMMERCIAL SERVICES.—Commercial services (including authorized outfitting and guide activities) within the wilderness areas may be authorized to the extent necessary for activities that are appropriate for realizing the recreational or other wilderness purposes of the wilderness areas, in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)).

(h) LAND ACQUISITION AND INCORPORATION OF ACQUIRED LAND AND INTERESTS.—

(1) ACQUISITION AUTHORITY.—The Secretary may acquire land and interests in land within the boundaries of a wilderness area by donation, purchase from a willing seller, or exchange.

(2) INCORPORATION.—Any land or interest in land within the boundary of a wilderness area that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the wilderness area.

(i) WATER RIGHTS.—

(1) STATUTORY CONSTRUCTION.—Nothing in this subpart—

(A) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by section 1231;

(B) shall affect any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States;

(C) shall be construed as establishing a precedent with regard to any future wilderness designations;

(D) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(E) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(2) STATE WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas.

(j) MEMORANDUM OF UNDERSTANDING.—The Secretary shall offer to enter into a memorandum of understanding with the County, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), to clarify the approval processes for the use of motorized equipment and mechanical transport for search and rescue activities in the Muddy Creek Wilderness established by section 1231(a)(13).

SEC. 1233. FISH AND WILDLIFE MANAGEMENT.

Nothing in this subpart affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

SEC. 1234. RELEASE.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the approximately 17,420 acres of public land administered by the Bureau of Land Management in the County that has not been designated as wilderness by section 1231(a) has been adequately studied for wilderness designation.

(b) RELEASE.—The public land described in subsection (a)—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with—

(A) applicable law; and

(B) any applicable land management plan adopted under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

Subpart C—Wild and Scenic River Designation

SEC. 1241. GREEN RIVER WILD AND SCENIC RIVER DESIGNATION.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1205(a)(5)(B)(i)) is amended by adding at the end the following:

“(224) GREEN RIVER.—The approximately 63-mile segment, as generally depicted on the map entitled ‘Emery County Public Land Management Act of 2018 Overview Map’ and dated December 11, 2018, to be administered by the Secretary of the Interior, in the following classifications:

“(A) WILD RIVER SEGMENT.—The 5.3-mile segment from the boundary of the Uintah and Ouray Reservation, south to the Nefertiti boat ramp, as a wild river.

“(B) RECREATIONAL RIVER SEGMENT.—The 8.5-mile segment from the Nefertiti boat ramp, south to the Swasey’s boat ramp, as a recreational river.

“(C) SCENIC RIVER SEGMENT.—The 49.2-mile segment from Bull Bottom, south to the county line between Emery and Wayne Counties, as a scenic river.”

16 USC 1274
note.

(b) INCORPORATION OF ACQUIRED NON-FEDERAL LAND.—If the United States acquires any non-Federal land within or adjacent to a river segment of the Green River designated by paragraph (224) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)), the acquired land shall be incorporated in, and be administered as part of, the applicable wild, scenic, or recreational river.

Subpart D—Land Management and Conveyances

SEC. 1251. GOBLIN VALLEY STATE PARK.

(a) IN GENERAL.—The Secretary shall offer to convey to the Utah Division of Parks and Recreation of the Utah Department of Natural Resources (referred to in this section as the “State”), approximately 6,261 acres of land identified on the Map as the “Proposed Goblin Valley State Park Expansion”, without consideration, for the management by the State as a State park, consistent with uses allowed under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.).

(b) REVERSIONARY CLAUSE REQUIRED.—A conveyance under subsection (a) shall include a reversionary clause to ensure that management of the land described in that subsection shall revert to the Secretary if the land is no longer being managed as a State park in accordance with subsection (a).

54 USC 320301
note.

SEC. 1252. JURASSIC NATIONAL MONUMENT.

(a) ESTABLISHMENT PURPOSES.—To conserve, interpret, and enhance for the benefit of present and future generations the paleontological, scientific, educational, and recreational resources of the area and subject to valid existing rights, there is established in the State the Jurassic National Monument (referred to in this section as the “Monument”), consisting of approximately 850 acres of Federal land administered by the Bureau of Land Management in the County and generally depicted as “Proposed Jurassic National Monument” on the Map.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of the Monument.

(2) EFFECT.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the map and legal description, subject to the requirement that, before making the proposed corrections, the Secretary shall submit to the State and any affected county the proposed corrections.

(3) PUBLIC AVAILABILITY.—A copy of the map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) WITHDRAWAL.—Subject to valid existing rights, any Federal land within the boundaries of the Monument and any land or interest in land that is acquired by the United States for inclusion

in the Monument after the date of enactment of this Act is withdrawn from—

- (1) entry, appropriation, or disposal under the public land laws;
- (2) location, entry, and patent under the mining laws; and
- (3) operation of the mineral leasing laws, geothermal leasing laws, and minerals materials laws.

(d) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Monument—

(A) in a manner that conserves, protects, and enhances the resources and values of the Monument, including the resources and values described in subsection (a); and

(B) in accordance with—

- (i) this section;
- (ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and
- (iii) any other applicable Federal law.

(2) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Monument shall be managed as a component of the National Landscape Conservation System.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Monument.

(2) COMPONENTS.—The management plan developed under paragraph (1) shall—

(A) describe the appropriate uses and management of the Monument, consistent with the provisions of this section; and

(B) allow for continued scientific research at the Monument during the development of the management plan for the Monument, subject to any terms and conditions that the Secretary determines necessary to protect Monument resources.

(f) AUTHORIZED USES.—The Secretary shall only allow uses of the Monument that the Secretary determines would further the purposes for which the Monument has been established.

(g) INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.—

(1) IN GENERAL.—The Secretary shall provide for public interpretation of, and education and scientific research on, the paleontological resources of the Monument.

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate public entities to carry out paragraph (1).

(h) SPECIAL MANAGEMENT AREAS.—

(1) IN GENERAL.—The establishment of the Monument shall not modify the management status of any area within the boundary of the Monument that is managed as an area of critical environmental concern.

(2) CONFLICT OF LAWS.—If there is a conflict between the laws applicable to an area described in paragraph (1) and this section, the more restrictive provision shall control.

(i) MOTORIZED VEHICLES.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized

vehicles in the Monument shall be allowed only on roads and trails designated for use by motorized vehicles under the management plan for the Monument developed under subsection (e).

(j) **WATER RIGHTS.**—Nothing in this section constitutes an express or implied reservation by the United States of any water or water rights with respect to the Monument.

(k) **GRAZING.**—The grazing of livestock in the Monument, if established before the date of enactment of this Act, shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary in accordance with—

- (1) applicable law (including regulations);
- (2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101–405); and
- (3) the purposes of the Monument.

SEC. 1253. PUBLIC LAND DISPOSAL AND ACQUISITION.

(a) **IN GENERAL.**—In accordance with applicable law, the Secretary may sell public land located in the County that has been identified as suitable for disposal based on specific criteria as listed in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) in the applicable resource management plan in existence on the date of enactment of this Act.

(b) **USE OF PROCEEDS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law (other than a law that specifically provides for a portion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury, to be known as the “Emery County, Utah, Land Acquisition Account” (referred to in this section as the “Account”).

(2) **AVAILABILITY.**—

(A) **IN GENERAL.**—Amounts in the Account shall be available to the Secretary, without further appropriation, to purchase from willing sellers land or interests in land within a wilderness area or the Recreation Area.

(B) **APPLICABILITY.**—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

(C) **PROTECTION OF CULTURAL RESOURCES.**—To the extent that there are amounts in the Account in excess of the amounts needed to carry out subparagraph (A), the Secretary may use the excess amounts for the protection of cultural resources on Federal land within the County.

SEC. 1254. PUBLIC PURPOSE CONVEYANCES.

(a) **IN GENERAL.**—Notwithstanding the land use planning requirement of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), on request by the applicable local governmental entity, the Secretary shall convey without consideration the following parcels of public land to be used for public purposes:

- (1) **EMERY CITY RECREATION AREA.**—The approximately 640-acre parcel as generally depicted on the Map, to the City

of Emery, Utah, for the creation or enhancement of public recreation opportunities consistent with uses allowed under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.).

(2) HUNTINGTON AIRPORT.—The approximately 320-acre parcel as generally depicted on the Map, to Emery County, Utah, for expansion of Huntington Airport consistent with uses allowed under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.).

(3) EMERY COUNTY SHERIFF’S OFFICE.—The approximately 5-acre parcel as generally depicted on the Map, to Emery County, Utah, for the Emery County Sheriff’s Office substation consistent with uses allowed under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.).

(4) BUCKHORN INFORMATION CENTER.—The approximately 5-acre parcel as generally depicted on the Map, to Emery County, Utah, for the Buckhorn Information Center consistent with uses allowed under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.).

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each parcel of land to be conveyed under subsection (a) with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) EFFECT.—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this part, except that the Secretary may correct clerical or typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the Price Field Office of the Bureau of Land Management.

(c) REVERSION.—

(1) IN GENERAL.—If a parcel of land conveyed under subsection (a) is used for a purpose other than the purpose described in that subsection, the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(2) RESPONSIBILITY FOR REMEDIATION.—In the case of a reversion under paragraph (1), if the Secretary determines that the parcel of land is contaminated with hazardous waste, the local governmental entity to which the parcel of land was conveyed under subsection (a) shall be responsible for remediation.

SEC. 1255. EXCHANGE OF BLM AND SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION LAND.

(a) DEFINITIONS.—In this section:

(1) EXCHANGE MAP.—The term “Exchange Map” means the map prepared by the Bureau of Land Management entitled

“Emery County Public Land Management Act—Proposed Land Exchange” and dated December, 10, 2018.

(2) FEDERAL LAND.—The term “Federal land” means public land located in the State of Utah that is identified on the Exchange Map as—

(A) “BLM Surface and Mineral Lands Proposed for Transfer to SITLA”;

(B) “BLM Mineral Lands Proposed for Transfer to SITLA”; and

(C) “BLM Surface Lands Proposed for Transfer to SITLA”.

(3) NON-FEDERAL LAND.—The term “non-Federal land” means the land owned by the State in the Emery and Uintah Counties that is identified on the Exchange Map as—

(A) “SITLA Surface and Mineral Land Proposed for Transfer to BLM”;

(B) “SITLA Mineral Lands Proposed for Transfer to BLM”; and

(C) “SITLA Surface Lands Proposed for Transfer to BLM”.

(4) STATE.—The term “State” means the State, acting through the School and Institutional Trust Lands Administration.

(b) EXCHANGE OF FEDERAL LAND AND NON-FEDERAL LAND.—

(1) IN GENERAL.—If the State offers to convey to the United States title to the non-Federal land, the Secretary, in accordance with this section, shall—

(A) accept the offer; and

(B) on receipt of all right, title, and interest in and to the non-Federal land, convey to the State (or a designee) all right, title, and interest of the United States in and to the Federal land.

(2) CONVEYANCE OF PARCELS IN PHASES.—

(A) IN GENERAL.—Notwithstanding that appraisals for all of the parcels of Federal land and non-Federal land may not have been approved under subsection (c)(5), parcels of the Federal land and non-Federal land may be exchanged under paragraph (1) in phases, to be mutually agreed by the Secretary and the State, beginning on the date on which the appraised values of the parcels included in the applicable phase are approved.

(B) NO AGREEMENT ON EXCHANGE.—If any dispute or delay arises with respect to the exchange of an individual parcel of Federal land or non-Federal land under paragraph (1), the Secretary and the State may mutually agree to set aside the individual parcel to allow the exchange of the other parcels of Federal land and non-Federal land to proceed.

(3) EXCLUSION.—

(A) IN GENERAL.—The Secretary shall exclude from any conveyance of a parcel of Federal land under paragraph (1) any Federal land that contains critical habitat designated for a species listed as an endangered species or a threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(B) REQUIREMENT.—Any Federal land excluded under subparagraph (A) shall be the smallest area necessary to protect the applicable critical habitat.

(4) APPLICABLE LAW.—

(A) IN GENERAL.—The land exchange under paragraph (1) shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) and other applicable law.

(B) LAND USE PLANNING.—With respect to the Federal land to be conveyed under paragraph (1), the Secretary shall not be required to undertake any additional land use planning under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) before the conveyance of the Federal land.

(5) VALID EXISTING RIGHTS.—The land exchange under paragraph (1) shall be subject to valid existing rights.

(6) TITLE APPROVAL.—Title to the Federal land and non-Federal land to be exchanged under paragraph (1) shall be in a form acceptable to the Secretary and the State.

(c) APPRAISALS.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be exchanged under subsection (b)(1) shall be determined by appraisals conducted by 1 or more independent and qualified appraisers.

(2) STATE APPRAISER.—The Secretary and the State may agree to use an independent and qualified appraiser—

(A) retained by the State; and

(B) approved by the Secretary.

(3) APPLICABLE LAW.—The appraisals under paragraph (1) shall be conducted in accordance with nationally recognized appraisal standards, including, as appropriate—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(4) MINERALS.—

(A) MINERAL REPORTS.—The appraisals under paragraph (1) may take into account mineral and technical reports provided by the Secretary and the State in the evaluation of mineral deposits in the Federal land and non-Federal land.

(B) MINING CLAIMS.—To the extent permissible under applicable appraisal standards, the appraisal of any parcel of Federal land that is encumbered by a mining or millsite claim located under sections 2318 through 2352 of the Revised Statutes (commonly known as the “Mining Law of 1872”) (30 U.S.C. 21 et seq.) shall be appraised in accordance with standard appraisal practices, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisition.

(C) VALIDITY EXAMINATIONS.—Nothing in this subsection requires the United States to conduct a mineral examination for any mining claim on the Federal land.

(D) ADJUSTMENT.—

(i) IN GENERAL.—If value is attributed to any parcel of Federal land because of the presence of minerals subject to leasing under the Mineral Leasing

Act (30 U.S.C. 181 et seq.), the value of the parcel (as otherwise established under this subsection) shall be reduced by the percentage of the applicable Federal revenue sharing obligation under section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)).

(ii) LIMITATION.—An adjustment under clause (i) shall not be considered to be a property right of the State.

(5) APPROVAL.—An appraisal conducted under paragraph (1) shall be submitted to the Secretary and the State for approval.

(6) DURATION.—An appraisal conducted under paragraph (1) shall remain valid for 3 years after the date on which the appraisal is approved by the Secretary and the State.

(7) COST OF APPRAISAL.—

(A) IN GENERAL.—The cost of an appraisal conducted under paragraph (1) shall be paid equally by the Secretary and the State.

(B) REIMBURSEMENT BY SECRETARY.—If the State retains an appraiser in accordance with paragraph (2), the Secretary shall reimburse the State in an amount equal to 50 percent of the costs incurred by the State.

(d) CONVEYANCE OF TITLE.—It is the intent of Congress that the land exchange authorized under subsection (b)(1) shall be completed not later than 1 year after the date of final approval by the Secretary and the State of the appraisals conducted under subsection (c).

(e) PUBLIC INSPECTION AND NOTICE.—

(1) PUBLIC INSPECTION.—Not later than 30 days before the date of any exchange of Federal land and non-Federal land under subsection (b)(1), all final appraisals and appraisal reviews for the land to be exchanged shall be available for public review at the office of the State Director of the Bureau of Land Management in the State of Utah.

(2) NOTICE.—The Secretary shall make available on the public website of the Secretary, and the Secretary or the State, as applicable, shall publish in a newspaper of general circulation in Salt Lake County, Utah, a notice that the appraisals conducted under subsection (c) are available for public inspection.

(f) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land to be exchanged under subsection (b)(1)—

(A) shall be equal; or

(B) shall be made equal in accordance with paragraph

(2).

(2) EQUALIZATION.—

(A) SURPLUS OF FEDERAL LAND.—With respect to any Federal land and non-Federal land to be exchanged under subsection (b)(1), if the value of the Federal land exceeds the value of the non-Federal land, the value of the Federal land and non-Federal land shall be equalized by—

(i) the State conveying to the Secretary, as necessary to equalize the value of the Federal land and non-Federal land, after the acquisition of all State trust land located within the wilderness areas or recreation area designated by this part, State trust land

located within any of the wilderness areas or national conservation areas in Washington County, Utah, established under subtitle O of title I of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1075); and

(ii) the State, to the extent necessary to equalize any remaining imbalance of value after all available Washington County, Utah, land described in clause (i) has been conveyed to the Secretary, conveying to the Secretary additional State trust land as identified and agreed on by the Secretary and the State.

(B) SURPLUS OF NON-FEDERAL LAND.—If the value of the non-Federal land exceeds the value of the Federal land, the value of the Federal land and the non-Federal land shall be equalized—

(i) by the Secretary making a cash equalization payment to the State, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) by removing non-Federal land from the exchange.

(g) INDIAN TRIBES.—The Secretary shall consult with any federally recognized Indian Tribe in the vicinity of the Federal land and non-Federal land to be exchanged under subsection (b)(1) before the completion of the land exchange.

(h) APPURTENANT WATER RIGHTS.—Any conveyance of a parcel of Federal land or non-Federal land under subsection (b)(1) shall include the conveyance of water rights appurtenant to the parcel conveyed.

(i) GRAZING PERMITS.—

(1) IN GENERAL.—If the Federal land or non-Federal land exchanged under subsection (b)(1) is subject to a lease, permit, or contract for the grazing of domestic livestock in effect on the date of acquisition, the Secretary and the State shall allow the grazing to continue for the remainder of the term of the lease, permit, or contract, subject to the related terms and conditions of user agreements, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements.

(2) RENEWAL.—To the extent allowed by Federal or State law, on expiration of any grazing lease, permit, or contract described in paragraph (1), the holder of the lease, permit, or contract shall be entitled to a preference right to renew the lease, permit, or contract.

(3) CANCELLATION.—

(A) IN GENERAL.—Nothing in this section prevents the Secretary or the State from canceling or modifying a grazing permit, lease, or contract if the Federal land or non-Federal land subject to the permit, lease, or contract is sold, conveyed, transferred, or leased for non-grazing purposes by the Secretary or the State.

(B) LIMITATION.—Except to the extent reasonably necessary to accommodate surface operations in support of mineral development, the Secretary or the State shall not cancel or modify a grazing permit, lease, or contract because the land subject to the permit, lease, or contract has been leased for mineral development.

(4) **BASE PROPERTIES.**—If non-Federal land conveyed by the State under subsection (b)(1) is used by a grazing permittee or lessee to meet the base property requirements for a Federal grazing permit or lease, the land shall continue to qualify as a base property for—

(A) the remaining term of the lease or permit; and

(B) the term of any renewal or extension of the lease or permit.

(j) **WITHDRAWAL OF FEDERAL LAND FROM MINERAL ENTRY PRIOR TO EXCHANGE.**—Subject to valid existing rights, the Federal land to be conveyed to the State under subsection (b)(1) is withdrawn from mineral location, entry, and patent under the mining laws pending conveyance of the Federal land to the State.

Subtitle D—Wild and Scenic Rivers

SEC. 1301. LOWER FARMINGTON RIVER AND SALMON BROOK WILD AND SCENIC RIVER.

(a) **FINDINGS.**—Congress finds that—

(1) the Lower Farmington River and Salmon Brook Study Act of 2005 (Public Law 109–370) authorized the study of the Farmington River downstream from the segment designated as a recreational river by section 3(a)(156) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(a)(156)) to its confluence with the Connecticut River, and the segment of the Salmon Brook including its main stem and east and west branches for potential inclusion in the National Wild and Scenic Rivers System;

(2) the studied segments of the Lower Farmington River and Salmon Brook support natural, cultural, and recreational resources of exceptional significance to the citizens of Connecticut and the Nation;

(3) concurrently with the preparation of the study, the Lower Farmington River and Salmon Brook Wild and Scenic Study Committee prepared the Lower Farmington River and Salmon Brook Management Plan, June 2011 (referred to in this section as the “management plan”), that establishes objectives, standards, and action programs that will ensure the long-term protection of the outstanding values of the river segments without Federal management of affected lands not owned by the United States;

(4) the Lower Farmington River and Salmon Brook Wild and Scenic Study Committee has voted in favor of Wild and Scenic River designation for the river segments, and has included this recommendation as an integral part of the management plan;

(5) there is strong local support for the protection of the Lower Farmington River and Salmon Brook, including votes of support for Wild and Scenic designation from the governing bodies of all ten communities abutting the study area;

(6) the State of Connecticut General Assembly has endorsed the designation of the Lower Farmington River and Salmon Brook as components of the National Wild and Scenic Rivers System (Public Act 08–37); and

(7) the Rainbow Dam and Reservoir are located entirely outside of the river segment designated by subsection (b), and,

based on the findings of the study of the Lower Farmington River pursuant to Public Law 109–370, this hydroelectric project (including all aspects of its facilities, operations, and transmission lines) is compatible with the designation made by subsection (b).

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1241(a)) is amended by adding at the end the following:

“(225) LOWER FARMINGTON RIVER AND SALMON BROOK, CONNECTICUT.—Segments of the main stem and its tributary, Salmon Brook, totaling approximately 62 miles, to be administered by the Secretary of the Interior as follows:

“(A) The approximately 27.2-mile segment of the Farmington River beginning 0.2 miles below the tailrace of the Lower Collinsville Dam and extending to the site of the Spoonville Dam in Bloomfield and East Granby as a recreational river.

“(B) The approximately 8.1-mile segment of the Farmington River extending from 0.5 miles below the Rainbow Dam to the confluence with the Connecticut River in Windsor as a recreational river.

“(C) The approximately 2.4-mile segment of the main stem of Salmon Brook extending from the confluence of the East and West Branches to the confluence with the Farmington River as a recreational river.

“(D) The approximately 12.6-mile segment of the West Branch of Salmon Brook extending from its headwaters in Hartland, Connecticut, to its confluence with the East Branch of Salmon Brook as a recreational river.

“(E) The approximately 11.4-mile segment of the East Branch of Salmon Brook extending from the Massachusetts-Connecticut State line to the confluence with the West Branch of Salmon Brook as a recreational river.”.

(c) MANAGEMENT.—

(1) IN GENERAL.—The river segments designated by subsection (b) shall be managed in accordance with the management plan and such amendments to the management plan as the Secretary determines are consistent with this section. The management plan shall be deemed to satisfy the requirements for a comprehensive management plan pursuant to section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) COMMITTEE.—The Secretary shall coordinate the management responsibilities of the Secretary under this section with the Lower Farmington River and Salmon Brook Wild and Scenic Committee, as specified in the management plan.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—In order to provide for the long-term protection, preservation, and enhancement of the river segment designated by subsection (b), the Secretary is authorized to enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with—

(i) the State of Connecticut;

(ii) the towns of Avon, Bloomfield, Burlington, East Granby, Farmington, Granby, Hartland, Simsbury, and Windsor in Connecticut; and

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(iii) appropriate local planning and environmental organizations.

(B) CONSISTENCY.—All cooperative agreements provided for under this section shall be consistent with the management plan and may include provisions for financial or other assistance from the United States.

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—For the purposes of the segments designated in subsection (b), the zoning ordinances adopted by the towns in Avon, Bloomfield, Burlington, East Granby, Farmington, Granby, Hartland, Simsbury, and Windsor in Connecticut, including provisions for conservation of floodplains, wetlands, and watercourses associated with the segments, shall be deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) ACQUISITION OF LAND.—The provisions of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)) that prohibit Federal acquisition of lands by condemnation shall apply to the segments designated in subsection (b). The authority of the Secretary to acquire lands for the purposes of the segments designated in subsection (b) shall be limited to acquisition by donation or acquisition with the consent of the owner of the lands, and shall be subject to the additional criteria set forth in the management plan.

(5) RAINBOW DAM.—The designation made by subsection (b) shall not be construed to—

(A) prohibit, pre-empt, or abridge the potential future licensing of the Rainbow Dam and Reservoir (including any and all aspects of its facilities, operations and transmission lines) by the Federal Energy Regulatory Commission as a federally licensed hydroelectric generation project under the Federal Power Act (16 U.S.C. 791a et seq.), provided that the Commission may, in the discretion of the Commission and consistent with this section, establish such reasonable terms and conditions in a hydropower license for Rainbow Dam as are necessary to reduce impacts identified by the Secretary as invading or unreasonably diminishing the scenic, recreational, and fish and wildlife values of the segments designated by subsection (b); or

(B) affect the operation of, or impose any flow or release requirements on, the unlicensed hydroelectric facility at Rainbow Dam and Reservoir.

(6) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Lower Farmington River shall not be administered as part of the National Park System or be subject to regulations which govern the National Park System.

(d) FARMINGTON RIVER, CONNECTICUT, DESIGNATION REVISION.—Section 3(a)(156) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(156)) is amended in the first sentence—

(1) by striking “14-mile” and inserting “15.1-mile”; and

(2) by striking “to the downstream end of the New Hartford-Canton, Connecticut town line” and inserting “to the confluence with the Nepaug River”.

SEC. 1302. WOOD-PAWCATUCK WATERSHED WILD AND SCENIC RIVER SEGMENTS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1301(b)) is amended by adding at the end the following:

“(226) WOOD-PAWCATUCK WATERSHED, RHODE ISLAND AND CONNECTICUT.—The following river segments within the Wood-Pawcatuck watershed, to be administered by the Secretary of the Interior, in cooperation with the Wood-Pawcatuck Wild and Scenic Rivers Stewardship Council:

“(A) The approximately 11-mile segment of the Beaver River from its headwaters in Exeter and West Greenwich, Rhode Island, to its confluence with the Pawcatuck River in Richmond, Rhode Island, as a scenic river.

“(B) The approximately 3-mile segment of the Chipuxet River from the Kingstown Road Bridge, South Kingstown, Rhode Island, to its outlet in Worden Pond, as a wild river.

“(C) The approximately 9-mile segment of the Green Fall River from its headwaters in Voluntown, Connecticut, to its confluence with the Ashaway River in Hopkinton, Rhode Island, as a scenic river.

“(D) The approximately 3-mile segment of the Ashaway River from its confluence with the Green Fall River to its confluence with the Pawcatuck River in Hopkinton, Rhode Island, as a recreational river.

“(E) The approximately 3-mile segment of the Pawcatuck River from the Worden Pond outlet in South Kingstown, Rhode Island, to the South County Trail Bridge, Charlestown and South Kingstown, Rhode Island, as a wild river.

“(F) The approximately 4-mile segment of the Pawcatuck River from South County Trail Bridge, Charlestown and South Kingstown, Rhode Island, to the Carolina Back Road Bridge in Richmond and Charlestown, Rhode Island, as a recreational river.

“(G) The approximately 21-mile segment of the Pawcatuck River from Carolina Back Road Bridge in Richmond and Charlestown, Rhode Island, to the confluence with Shunock River in Stonington, Connecticut, as a scenic river.

“(H) The approximately 8-mile segment of the Pawcatuck River from the confluence with Shunock River in Stonington, Connecticut, to the mouth of the river between Pawcatuck Point in Stonington, Connecticut, and Rhodes Point in Westerly, Rhode Island, as a recreational river.

“(I) The approximately 11-mile segment of the Queen River from its headwaters in Exeter and West Greenwich, Rhode Island, to the Kingstown Road Bridge in South Kingstown, Rhode Island, as a scenic river.

“(J) The approximately 5-mile segment of the Usquepaugh River from the Kingstown Road Bridge to its confluence with the Pawcatuck River in South Kingstown, Rhode Island, as a wild river.

“(K) The approximately 8-mile segment of the Shunock River from its headwaters in North Stonington, Connecticut, to its confluence with the Pawcatuck River as a recreational river.

“(L) The approximately 13-mile segment of the Wood River from its headwaters in Sterling and Voluntown, Connecticut, and Exeter and West Greenwich, Rhode Island, to the Arcadia Road Bridge in Hopkinton and Richmond, Rhode Island, as a wild river.

“(M) The approximately 11-mile segment of the Wood River from the Arcadia Road Bridge in Hopkinton and Richmond, Rhode Island, to the confluence with the Pawcatuck River in Charlestown, Hopkinton, and Richmond, Rhode Island, as a recreational river.”.

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(b) MANAGEMENT OF RIVER SEGMENTS.—

(1) DEFINITIONS.—In this subsection:

(A) COVERED TRIBUTARY.—The term “covered tributary” means—

(i) each of Assekonk Brook, Breakheart Brook, Brushy Brook, Canochet Brook, Chickasheen Brook, Cedar Swamp Brook, Fisherville Brook, Glade Brook, Glen Rock Brook, Kelly Brook, Locke Brook, Meadow Brook, Pendleton Brook, Parris Brook, Passquisett Brook, Phillips Brook, Poquiant Brook, Queens Fort Brook, Roaring Brook, Sherman Brook, Taney Brook, Tomaquag Brook, White Brook, and Wyassup Brook within the Wood-Pawcatuck watershed; and

(ii) any other perennial stream within the Wood-Pawcatuck watershed.

(B) RIVER SEGMENT.—The term “river segment” means a river segment designated by paragraph (226) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)).

(C) STEWARDSHIP PLAN.—The term “Stewardship Plan” means the plan entitled the “Wood-Pawcatuck Wild and Scenic Rivers Stewardship Plan for the Beaver, Chipuxet, Green Fall-Ashaway, Pawcatuck, Queen-Usquepaugh, Shunock, and Wood Rivers” and dated June 2018, which takes a watershed approach to the management of the river segments.

(2) WOOD-PAWCATUCK WILD AND SCENIC RIVERS STEWARDSHIP PLAN.—

(A) IN GENERAL.—The Secretary, in cooperation with the Wood-Pawcatuck Wild and Scenic Rivers Stewardship Council, shall manage the river segments in accordance with—

(i) the Stewardship Plan; and

(ii) any amendment to the Stewardship Plan that the Secretary determines is consistent with this subsection.

(B) WATERSHED APPROACH.—In furtherance of the watershed approach to resource preservation and enhancement described in the Stewardship Plan, the covered tributaries are recognized as integral to the protection and enhancement of the river segments.

(C) REQUIREMENTS FOR COMPREHENSIVE MANAGEMENT PLAN.—The Stewardship Plan shall be considered to satisfy

each requirement for a comprehensive management plan required under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(3) COOPERATIVE AGREEMENTS.—To provide for the long-term protection, preservation, and enhancement of each river segment, in accordance with sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)), the Secretary may enter into cooperative agreements (which may include provisions for financial or other assistance from the Federal Government) with—

(A) the States of Connecticut and Rhode Island;

(B) political subdivisions of the States of Connecticut and Rhode Island, including—

(i) the towns of North Stonington, Sterling, Stonington, and Voluntown, Connecticut; and

(ii) the towns of Charlestown, Exeter, Hopkinton, North Kingstown, Richmond, South Kingstown, Westerly, and West Kingstown, Rhode Island;

(C) the Wood-Pawcatuck Wild and Scenic Rivers Stewardship Council; and

(D) any appropriate nonprofit organization, as determined by the Secretary.

(4) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), each river segment shall not be—

(A) administered as a unit of the National Park System; or

(B) subject to the laws (including regulations) that govern the administration of the National Park System.

(5) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—The zoning ordinances adopted by the towns of North Stonington, Sterling, Stonington, and Voluntown, Connecticut, and Charlestown, Exeter, Hopkinton, North Kingstown, Richmond, South Kingstown, Westerly, and West Greenwich, Rhode Island (including any provision of the zoning ordinances relating to the conservation of floodplains, wetlands, and watercourses associated with any river segment), shall be considered to satisfy the standards and requirements described in section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) VILLAGES.—For purposes of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), each town described in subparagraph (A) shall be considered to be a village.

(C) ACQUISITION OF LAND.—

(i) LIMITATION OF AUTHORITY OF SECRETARY.—With respect to each river segment, the Secretary may only acquire parcels of land—

(I) by donation; or

(II) with the consent of the owner of the parcel of land.

(ii) PROHIBITION RELATING TO THE ACQUISITION OF LAND BY CONDEMNATION.—In accordance with 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), with respect to each river segment, the Secretary may not acquire any parcel of land by condemnation.

SEC. 1303. NASHUA WILD AND SCENIC RIVERS, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1302(a)) is amended by adding at the end the following:

“(227) NASHUA, SQUANNACOOK, AND NISSITISSIT WILD AND SCENIC RIVERS, MASSACHUSETTS AND NEW HAMPSHIRE.—

“(A) The following segments in the Commonwealth of Massachusetts and State of New Hampshire, to be administered by the Secretary of the Interior as a scenic river:

“(i) The approximately 27-mile segment of the mainstem of the Nashua River from the confluence of the North and South Nashua Rivers in Lancaster, Massachusetts, and extending north to the Massachusetts-New Hampshire border, except as provided in subparagraph (B).

“(ii) The approximately 16.3-mile segment of the Squannacook River from its headwaters in Ash Swamp, Townsend, Massachusetts, extending downstream to the confluence of the river with the Nashua River in Shirley/Ayer, Massachusetts, except as provided in subparagraph (B).

“(iii) The approximately 9.5-mile segment of the Nissitissit River from its headwaters in Brookline, New Hampshire, to the confluence of the river with the Nashua River in Pepperell, Massachusetts.

“(B) EXCLUSION AREAS.—The designation of the river segments in subparagraph (A) shall exclude—

“(i) with respect to the Ice House hydroelectric project (FERC P–12769), from 700 feet upstream from the crest of the dam to 500 feet downstream from the crest of the dam;

“(ii) with respect to the Pepperell hydroelectric project (FERC P12721), from 9,240 feet upstream from the crest of the dam to 1,000 feet downstream from the crest of the dam; and

“(iii) with respect to the Hollingsworth and Vose dam (non-FERC), from 1,200 feet upstream from the crest of the dam to 2,665 feet downstream from the crest of the dam.”.

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(b) MANAGEMENT.—

(1) PROCESS.—

(A) IN GENERAL.—The river segments designated by paragraph (227) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)) shall be managed in accordance with—

(i) the Nashua, Squannacook, and Nissitissit Rivers Stewardship Plan developed pursuant to the study described in section 5(b)(21) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)(21)) (referred to in this subsection as the “management plan”), dated February 15, 2018; and

(ii) such amendments to the management plan as the Secretary determines are consistent with this section and as are approved by the Nashua, Squannacook, and Nissitissit Rivers Stewardship

Council (referred to in this subsection as the “Stewardship Council”).

(B) COMPREHENSIVE MANAGEMENT PLAN.—The management plan shall be considered to satisfy the requirements for a comprehensive management plan under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) COMMITTEE.—The Secretary shall coordinate the management responsibilities of the Secretary under this section with the Stewardship Council, as specified in the management plan.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—In order to provide for the long-term protection, preservation, and enhancement of the river segments designated by paragraph (227) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)), the Secretary may enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of that Act (16 U.S.C. 1281(e), 1282(b)(1)) with—

(i) the Commonwealth of Massachusetts and the State of New Hampshire;

(ii) the municipalities of—

(I) Ayer, Bolton, Dunstable, Groton, Harvard, Lancaster, Pepperell, Shirley, and Townsend in Massachusetts; and

(II) Brookline and Hollis in New Hampshire; and

(iii) appropriate local, regional, State, or multistate, planning, environmental, or recreational organizations.

(B) CONSISTENCY.—Each cooperative agreement entered into under this paragraph shall be consistent with the management plan and may include provisions for financial or other assistance from the United States.

(4) EFFECT ON WORKING DAMS.—

(A) IN GENERAL.—The designation of the river segments by paragraph (227) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)), does not—

(i) impact or alter the existing terms of permitting, licensing, or operation of—

(I) the Pepperell hydroelectric project (FERC Project P–12721, Nashua River, Pepperell, MA);

(II) the Ice House hydroelectric project (FERC Project P–12769, Nashua River, Ayer, MA); or

(III) the Hollingsworth and Vose Dam (non-FERC industrial facility, Squannacook River, West Groton, MA) as further described in the management plan (Appendix A, “Working Dams”); or

(ii) preclude the Federal Energy Regulatory Commission from licensing, relicensing, or otherwise authorizing the operation or continued operation of the Pepperell and Ice House hydroelectric projects under the terms of licenses or exemptions in effect on the date of enactment of this Act; or

(iii) limit actions taken to modernize, upgrade, or carry out other changes to such projects authorized pursuant to clause (i), subject to written determination

by the Secretary that the changes are consistent with the purposes of the designation.

(5) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—For the purpose of the segments designated by paragraph (227) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)), the zoning ordinances adopted by the municipalities described in paragraph (3)(A)(ii), including provisions for conservation of floodplains, wetlands, and watercourses associated with the segments, shall be deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) ACQUISITIONS OF LANDS.—The authority of the Secretary to acquire land for the purposes of the segments designated by paragraph (227) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)) shall be—

(i) limited to acquisition by donation or acquisition with the consent of the owner of the land; and

(ii) subject to the additional criteria set forth in the management plan.

(C) NO CONDEMNATION.—No land or interest in land within the boundary of the river segments designated by paragraph (227) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)) may be acquired by condemnation.

(6) RELATION TO THE NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), each segment of the Nashua, Squannacook, and Nissitissit Rivers designated as a component of the Wild and Scenic Rivers System under this section shall not—

(A) be administered as a unit of the National Park System; or

(B) be subject to regulations that govern the National Park System.

Subtitle E—California Desert Protection and Recreation

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SEC. 1401. DEFINITIONS.

In this subtitle:

(1) CONSERVATION AREA.—The term “Conservation Area” means the California Desert Conservation Area.

(2) SECRETARY.—The term “Secretary” means—

(A) the Secretary, with respect to land administered by the Department of the Interior; or

(B) the Secretary of Agriculture, with respect to National Forest System land.

(3) STATE.—The term “State” means the State of California.

PART I—DESIGNATION OF WILDERNESS IN THE CALIFORNIA DESERT CONSERVATION AREA

SEC. 1411. CALIFORNIA DESERT CONSERVATION AND RECREATION.

(a) DESIGNATION OF WILDERNESS AREAS TO BE ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT.—Section 102 of the California Desert Protection Act of 1994 (16 U.S.C. 1132 note; Public Law 103–433; 108 Stat. 4472) is amended by adding at the end the following:

“(70) AVAWATZ MOUNTAINS WILDERNESS.—Certain land in the California Desert Conservation Area administered by the Director of the Bureau of Land Management, comprising approximately 89,500 acres, as generally depicted on the map entitled ‘Proposed Avawatz Mountains Wilderness’ and dated November 7, 2018, to be known as the ‘Avawatz Mountains Wilderness’.

“(71) GREAT FALLS BASIN WILDERNESS.—Certain land in the California Desert Conservation Area administered by the Director of the Bureau of Land Management, comprising approximately 7,810 acres, as generally depicted on the map entitled ‘Proposed Great Falls Basin Wilderness’ and dated November 7, 2018, to be known as the ‘Great Falls Basin Wilderness’.

“(72) SODA MOUNTAINS WILDERNESS.—Certain land in the California Desert Conservation Area, administered by the Bureau of Land Management, comprising approximately 80,090 acres, as generally depicted on the map entitled ‘Proposed Soda Mountains Wilderness’ and dated November 7, 2018, to be known as the ‘Soda Mountains Wilderness’.

“(73) MILPITAS WASH WILDERNESS.—Certain land in the California Desert Conservation Area, administered by the Bureau of Land Management, comprising approximately 17,250 acres, depicted as ‘Proposed Milpitas Wash Wilderness’ on the map entitled ‘Proposed Vinagre Wash Special Management Area and Proposed Wilderness’ and dated December 4, 2018, to be known as the ‘Milpitas Wash Wilderness’.

“(74) BUZZARDS PEAK WILDERNESS.—Certain land in the California Desert Conservation Area, administered by the Bureau of Land Management, comprising approximately 11,840 acres, depicted as ‘Proposed Buzzards Peak Wilderness’ on the map entitled ‘Proposed Vinagre Wash Special Management Area and Proposed Wilderness’ and dated December 4, 2018, to be known as the ‘Buzzards Peak Wilderness’.”.

(b) ADDITIONS TO EXISTING WILDERNESS AREAS ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) GOLDEN VALLEY WILDERNESS.—Certain land in the Conservation Area administered by the Director of the Bureau of Land Management, comprising approximately 1,250 acres, as generally depicted on the map entitled “Proposed Golden Valley Wilderness Addition” and dated November 7, 2018, which shall be added to and administered as part of the “Golden Valley Wilderness”.

16 USC 1132
note.

16 USC 1132
note.

(2) KINGSTON RANGE WILDERNESS.—Certain land in the Conservation Area administered by the Director of the Bureau of Land Management, comprising approximately 52,410 acres, as generally depicted on the map entitled “Proposed Kingston Range Wilderness Additions” and dated November 7, 2018, which shall be added to and administered as part of the “Kingston Range Wilderness”.

16 USC 1132
note.

(3) PALO VERDE MOUNTAINS WILDERNESS.—Certain land in the Conservation Area administered by the Director of the Bureau of Land Management, comprising approximately 9,350 acres, depicted as “Proposed Palo Verde Mountains Wilderness Additions” on the map entitled “Proposed Vinagre Wash Special Management Area and Proposed Wilderness” and dated December 4, 2018, which shall be added to and administered as part of the “Palo Verde Mountains Wilderness”.

16 USC 1132
note.

(4) INDIAN PASS MOUNTAINS WILDERNESS.—Certain land in the Conservation Area administered by the Director of the Bureau of Land Management, comprising approximately 10,860 acres, depicted as “Proposed Indian Pass Wilderness Additions” on the map entitled “Proposed Vinagre Wash Special Management Area and Proposed Wilderness” and dated December 4, 2018, which shall be added to and administered as part of the “Indian Pass Mountains Wilderness”.

16 USC 1132
note.

(c) DESIGNATION OF WILDERNESS AREAS TO BE ADMINISTERED BY THE NATIONAL PARK SERVICE.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.) the following land in Death Valley National Park is designated as wilderness and as a component of the National Wilderness Preservation System, which shall be added to, and administered as part of the Death Valley National Park Wilderness established by section 601(a)(1) of the California Desert Protection Act of 1994 (16 U.S.C. 1132 note; Public Law 103–433; 108 Stat. 4496):

(1) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS—NORTH EUREKA VALLEY.—Approximately 11,496 acres, as generally depicted on the map entitled “Death Valley National Park Proposed Wilderness Area-North Eureka Valley”, numbered 143/100,082D, and dated November 1, 2018.

(2) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS—IBEX.—Approximately 23,650 acres, as generally depicted on the map entitled “Death Valley National Park Proposed Wilderness Area-Ibex”, numbered 143/100,081D, and dated November 1, 2018.

(3) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS—PANAMINT VALLEY.—Approximately 4,807 acres, as generally depicted on the map entitled “Death Valley National Park Proposed Wilderness Area-Panamint Valley”, numbered 143/100,083D, and dated November 1, 2018.

(4) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS—WARM SPRINGS.—Approximately 10,485 acres, as generally depicted on the map entitled “Death Valley National Park Proposed Wilderness Area-Warm Spring Canyon/Galena Canyon”, numbered 143/100,084D, and dated November 1, 2018.

(5) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS—AXE HEAD.—Approximately 8,638 acres, as generally depicted on the map entitled “Death Valley National Park Proposed

Wilderness Area-Axe Head”, numbered 143/100,085D, and dated November 1, 2018.

(6) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS-BOWLING ALLEY.—Approximately 28,923 acres, as generally depicted on the map entitled “Death Valley National Park Proposed Wilderness Area-Bowling Alley”, numbered 143/128,606A, and dated November 1, 2018.

(d) ADDITIONS TO EXISTING WILDERNESS AREA ADMINISTERED BY THE FOREST SERVICE.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the land described in paragraph (2)—

16 USC 1132
note.

(A) is designated as wilderness and as a component of the National Wilderness Preservation System; and

(B) shall be added to and administered as part of the San Geronio Wilderness established by the Wilderness Act (16 U.S.C. 1131 et seq.).

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is certain land in the San Bernardino National Forest, comprising approximately 7,141 acres, as generally depicted on the map entitled “San Geronio Wilderness Additions—Proposed” and dated November 7, 2018.

16 USC 1132
note.

(3) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(A) IN GENERAL.—The Secretary may carry out such activities in the wilderness area designated by paragraph (1) as are necessary for the control of fire, insects, and disease, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40 of the 98th Congress.

(B) FUNDING PRIORITIES.—Nothing in this subsection limits the provision of any funding for fire or fuel management in the wilderness area designated by paragraph (1).

(C) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the wilderness area designated by paragraph (1).

(D) ADMINISTRATION.—In accordance with subparagraph (A) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness area designated by paragraph (1), the Secretary shall—

(i) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies in the wilderness area designated by paragraph (1); and

(ii) enter into agreements with appropriate State or local firefighting agencies relating to the wilderness area.

(e) EFFECT ON UTILITY FACILITIES AND RIGHTS-OF-WAY.—Nothing in this section or an amendment made by this section affects or precludes the renewal or reauthorization of any valid existing right-of-way or customary operation, maintenance, repair, upgrading, or replacement activities in a right-of-way acquired by or issued, granted, or permitted to the Southern California Edison

Company or successors or assigns of the Southern California Edison Company.

(f) RELEASE OF WILDERNESS STUDY AREAS.—

(1) FINDING.—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in paragraph (2) that is not designated as a wilderness area or a wilderness addition by this subtitle (including an amendment made by this subtitle) or any other Act enacted before the date of enactment of this Act has been adequately studied for wilderness designation.

(2) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

- (A) the Cady Mountains Wilderness Study Area;
- (B) the Soda Mountains Wilderness Study Area;
- (C) the Kingston Range Wilderness Study Area;
- (D) the Avawatz Mountain Wilderness Study Area;
- (E) the Death Valley 17 Wilderness Study Area; and
- (F) the Great Falls Basin Wilderness Study Area.

(3) RELEASE.—The following are no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)):

(A) Any portion of a wilderness study area described in paragraph (2) that is not designated as a wilderness area or a wilderness addition by this subtitle (including an amendment made by this subtitle) or any other Act enacted before the date of enactment of this Act.

(B) Any portion of a wilderness study area described in paragraph (2) that is not transferred to the administrative jurisdiction of the National Park Service for inclusion in a unit of the National Park System by this subtitle (including an amendment made by this subtitle) or any other Act enacted before the date of enactment of this Act.

PART II—DESIGNATION OF SPECIAL MANAGEMENT AREA

SEC. 1421. VINAGRE WASH SPECIAL MANAGEMENT AREA.

Title I of the California Desert Protection Act of 1994 (16 U.S.C. 1132 note; Public Law 103–433; 108 Stat. 4472) is amended by adding at the end the following:

16 USC 460eeee.

“SEC. 109. VINAGRE WASH SPECIAL MANAGEMENT AREA.

“(a) DEFINITIONS.—In this section:

“(1) MANAGEMENT AREA.—The term ‘Management Area’ means the Vinagre Wash Special Management Area established by subsection (b).

“(2) MAP.—The term ‘map’ means the map entitled ‘Proposed Vinagre Wash Special Management Area and Proposed Wilderness’ and dated December 4, 2018.

“(3) PUBLIC LAND.—The term ‘public land’ has the meaning given the term ‘public lands’ in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

“(4) STATE.—The term ‘State’ means the State of California.

“(b) ESTABLISHMENT.—There is established the Vinagre Wash Special Management Area in the State, to be managed by the Secretary.

“(c) PURPOSE.—The purpose of the Management Area is to conserve, protect, and enhance—

“(1) the plant and wildlife values of the Management Area; and

“(2) the outstanding and nationally significant ecological, geological, scenic, recreational, archaeological, cultural, historic, and other resources of the Management Area.

“(d) BOUNDARIES.—The Management Area shall consist of the public land in Imperial County, California, comprising approximately 81,880 acres, as generally depicted on the map as ‘Proposed Special Management Area’.

“(e) MAP; LEGAL DESCRIPTION.—

“(1) IN GENERAL.—As soon as practicable, but not later than 3 years, after the date of enactment of this section, the Secretary shall submit a map and legal description of the Management Area to—

“(A) the Committee on Natural Resources of the House of Representatives; and

“(B) the Committee on Energy and Natural Resources of the Senate.

“(2) EFFECT.—The map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this section, except that the Secretary may correct any errors in the map and legal description.

“(3) AVAILABILITY.—Copies of the map submitted under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

“(f) MANAGEMENT.—

“(1) IN GENERAL.—The Secretary shall manage the Management Area—

“(A) in a manner that conserves, protects, and enhances the purposes for which the Management Area is established; and

“(B) in accordance with—

“(i) this section;

“(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

“(iii) other applicable laws.

“(2) USES.—The Secretary shall allow only those uses that are consistent with the purposes of the Management Area, including hiking, camping, hunting, and sightseeing and the use of motorized vehicles, mountain bikes, and horses on designated routes in the Management Area in a manner that—

“(A) is consistent with the purpose of the Management Area described in subsection (c);

“(B) ensures public health and safety; and

“(C) is consistent with all applicable laws (including regulations), including the Desert Renewable Energy Conservation Plan.

“(3) OFF-HIGHWAY VEHICLE USE.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and all other applicable laws, the use of off-highway vehicles shall be permitted on routes in the Management Area as generally depicted on the map.

“(B) CLOSURE.—The Secretary may close or permanently reroute a portion of a route described in subparagraph (A)—

“(i) to prevent, or allow for restoration of, resource damage;

“(ii) to protect Tribal cultural resources, including the resources identified in the Tribal cultural resources management plan developed under section 705(d);

“(iii) to address public safety concerns; or

“(iv) as otherwise required by law.

“(C) DESIGNATION OF ADDITIONAL ROUTES.—During the 3-year period beginning on the date of enactment of this section, the Secretary—

“(i) shall accept petitions from the public regarding additional routes for off-highway vehicles; and

“(ii) may designate additional routes that the Secretary determines—

“(I) would provide significant or unique recreational opportunities; and

“(II) are consistent with the purposes of the Management Area.

“(4) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Management Area is withdrawn from—

“(A) all forms of entry, appropriation, or disposal under the public land laws;

“(B) location, entry, and patent under the mining laws; and

“(C) right-of-way, leasing, or disposition under all laws relating to—

“(i) minerals and mineral materials; or

“(ii) solar, wind, and geothermal energy.

“(5) NO BUFFER ZONE.—The establishment of the Management Area shall not—

“(A) create a protective perimeter or buffer zone around the Management Area; or

“(B) preclude uses or activities outside the Management Area that are permitted under other applicable laws, even if the uses or activities are prohibited within the Management Area.

“(6) NOTICE OF AVAILABLE ROUTES.—The Secretary shall ensure that visitors to the Management Area have access to adequate notice relating to the availability of designated routes in the Management Area through—

“(A) the placement of appropriate signage along the designated routes;

“(B) the distribution of maps, safety education materials, and other information that the Secretary determines to be appropriate; and

“(C) restoration of areas that are not designated as open routes, including vertical mulching.

“(7) STEWARDSHIP.—The Secretary, in consultation with Indian Tribes and other interests, shall develop a program to provide opportunities for monitoring and stewardship of the Management Area to minimize environmental impacts and prevent resource damage from recreational use, including volunteer assistance with—

“(A) route signage;

“(B) restoration of closed routes;

“(C) protection of Management Area resources; and

“(D) recreation education.

“(8) PROTECTION OF TRIBAL CULTURAL RESOURCES.—Not later than 2 years after the date of enactment of this section, the Secretary, in accordance with chapter 2003 of title 54, United States Code, and any other applicable law, shall—

“(A) prepare and complete a Tribal cultural resources survey of the Management Area; and

“(B) consult with the Quechan Indian Nation and other Indian Tribes demonstrating ancestral, cultural, or other ties to the resources within the Management Area on the development and implementation of the Tribal cultural resources survey under subparagraph (A).

“(9) MILITARY USE.—The Secretary may authorize use of the non-wilderness portion of the Management Area by the Secretary of the Navy for Naval Special Warfare Tactical Training, including long-range small unit training and navigation, vehicle concealment, and vehicle sustainment training, consistent with this section and other applicable laws.”.

PART III—NATIONAL PARK SYSTEM ADDITIONS

SEC. 1431. DEATH VALLEY NATIONAL PARK BOUNDARY REVISION.

(a) IN GENERAL.—The boundary of Death Valley National Park is adjusted to include—

16 USC
410aaa–7 note.

(1) the approximately 28,923 acres of Bureau of Land Management land in San Bernardino County, California, abutting the southern end of the Death Valley National Park that lies between Death Valley National Park to the north and Ft. Irwin Military Reservation to the south and which runs approximately 34 miles from west to east, as depicted on the map entitled “Death Valley National Park Proposed Boundary Addition-Bowling Alley”, numbered 143/128,605A, and dated November 1, 2018; and

(2) the approximately 6,369 acres of Bureau of Land Management land in Inyo County, California, located in the northeast area of Death Valley National Park that is within, and surrounded by, land under the jurisdiction of the Director of the National Park Service, as depicted on the map entitled “Death Valley National Park Proposed Boundary Addition-Crater”, numbered 143/100,079D, and dated November 1, 2018.

(b) AVAILABILITY OF MAP.—The maps described in paragraphs (1) and (2) of subsection (a) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

16 USC
410aaa–7 note.

(c) ADMINISTRATION.—The Secretary—

16 USC
410aaa–7 note.

(1) shall administer any land added to Death Valley National Park under subsection (a)—

(A) as part of Death Valley National Park; and

(B) in accordance with applicable laws (including regulations); and

(2) may enter into a memorandum of understanding with Inyo County, California, to permit operationally feasible, ongoing access to and use (including material storage and excavation) of existing gravel pits along Saline Valley Road within

Death Valley National Park for road maintenance and repairs in accordance with applicable laws (including regulations).

(d) MORMON PEAK MICROWAVE FACILITY.—Title VI of the California Desert Protection Act of 1994 (16 U.S.C. 1132 note; Public Law 103–433; 108 Stat. 4496) is amended by adding at the end the following:

“SEC. 604. MORMON PEAK MICROWAVE FACILITY.

“The designation of the Death Valley National Park Wilderness by section 601(a)(1) shall not preclude the operation and maintenance of the Mormon Peak Microwave Facility.”.

16 USC
410aaa–56 note.

SEC. 1432. MOJAVE NATIONAL PRESERVE.

The boundary of the Mojave National Preserve is adjusted to include the 25 acres of Bureau of Land Management land in Baker, California, as depicted on the map entitled “Mojave National Preserve Proposed Boundary Addition”, numbered 170/100,199A, and dated November 1, 2018.

SEC. 1433. JOSHUA TREE NATIONAL PARK.

16 USC
410aaa–22 note.

(a) BOUNDARY ADJUSTMENT.—The boundary of the Joshua Tree National Park is adjusted to include—

(1) the approximately 2,879 acres of land managed by the Bureau of Land Management that are depicted as “BLM Proposed Boundary Addition” on the map entitled “Joshua Tree National Park Proposed Boundary Additions”, numbered 156/149,375, and dated November 1, 2018; and

(2) the approximately 1,639 acres of land that are depicted as “MDLT Proposed Boundary Addition” on the map entitled “Joshua Tree National Park Proposed Boundary Additions”, numbered 156/149,375, and dated November 1, 2018.

16 USC
410aaa–22 note.

(b) AVAILABILITY OF MAPS.—The map described in subsection (a) and the map depicting the 25 acres described in subsection (c)(2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

16 USC
410aaa–22 note.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer any land added to the Joshua Tree National Park under subsection (a) and the additional land described in paragraph (2)—

(A) as part of Joshua Tree National Park; and

(B) in accordance with applicable laws (including regulations).

(2) DESCRIPTION OF ADDITIONAL LAND.—The additional land referred to in paragraph (1) is the 25 acres of land—

(A) depicted on the map entitled “Joshua Tree National Park Boundary Adjustment Map”, numbered 156/80,049, and dated April 1, 2003;

(B) added to Joshua Tree National Park by the notice of the Department of the Interior of August 28, 2003 (68 Fed. Reg. 51799); and

(C) more particularly described as lots 26, 27, 28, 33, and 34 in sec. 34, T. 1 N., R. 8 E., San Bernardino Meridian.

16 USC
410aaa–22 note.

(d) SOUTHERN CALIFORNIA EDISON COMPANY ENERGY TRANSPORT FACILITIES AND RIGHTS-OF-WAY.—

(1) IN GENERAL.—Nothing in this section affects any valid right-of-way for the customary operation, maintenance, upgrade, repair, relocation within an existing right-of-way, replacement, or other authorized energy transport facility

activities in a right-of-way issued, granted, or permitted to the Southern California Edison Company or the successors or assigns of the Southern California Edison Company that is located on land described in paragraphs (1) and (2) of subsection (a), including, at a minimum, the use of mechanized vehicles, helicopters, or other aerial devices.

(2) UPGRADES AND REPLACEMENTS.—Nothing in this section prohibits the upgrading or replacement of—

(A) Southern California Edison Company energy transport facilities, including the energy transport facilities referred to as the Jellystone, Burnt Mountain, Whitehorn, Allegra, and Utah distribution circuits rights-of-way; or

(B) an energy transport facility in rights-of-way issued, granted, or permitted by the Secretary adjacent to Southern California Edison Joshua Tree Utility Facilities.

(3) PUBLICATION OF PLANS.—Not later than the date that is 1 year after the date of enactment of this Act or the issuance of a new energy transport facility right-of-way within the Joshua Tree National Park, whichever is earlier, the Secretary, in consultation with the Southern California Edison Company, shall publish plans for regular and emergency access by the Southern California Edison Company to the rights-of-way of the Southern California Edison Company within Joshua Tree National Park.

(e) VISITOR CENTER.—Title IV of the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–21 et seq.) is amended by adding at the end the following:

“SEC. 408. VISITOR CENTER.

16 USC
410aaa–28.

“(a) IN GENERAL.—The Secretary may acquire not more than 5 acres of land and interests in land, and improvements on the land and interests, outside the boundaries of the park, in the unincorporated village of Joshua Tree, for the purpose of operating a visitor center.

“(b) BOUNDARY.—The Secretary shall modify the boundary of the park to include the land acquired under this section as a noncontiguous parcel.

“(c) ADMINISTRATION.—Land and facilities acquired under this section—

“(1) may include the property owned (as of the date of enactment of this section) by the Joshua Tree National Park Association and commonly referred to as the ‘Joshua Tree National Park Visitor Center’;

“(2) shall be administered by the Secretary as part of the park; and

“(3) may be acquired only with the consent of the owner, by donation, purchase with donated or appropriated funds, or exchange.”.

PART IV—OFF-HIGHWAY VEHICLE RECREATION AREAS

SEC. 1441. OFF-HIGHWAY VEHICLE RECREATION AREAS.

Public Law 103–433 is amended by inserting after title XII (16 U.S.C. 410bbb et seq.) the following:

“TITLE XIII—OFF-HIGHWAY VEHICLE RECREATION AREAS

16 USC
410aaa–91.

“SEC. 1301. DESIGNATION OF OFF-HIGHWAY VEHICLE RECREATION AREAS.

“(a) IN GENERAL.—

“(1) DESIGNATION.—In accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and resource management plans developed under this title and subject to valid rights, the following land within the Conservation Area in San Bernardino County, California, is designated as Off-Highway Vehicle Recreation Areas:

“(A) DUMONT DUNES OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 7,620 acres, as generally depicted on the map entitled ‘Proposed Dumont Dunes OHV Recreation Area’ and dated November 7, 2018, which shall be known as the ‘Dumont Dunes Off-Highway Vehicle Recreation Area’.

“(B) EL MIRAGE OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 16,370 acres, as generally depicted on the map entitled ‘Proposed El Mirage OHV Recreation Area’ and dated December 10, 2018, which shall be known as the ‘El Mirage Off-Highway Vehicle Recreation Area’.

“(C) RASOR OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 23,900 acres, as generally depicted on the map entitled ‘Proposed Rasor OHV Recreation Area’ and dated November 7, 2018, which shall be known as the ‘Rasor Off-Highway Vehicle Recreation Area’.

“(D) SPANGLER HILLS OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 92,340 acres, as generally depicted on the map entitled ‘Proposed Spangler Hills OHV Recreation Area’ and dated December 10, 2018, which shall be known as the ‘Spangler Hills Off-Highway Vehicle Recreation Area’.

“(E) STODDARD VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 40,110 acres, as generally depicted on the map entitled ‘Proposed Stoddard Valley OHV Recreation Area’ and dated November 7, 2018, which shall be known as the ‘Stoddard Valley Off-Highway Vehicle Recreation Area’.

“(2) EXPANSION OF JOHNSON VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—The Johnson Valley Off-Highway Vehicle Recreation Area designated by section 2945 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1038) is expanded to include approximately 20,240 acres, depicted as ‘Proposed OHV Recreation Area Additions’ and ‘Proposed OHV Recreation Area Study Areas’ on the map entitled ‘Proposed Johnson Valley OHV Recreation Area’ and dated November 7, 2018.

“(b) PURPOSE.—The purpose of the off-highway vehicle recreation areas designated or expanded under subsection (a) is to preserve and enhance the recreational opportunities within the Conservation Area (including opportunities for off-highway vehicle recreation), while conserving the wildlife and other natural resource values of the Conservation Area.

“(c) MAPS AND DESCRIPTIONS.—

“(1) PREPARATION AND SUBMISSION.—As soon as practicable after the date of enactment of this title, the Secretary shall file a map and legal description of each off-highway vehicle recreation area designated or expanded by subsection (a) with—

“(A) the Committee on Natural Resources of the House of Representatives; and

“(B) the Committee on Energy and Natural Resources of the Senate.

“(2) LEGAL EFFECT.—The map and legal descriptions of the off-highway vehicle recreation areas filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct errors in the map and legal descriptions.

“(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the appropriate offices of the Bureau of Land Management.

“(d) USE OF THE LAND.—

“(1) RECREATIONAL ACTIVITIES.—

“(A) IN GENERAL.—The Secretary shall continue to authorize, maintain, and enhance the recreational uses of the off-highway vehicle recreation areas designated or expanded by subsection (a), as long as the recreational use is consistent with this section and any other applicable law.

“(B) OFF-HIGHWAY VEHICLE AND OFF-HIGHWAY RECREATION.—To the extent consistent with applicable Federal law (including regulations) and this section, any authorized recreation activities and use designations in effect on the date of enactment of this title and applicable to the off-highway vehicle recreation areas designated or expanded by subsection (a) shall continue, including casual off-highway vehicular use, racing, competitive events, rock crawling, training, and other forms of off-highway recreation.

“(2) WILDLIFE GUZZLERS.—Wildlife guzzlers shall be allowed in the off-highway vehicle recreation areas designated or expanded by subsection (a) in accordance with—

“(A) applicable Bureau of Land Management guidelines; and

“(B) State law.

“(3) PROHIBITED USES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), commercial development (including development of energy facilities, but excluding energy transport facilities, rights-of-way, and related telecommunication facilities) shall be prohibited in the off-highway vehicle recreation areas designated or expanded by subsection (a) if the Secretary determines that the development is incompatible with the purpose described in subsection (b).

“(B) EXCEPTION.—The Secretary may issue a temporary permit to a commercial vendor to provide accessories and other support for off-highway vehicle use in an off-highway vehicle recreation area designated or expanded by subsection (a) for a limited period and consistent with the purposes of the off-highway vehicle recreation area and applicable laws.

“(e) ADMINISTRATION.—

“(1) IN GENERAL.—The Secretary shall administer the off-highway vehicle recreation areas designated or expanded by subsection (a) in accordance with—

“(A) this title;

“(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

“(C) any other applicable laws (including regulations).

“(2) MANAGEMENT PLAN.—

“(A) IN GENERAL.—As soon as practicable, but not later than 3 years after the date of enactment of this title, the Secretary shall—

“(i) amend existing resource management plans applicable to the off-highway vehicle recreation areas designated or expanded by subsection (a); or

“(ii) develop new management plans for each off-highway vehicle recreation area designated or expanded under that subsection.

“(B) REQUIREMENTS.—All new or amended plans under subparagraph (A) shall be designed to preserve and enhance safe off-highway vehicle and other recreational opportunities within the applicable recreation area consistent with—

“(i) the purpose described in subsection (b); and

“(ii) any applicable laws (including regulations).

“(C) INTERIM PLANS.—Pending completion of a new management plan under subparagraph (A), the existing resource management plans shall govern the use of the applicable off-highway vehicle recreation area.

“(f) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the off-highway vehicle recreation areas designated or expanded by subsection (a) is withdrawn from—

“(1) all forms of entry, appropriation, or disposal under the public land laws;

“(2) location, entry, and patent under the mining laws; and

“(3) right-of-way, leasing, or disposition under all laws relating to mineral leasing, geothermal leasing, or mineral materials.

“(g) SOUTHERN CALIFORNIA EDISON COMPANY UTILITY FACILITIES AND RIGHTS-OF-WAY.—

“(1) EFFECT OF TITLE.—Nothing in this title—

“(A) affects any validly issued right-of-way for the customary operation, maintenance, upgrade, repair, relocation within an existing right-of-way, replacement, or other authorized energy transport facility activities (including the use of any mechanized vehicle, helicopter, and other aerial device) in a right-of-way acquired by or issued,

granted, or permitted to Southern California Edison Company (including any successor in interest or assign) that is located on land included in—

“(i) the El Mirage Off-Highway Vehicle Recreation Area;

“(ii) the Spangler Hills Off-Highway Vehicle Recreation Area;

“(iii) the Stoddard Valley Off-Highway Vehicle Recreation Area; or

“(iv) the Johnson Valley Off-Highway Vehicle Recreation Area;

“(B) affects the application, siting, route selection, right-of-way acquisition, or construction of the Coolwater-Lugo transmission project, as may be approved by the California Public Utilities Commission and the Bureau of Land Management; or

“(C) prohibits the upgrading or replacement of any Southern California Edison Company—

“(i) utility facility, including such a utility facility known on the date of enactment of this title as—

“(I) ‘Gale-PS 512 transmission lines or rights-of-way’;

“(II) ‘Patio, Jack Ranch, and Kenworth distribution circuits or rights-of-way’; or

“(III) ‘Bessemer and Peacor distribution circuits or rights-of-way’; or

“(ii) energy transport facility in a right-of-way issued, granted, or permitted by the Secretary adjacent to a utility facility referred to in clause (i).

“(2) PLANS FOR ACCESS.—The Secretary, in consultation with the Southern California Edison Company, shall publish plans for regular and emergency access by the Southern California Edison Company to the rights-of-way of the Company by the date that is 1 year after the later of—

“(A) the date of enactment of this title; and

“(B) the date of issuance of a new energy transport facility right-of-way within—

“(i) the El Mirage Off-Highway Vehicle Recreation Area;

“(ii) the Spangler Hills Off-Highway Vehicle Recreation Area;

“(iii) the Stoddard Valley Off-Highway Vehicle Recreation Area; or

“(iv) the Johnson Valley Off-Highway Vehicle Recreation Area.

“(h) PACIFIC GAS AND ELECTRIC COMPANY UTILITY FACILITIES AND RIGHTS-OF-WAY.—

“(1) EFFECT OF TITLE.—Nothing in this title—

“(A) affects any validly issued right-of-way for the customary operation, maintenance, upgrade, repair, relocation within an existing right-of-way, replacement, or other authorized activity (including the use of any mechanized vehicle, helicopter, and other aerial device) in a right-of-way acquired by or issued, granted, or permitted to Pacific Gas and Electric Company (including any successor in interest or assign) that is located on land included

in the Spangler Hills Off-Highway Vehicle Recreation Area;
or

“(B) prohibits the upgrading or replacement of any—
“(i) utility facilities of the Pacific Gas and Electric Company, including those utility facilities known on the date of enactment of this title as—

“(I) ‘Gas Transmission Line 311 or rights-of-way’; or

“(II) ‘Gas Transmission Line 372 or rights-of-way’; or

“(ii) utility facilities of the Pacific Gas and Electric Company in rights-of-way issued, granted, or permitted by the Secretary adjacent to a utility facility referred to in clause (i).

“(2) PLANS FOR ACCESS.—Not later than 1 year after the date of enactment of this title or the issuance of a new utility facility right-of-way within the Spangler Hills Off-Highway Vehicle Recreation Area, whichever is later, the Secretary, in consultation with the Pacific Gas and Electric Company, shall publish plans for regular and emergency access by the Pacific Gas and Electric Company to the rights-of-way of the Pacific Gas and Electric Company.

“TITLE XIV—ALABAMA HILLS NATIONAL SCENIC AREA

16 USC 460ffff.

“SEC. 1401. DEFINITIONS.

“In this title:

“(1) MANAGEMENT PLAN.—The term ‘management plan’ means the management plan for the Scenic Area developed under section 1403(a).

“(2) MAP.—The term ‘Map’ means the map entitled ‘Proposed Alabama Hills National Scenic Area’ and dated November 7, 2018.

“(3) MOTORIZED VEHICLE.—The term ‘motorized vehicle’ means a motorized or mechanized vehicle and includes, when used by a utility, mechanized equipment, a helicopter, and any other aerial device necessary to maintain electrical or communications infrastructure.

“(4) SCENIC AREA.—The term ‘Scenic Area’ means the Alabama Hills National Scenic Area established by section 1402(a).

“(5) STATE.—The term ‘State’ means the State of California.

“(6) TRIBE.—The term ‘Tribe’ means the Lone Pine Paiute-Shoshone Tribe.

16 USC 460ffff–1.

“SEC. 1402. ALABAMA HILLS NATIONAL SCENIC AREA, CALIFORNIA.

“(a) ESTABLISHMENT.—Subject to valid existing rights, there is established in Inyo County, California, the Alabama Hills National Scenic Area, to be comprised of the approximately 18,610 acres generally depicted on the Map as ‘National Scenic Area’.

“(b) PURPOSE.—The purpose of the Scenic Area is to conserve, protect, and enhance for the benefit, use, and enjoyment of present and future generations the nationally significant scenic, cultural,

geological, educational, biological, historical, recreational, cinematographic, and scientific resources of the Scenic Area managed consistent with section 302(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(a)).

“(c) MAP; LEGAL DESCRIPTIONS.—

“(1) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall file a map and a legal description of the Scenic Area with—

“(A) the Committee on Energy and Natural Resources of the Senate; and

“(B) the Committee on Natural Resources of the House of Representatives.

“(2) FORCE OF LAW.—The map and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct any clerical and typographical errors in the map and legal descriptions.

“(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and the Bureau of Land Management.

“(d) ADMINISTRATION.—The Secretary shall manage the Scenic Area—

“(1) as a component of the National Landscape Conservation System;

“(2) so as not to impact the future continuing operation and maintenance of any activities associated with valid, existing rights, including water rights;

“(3) in a manner that conserves, protects, and enhances the resources and values of the Scenic Area described in subsection (b); and

“(4) in accordance with—

“(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

“(B) this title; and

“(C) any other applicable laws.

“(e) MANAGEMENT.—

“(1) IN GENERAL.—The Secretary shall allow only such uses of the Scenic Area as the Secretary determines would further the purposes of the Scenic Area as described in subsection (b).

“(2) RECREATIONAL ACTIVITIES.—Except as otherwise provided in this title or other applicable law, or as the Secretary determines to be necessary for public health and safety, the Secretary shall allow existing recreational uses of the Scenic Area to continue, including hiking, mountain biking, rock climbing, sightseeing, horseback riding, hunting, fishing, and appropriate authorized motorized vehicle use in accordance with paragraph (3).

“(3) MOTORIZED VEHICLES.—Except as otherwise specified in this title, or as necessary for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Scenic Area shall be permitted only on—

“(A) roads and trails designated by the Secretary for use of motorized vehicles as part of a management plan sustaining a semiprimitive motorized experience; or

“(B) county-maintained roads in accordance with applicable State and county laws.

“(f) NO BUFFER ZONES.—

“(1) IN GENERAL.—Nothing in this title creates a protective perimeter or buffer zone around the Scenic Area.

“(2) ACTIVITIES OUTSIDE SCENIC AREA.—The fact that an activity or use on land outside the Scenic Area can be seen or heard within the Scenic Area shall not preclude the activity or use outside the boundaries of the Scenic Area.

“(g) ACCESS.—The Secretary shall provide private landowners adequate access to inholdings in the Scenic Area.

“(h) FILMING.—Nothing in this title prohibits filming (including commercial film production, student filming, and still photography) within the Scenic Area—

“(1) subject to—

“(A) such reasonable regulations, policies, and practices as the Secretary considers to be necessary; and

“(B) applicable law; and

“(2) in a manner consistent with the purposes described in subsection (b).

“(i) FISH AND WILDLIFE.—Nothing in this title affects the jurisdiction or responsibilities of the State with respect to fish and wildlife.

“(j) LIVESTOCK.—The grazing of livestock in the Scenic Area, including grazing under the Alabama Hills allotment and the George Creek allotment, as established before the date of enactment of this title, shall be permitted to continue—

“(1) subject to—

“(A) such reasonable regulations, policies, and practices as the Secretary considers to be necessary; and

“(B) applicable law; and

“(2) in a manner consistent with the purposes described in subsection (b).

“(k) WITHDRAWAL.—Subject to the provisions of this title and valid rights in existence on the date of enactment of this title, including rights established by prior withdrawals, the Federal land within the Scenic Area is withdrawn from all forms of—

“(1) entry, appropriation, or disposal under the public land laws;

“(2) location, entry, and patent under the mining laws; and

“(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

“(l) WILDLAND FIRE OPERATIONS.—Nothing in this title prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the Scenic Area, consistent with the purposes described in subsection (b).

“(m) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with, State, Tribal, and local governmental entities and private entities to conduct research, interpretation, or public education or to carry out any other initiative relating to the restoration, conservation, or management of the Scenic Area.

“(n) UTILITY FACILITIES AND RIGHTS-OF-WAY.—

“(1) EFFECT OF TITLE.—Nothing in this title—

“(A) affects the existence, use, operation, maintenance (including vegetation control), repair, construction,

reconfiguration, expansion, inspection, renewal, reconstruction, alteration, addition, relocation, improvement, funding, removal, or replacement of any utility facility or appurtenant right-of-way within or adjacent to the Scenic Area;

“(B) subject to subsection (e), affects necessary or efficient access to utility facilities or rights-of-way within or adjacent to the Scenic Area; and

“(C) precludes the Secretary from authorizing the establishment of new utility facility rights-of-way (including instream sites, routes, and areas) within the Scenic Area in a manner that minimizes harm to the purpose of the Scenic Area as described in subsection (b)—

“(i) in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other applicable law;

“(ii) subject to such terms and conditions as the Secretary determines to be appropriate; and

“(iii) that are determined by the Secretary to be the only technical or feasible location, following consideration of alternatives within existing rights-of-way or outside of the Scenic Area.

“(2) MANAGEMENT PLAN.—Consistent with this title, the Management Plan shall establish provisions for maintenance of public utility and other rights-of-way within the Scenic Area.

“SEC. 1403. MANAGEMENT PLAN.

16 USC 460ffff-2.

“(a) IN GENERAL.—Not later than 3 years after the date of enactment of this title, in accordance with subsections (b) and (c), the Secretary shall develop a comprehensive plan for the long-term management of the Scenic Area.

“(b) CONSULTATION.—In developing the management plan, the Secretary shall consult with—

“(1) appropriate State, Tribal, and local governmental entities, including Inyo County and the Tribe;

“(2) utilities, including Southern California Edison Company and the Los Angeles Department of Water and Power;

“(3) the Alabama Hills Stewardship Group; and

“(4) members of the public.

“(c) REQUIREMENT.—In accordance with this title, the management plan shall include provisions for maintenance of existing public utility and other rights-of-way within the Scenic Area.

“(d) INCORPORATION.—In developing the management plan, in accordance with this section, the Secretary may allow casual use mining limited to the use of hand tools, metal detectors, hand-fed dry washers, vacuum cleaners, gold pans, small sluices, and similar items.

“(e) INTERIM MANAGEMENT.—Pending completion of the management plan, the Secretary shall manage the Scenic Area in accordance with section 1402(b).

“SEC. 1404. LAND TAKEN INTO TRUST FOR LONE PINE PAIUTE-SHO-SHONE RESERVATION.

16 USC 460ffff-3.

“(a) TRUST LAND.—

“(1) IN GENERAL.—On completion of the survey described in subsection (b), all right, title, and interest of the United States in and to the approximately 132 acres of Federal land depicted on the Map as ‘Lone Pine Paiute-Shoshone Reservation

Addition’ shall be held in trust for the benefit of the Tribe, subject to paragraphs (2) and (3).

“(2) CONDITIONS.—The land described in paragraph (1) shall be subject to all easements, covenants, conditions, restrictions, withdrawals, and other matters of record in existence on the date of enactment of this title.

“(3) EXCLUSION.—The Federal land over which the right-of-way for the Los Angeles Aqueduct is located, generally described as the 250-foot-wide right-of-way granted to the City of Los Angeles pursuant to the Act of June 30, 1906 (34 Stat. 801, chapter 3926), shall not be taken into trust for the Tribe.

“(b) SURVEY.—Not later than 180 days after the date of enactment of this title, the Secretary shall complete a survey of the boundary lines to establish the boundaries of the land to be held in trust under subsection (a)(1).

“(c) RESERVATION LAND.—The land held in trust pursuant to subsection (a)(1) shall be considered to be a part of the reservation of the Tribe.

“(d) GAMING PROHIBITION.—Land held in trust under subsection (a)(1) shall not be eligible, or considered to have been taken into trust, for gaming (within the meaning of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).

16 USC 460ffff–4.

“SEC. 1405. TRANSFER OF ADMINISTRATIVE JURISDICTION.

“Administrative jurisdiction over the approximately 56 acres of Federal land depicted on the Map as ‘USFS Transfer to BLM’ is transferred from the Forest Service to the Bureau of Land Management.

16 USC 460ffff–5.

“SEC. 1406. PROTECTION OF SERVICES AND RECREATIONAL OPPORTUNITIES.

“(a) EFFECT OF TITLE.—Nothing in this title limits commercial services for existing or historic recreation uses, as authorized by the permit process of the Bureau of Land Management.

“(b) GUIDED RECREATIONAL OPPORTUNITIES.—Commercial permits to exercise guided recreational opportunities for the public that are authorized as of the date of enactment of this title may continue to be authorized.”.

PART V—MISCELLANEOUS

SEC. 1451. TRANSFER OF LAND TO ANZA-BORREGO DESERT STATE PARK.

Title VII of the California Desert Protection Act is 1994 (16 U.S.C. 410aaa–71 et seq.) is amended by adding at the end the following:

16 USC
410aaa–81a.

“SEC. 712. TRANSFER OF LAND TO ANZA-BORREGO DESERT STATE PARK.

“(a) IN GENERAL.—On termination of all mining claims to the land described in subsection (b), the Secretary shall transfer the land described in that subsection to the State of California.

“(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is certain Bureau of Land Management land in San Diego County, California, comprising approximately 934 acres, as generally depicted on the map entitled ‘Proposed Table Mountain Wilderness Study Area Transfer to the State’ and dated November 7, 2018.

“(c) MANAGEMENT.—

“(1) IN GENERAL.—The land transferred under subsection (a) shall be managed in accordance with the provisions of the California Wilderness Act (California Public Resources Code sections 5093.30–5093.40).

“(2) WITHDRAWAL.—Subject to valid existing rights, the land transferred under subsection (a) is withdrawn from—

“(A) all forms of entry, appropriation, or disposal under the public land laws;

“(B) location, entry, and patent under the mining laws; and

“(C) disposition under all laws relating to mineral and geothermal leasing.

“(3) REVERSION.—If the State ceases to manage the land transferred under subsection (a) as part of the State Park System or in a manner inconsistent with the California Wilderness Act (California Public Resources Code sections 5093.30–5093.40), the land shall revert to the Secretary at the discretion of the Secretary, to be managed as a Wilderness Study Area.”.

SEC. 1452. WILDLIFE CORRIDORS.

Title VII of the California Desert Protection Act is 1994 (16 U.S.C. 410aaa–71 et seq.) (as amended by section 1451) is amended by adding at the end the following:

“SEC. 713. WILDLIFE CORRIDORS.

16 USC
410aaa–81b.

“(a) IN GENERAL.—The Secretary shall—

“(1) assess the impacts of habitat fragmentation on wildlife in the California Desert Conservation Area; and

“(2) establish policies and procedures to ensure the preservation of wildlife corridors and facilitate species migration.

“(b) STUDY.—

“(1) IN GENERAL.—As soon as practicable, but not later than 2 years, after the date of enactment of this section, the Secretary shall complete a study regarding the impact of habitat fragmentation on wildlife in the California Desert Conservation Area.

“(2) COMPONENTS.—The study under paragraph (1) shall—

“(A) identify the species migrating, or likely to migrate in the California Desert Conservation Area;

“(B) examine the impacts and potential impacts of habitat fragmentation on—

“(i) plants, insects, and animals;

“(ii) soil;

“(iii) air quality;

“(iv) water quality and quantity; and

“(v) species migration and survival;

“(C) identify critical wildlife and species migration corridors recommended for preservation; and

“(D) include recommendations for ensuring the biological connectivity of public land managed by the Secretary and the Secretary of Defense throughout the California Desert Conservation Area.

“(3) RIGHTS-OF-WAY.—The Secretary shall consider the information and recommendations of the study under paragraph (1) to determine the individual and cumulative impacts

of rights-of-way for projects in the California Desert Conservation Area, in accordance with—

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

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

“(C) any other applicable law.

“(c) LAND MANAGEMENT PLANS.—The Secretary shall incorporate into all land management plans applicable to the California Desert Conservation Area the findings and recommendations of the study completed under subsection (b).”

SEC. 1453. PROHIBITED USES OF ACQUIRED, DONATED, AND CONSERVATION LAND.

Title VII of the California Desert Protection Act is 1994 (16 U.S.C. 410aaa–71 et seq.) (as amended by section 1452) is amended by adding at the end the following:

16 USC
410aaa–81c.

“SEC. 714. PROHIBITED USES OF ACQUIRED, DONATED, AND CONSERVATION LAND.

“(a) DEFINITIONS.—In this section:

“(1) ACQUIRED LAND.—The term ‘acquired land’ means any land acquired within the Conservation Area using amounts from the land and water conservation fund established under section 200302 of title 54, United States Code.

“(2) CONSERVATION AREA.—The term ‘Conservation Area’ means the California Desert Conservation Area.

“(3) CONSERVATION LAND.—The term ‘conservation land’ means any land within the Conservation Area that is designated to satisfy the conditions of a Federal habitat conservation plan, general conservation plan, or State natural communities conservation plan, including—

“(A) national conservation land established pursuant to section 2002(b)(2)(D) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202(b)(2)(D)); and

“(B) areas of critical environmental concern established pursuant to section 202(c)(3) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(3)).

“(4) DONATED LAND.—The term ‘donated land’ means any private land donated to the United States for conservation purposes in the Conservation Area.

“(5) DONOR.—The term ‘donor’ means an individual or entity that donates private land within the Conservation Area to the United States.

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary, acting through the Director of the Bureau of Land Management.

“(7) STATE.—The term ‘State’ means the State of California.

“(b) PROHIBITIONS.—Except as provided in subsection (c), the Secretary shall not authorize the use of acquired land, conservation land, or donated land within the Conservation Area for any activities contrary to the conservation purposes for which the land was acquired, designated, or donated, including—

“(1) disposal;

“(2) rights-of-way;

“(3) leases;

“(4) livestock grazing;

“(5) infrastructure development, except as provided in subsection (c);

“(6) mineral entry; and

“(7) off-highway vehicle use, except on—

“(A) designated routes;

“(B) off-highway vehicle areas designated by law; and

“(C) administratively designated open areas.

“(c) EXCEPTIONS.—

“(1) AUTHORIZATION BY SECRETARY.—Subject to paragraph (2), the Secretary may authorize limited exceptions to prohibited uses of acquired land or donated land in the Conservation Area if—

“(A) a right-of-way application for a renewable energy development project or associated energy transport facility on acquired land or donated land was submitted to the Bureau of Land Management on or before December 1, 2009; or

“(B) after the completion and consideration of an analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary has determined that proposed use is in the public interest.

“(2) CONDITIONS.—

“(A) IN GENERAL.—If the Secretary grants an exception to the prohibition under paragraph (1), the Secretary shall require the permittee to donate private land of comparable value located within the Conservation Area to the United States to mitigate the use.

“(B) APPROVAL.—The private land to be donated under subparagraph (A) shall be approved by the Secretary after—

“(i) consultation, to the maximum extent practicable, with the donor of the private land proposed for nonconservation uses; and

“(ii) an opportunity for public comment regarding the donation.

“(d) EXISTING AGREEMENTS.—Nothing in this section affects permitted or prohibited uses of donated land or acquired land in the Conservation Area established in any easements, deed restrictions, memoranda of understanding, or other agreements in existence on the date of enactment of this section.

“(e) DEED RESTRICTIONS.—Effective beginning on the date of enactment of this section, within the Conservation Area, the Secretary may—

“(1) accept deed restrictions requested by landowners for land donated to, or otherwise acquired by, the United States; and

“(2) consistent with existing rights, create deed restrictions, easements, or other third-party rights relating to any public land determined by the Secretary to be necessary—

“(A) to fulfill the mitigation requirements resulting from the development of renewable resources; or

“(B) to satisfy the conditions of—

“(i) a habitat conservation plan or general conservation plan established pursuant to section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539); or

“(ii) a natural communities conservation plan approved by the State.”.

SEC. 1454. TRIBAL USES AND INTERESTS.

Section 705 of the California Desert Protection Act is 1994 (16 U.S.C. 410aaa–75) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking subsection (a) and inserting the following:

“(a) ACCESS.—The Secretary shall ensure access to areas designated under this Act by members of Indian Tribes for traditional cultural and religious purposes, consistent with applicable law, including Public Law 95–341 (commonly known as the ‘American Indian Religious Freedom Act’) (42 U.S.C. 1996).

“(b) TEMPORARY CLOSURE.—

“(1) IN GENERAL.—In accordance with applicable law, including Public Law 95–341 (commonly known as the ‘American Indian Religious Freedom Act’) (42 U.S.C. 1996), and subject to paragraph (2), the Secretary, on request of an Indian Tribe or Indian religious community, shall temporarily close to general public use any portion of an area designated as a national monument, special management area, wild and scenic river, area of critical environmental concern, or National Park System unit under this Act (referred to in this subsection as a ‘designated area’) to protect the privacy of traditional cultural and religious activities in the designated area by members of the Indian Tribe or Indian religious community.

“(2) LIMITATION.—In closing a portion of a designated area under paragraph (1), the Secretary shall limit the closure to the smallest practicable area for the minimum period necessary for the traditional cultural and religious activities.”; and

(3) by adding at the end the following:

“(d) TRIBAL CULTURAL RESOURCES MANAGEMENT PLAN.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, the Secretary shall develop and implement a Tribal cultural resources management plan to identify, protect, and conserve cultural resources of Indian Tribes associated with the Xam Kwatchan Trail network extending from Avikwaame (Spirit Mountain, Nevada) to Avikwlal (Pilot Knob, California).

“(2) CONSULTATION.—The Secretary shall consult on the development and implementation of the Tribal cultural resources management plan under paragraph (1) with—

“(A) each of—

“(i) the Chemehuevi Indian Tribe;

“(ii) the Hualapai Tribal Nation;

“(iii) the Fort Mojave Indian Tribe;

“(iv) the Colorado River Indian Tribes;

“(v) the Quechan Indian Tribe; and

“(vi) the Cocopah Indian Tribe;

“(B) the Advisory Council on Historic Preservation;

and

“(C) the State Historic Preservation Offices of Nevada, Arizona, and California.

“(3) RESOURCE PROTECTION.—The Tribal cultural resources management plan developed under paragraph (1) shall—

“(A) be based on a completed Tribal cultural resources survey; and

“(B) include procedures for identifying, protecting, and preserving petroglyphs, ancient trails, intaglios, sleeping circles, artifacts, and other resources of cultural, archaeological, or historical significance in accordance with all applicable laws and policies, including—

“(i) chapter 2003 of title 54, United States Code;

“(ii) Public Law 95-341 (commonly known as the ‘American Indian Religious Freedom Act’) (42 U.S.C. 1996);

“(iii) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

“(iv) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and

“(v) Public Law 103-141 (commonly known as the ‘Religious Freedom Restoration Act of 1993’) (42 U.S.C. 2000bb et seq.).

“(e) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the area administratively withdrawn and known as the ‘Indian Pass Withdrawal Area’ is permanently withdrawn from—

“(1) all forms of entry, appropriation, or disposal under the public land laws;

“(2) location, entry, and patent under the mining laws; and

“(3) right-of-way leasing and disposition under all laws relating to minerals or solar, wind, or geothermal energy.”.

SEC. 1455. RELEASE OF FEDERAL REVERSIONARY LAND INTERESTS.

(a) DEFINITIONS.—In this section:

(1) 1932 ACT.—The term “1932 Act” means the Act of June 18, 1932 (47 Stat. 324, chapter 270).

(2) DISTRICT.—The term “District” means the Metropolitan Water District of Southern California.

(b) RELEASE.—Subject to valid existing claims perfected prior to the effective date of the 1932 Act and the reservation of minerals set forth in the 1932 Act, the Secretary shall release, convey, or otherwise quitclaim to the District, in a form recordable in local county records, and subject to the approval of the District, after consultation and without monetary consideration, all right, title, and remaining interest of the United States in and to the land that was conveyed to the District pursuant to the 1932 Act or any other law authorizing conveyance subject to restrictions or reversionary interests retained by the United States, on request by the District.

(c) TERMS AND CONDITIONS.—A conveyance authorized by subsection (b) shall be subject to the following terms and conditions:

(1) The District shall cover, or reimburse the Secretary for, the costs incurred by the Secretary to make the conveyance, including title searches, surveys, deed preparation, attorneys’ fees, and similar expenses.

(2) By accepting the conveyances, the District agrees to indemnify and hold harmless the United States with regard to any boundary dispute relating to any parcel conveyed under this section.

SEC. 1456. CALIFORNIA STATE SCHOOL LAND.

Section 707 of the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–77) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking “Upon request of the California State Lands Commission (hereinafter in this section referred to as the ‘Commission’), the Secretary shall enter into negotiations for an agreement” and inserting the following:

“(1) IN GENERAL.—The Secretary shall negotiate in good faith to reach an agreement with the California State Lands Commission (referred to in this section as the ‘Commission’); and

(ii) by inserting “, national monuments, off-highway vehicle recreation areas,” after “more of the wilderness areas”; and

(B) in the second sentence, by striking “The Secretary shall negotiate in good faith to” and inserting the following:

“(2) AGREEMENT.—To the maximum extent practicable, not later than 10 years after the date of enactment of this title, the Secretary shall”; and

(2) in subsection (b)(1), by inserting “, national monuments, off-highway vehicle recreation areas,” after “wilderness areas”.

SEC. 1457. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) AMARGOSA RIVER, CALIFORNIA.—Section 3(a)(196)(A) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(196)(A)) is amended to read as follows:

“(A) The approximately 7.5-mile segment of the Amargosa River in the State of California, the private property boundary in sec. 19, T. 22 N., R. 7 E., to 100 feet upstream of the Tecopa Hot Springs Road crossing, to be administered by the Secretary of the Interior as a scenic river.”.

(b) ADDITIONAL SEGMENTS.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1303(a)) is amended by adding at the end the following:

“(228) SURPRISE CANYON CREEK, CALIFORNIA.—

“(A) IN GENERAL.—The following segments of Surprise Canyon Creek in the State of California, to be administered by the Secretary of the Interior:

“(i) The approximately 5.3 miles of Surprise Canyon Creek from the confluence of Frenchman’s Canyon and Water Canyon to 100 feet upstream of Chris Wicht Camp, as a wild river.

“(ii) The approximately 1.8 miles of Surprise Canyon Creek from 100 feet upstream of Chris Wicht Camp to the southern boundary of sec. 14, T. 21 S., R. 44 E., as a recreational river.

“(B) EFFECT ON HISTORIC MINING STRUCTURES.—Nothing in this paragraph affects the historic mining structures associated with the former Panamint Mining District.

“(229) DEEP CREEK, CALIFORNIA.—

“(A) IN GENERAL.—The following segments of Deep Creek in the State of California, to be administered by the Secretary of Agriculture:

“(i) The approximately 6.5-mile segment from 0.125 mile downstream of the Rainbow Dam site in sec. 33, T. 2 N., R. 2 W., San Bernardino Meridian, to 0.25 miles upstream of the Road 3N34 crossing, as a wild river.

“(ii) The 0.5-mile segment from 0.25 mile upstream of the Road 3N34 crossing to 0.25 mile downstream of the Road 3N34 crossing, as a scenic river.

“(iii) The 2.5-mile segment from 0.25 miles downstream of the Road 3 N. 34 crossing to 0.25 miles upstream of the Trail 2W01 crossing, as a wild river.

“(iv) The 0.5-mile segment from 0.25 miles upstream of the Trail 2W01 crossing to 0.25 mile downstream of the Trail 2W01 crossing, as a scenic river.

“(v) The 10-mile segment from 0.25 miles downstream of the Trail 2W01 crossing to the upper limit of the Mojave dam flood zone in sec. 17, T. 3 N., R. 3 W., San Bernardino Meridian, as a wild river.

“(vi) The 11-mile segment of Holcomb Creek from 100 yards downstream of the Road 3N12 crossing to .25 miles downstream of Holcomb Crossing, as a recreational river.

“(vii) The 3.5-mile segment of the Holcomb Creek from 0.25 miles downstream of Holcomb Crossing to the Deep Creek confluence, as a wild river.

“(B) EFFECT ON SKI OPERATIONS.—Nothing in this paragraph affects—

“(i) the operations of the Snow Valley Ski Resort; or

“(ii) the State regulation of water rights and water quality associated with the operation of the Snow Valley Ski Resort.

“(230) WHITEWATER RIVER, CALIFORNIA.—The following segments of the Whitewater River in the State of California, to be administered by the Secretary of Agriculture and the Secretary of the Interior, acting jointly:

“(A) The 5.8-mile segment of the North Fork Whitewater River from the source of the River near Mt. San Gorgonio to the confluence with the Middle Fork, as a wild river.

“(B) The 6.4-mile segment of the Middle Fork Whitewater River from the source of the River to the confluence with the South Fork, as a wild river.

“(C) The 1-mile segment of the South Fork Whitewater River from the confluence of the River with the East Fork to the section line between sections 32 and 33, T. 1 S., R. 2 E., San Bernardino Meridian, as a wild river.

“(D) The 1-mile segment of the South Fork Whitewater River from the section line between sections 32 and 33, T. 1 S., R. 2 E., San Bernardino Meridian, to the section line between sections 33 and 34, T. 1 S., R. 2 E., San Bernardino Meridian, as a recreational river.

“(E) The 4.9-mile segment of the South Fork Whitewater River from the section line between sections 33 and 34, T. 1 S., R. 2 E., San Bernardino Meridian, to the confluence with the Middle Fork, as a wild river.

“(F) The 5.4-mile segment of the main stem of the Whitewater River from the confluence of the South and Middle Forks to the San Gorgonio Wilderness boundary, as a wild river.

“(G) The 3.6-mile segment of the main stem of the Whitewater River from the San Gorgonio Wilderness boundary to .25 miles upstream of the southern boundary of section 35, T. 2 S., R. 3 E., San Bernardino Meridian, as a recreational river.”.

SEC. 1458. CONFORMING AMENDMENTS.

(a) **SHORT TITLE.**—Section 1 of the California Desert Protection Act of 1994 (16 U.S.C. 410aaa note; Public Law 103–433) is amended by striking “1 and 2, and titles I through IX” and inserting “1, 2, and 3, titles I through IX, and titles XIII and XIV”.

(b) **DEFINITIONS.**—The California Desert Protection Act of 1994 (Public Law 103–433; 108 Stat. 4471) is amended by inserting after section 2 the following:

16 USC 410aaa
note.

“SEC. 3. DEFINITIONS.

“(a) **TITLES I THROUGH IX.**—In titles I through IX, the term ‘this Act’ means only—

“(1) sections 1 and 2; and

“(2) titles I through IX.

“(b) **TITLES XIII AND XIV.**—In titles XIII and XIV:

“(1) **CONSERVATION AREA.**—The term ‘Conservation Area’ means the California Desert Conservation Area.

“(2) **SECRETARY.**—The term ‘Secretary’ means—

“(A) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior; and

“(B) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture.

“(3) **STATE.**—The term ‘State’ means the State of California.”.

SEC. 1459. JUNIPER FLATS.

The California Desert Protection Act of 1994 is amended by striking section 711 (16 U.S.C. 410aaa–81) and inserting the following:

16 USC
410aaa–81.

“SEC. 711. JUNIPER FLATS.

“Development of renewable energy generation facilities (excluding rights-of-way or facilities for the transmission of energy and telecommunication facilities and infrastructure) is prohibited on the approximately 27,990 acres of Federal land generally depicted as ‘BLM Land Unavailable for Energy Development’ on the map entitled ‘Juniper Flats’ and dated November 7, 2018.”.

SEC. 1460. CONFORMING AMENDMENTS TO CALIFORNIA MILITARY LANDS WITHDRAWAL AND OVERFLIGHTS ACT OF 1994.

(a) **FINDINGS.**—Section 801(b)(2) of the California Military Lands Withdrawal and Overflights Act of 1994 (16 U.S.C. 410aaa–82 note; Public Law 103–433) is amended by inserting “, special management areas, off-highway vehicle recreation areas, scenic areas,” before “and wilderness areas”.

(b) OVERFLIGHTS; SPECIAL AIRSPACE.—Section 802 of the California Military Lands Withdrawal and Overflights Act of 1994 (16 U.S.C. 410aaa–82) is amended—

(1) in subsection (a), by inserting “, scenic areas, off-highway vehicle recreation areas, or special management areas” before “designated by this Act”;

(2) in subsection (b), by inserting “, scenic areas, off-highway vehicle recreation areas, or special management areas” before “designated by this Act”; and

(3) by adding at the end the following:

“(d) DEPARTMENT OF DEFENSE FACILITIES.—Nothing in this Act alters any authority of the Secretary of Defense to conduct military operations at installations and ranges within the California Desert Conservation Area that are authorized under any other provision of law.”.

SEC. 1461. DESERT TORTOISE CONSERVATION CENTER.

16 USC 670g
note.

(a) IN GENERAL.—The Secretary shall establish, operate, and maintain a trans-State desert tortoise conservation center (referred to in this section as the “Center”) on public land along the California-Nevada border—

(1) to support desert tortoise research, disease monitoring, handling training, rehabilitation, and reintroduction;

(2) to provide temporary quarters for animals collected from authorized salvage from renewable energy sites; and

(3) to ensure the full recovery and ongoing survival of the species.

(b) CENTER.—In carrying out this section, the Secretary shall—

(1) seek the participation of or contract with qualified organizations with expertise in desert tortoise disease research and experience with desert tortoise translocation techniques, and scientific training of professional biologists for handling tortoises, to staff and manage the Center;

(2) ensure that the Center engages in public outreach and education on tortoise handling; and

(3) consult with the State and the State of Nevada to ensure that the Center is operated consistent with State law.

(c) NON-FEDERAL CONTRIBUTIONS.—The Secretary may accept and expend contributions of non-Federal funds to establish, operate, and maintain the Center.

TITLE II—NATIONAL PARKS

Subtitle A—Special Resource Studies

SEC. 2001. SPECIAL RESOURCE STUDY OF JAMES K. POLK PRESIDENTIAL HOME.

(a) DEFINITION OF STUDY AREA.—In this section, the term “study area” means the President James K. Polk Home in Columbia, Tennessee, and adjacent property.

(b) SPECIAL RESOURCE STUDY.—

(1) STUDY.—The Secretary shall conduct a special resource study of the study area.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area;

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(3) APPLICABLE LAW.—The study required under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(4) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(A) the results of the study; and

(B) any conclusions and recommendations of the Secretary.

SEC. 2002. SPECIAL RESOURCE STUDY OF THURGOOD MARSHALL SCHOOL.

(a) DEFINITION OF STUDY AREA.—In this section, the term “study area” means—

(1) P.S. 103, the public school located in West Baltimore, Maryland, which Thurgood Marshall attended as a youth; and

(2) any other resources in the neighborhood surrounding P.S. 103 that relate to the early life of Thurgood Marshall.

(b) SPECIAL RESOURCE STUDY.—

(1) STUDY.—The Secretary shall conduct a special resource study of the study area.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area;

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(3) APPLICABLE LAW.—The study required under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(4) REPORT.—Not later than 3 years after the date on which funds are first made available to carry out the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the results of the study; and

(B) any conclusions and recommendations of the Secretary.

SEC. 2003. SPECIAL RESOURCE STUDY OF PRESIDENT STREET STATION.

(a) DEFINITION OF STUDY AREA.—In this section, the term “study area” means the President Street Station, a railroad terminal in Baltimore, Maryland, the history of which is tied to the growth of the railroad industry in the 19th century, the Civil War, the Underground Railroad, and the immigrant influx of the early 20th century.

(b) SPECIAL RESOURCE STUDY.—

(1) STUDY.—The Secretary shall conduct a special resource study of the study area.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area;

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(3) APPLICABLE LAW.—The study required under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(4) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the results of the study; and

(B) any conclusions and recommendations of the Secretary.

SEC. 2004. AMACHE SPECIAL RESOURCE STUDY.

(a) DEFINITION OF STUDY AREA.—In this section, the term “study area” means the site known as “Amache”, “Camp Amache”, and “Granada Relocation Center” in Granada, Colorado, which was 1 of the 10 relocation centers where Japanese Americans were incarcerated during World War II.

(b) SPECIAL RESOURCE STUDY.—

(1) **IN GENERAL.**—The Secretary shall conduct a special resource study of the study area.

(2) **CONTENTS.**—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area;

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives described in subparagraphs (B) and (C).

(3) **APPLICABLE LAW.**—The study required under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(4) **REPORT.**—Not later than 3 years after the date on which funds are first made available to carry out the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the results of the study; and

(B) any conclusions and recommendations of the Secretary.

SEC. 2005. SPECIAL RESOURCE STUDY OF GEORGE W. BUSH CHILDHOOD HOME.

(a) **DEFINITION OF STUDY AREA.**—In this section, the term “study area” means the George W. Bush Childhood Home, located at 1412 West Ohio Avenue, Midland, Texas.

(b) **SPECIAL RESOURCE STUDY.**—

(1) **STUDY.**—The Secretary shall conduct a special resource study of the study area.

(2) **CONTENTS.**—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area;

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(3) **APPLICABLE LAW.**—The study required under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(4) **REPORT.**—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(A) the results of the study; and

(B) any conclusions and recommendations of the Secretary.

Subtitle B—National Park System Boundary Adjustments and Related Matters

SEC. 2101. SHILOH NATIONAL MILITARY PARK BOUNDARY ADJUSTMENT. 16 USC 430f–13.

(a) **DEFINITIONS.**—In this section:

(1) **AFFILIATED AREA.**—The term “affiliated area” means the Parker’s Crossroads Battlefield established as an affiliated area of the National Park System by subsection (c)(1).

(2) **PARK.**—The term “Park” means Shiloh National Military Park, a unit of the National Park System.

(b) **AREAS TO BE ADDED TO SHILOH NATIONAL MILITARY PARK.**—

(1) **ADDITIONAL AREAS.**—The boundary of the Park is modified to include the areas that are generally depicted on the map entitled “Shiloh National Military Park, Proposed Boundary Adjustment”, numbered 304/80,011, and dated July 2014, and which are comprised of the following:

(A) Fallen Timbers Battlefield.

(B) Russell House Battlefield.

(C) Davis Bridge Battlefield.

(2) **ACQUISITION AUTHORITY.**—The Secretary may acquire the land described in paragraph (1) by donation, purchase from willing sellers with donated or appropriated funds, or exchange.

(3) **ADMINISTRATION.**—Any land acquired under this subsection shall be administered as part of the Park.

(c) **ESTABLISHMENT OF AFFILIATED AREA.**—

(1) **IN GENERAL.**—Parker’s Crossroads Battlefield in the State of Tennessee is established as an affiliated area of the National Park System.

(2) **DESCRIPTION OF AFFILIATED AREA.**—The affiliated area shall consist of the area generally depicted within the “Proposed Boundary” on the map entitled “Parker’s Crossroads Battlefield, Proposed Boundary”, numbered 903/80,073, and dated July 2014.

(3) **ADMINISTRATION.**—The affiliated area shall be managed in accordance with—

(A) this section; and

(B) any law generally applicable to units of the National Park System.

(4) **MANAGEMENT ENTITY.**—The City of Parkers Crossroads and the Tennessee Historical Commission shall jointly be the management entity for the affiliated area.

(5) COOPERATIVE AGREEMENTS.—The Secretary may provide technical assistance and enter into cooperative agreements with the management entity for the purpose of providing financial assistance for the marketing, marking, interpretation, and preservation of the affiliated area.

(6) LIMITED ROLE OF THE SECRETARY.—Nothing in this section authorizes the Secretary to acquire property at the affiliated area or to assume overall financial responsibility for the operation, maintenance, or management of the affiliated area.

(7) GENERAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Secretary, in consultation with the management entity, shall develop a general management plan for the affiliated area in accordance with section 100502 of title 54, United States Code.

(B) TRANSMITTAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the general management plan developed under subparagraph (A).

16 USC
410yyy–3.

SEC. 2102. OCMULGEE MOUNDS NATIONAL HISTORICAL PARK BOUNDARY.

(a) DEFINITIONS.—In this section:

(1) HISTORICAL PARK.—The term “Historical Park” means the Ocmulgee Mounds National Historical Park in the State of Georgia, as redesignated by subsection(b)(1)(A).

(2) MAP.—The term “map” means the map entitled “Ocmulgee National Monument Proposed Boundary Adjustment”, numbered 363/125996, and dated January 2016.

(3) STUDY AREA.—The term “study area” means the Ocmulgee River corridor between the cities of Macon, Georgia, and Hawkinsville, Georgia.

(b) OCMULGEE MOUNDS NATIONAL HISTORICAL PARK.—

(1) REDESIGNATION.—

(A) IN GENERAL.—The Ocmulgee National Monument, established pursuant to the Act of June 14, 1934 (48 Stat. 958, chapter 519), shall be known and designated as the “Ocmulgee Mounds National Historical Park”.

(B) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the “Ocmulgee National Monument” shall be deemed to be a reference to the “Ocmulgee Mounds National Historical Park”.

(2) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Historical Park is revised to include approximately 2,100 acres of land, as generally depicted on the map.

(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) LAND ACQUISITION.—

(A) IN GENERAL.—The Secretary may acquire land and interests in land within the boundaries of the Historical Park by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(B) LIMITATION.—The Secretary may not acquire by condemnation any land or interest in land within the boundaries of the Historical Park.

(4) ADMINISTRATION.—The Secretary shall administer any land acquired under paragraph (3) as part of the Historical Park in accordance with applicable laws (including regulations).

(c) OCMULGEE RIVER CORRIDOR SPECIAL RESOURCE STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a special resource study of the study area.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area;

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(3) APPLICABLE LAW.—The study required under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(4) REPORT.—Not later than 3 years after the date on which funds are first made available to carry out the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the results of the study; and

(B) any conclusions and recommendations of the Secretary.

SEC. 2103. KENNESAW MOUNTAIN NATIONAL BATTLEFIELD PARK BOUNDARY. 16 USC 430t–1.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Kennesaw Mountain National Battlefield Park, Proposed Boundary Adjustment”, numbered 325/80,020, and dated February 2010.

(2) PARK.—The term “Park” means the Kennesaw Mountain National Battlefield Park.

(b) KENNESAW MOUNTAIN NATIONAL BATTLEFIELD PARK BOUNDARY ADJUSTMENT.—

(1) BOUNDARY ADJUSTMENT.—The boundary of the Park is modified to include the approximately 8 acres of land or interests in land identified as “Wallis House and Harriston Hill”, as generally depicted on the map.

(2) MAP.—The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(3) LAND ACQUISITION.—The Secretary may acquire land or interests in land described in paragraph (1) by donation, purchase from willing sellers, or exchange.

(4) ADMINISTRATION OF ACQUIRED LAND.—The Secretary shall administer land and interests in land acquired under this section as part of the Park in accordance with applicable laws (including regulations).

SEC. 2104. FORT FREDERICA NATIONAL MONUMENT, GEORGIA.

(a) MAXIMUM ACREAGE.—The first section of the Act of May 26, 1936 (16 U.S.C. 433g), is amended by striking “two hundred and fifty acres” and inserting “305 acres”.

(b) BOUNDARY EXPANSION.—

(1) IN GENERAL.—The boundary of the Fort Frederica National Monument in the State of Georgia is modified to include the land generally depicted as “Proposed Acquisition Areas” on the map entitled “Fort Frederica National Monument Proposed Boundary Expansion”, numbered 369/132,469, and dated April 2016.

(2) AVAILABILITY OF MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) ACQUISITION OF LAND.—The Secretary may acquire the land and interests in land described in paragraph (1) by donation or purchase with donated or appropriated funds from willing sellers only.

(4) NO USE OF CONDEMNATION OR EMINENT DOMAIN.—The Secretary may not acquire by condemnation or eminent domain any land or interests in land under this section or for the purposes of this section.

SEC. 2105. FORT SCOTT NATIONAL HISTORIC SITE BOUNDARY.

54 USC 320101
note.

Public Law 95–484 (92 Stat. 1610) is amended—

(1) in the first section—

(A) by inserting “, by purchase with appropriated funds, or by exchange” after “donation”; and

(B) by striking the proviso; and

(2) in section 2—

(A) by striking “SEC. 2. When” and inserting the following:

“SEC. 2. ESTABLISHMENT.

“(a) IN GENERAL.—When”; and

(B) by adding at the end the following:

“(b) BOUNDARY MODIFICATION.—The boundary of the Fort Scott National Historic Site established under subsection (a) is modified as generally depicted on the map referred to as ‘Fort Scott National Historic Site Proposed Boundary Modification’, numbered 471/80,057, and dated February 2016.”.

SEC. 2106. FLORISSANT FOSSIL BEDS NATIONAL MONUMENT BOUNDARY.

54 USC 320301
note.

The first section of Public Law 91–60 (83 Stat. 101) is amended—

(1) by striking “entitled ‘Proposed Florissant Fossil Beds National Monument’, numbered NM–FFB–7100, and dated March 1967, and more particularly described by metes and bounds in an attachment to that map,” and inserting “entitled ‘Florissant Fossil Beds National Monument Proposed Boundary Adjustment’, numbered 171/132,544, and dated May 3, 2016,”; and

(2) by striking “six thousand acres” and inserting “6,300 acres”.

SEC. 2107. VOYAGEURS NATIONAL PARK BOUNDARY ADJUSTMENT.

(a) BOUNDARIES.—

(1) IN GENERAL.—Section 102(a) of Public Law 91–661 (16 U.S.C. 160a–1(a)) is amended—

(A) in the first sentence, by striking “the drawing entitled” and all that follows through “February 1969” and inserting “the map entitled ‘Voyageurs National Park, Proposed Land Transfer & Boundary Adjustment’, numbered 172/80,056, and dated June 2009 (22 sheets)”;

(B) in the second and third sentences, by striking “drawing” each place it appears and inserting “map”.

(2) TECHNICAL CORRECTIONS.—Section 102(b)(2)(A) of Public Law 91–661 (16 U.S.C. 160a–1(b)(2)(A)) is amended—

(A) by striking “paragraph (1)(C) and (D)” and inserting “subparagraphs (C) and (D) of paragraph (1)”;

(B) in the second proviso, by striking “paragraph 1(E)” and inserting “paragraph (1)(E)”.

(b) LAND ACQUISITIONS.—Section 201 of Public Law 91–661 (16 U.S.C. 160b) is amended—

(1) by striking the section designation and heading and all that follows through “(a) The Secretary” and inserting the following:

“SEC. 201. LAND ACQUISITIONS.

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—The Secretary”;

(2) in subsection (a)—

(A) in the second sentence, by striking “When any tract of land is only partly within such boundaries” and inserting the following:

“(2) CERTAIN PORTIONS OF TRACTS.—

“(A) IN GENERAL.—In any case in which only a portion of a tract of land is within the boundaries of the park”;

(B) in the third sentence, by striking “Land so acquired” and inserting the following:

“(B) EXCHANGE.—

“(i) IN GENERAL.—Any land acquired pursuant to subparagraph (A)”;

(C) in the fourth sentence, by striking “Any portion” and inserting the following:

“(ii) PORTIONS NOT EXCHANGED.—Any portion”;

(D) in the fifth sentence, by striking “Any Federal property” and inserting the following:

“(C) TRANSFERS OF FEDERAL PROPERTY.—Any Federal property”; and

(E) by striking the last sentence and inserting the following:

“(D) ADMINISTRATIVE JURISDICTION.—Effective beginning on the date of enactment of this subparagraph, there is transferred to the National Park Service administrative jurisdiction over—

“(i) any land managed by the Bureau of Land Management within the boundaries of the park, as depicted on the map described in section 102(a); and

“(ii) any additional public land identified by the Bureau of Land Management as appropriate for transfer within the boundaries of the park.

“(E) LAND OWNED BY STATE.—

“(i) DONATIONS AND EXCHANGES.—Any land located within or adjacent to the boundaries of the park that is owned by the State of Minnesota (or a political subdivision of the State) may be acquired by the Secretary only through donation or exchange.

“(ii) REVISION.—On completion of an acquisition from the State under clause (i), the Secretary shall revise the boundaries of the park to reflect the acquisition.”; and

(3) in subsection (b), by striking “(b) In exercising his” and inserting the following:

“(b) OFFERS BY INDIVIDUALS.—In exercising the”.

SEC. 2108. ACADIA NATIONAL PARK BOUNDARY.

(a) BOUNDARY CLARIFICATION.—Section 101 of Public Law 99–420 (16 U.S.C. 341 note) is amended—

(1) in the first sentence, by striking “In order to” and inserting the following:

“(a) BOUNDARIES.—Subject to subsections (b) and (c)(2), to”;

(2) in the second sentence—

(A) by striking “The map shall be on file” and inserting the following:

“(c) AVAILABILITY AND REVISIONS OF MAPS.—

“(1) AVAILABILITY.—The map, together with the map described in subsection (b)(1) and any revised boundary map published under paragraph (2), if applicable, shall be—

“(A) on file”; and

(B) by striking “Interior, and it shall be made” and inserting the following: “Interior; and

“(B) made”;

(3) by inserting after subsection (a) (as designated by paragraph (1)) the following:

“(b) SCHOODIC PENINSULA ADDITION.—

“(1) IN GENERAL.—The boundary of the Park is confirmed to include approximately 1,441 acres of land and interests in land, as depicted on the map entitled ‘Acadia National Park, Hancock County, Maine, Schoodic Peninsula Boundary Revision’, numbered 123/129102, and dated July 10, 2015.

“(2) RATIFICATION AND APPROVAL OF ACQUISITIONS OF LAND.—Congress ratifies and approves—

“(A) effective as of September 26, 2013, the acquisition by the United States of the land and interests in the land described in paragraph (1); and

“(B) effective as of the date on which the alteration occurred, any alteration of the land or interests in the land described in paragraph (1) that is held or claimed by the United States (including conversion of the land to fee simple interest) that occurred after the date described in subparagraph (A).”; and

(4) in subsection (c) (as designated by paragraph (2)(A)), by adding at the end the following:

“(2) TECHNICAL AND LIMITED REVISIONS.—Subject to section 102(k), notwithstanding any other provision of this section,

the Secretary of the Interior (referred to in this title as the ‘Secretary’), by publication in the Federal Register of a revised boundary map or other description, may make—

“(A) such technical boundary revisions as the Secretary determines to be appropriate to the permanent boundaries of the Park (including any property of the Park located within the Schoodic Peninsula and Isle Au Haut districts) to resolve issues resulting from causes such as survey error or changed road alignments; and

“(B) such limited boundary revisions as the Secretary determines to be appropriate to the permanent boundaries of the Park to take into account acquisitions or losses, by exchange, donation, or purchase from willing sellers using donated or appropriated funds, of land adjacent to or within the Park, respectively, in any case in which the total acreage of the land to be so acquired or lost is less than 10 acres, subject to the condition that—

“(i) any such boundary revision shall not be a part of a more-comprehensive boundary revision; and

“(ii) all such boundary revisions, considered collectively with any technical boundary revisions made pursuant to subparagraph (A), do not increase the size of the Park by more than a total of 100 acres, as compared to the size of the Park on the date of enactment of this paragraph.”.

(b) LIMITATION ON ACQUISITIONS OF LAND FOR ACADIA NATIONAL PARK.—Section 102 of Public Law 99–420 (16 U.S.C. 341 note) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “of the Interior (hereinafter in this title referred to as ‘the Secretary’)”;

(2) in subsection (d)(1), in the first sentence, by striking “the the” and inserting “the”;

(3) in subsection (k)—

(A) by redesignating the subsection as paragraph (4) and indenting the paragraph appropriately; and

(B) by moving the paragraph so as to appear at the end of subsection (b); and

(4) by adding at the end the following:

“(k) REQUIREMENTS.—Before revising the boundaries of the Park pursuant to this section or section 101(c)(2)(B), the Secretary shall—

“(1) certify that the proposed boundary revision will contribute to, and is necessary for, the proper preservation, protection, interpretation, or management of the Park;

“(2) consult with the governing body of each county, city, town, or other jurisdiction with primary taxing authority over the land or interest in land to be acquired regarding the impacts of the proposed boundary revision;

“(3) obtain from each property owner the land or interest in land of which is proposed to be acquired for, or lost from, the Park written consent for the proposed boundary revision; and

“(4) submit to the Acadia National Park Advisory Commission established by section 103(a), the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Maine

Congressional Delegation a written notice of the proposed boundary revision.

“(l) LIMITATION.—The Secretary may not use the authority provided by section 100506 of title 54, United States Code, to adjust the permanent boundaries of the Park pursuant to this title.”.

(c) ACADIA NATIONAL PARK ADVISORY COMMISSION.—

16 USC 341 note.

(1) IN GENERAL.—The Secretary shall reestablish and appoint members to the Acadia National Park Advisory Commission in accordance with section 103 of Public Law 99-420 (16 U.S.C. 341 note).

(2) CONFORMING AMENDMENT.—Section 103 of Public Law 99-420 (16 U.S.C. 341 note) is amended by striking subsection (f).

(d) REPEAL OF CERTAIN PROVISIONS RELATING TO ACADIA NATIONAL PARK.—The following are repealed:

16 USC 343.

(1) Section 3 of the Act of February 26, 1919 (40 Stat. 1178, chapter 45).

16 USC 342a.

(2) The first section of the Act of January 19, 1929 (45 Stat. 1083, chapter 77).

(e) MODIFICATION OF USE RESTRICTION.—The Act of August 1, 1950 (64 Stat. 383, chapter 511), is amended—

(1) by striking “That the Secretary” and inserting the following:

“SECTION 1. CONVEYANCE OF LAND IN ACADIA NATIONAL PARK.

“The Secretary”; and

(2) by striking “for school purposes” and inserting “for public purposes, subject to the conditions that use of the land shall not degrade or adversely impact the resources or values of Acadia National Park and that the land shall remain in public ownership for recreational, educational, or similar public purposes”.

(f) CONTINUATION OF CERTAIN TRADITIONAL USES.—Title I of Public Law 99-420 (16 U.S.C. 341 note) is amended by adding at the end the following:

16 USC 341 note.

“SEC. 109. CONTINUATION OF CERTAIN TRADITIONAL USES.

“(a) DEFINITIONS.—In this section:

“(1) LAND WITHIN THE PARK.—The term ‘land within the Park’ means land owned or controlled by the United States—

“(A) that is within the boundary of the Park established by section 101; or

“(B)(i) that is outside the boundary of the Park; and

“(ii) in which the Secretary has or acquires a property interest or conservation easement pursuant to this title.

“(2) MARINE SPECIES; MARINE WORM; SHELLFISH.—The terms ‘marine species’, ‘marine worm’, and ‘shellfish’ have the meanings given those terms in section 6001 of title 12 of the Maine Revised Statutes (as in effect on the date of enactment of this section).

“(3) STATE LAW.—The term ‘State law’ means the law (including regulations) of the State of Maine, including the common law.

“(4) TAKING.—The term ‘taking’ means the removal or attempted removal of a marine species, marine worm, or shellfish from the natural habitat of the marine species, marine worm, or shellfish.

“(b) CONTINUATION OF TRADITIONAL USES.—The Secretary shall allow for the traditional taking of marine species, marine worms, and shellfish, on land within the Park between the mean high watermark and the mean low watermark in accordance with State law.”.

(g) CONVEYANCE OF CERTAIN LAND IN ACADIA NATIONAL PARK TO THE TOWN OF BAR HARBOR, MAINE.—

(1) IN GENERAL.—The Secretary shall convey to the Town of Bar Harbor all right, title, and interest of the United States in and to the .29-acre parcel of land in Acadia National Park identified as lot 110–055–000 on the tax map of the Town of Bar Harbor for section 110, dated April 1, 2015, to be used for—

(A) a solid waste transfer facility; or

(B) other public purposes consistent with uses allowed under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.).

(2) REVERSION.—If the land conveyed under paragraph (1) is used for a purpose other than a purpose described in that paragraph, the land shall, at the discretion of the Secretary, revert to the United States.

SEC. 2109. AUTHORITY OF SECRETARY OF THE INTERIOR TO ACCEPT CERTAIN PROPERTIES, MISSOURI.

(a) STE. GENEVIEVE NATIONAL HISTORICAL PARK.—Section 7134(a)(3) of the Energy and Natural Resources Act of 2017 (as enacted into law by section 121(a)(2) of division G of the Consolidated Appropriations Act, 2018 (Public Law 115–141)) is amended by striking “‘Ste. Genevieve National Historical Park Proposed Boundary’, numbered 571/132,626, and dated May 2016” and inserting “‘Ste. Genevieve National Historical Park Proposed Boundary Addition’, numbered 571/149,942, and dated December 2018”.

16 USC 410xxx.

(b) HARRY S TRUMAN NATIONAL HISTORIC SITE.—Public Law 98–32 (54 U.S.C. 320101 note) is amended—

(1) in section 3, by striking the section designation and all that follows through “is authorized” and inserting the following:

“SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized”;

(2) in section 2—

(A) in the second sentence, by striking “The Secretary is further authorized, in the administration of the site, to” and inserting the following:

“(b) USE BY MARGARET TRUMAN DANIEL.—In administering the Harry S Truman National Historic Site, the Secretary may”; and

(B) by striking the section designation and all that follows through “and shall be” in the first sentence and inserting the following:

“SEC. 3. DESIGNATION; USE BY MARGARET TRUMAN DANIEL.

“(a) DESIGNATION.—Any property acquired pursuant to section 2—

“(1) is designated as the ‘Harry S Truman National Historic Site’; and

“(2) shall be”; and

(3) in the first section—

(A) by redesignating subsection (e) as paragraph (2), indenting the paragraph appropriately, and moving the paragraph so as to appear at the end of subsection (c);

(B) in subsection (c)—

(i) by striking the subsection designation and all that follows through “authorized to” and inserting the following:

“(c) TRUMAN FARM HOME.—

“(1) IN GENERAL.—The Secretary may”; and

(ii) in paragraph (2) (as redesignated by subparagraph (A))—

(I) by striking “Farm House” and inserting “Farm Home”; and

(II) by striking the paragraph designation and all that follows through “authorized and directed to” and inserting the following:

“(2) TECHNICAL AND PLANNING ASSISTANCE.—The Secretary shall”; and

(C) in subsection (b)—

(i) by striking “(b)(1) The Secretary is further authorized to” and inserting the following:

“(b) NOLAND/HAUKENBERRY AND WALLACE HOUSES.—

“(1) IN GENERAL.—The Secretary may”; and

(ii) in paragraph (1), by indenting subparagraphs

(A) and (B) appropriately;

(D) by adding at the end the following:

“(e) ADDITIONAL LAND IN INDEPENDENCE FOR VISITOR CENTER.—

“(1) IN GENERAL.—The Secretary may acquire, by donation from the city of Independence, Missouri, the land described in paragraph (2) for—

“(A) inclusion in the Harry S Truman National Historic Site; and

“(B) if the Secretary determines appropriate, use as a visitor center of the historic site, which may include administrative services.

“(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of the approximately 1.08 acres of land—

“(A) owned by the city of Independence, Missouri;

“(B) designated as Lots 6 through 19, DELAYS Subdivision, a subdivision in Independence, Jackson County, Missouri; and

“(C) located in the area of the city bound by Truman Road on the south, North Lynn Street on the west, East White Oak Street on the north, and the city transit center on the east.

“(3) BOUNDARY MODIFICATION.—On acquisition of the land under this subsection, the Secretary shall modify the boundary of the Harry S Truman National Historic Site to reflect that acquisition.”; and

(E) in subsection (a)—

(i) in the second sentence, by striking “The Secretary may also acquire, by any of the above means, fixtures,” and inserting the following:

“(2) **FIXTURES AND PERSONAL PROPERTY.**—The Secretary may acquire, by any means described in paragraph (1), any fixtures”; and

(ii) in the first sentence—

(I) by striking “of the Interior (hereinafter referred to as the ‘Secretary’)”; and

(II) by striking “That (a) in order to” and inserting the following:

“SECTION 1. SHORT TITLE; DEFINITION OF SECRETARY.

“(a) **SHORT TITLE.**—This Act may be cited as the ‘Harry S Truman National Historic Site Establishment Act’.

“(b) **DEFINITION OF SECRETARY.**—In this Act, the term ‘Secretary’ means the Secretary of the Interior.

“SEC. 2. PURPOSE; ACQUISITION OF PROPERTY.

“(a) **PURPOSE; ACQUISITION.**—

“(1) **IN GENERAL.**—To”.

SEC. 2110. HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE.

54 USC 320101
note.

(a) **LAND ACQUISITION.**—The Secretary may acquire, by donation, purchase from a willing seller using donated or appropriated funds, or exchange, the approximately 89 acres of land identified as the “Morgan Property” and generally depicted on the map entitled “Home of Franklin D. Roosevelt National Historic Site, Proposed Park Addition”, numbered 384/138,461, and dated May 2017.

(b) **AVAILABILITY OF MAP.**—The map referred to in subsection (a) shall be available for public inspection in the appropriate offices of the National Park Service.

(c) **BOUNDARY ADJUSTMENT; ADMINISTRATION.**—On acquisition of the land referred to in subsection (a), the Secretary shall—

(1) adjust the boundary of the Home of Franklin D. Roosevelt National Historic Site to reflect the acquisition; and

(2) administer the acquired land as part of the Home of Franklin D. Roosevelt National Historic Site, in accordance with applicable laws.

Subtitle C—National Park System Redesignations

SEC. 2201. DESIGNATION OF SAINT-GAUDENS NATIONAL HISTORICAL PARK.

16 USC 410zzz
note.

(a) **IN GENERAL.**—The Saint-Gaudens National Historic Site shall be known and designated as the “Saint-Gaudens National Historical Park”.

(b) **AMENDMENTS TO PUBLIC LAW 88–543.**—Public Law 88–543 (78 Stat. 749) is amended—

(1) by striking “National Historic Site” each place it appears and inserting “National Historical Park”;

(2) in section 2(a), by striking “historic site” and inserting “Saint-Gaudens National Historical Park”;

(3) in section 3, by—

(A) striking “national historical site” and inserting “Saint-Gaudens National Historical Park”; and

16 USC
410zzz–2—zzz–4.

16 USC
410zzz–1.

16 USC
410zzz–2.

(B) striking “part of the site” and inserting “part of the park”; and
 (4) in section 4(b), by striking “traditional to the site” and inserting “traditional to the park”.
 (c) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the Saint-Gaudens National Historic Site shall be considered to be a reference to the “Saint-Gaudens National Historical Park”.

16 USC
 410zzz–3.
 16 USC 410zzz
 note.

SEC. 2202. REDESIGNATION OF ROBERT EMMET PARK.

(a) REDESIGNATION.—The small triangular property designated by the National Park Service as reservation 302, shall be known as “Robert Emmet Park”.

(b) REFERENCE.—Any reference in any law, regulation, document, record, map, paper, or other record of the United States to the property referred to in subsection (a) is deemed to be a reference to “Robert Emmet Park”.

(c) SIGNAGE.—The Secretary may post signs on or near Robert Emmet Park that include 1 or more of the following:

(1) Information on Robert Emmet, his contribution to Irish Independence, and his respect for the United States and the American Revolution.

(2) Information on the history of the statue of Robert Emmet located in Robert Emmet Park.

16 USC 410aaaa. **SEC. 2203. FORT SUMTER AND FORT MOULTRIE NATIONAL HISTORICAL PARK.**

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Boundary Map, Fort Sumter and Fort Moultrie National Historical Park”, numbered 392/80,088, and dated August 2009.

(2) PARK.—The term “Park” means the Fort Sumter and Fort Moultrie National Historical Park established by subsection (b).

(3) STATE.—The term “State” means the State of South Carolina.

(4) SULLIVAN’S ISLAND LIFE SAVING STATION HISTORIC DISTRICT.—The term “Sullivan’s Island Life Saving Station Historic District” means the Charleston Lighthouse, the boathouse, garage, bunker/sighting station, signal tower, and any associated land and improvements to the land that are located between Sullivan’s Island Life Saving Station and the mean low water mark.

(b) ESTABLISHMENT.—There is established the Fort Sumter and Fort Moultrie National Historical Park in the State as a single unit of the National Park System to preserve, maintain, and interpret the nationally significant historical values and cultural resources associated with Fort Sumter National Monument, Fort Moultrie National Monument, and the Sullivan’s Island Life Saving Station Historic District.

(c) BOUNDARY.—The boundary of the Park shall be as generally depicted on the map.

(d) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(e) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall administer the

Park in accordance with this section and the laws generally applicable to units of the National Park System, including—

(A) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code; and

(B) chapter 3201 of title 54, United States Code.

(2) INTERPRETATION OF HISTORICAL EVENTS.—The Secretary shall provide for the interpretation of historical events and activities that occurred in the vicinity of Fort Sumter and Fort Moultrie, including—

(A) the Battle of Sullivan’s Island on June 28, 1776;

(B) the Siege of Charleston during 1780;

(C) the Civil War, including—

(i) the bombardment of Fort Sumter by Confederate forces on April 12, 1861; and

(ii) any other events of the Civil War that are associated with Fort Sumter and Fort Moultrie;

(D) the development of the coastal defense system of the United States during the period from the Revolutionary War to World War II, including—

(i) the Sullivan’s Island Life Saving Station;

(ii) the lighthouse associated with the Sullivan’s Island Life Saving Station; and

(iii) the coastal defense sites constructed during the period of fortification construction from 1898 to 1942, known as the “Endicott Period”; and

(E) the lives of—

(i) the free and enslaved workers who built and maintained Fort Sumter and Fort Moultrie;

(ii) the soldiers who defended the forts;

(iii) the prisoners held at the forts; and

(iv) captive Africans bound for slavery who, after first landing in the United States, were brought to quarantine houses in the vicinity of Fort Moultrie in the 18th century, if the Secretary determines that the quarantine houses and associated historical values are nationally significant.

(f) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with public and private entities and individuals to carry out this section.

(g) REPEAL OF EXISTING LAW.—Section 2 of the Joint Resolution entitled “Joint Resolution to establish the Fort Sumter National Monument in the State of South Carolina”, approved April 28, 1948 (16 U.S.C. 450ee–1), is repealed.

SEC. 2204. RECONSTRUCTION ERA NATIONAL HISTORICAL PARK AND RECONSTRUCTION ERA NATIONAL HISTORIC NETWORK.

16 USC 410bbbb.

(a) DEFINITIONS.—In this section:

(1) HISTORICAL PARK.—The term “historical park” means the Reconstruction Era National Historical Park.

(2) MAP.—The term “Map” means the maps entitled “Reconstruction Era National Monument Old Beaufort Firehouse”, numbered 550/135,755, and dated January 2017; “Reconstruction Era National Monument Darrah Hall and Brick Baptist Church”, numbered 550/135,756, and dated January 2017; and “Reconstruction Era National Monument Camp

Saxton”, numbered 550/135,757, and dated January 2017, collectively.

(3) NETWORK.—The term “Network” means the Reconstruction Era National Historic Network established pursuant to this section.

(b) RECONSTRUCTION ERA NATIONAL HISTORICAL PARK.—

(1) REDESIGNATION OF RECONSTRUCTION ERA NATIONAL MONUMENT.—

(A) IN GENERAL.—The Reconstruction Era National Monument is redesignated as the Reconstruction Era National Historical Park, as generally depicted on the Map.

(B) AVAILABILITY OF FUNDS.—Any funds available for the purposes of the Reconstruction Era National Monument shall be available for the purposes of the historical park.

(C) REFERENCES.—Any references in a law, regulation, document, record, map, or other paper of the United States to the Reconstruction Era National Monument shall be considered to be a reference to the historical park.

(2) BOUNDARY EXPANSION.—

(A) BEAUFORT NATIONAL HISTORIC LANDMARK DISTRICT.—Subject to subparagraph (D), the Secretary is authorized to acquire land or interests in land within the Beaufort National Historic Landmark District that has historic connection to the Reconstruction Era. Upon finalizing an agreement to acquire land, the Secretary shall expand the boundary of the historical park to encompass the property.

(B) ST. HELENA ISLAND.—Subject to subparagraph (D), the Secretary is authorized to acquire the following and shall expand the boundary of the historical park to include acquisitions under this authority:

(i) Land and interests in land adjacent to the existing boundary on St. Helena Island, South Carolina, as reflected on the Map.

(ii) Land or interests in land on St. Helena Island, South Carolina, that has a historic connection to the Reconstruction Era.

(C) CAMP SAXTON.—Subject to subparagraph (D), the Secretary is authorized to accept administrative jurisdiction of Federal land or interests in Federal land adjacent to the existing boundary at Camp Saxton, as reflected on the Map. Upon finalizing an agreement to accept administrative jurisdiction of Federal land or interests in Federal land, the Secretary shall expand the boundary of the historical park to encompass that Federal land or interests in Federal land.

(D) LAND ACQUISITION AUTHORITY.—The Secretary may only acquire land under this section by donation, exchange, or purchase with donated funds.

(3) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall administer the historical park in accordance with this section and with the laws generally applicable to units of the National Park System.

(B) MANAGEMENT PLAN.—If the management plan for the Reconstruction Era National Monument—

(i) has not been completed on or before the date of enactment of this Act, the Secretary shall incorporate all provisions of this section into the planning process and complete a management plan for the historical park within 3 years; and

(ii) has been completed on or before the date of enactment of this Act, the Secretary shall update the plan incorporating the provisions of this section.

(c) RECONSTRUCTION ERA NATIONAL HISTORIC NETWORK.—

(1) IN GENERAL.—The Secretary shall—

(A) establish, within the National Park Service, a program to be known as the “Reconstruction Era National Historic Network”;

(B) not later than 1 year after the date of enactment of this Act, solicit proposals from sites interested in being a part of the Network; and

(C) administer the Network through the historical park.

(2) DUTIES OF SECRETARY.—In carrying out the Network, the Secretary shall—

(A) review studies and reports to complement and not duplicate studies of the historical importance of Reconstruction Era that may be underway or completed, such as the National Park Service Reconstruction Handbook and the National Park Service Theme Study on Reconstruction;

(B) produce and disseminate appropriate educational and promotional materials relating to the Reconstruction Era and the sites in the Network, such as handbooks, maps, interpretive guides, or electronic information;

(C) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance;

(D)(i) create and adopt an official, uniform symbol or device for the Network; and

(ii) issue regulations for the use of the symbol or device adopted under clause (i); and

(E) conduct research relating to Reconstruction and the Reconstruction Era.

(3) ELEMENTS.—The Network shall encompass the following elements:

(A) All units and programs of the National Park Service that are determined by the Secretary to relate to the Reconstruction Era.

(B) Other Federal, State, local, and privately owned properties that the Secretary determines—

(i) relate to the Reconstruction Era; and

(ii) are included in, or determined by the Secretary to be eligible for inclusion in, the National Register of Historic Places.

(C) Other governmental and nongovernmental sites, facilities, and programs of an educational, research, or interpretive nature that are directly related to the Reconstruction Era.

(4) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—To achieve the purposes of this section and to ensure effective coordination of the Federal and non-Federal elements of the Network and units and programs of the

National Park Service, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance to, the heads of other Federal agencies, States, units of local government, regional governmental bodies, and private entities.

16 USC
410cccc-3.

SEC. 2205. GOLDEN SPIKE NATIONAL HISTORICAL PARK.

(a) **DEFINITIONS.**—In this section:

(1) **PARK.**—The term “Park” means the Golden Spike National Historical Park designated by subsection (b)(1).

(2) **PROGRAM.**—The term “Program” means the program to commemorate and interpret the Transcontinental Railroad authorized under subsection (c).

(3) **SECRETARY.**—The term “Secretary” means the Secretary, acting through the Director of the National Park Service.

(4) **TRANSCONTINENTAL RAILROAD.**—The term “Transcontinental Railroad” means the approximately 1,912-mile continuous railroad constructed between 1863 and 1869 extending from Council Bluffs, Iowa, to San Francisco, California.

(b) **REDESIGNATION.**—

(1) **REDESIGNATION.**—The Golden Spike National Historic Site designated April 2, 1957, and placed under the administration of the National Park Service under Public Law 89-102 (54 U.S.C. 320101 note; 79 Stat. 426), shall be known and designated as the “Golden Spike National Historical Park”.

(2) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Golden Spike National Historic Site shall be considered to be a reference to the “Golden Spike National Historical Park”.

(c) **TRANSCONTINENTAL RAILROAD COMMEMORATION AND PROGRAM.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary shall establish within the National Park Service a program to commemorate and interpret the Transcontinental Railroad.

(2) **STUDY.**—Before establishing the Program, the Secretary shall conduct a study of alternatives for commemorating and interpreting the Transcontinental Railroad that includes—

(A) a historical assessment of the Transcontinental Railroad;

(B) the identification of—

(i) existing National Park System land and affiliated areas, land managed by other Federal agencies, and Federal programs that may be related to preserving, commemorating, and interpreting the Transcontinental Railroad;

(ii) any properties relating to the Transcontinental Railroad—

(I) that are designated as, or could meet the criteria for designation as, National Historic Landmarks; or

(II) that are included, or eligible for inclusion, on the National Register of Historic Places;

(iii) any objects relating to the Transcontinental Railroad that have educational, research, or interpretative value; and

(iv) any governmental programs and nongovernmental programs of an educational, research, or interpretive nature relating to the Transcontinental Railroad; and

(C) recommendations for—

(i) incorporating the resources identified under subparagraph (B) into the Program; and

(ii) other appropriate ways to enhance historical research, education, interpretation, and public awareness of the Transcontinental Railroad.

(3) REPORT.—Not later than 3 years after the date on which funds are made available to carry out the study under paragraph (2), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing the findings and recommendations of the study.

(4) FREIGHT RAILROAD OPERATIONS.—The Program shall not include any properties that are—

(A) used in active freight railroad operations (or other ancillary purposes); or

(B) reasonably anticipated to be used for freight railroad operations in the future.

(5) ELEMENTS OF THE PROGRAM.—In carrying out the Program under this subsection, the Secretary—

(A) shall produce and disseminate appropriate education materials relating to the history, construction, and legacy of the Transcontinental Railroad, such as handbooks, maps, interpretive guides, or electronic information;

(B) may enter into appropriate cooperative agreements and memoranda of understanding and provide technical assistance to the heads of other Federal agencies, States, units of local government, regional governmental bodies, and private entities to further the purposes of the Program and this section; and

(C) may—

(i) create and adopt an official, uniform symbol or device to identify the Program; and

(ii) issue guidance for the use of the symbol or device created and adopted under clause (i).

(d) PROGRAMMATIC AGREEMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall seek to enter into a programmatic agreement with the Utah State Historic Preservation Officer to add to the list of undertakings eligible for streamlined review under section 306108 of title 54, United States Code, certain uses that would have limited physical impact to land in the Park.

(2) DEVELOPMENT AND CONSULTATION.—The programmatic agreement entered into under paragraph (1) shall be developed—

(A) in accordance with applicable laws (including regulations); and

(B) in consultation with adjacent landowners, Indian Tribes, and other interested parties.

(3) APPROVAL.—The Secretary shall—

(A) consider any application for uses covered by the programmatic agreement; and

(B) not later than 60 days after the receipt of an application described in subparagraph (A), approve the application, if the Secretary determines the application is consistent with—

(i) the programmatic agreement entered into under paragraph (1); and

(ii) applicable laws (including regulations).

(e) **INVASIVE SPECIES.**—The Secretary shall consult with, and seek to coordinate with, adjacent landowners to address the treatment of invasive species adjacent to, and within the boundaries of, the Park.

SEC. 2206. WORLD WAR II PACIFIC SITES.

54 USC 320301
notes.

(a) **PEARL HARBOR NATIONAL MEMORIAL, HAWAII.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **MAP.**—The term “Map” means the map entitled “Pearl Harbor National Memorial—Proposed Boundary”, numbered 580/140,514, and dated November 2017.

(B) **NATIONAL MEMORIAL.**—The term “National Memorial” means the Pearl Harbor National Memorial established by paragraph (2)(A)(i).

(2) **PEARL HARBOR NATIONAL MEMORIAL.**—

(A) **ESTABLISHMENT.**—

(i) **IN GENERAL.**—There is established the Pearl Harbor National Memorial in the State of Hawaii as a unit of the National Park System.

(ii) **BOUNDARIES.**—The boundaries of the National Memorial shall be the boundaries generally depicted on the Map.

(iii) **AVAILABILITY OF MAP.**—The Map shall be on file and available for public inspection in appropriate offices of the National Park Service.

(B) **PURPOSES.**—The purposes of the National Memorial are to preserve, interpret, and commemorate for the benefit of present and future generations the history of World War II in the Pacific from the events leading to the December 7, 1941, attack on O’ahu, to peace and reconciliation.

(3) **ADMINISTRATION.**—The Secretary shall administer the National Memorial in accordance with this subsection, section 121 of Public Law 111–88 (123 Stat. 2930), and the laws generally applicable to units of the National Park System including—

(A) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code; and

(B) chapter 3201 of title 54, United States Code.

(4) **REMOVAL OF PEARL HARBOR NATIONAL MEMORIAL FROM THE WORLD WAR II VALOR IN THE PACIFIC NATIONAL MONUMENT.**—

(A) **BOUNDARIES.**—The boundaries of the World War II Valor in the Pacific National Monument are revised to exclude from the monument the land and interests in land identified as the “Pearl Harbor National Memorial”, as depicted on the Map.

(B) INCORPORATION INTO NATIONAL MEMORIAL.—

(i) IN GENERAL.—The land and interests in land excluded from the monument under subparagraph (A) are incorporated in and made part of the National Memorial in accordance with this subsection.

(ii) USE OF FUNDS.—Any funds for the purposes of the land and interests in land excluded from the monument under subparagraph (A) shall be made available for the purposes of the National Memorial.

(iii) REFERENCES.—Any reference in a law (other than this section), regulation, document, record, map, or other paper of the United States to resources in the State of Hawai‘i included in the World War II Valor in the Pacific National Monument shall be considered a reference to the “Pearl Harbor National Memorial”.

(b) TULE LAKE NATIONAL MONUMENT, CALIFORNIA.—

54 USC 320301
notes.

(1) IN GENERAL.—The areas of the World War II Valor in the Pacific National Monument located in the State of California, as established by Presidential Proclamation 8327 (73 Fed. Reg. 75293; December 10, 2008), are redesignated as the “Tule Lake National Monument”.

(2) ADMINISTRATION.—The Secretary shall administer the Tule Lake National Monument in accordance with the provisions of Presidential Proclamation 8327 (73 Fed. Reg. 75293; December 10, 2008) applicable to the sites and resources in the State of California that are subject to that proclamation.

(3) REFERENCES.—Any reference in a law (other than this section), regulation, document, record, map, or other paper of the United States to resources in the State of California included in the World War II Valor in the Pacific National Monument shall be considered to be a reference to “Tule Lake National Monument”.

(c) ALEUTIAN ISLANDS WORLD WAR II NATIONAL MONUMENT, ALASKA.—

54 USC 320301
notes.

(1) IN GENERAL.—The areas of the World War II Valor in the Pacific National Monument located in the State of Alaska, as established by Presidential Proclamation 8327 (73 Fed. Reg. 75293; December 10, 2008), are redesignated as the “Aleutian Islands World War II National Monument”.

(2) ADMINISTRATION.—The Secretary shall administer the Aleutian Islands World War II National Monument in accordance with the provisions of Presidential Proclamation 8327 (73 Fed. Reg. 75293; December 10, 2008) applicable to the sites and resources in the State of Alaska that are subject to that proclamation.

(3) REFERENCES.—Any reference in a law (other than this section), regulation, document, record, map, or other paper of the United States to the sites and resources in the State of Alaska included in the World War II Valor in the Pacific National Monument shall be considered to be a reference to the “Aleutian Islands World War II National Monument”.

(d) HONOULIULI NATIONAL HISTORIC SITE, HAWAII.—

54 USC 320301
notes.

(1) DEFINITIONS.—In this subsection:

(A) HISTORIC SITE.—The term “Historic Site” means the Honouliuli National Historic Site established by paragraph (2)(A)(i).

(B) MAP.—The term “Map” means the map entitled “Honouliuli National Historic Site—Proposed Boundary”, numbered 680/139428, and dated June 2017.

(2) HONOLULI NATIONAL HISTORIC SITE.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—There is established the Honouliuli National Historic Site in the State of Hawai‘i as a unit of the National Park System.

(ii) BOUNDARIES.—The boundaries of the Historic Site shall be the boundaries generally depicted on the Map.

(iii) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in appropriate offices of the National Park Service.

(B) PURPOSES.—The purposes of the Historic Site are to preserve and interpret for the benefit of present and future generations the history associated with the internment and detention of civilians of Japanese and other ancestries during World War II in Hawai‘i, the impacts of war and martial law on society in the Hawaiian Islands, and the co-location and diverse experiences of Prisoners of War at the Honouliuli Internment Camp site.

(3) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall administer the Historic Site in accordance with this subsection and the laws generally applicable to units of the National Park System, including—

(i) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code; and

(ii) chapter 3201 of title 54, United States Code.

(B) PARTNERSHIPS.—

(i) IN GENERAL.—The Secretary may enter into agreements with, or acquire easements from, the owners of property adjacent to the Historic Site to provide public access to the Historic Site.

(ii) INTERPRETATION.—The Secretary may enter into cooperative agreements with governmental and nongovernmental organizations to provide for interpretation at the Historic Site.

(C) SHARED RESOURCES.—To the maximum extent practicable, the Secretary may use the resources of the Pearl Harbor National Memorial to administer the Historic Site.

(4) ABOLISHMENT OF HONOLULI NATIONAL MONUMENT.—

(A) IN GENERAL.—In light of the establishment of the Honouliuli National Historic Site, the Honouliuli National Monument is abolished and the lands and interests therein are incorporated within and made part of Honouliuli National Historic Site. Any funds available for purposes of Honouliuli National Monument shall be available for purposes of the Historic Site.

(B) REFERENCES.—Any references in law (other than in this section), regulation, document, record, map or other paper of the United States to Honouliuli National Monument shall be considered a reference to Honouliuli National Historic Site.

Subtitle D—New Units of the National Park System

SEC. 2301. MEDGAR AND MYRLIE EVERS HOME NATIONAL MONUMENT.

54 USC 320301
note.

(a) DEFINITIONS.—In this section:

(1) COLLEGE.—The term “College” means Tougaloo College, a private educational institution located in Tougaloo, Mississippi.

(2) HISTORIC DISTRICT.—The term “Historic District” means the Medgar Evers Historic District, as included on the National Register of Historic Places, and as generally depicted on the Map.

(3) MAP.—The term “Map” means the map entitled “Medgar and Myrlie Evers Home National Monument”, numbered 515/142561, and dated September 2018.

(4) MONUMENT.—The term “Monument” means the Medgar and Myrlie Evers Home National Monument established by subsection (b).

(5) SECRETARY.—The term “Secretary” means the Secretary, acting through the Director of the National Park Service.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to paragraph (2), there is established the Medgar and Myrlie Evers Home National Monument in the State of Mississippi as a unit of the National Park System to preserve, protect, and interpret for the benefit of present and future generations resources associated with the pivotal roles of Medgar and Myrlie Evers in the American Civil Rights Movement.

(2) DETERMINATION BY THE SECRETARY.—The Monument shall not be established until the date on which the Secretary determines that a sufficient quantity of land or interests in land has been acquired to constitute a manageable park unit.

(c) BOUNDARIES.—The boundaries of the Monument shall be the boundaries generally depicted on the Map.

(d) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(e) ACQUISITION AUTHORITY.—The Secretary may only acquire any land or interest in land located within the boundary of the Monument by—

- (1) donation;
- (2) purchase from a willing seller with donated or appropriated funds; or
- (3) exchange.

(f) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Monument in accordance with—

- (A) this section; and
- (B) the laws generally applicable to units of the National Park System, including—

- (i) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code; and

- (ii) chapter 3201 of title 54, United States Code.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to the Secretary for this purpose, the Secretary shall prepare a general management plan for the Monument in accordance with section 100502 of title 54, United States Code.

(B) SUBMISSION.—On completion of the general management plan under subparagraph (A), the Secretary shall submit it to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(g) AGREEMENTS.—

(1) MONUMENT.—The Secretary—

(A) shall seek to enter into an agreement with the College to provide interpretive and educational services relating to the Monument; and

(B) may enter into agreements with the College and other entities for the purposes of carrying out this section.

(2) HISTORIC DISTRICT.—The Secretary may enter into agreements with the owner of a nationally significant property within the Historic District, to identify, mark, interpret, and provide technical assistance with respect to the preservation and interpretation of the property.

54 USC 320301
note.

SEC. 2302. MILL SPRINGS BATTLEFIELD NATIONAL MONUMENT.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “Map” means the map entitled “Mill Springs Battlefield National Monument, Nancy, Kentucky”, numbered 297/145513, and dated June 2018.

(2) MONUMENT.—The term “Monument” means the Mill Springs Battlefield National Monument established by subsection (b)(1).

(3) SECRETARY.—The term “Secretary” means the Secretary, acting through the Director of the National Park Service.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to paragraph (2), there is established as a unit of the National Park System, the Mill Springs Battlefield National Monument in the State of Kentucky, to preserve, protect, and interpret for the benefit of present and future generations—

(A) the nationally significant historic resources of the Mill Springs Battlefield; and

(B) the role of the Mill Springs Battlefield in the Civil War.

(2) DETERMINATION BY THE SECRETARY.—The Monument shall not be established until the date on which the Secretary determines that a sufficient quantity of land or interests in land has been acquired to constitute a manageable park unit.

(3) NOTICE.—Not later than 30 days after the date on which the Secretary makes a determination under paragraph (2), the Secretary shall publish in the Federal Register notice of the establishment of the Monument.

(4) BOUNDARY.—The boundary of the Monument shall be as generally depicted on the Map.

(5) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(6) ACQUISITION AUTHORITY.—The Secretary may only acquire land or an interest in land located within the boundary of the Monument by—

(A) donation;

(B) purchase from a willing seller with donated or appropriated funds; or

(C) exchange.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Monument in accordance with—

(A) this section; and

(B) the laws generally applicable to units of the National Park System, including—

(i) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code; and

(ii) chapter 3201 of title 54, United States Code.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to prepare a general management plan for the Monument, the Secretary shall prepare the general management plan in accordance with section 100502 of title 54, United States Code.

(B) SUBMISSION TO CONGRESS.—On completion of the general management plan, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the general management plan.

(d) PRIVATE PROPERTY PROTECTION.—Nothing in this section affects the land use rights of private property owners within or adjacent to the Monument.

(e) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around the Monument.

(2) ACTIVITIES OUTSIDE NATIONAL MONUMENT.—The fact that an activity or use on land outside the Monument can be seen or heard within the Monument shall not preclude the activity or use outside the boundary of the Monument.

SEC. 2303. CAMP NELSON HERITAGE NATIONAL MONUMENT.

54 USC 320301
note.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “Map” means the map entitled “Camp Nelson Heritage National Monument Nicholasville, Kentucky”, numbered 532/144,148, and dated April 2018.

(2) MONUMENT.—The term “Monument” means the Camp Nelson Heritage National Monument established by subsection (b)(1).

(3) SECRETARY.—The term “Secretary” means the Secretary, acting through the Director of the National Park Service.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to paragraph (2), there is established, as a unit of the National Park System, the Camp Nelson Heritage National Monument in the State of Kentucky, to preserve, protect, and interpret for the benefit of present and future generations, the nationally significant historic resources of Camp Nelson and the role of Camp Nelson in the American

Civil War, Reconstruction, and African American history and civil rights.

(2) CONDITIONS.—The Monument shall not be established until after the Secretary—

(A) has entered into a written agreement with the owner of any private or non-Federal land within the boundary of the Monument, as depicted on the Map, providing that the property shall be donated to the United States for inclusion in the Monument, to be managed consistently with the purposes of the Monument; and

(B) has determined that sufficient land or interests in land have been acquired within the boundary of the Monument to constitute a manageable unit.

(c) BOUNDARIES.—The boundaries of the Monument shall be the boundaries generally depicted on the Map.

(d) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(e) ACQUISITION AUTHORITY.—The Secretary may only acquire any land or interest in land located within the boundary of the Monument by donation, purchase with donated or appropriated funds, or exchange.

(f) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Monument in accordance with—

(A) this section;

(B) Presidential Proclamation 9811 (83 Fed. Reg. 54845 (October 31, 2018)); and

(C) the laws generally applicable to units of the National Park System, including—

(i) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code; and

(ii) chapter 3201 of title 54, United States Code.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to the Secretary for the preparation of a general management plan for the Monument, the Secretary shall prepare a general management plan for the Monument in accordance with section 100502 of title 54, United States Code.

(B) SUBMISSION TO CONGRESS.—On completion of the general management plan, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives the general management plan.

(g) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around the Monument.

(2) ACTIVITIES OUTSIDE NATIONAL MONUMENT.—The fact that an activity or use on land outside the Monument can be seen or heard within the Monument shall not preclude the activity or use outside the boundary of the Monument.

(h) CONFLICTS.—If there is conflict between this section and Proclamation 9811 (83 Fed. Reg. 54845; October 31, 2018), this section shall control.

Subtitle E—National Park System Management

SEC. 2401. DENALI NATIONAL PARK AND PRESERVE NATURAL GAS PIPELINE.

(a) PERMIT.—Section 3(b)(1) of the Denali National Park Improvement Act (Public Law 113–33; 127 Stat. 516) is amended by striking “within, along, or near the approximately 7-mile segment of the George Parks Highway that runs through the Park”.

(b) TERMS AND CONDITIONS.—Section 3(c)(1) of the Denali National Park Improvement Act (Public Law 113–33; 127 Stat. 516) is amended—

(1) in subparagraph (A), by inserting “and” after the semicolon;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(c) APPLICABLE LAW.—Section 3 of the Denali National Park Improvement Act (Public Law 113–33; 127 Stat. 515) is amended by adding at the end the following:

“(d) APPLICABLE LAW.—A high pressure gas transmission pipeline (including appurtenances) in a nonwilderness area within the boundary of the Park, shall not be subject to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.).”.

SEC. 2402. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC PRESERVATION PROGRAM REAUTHORIZED.

Section 507(d)(2) of the Omnibus Parks and Public Lands Management Act of 1996 (54 U.S.C. 302101 note) is amended by striking the period at the end and inserting “and each of fiscal years 2019 through 2025.”.

SEC. 2402A. JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) IN GENERAL.—Section 2(b) of the Strengthening Coastal Communities Act of 2018 (Public Law 115–358) is amended by adding at the end the following:

16 USC 3503
note.

“(36) The map entitled ‘Cape San Blas Unit P30/P30P (1 of 2)’ and dated December 19, 2018, with respect to Unit P30 and Unit P30P.

“(37) The map entitled ‘Cape San Blas Unit P30/P30P (2 of 2)’ and dated December 19, 2018, with respect to Unit P30 and Unit P30P.”.

(b) EFFECT.—Section 7003 shall have no force or effect.

SEC. 2403. AUTHORIZING COOPERATIVE MANAGEMENT AGREEMENTS BETWEEN THE DISTRICT OF COLUMBIA AND THE SECRETARY OF THE INTERIOR.

54 USC 101703
note.

The Secretary may enter into a cooperative management agreement with the District of Columbia in accordance with section 101703 of title 54, United States Code.

SEC. 2404. FEES FOR MEDICAL SERVICES.

54 USC 102712
note.

(a) FEES AUTHORIZED.—The Secretary may establish and collect fees for medical services provided to persons in units of the National Park System or for medical services provided by National Park Service personnel outside units of the National Park System.

(b) NATIONAL PARK MEDICAL SERVICES FUND.—There is established in the Treasury a fund, to be known as the “National Park Medical Services Fund” (referred to in this section as the “Fund”). The Fund shall consist of—

- (1) donations to the Fund; and
- (2) fees collected under subsection (a).

(c) AVAILABILITY OF AMOUNTS.—All amounts deposited into the Fund shall be available to the Secretary, to the extent provided in advance by Acts of appropriation, for the following in units of the National Park System:

- (1) Services listed in subsection (a).
- (2) Preparing needs assessments or other programmatic analyses for medical facilities, equipment, vehicles, and other needs and costs of providing services listed in subsection (a).
- (3) Developing management plans for medical facilities, equipment, vehicles, and other needs and costs of services listed in subsection (a).
- (4) Training related to providing services listed in subsection (a).
- (5) Obtaining or improving medical facilities, equipment, vehicles, and other needs and costs of providing services listed in subsection (a).

SEC. 2405. AUTHORITY TO GRANT EASEMENTS AND RIGHTS-OF-WAY OVER FEDERAL LANDS WITHIN GATEWAY NATIONAL RECREATION AREA.

Section 3 of Public Law 92–592 (16 U.S.C. 460cc–2) is amended by adding at the end the following:

“(j) AUTHORITY TO GRANT EASEMENTS AND RIGHTS-OF-WAY.—

“(1) IN GENERAL.—The Secretary of the Interior may grant, to any State or local government, an easement or right-of-way over Federal lands within Gateway National Recreation Area for construction, operation, and maintenance of projects for control and prevention of flooding and shoreline erosion.

“(2) CHARGES AND REIMBURSEMENT OF COSTS.—The Secretary may grant such an easement or right-of-way without charge for the value of the right so conveyed, except for reimbursement of costs incurred by the United States for processing the application therefore and managing such right. Amounts received as such reimbursement shall be credited to the relevant appropriation account.”.

40 USC 8903
note.

SEC. 2406. ADAMS MEMORIAL COMMISSION.

(a) COMMISSION.—There is established a commission to be known as the “Adams Memorial Commission” (referred to in this section as the “Commission”) for the purpose of establishing a permanent memorial to honor John Adams and his legacy as authorized by Public Law 107–62 (115 Stat. 411), located in the city of Washington, District of Columbia, including sites authorized by Public Law 107–315 (116 Stat. 2763).

(b) MEMBERSHIP.—The Commission shall be composed of—

- (1) 4 persons appointed by the President, not more than 2 of whom may be members of the same political party;
- (2) 4 Members of the Senate appointed by the President pro tempore of the Senate in consultation with the Majority Leader and Minority Leader of the Senate, of which not more than 2 appointees may be members of the same political party; and

(3) 4 Members of the House of Representatives appointed by the Speaker of the House of Representatives in consultation with the Majority Leader and Minority Leader of the House of Representatives, of which not more than 2 appointees may be members of the same political party.

(c) CHAIR AND VICE CHAIR.—The members of the Commission shall select a Chair and Vice Chair of the Commission. The Chair and Vice Chair shall not be members of the same political party.

(d) VACANCIES.—Any vacancy in the Commission shall not affect its powers if a quorum is present, but shall be filled in the same manner as the original appointment.

(e) MEETINGS.—

(1) INITIAL MEETING.—Not later than 45 days after the date on which a majority of the members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the Chair.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum but a lesser number of members may hold hearings.

(g) NO COMPENSATION.—A member of the Commission shall serve without compensation, but may be reimbursed for expenses incurred in carrying out the duties of the Commission.

(h) DUTIES.—The Commission shall consider and formulate plans for a permanent memorial to honor John Adams and his legacy, including the nature, location, design, and construction of the memorial.

(i) POWERS.—The Commission may—

(1) make such expenditures for services and materials for the purpose of carrying out this section as the Commission considers advisable from funds appropriated or received as gifts for that purpose;

(2) accept gifts, including funds from the Adams Memorial Foundation, to be used in carrying out this section or to be used in connection with the construction or other expenses of the memorial; and

(3) hold hearings, enter into contracts for personal services and otherwise, and do such other things as are necessary to carry out this section.

(j) REPORTS.—The Commission shall—

(1) report the plans required by subsection (h), together with recommendations, to the President and the Congress at the earliest practicable date; and

(2) in the interim, make annual reports on its progress to the President and the Congress.

(k) APPLICABILITY OF OTHER LAWS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(l) TERMINATION.—The Commission shall terminate on December 2, 2025.

(m) AMENDMENTS TO PUBLIC LAW 107–62.—

(1) REFERENCES TO COMMISSION.—Public Law 107–62 (115 Stat. 411) is amended by striking “Adams Memorial Foundation” each place it occurs and inserting “Adams Memorial Commission”.

(2) **EXTENSION OF AUTHORIZATION.**—Section 1(c) of Public Law 107–62 (115 Stat. 411; 124 Stat. 1192; 127 Stat. 3880) is amended by striking “2020” and inserting “2025”.

SEC. 2407. TECHNICAL CORRECTIONS TO REFERENCES TO THE AFRICAN AMERICAN CIVIL RIGHTS NETWORK.

54 USC
prec. 308401,
308402.

(a) **CHAPTER AMENDMENTS.**—Chapter 3084 of title 54, United States Code, is amended by striking “U.S. Civil Rights Network” each place it appears and inserting “African American Civil Rights Network” (using identical font as used in the text being replaced).

54 USC
prec. 100101.

(b) **AMENDMENTS TO LIST OF ITEMS.**—The list of items of title 54, United States Code, is amended by striking “U.S. Civil Rights Network” each place it appears and inserting “African American Civil Rights Network” (using identical font as used in the text being replaced).

54 USC 308402
note.

(c) **REFERENCES.**—Any reference in any law (other than in this section), regulation, document, record, map, or other paper of the United States to the “U.S. Civil Rights Network” shall be considered to be a reference to the “African American Civil Rights Network”.

SEC. 2408. TRANSFER OF THE JAMES J. HOWARD MARINE SCIENCES LABORATORY.

Section 7 of Public Law 100–515 (16 U.S.C. 1244 note) is amended by striking subsection (b) and inserting the following:

“(b) **TRANSFER FROM THE STATE TO THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, or the provisions of the August 13, 1991, Ground Lease Agreement (‘Lease’) between the Department of the Interior and the State of New Jersey (‘State’), upon notice to the National Park Service, the State may transfer without consideration, and the National Oceanic and Atmospheric Administration may accept, all State improvements within the land assignment and right of way, including the James J. Howard Marine Sciences Laboratory (‘Laboratory’), two parking lots, and the seawater supply and backflow pipes as generally depicted on the map entitled ‘Gateway National Recreation Area, James J. Howard Marine Science Laboratory Land Assignment’, numbered 646/142,581A, and dated April 2018 (‘Map’) and any related State personal property.

“(2) **LEASE AMENDMENT.**—Upon the transfer authorized in paragraph (1), the Lease shall be amended to exclude any obligations of the State and the Department of the Interior related to the Laboratory and associated property and improvements transferred to the National Oceanic and Atmospheric Administration. However, all obligations of the State to rehabilitate Building 74 and modify landscaping on the surrounding property as depicted on the Map, under the Lease and pursuant to subsection (a), shall remain in full force and effect.

“(3) **USE BY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.**—Upon the transfer authorized in paragraph (1), the Administrator of the National Oceanic and Atmospheric Administration is authorized to use the land generally depicted on the Map as a land assignment and right of way and associated land and appurtenances for continued use of the Laboratory, including providing maintenance and repair, and access

to the Laboratory, the parking lots and the seawater supply and back flow pipes, without consideration, except for reimbursement to the National Park Service of agreed upon reasonable actual costs of subsequently provided goods and services.

“(4) AGREEMENT BETWEEN THE NATIONAL PARK SERVICE AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.— Upon the transfer authorized in paragraph (1), the Director of the National Park Service and the Administrator of the National Oceanic and Atmospheric Administration shall enter into an agreement addressing responsibilities pertaining to the use of the land assignment within the Sandy Hook Unit of the Gateway National Recreation Area as authorized in paragraph (3). The agreement shall prohibit any new construction on this land, permanent or nonpermanent, or significant alteration to the exterior of the Laboratory, without National Park Service approval.

“(5) RESTORATION.—

“(A) Notwithstanding any provision of the Lease to the contrary, if the State does not transfer the improvements as authorized in paragraph (1), and these improvements are not used as or in support of a marine science laboratory, the State shall demolish and remove the improvements and restore the land in accordance with the standards set forth by the National Park Service, free of unacceptable encumbrances and in compliance with all applicable laws and regulations regarding known contaminants.

“(B) If the National Oceanic and Atmospheric Administration accepts the improvements as authorized in paragraph (1) and these improvements are not used as or in support of a marine science laboratory, the National Oceanic and Atmospheric Administration shall be responsible for demolishing and removing these improvements and restoring the land, in accordance with the standards set forth by the National Park Service, free of unacceptable encumbrances and in compliance with all applicable laws and regulations regarding known contaminants.”.

SEC. 2409. BOWS IN PARKS.

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code, is amended by adding at the end the following:

“§ 104908. Bows in parks

54 USC 104908.

“(a) DEFINITION OF NOT READY FOR IMMEDIATE USE.—The term ‘not ready for immediate use’ means—

“(1) a bow or crossbow, the arrows of which are secured or stowed in a quiver or other arrow transport case; and

“(2) with respect to a crossbow, uncocked.

“(b) VEHICULAR TRANSPORTATION AUTHORIZED.—The Director shall not promulgate or enforce any regulation that prohibits an individual from transporting bows and crossbows that are not ready for immediate use across any System unit in the vehicle of the individual if—

“(1) the individual is not otherwise prohibited by law from possessing the bows and crossbows;

“(2) the bows or crossbows that are not ready for immediate use remain inside the vehicle of the individual throughout the period during which the bows or crossbows are transported across System land; and

“(3) the possession of the bows and crossbows is in compliance with the law of the State in which the System unit is located.”.

54 USC
prec. 104901.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54, United States Code, is amended by inserting after the item relating to section 104907 the following:

“104908. Bows in parks.”.

SEC. 2410. WILDLIFE MANAGEMENT IN PARKS.

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 2409(a)), is amended by adding at the end the following:

54 USC 104909.

“§ 104909. Wildlife management in parks

“(a) USE OF QUALIFIED VOLUNTEERS.—If the Secretary determines it is necessary to reduce the size of a wildlife population on System land in accordance with applicable law (including regulations), the Secretary may use qualified volunteers to assist in carrying out wildlife management on System land.

“(b) REQUIREMENTS FOR QUALIFIED VOLUNTEERS.—Qualified volunteers providing assistance under subsection (a) shall be subject to—

“(1) any training requirements or qualifications established by the Secretary; and

“(2) any other terms and conditions that the Secretary may require.

“(c) DONATIONS.—The Secretary may authorize the donation and distribution of meat from wildlife management activities carried out under this section, including the donation and distribution to Indian Tribes, qualified volunteers, food banks, and other organizations that work to address hunger, in accordance with applicable health guidelines and such terms and conditions as the Secretary may require.”.

54 USC
prec. 104901.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54 (as amended by section 2409(b)), United States Code, is amended by inserting after the item relating to section 104908 the following:

“104909. Wildlife management in parks.”.

SEC. 2411. POTTAWATTAMIE COUNTY REVERSIONARY INTEREST.

16 USC 1244
note.

Section 2 of Public Law 101–191 (103 Stat. 1697) is amended by adding at the end the following:

“(g) CONVEYANCE OF REVERSIONARY INTEREST.—

“(1) IN GENERAL.—If the Secretary determines that it is no longer in the public interest to operate and maintain the center, subject to paragraph (2), the Secretary may enter into 1 or more agreements—

“(A) to convey the reversionary interest held by the United States and described in the quitclaim deed dated April 13, 1998, instrument number 19170, and as recorded in book 98, page 55015, in Pottawattamie County, Iowa (referred to in this subsection as the ‘deed’); and

“(B) to extinguish the requirement in the deed that alterations to structures on the property may not be made without the authorization of the Secretary.

“(2) CONSIDERATION.—A reversionary interest may be conveyed under paragraph (1)(A)—

“(A) without consideration, if the land subject to the reversionary interest is required to be used in perpetuity for public recreational, educational, or similar purposes; or

“(B) for consideration in an amount equal to the fair market value of the reversionary interest, as determined based on an appraisal that is conducted in accordance with—

“(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

“(ii) the Uniform Standards of Professional Appraisal Practice.

“(3) EXECUTION OF AGREEMENTS.—The Secretary shall execute appropriate instruments to carry out an agreement entered into under paragraph (1).

“(4) EFFECT ON PRIOR AGREEMENT.—Effective on the date on which the Secretary has executed instruments under paragraph (3) and all Federal interests in the land and properties acquired under this Act have been conveyed, the agreement between the National Park Service and the State Historical Society of Iowa, dated July 21, 1995, and entered into under subsection (d), shall have no force or effect.”.

SEC. 2412. DESIGNATION OF DEAN STONE BRIDGE.

(a) DESIGNATION.—The bridge located in Blount County, Tennessee, on the Foothills Parkway (commonly known as “Bridge 2”) shall be known and designated as the “Dean Stone Bridge”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the bridge referred to in subsection (a) shall be deemed to be a reference to the “Dean Stone Bridge”.

Subtitle F—National Trails and Related Matters

SEC. 2501. NORTH COUNTRY SCENIC TRAIL ROUTE ADJUSTMENT.

Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended in the first sentence—

(1) by striking “thirty two hundred miles, extending from eastern New York State” and inserting “4,600 miles, extending from the Appalachian Trail in Vermont”; and

(2) by striking “Proposed North Country Trail” and all that follows through “June 1975.” and inserting “‘North Country National Scenic Trail, Authorized Route’, dated February 2014, and numbered 649/116870.”.

SEC. 2502. EXTENSION OF LEWIS AND CLARK NATIONAL HISTORIC TRAIL.

(a) EXTENSION.—Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended—

(1) by striking “three thousand seven hundred” and inserting “4,900”;

(2) by striking “Wood River, Illinois,” and inserting “the Ohio River in Pittsburgh, Pennsylvania,”; and

(3) by striking “maps identified as, ‘Vicinity Map, Lewis and Clark Trail’ study report dated April 1977.” and inserting “the map entitled ‘Lewis and Clark National Historic Trail Authorized Trail Including Proposed Eastern Legacy Extension’, dated April 2018, and numbered 648/143721.”.

16 USC 1244
note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 60 days after the date of enactment of this Act.

SEC. 2503. AMERICAN DISCOVERY TRAIL SIGNAGE.

(a) DEFINITIONS.—In this section:

(1) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary, with respect to Federal land under the jurisdiction of the Secretary; or

(B) the Secretary of Agriculture, with respect to Federal land under the jurisdiction of the Secretary of Agriculture.

(2) TRAIL.—The term “Trail” means the trail known as the “American Discovery Trail”, which consists of approximately 6,800 miles of trails extending from Cape Henlopen State Park in Delaware to Point Reyes National Seashore in California, as generally described in volume 2 of the National Park Service feasibility study dated June 1995.

(b) SIGNAGE AUTHORIZED.—As soon as practicable after the date on which signage acceptable to the Secretary concerned is donated to the United States for placement on Federal land at points along the Trail, the Secretary concerned shall place the signage on the Federal land.

(c) NO FEDERAL FUNDS.—No Federal funds may be used to acquire signage authorized for placement under subsection (b).

SEC. 2504. PIKE NATIONAL HISTORIC TRAIL STUDY.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

“(46) PIKE NATIONAL HISTORIC TRAIL.—The Pike National Historic Trail, a series of routes extending approximately 3,664 miles, which follows the route taken by Lt. Zebulon Montgomery Pike during the 1806–1807 Pike expedition that began in Fort Bellefontaine, Missouri, extended through portions of the States of Kansas, Nebraska, Colorado, New Mexico, and Texas, and ended in Natchitoches, Louisiana.”.

TITLE III—CONSERVATION AUTHORIZATIONS

SEC. 3001. REAUTHORIZATION OF LAND AND WATER CONSERVATION FUND.

(a) IN GENERAL.—Section 200302 of title 54, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking “During the period ending September 30, 2018, there” and inserting “There”; and

(2) in subsection (c)(1), by striking “through September 30, 2018”.

(b) ALLOCATION OF FUNDS.—Section 200304 of title 54, United States Code, is amended—

(1) by striking the second sentence;

(2) by striking “There” and inserting the following:

“(a) IN GENERAL.—There”; and

(3) by adding at the end the following:

“(b) ALLOCATION OF FUNDS.—Of the total amount made available to the Fund through appropriations or deposited in the Fund under section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432)—

“(1) not less than 40 percent shall be used for Federal purposes; and

“(2) not less than 40 percent shall be used to provide financial assistance to States.”.

(c) PARITY FOR TERRITORIES AND THE DISTRICT OF COLUMBIA.—Section 200305(b) of title 54, United States Code, is amended by striking paragraph (5).

(d) RECREATIONAL PUBLIC ACCESS.—Section 200306 of title 54, United States Code, is amended by adding at the end the following:

“(c) RECREATIONAL PUBLIC ACCESS.—

“(1) IN GENERAL.—Of the amounts made available for expenditure in any fiscal year under section 200303, there shall be made available for recreational public access projects identified on the priority list developed under paragraph (2) not less than the greater of—

“(A) an amount equal to 3 percent of those amounts;

or

“(B) \$15,000,000.

“(2) PRIORITY LIST.—The Secretary and the Secretary of Agriculture, in consultation with the head of each affected Federal agency, shall annually develop a priority list for projects that, through acquisition of land (or an interest in land), secure recreational public access to Federal land under the jurisdiction of the applicable Secretary for hunting, fishing, recreational shooting, or other outdoor recreational purposes.”.

(e) ACQUISITION CONSIDERATIONS.—Section 200306 of title 54, United States Code (as amended by subsection (d)), is amended by adding at the end the following:

“(d) ACQUISITION CONSIDERATIONS.—In determining whether to acquire land (or an interest in land) under this section, the Secretary and the Secretary of Agriculture shall take into account—

“(1) the significance of the acquisition;

“(2) the urgency of the acquisition;

“(3) management efficiencies;

“(4) management cost savings;

“(5) geographic distribution;

“(6) threats to the integrity of the land; and

“(7) the recreational value of the land.”.

16 USC 3474.

SEC. 3002. CONSERVATION INCENTIVES LANDOWNER EDUCATION PROGRAM.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a conservation incentives landowner education program (referred to in this section as the “program”).

(b) **PURPOSE OF PROGRAM.**—The program shall provide information on Federal conservation programs available to landowners interested in undertaking conservation actions on the land of the landowners, including options under each conservation program available to achieve the conservation goals of the program, such as—

- (1) fee title land acquisition;
- (2) donation; and
- (3) perpetual and term conservation easements or agreements.

(c) **AVAILABILITY.**—The Secretary shall ensure that the information provided under the program is made available to—

- (1) interested landowners; and
- (2) the public.

(d) **NOTIFICATION.**—In any case in which the Secretary contacts a landowner directly about participation in a Federal conservation program, the Secretary shall, in writing—

- (1) notify the landowner of the program; and
- (2) make available information on the conservation program options that may be available to the landowner.

TITLE IV—SPORTSMEN’S ACCESS AND RELATED MATTERS

Subtitle A—National Policy

16 USC 7901.

SEC. 4001. CONGRESSIONAL DECLARATION OF NATIONAL POLICY.

(a) **IN GENERAL.**—Congress declares that it is the policy of the United States that Federal departments and agencies, in accordance with the missions of the departments and agencies, Executive Orders 12962 and 13443 (60 Fed. Reg. 30769 (June 7, 1995); 72 Fed. Reg. 46537 (August 16, 2007)), and applicable law, shall—

(1) facilitate the expansion and enhancement of hunting, fishing, and recreational shooting opportunities on Federal land, in consultation with the Wildlife and Hunting Heritage Conservation Council, the Sport Fishing and Boating Partnership Council, State and Tribal fish and wildlife agencies, and the public;

(2) conserve and enhance aquatic systems and the management of game species and the habitat of those species on Federal land, including through hunting and fishing, in a manner that respects—

(A) State management authority over wildlife resources; and

(B) private property rights; and

(3) consider hunting, fishing, and recreational shooting opportunities as part of all Federal plans for land, resource, and travel management.

(b) **EXCLUSION.**—In this title, the term “fishing” does not include commercial fishing in which fish are harvested, either in whole or in part, that are intended to enter commerce through sale.

Subtitle B—Sportsmen’s Access to Federal Land

SEC. 4101. DEFINITIONS.

16 USC 7911.

In this subtitle:

(1) **FEDERAL LAND.**—The term “Federal land” means—

(A) any land in the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) that is administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary, acting through the Director of the Bureau of Land Management.

(2) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to land described in paragraph (1)(A); and

(B) the Secretary, with respect to land described in paragraph (1)(B).

SEC. 4102. FEDERAL LAND OPEN TO HUNTING, FISHING, AND RECREATIONAL SHOOTING.

16 USC 7912.

(a) **IN GENERAL.**—Subject to subsection (b), Federal land shall be open to hunting, fishing, and recreational shooting, in accordance with applicable law, unless the Secretary concerned closes an area in accordance with section 4103.

(b) **EFFECT OF PART.**—Nothing in this subtitle opens to hunting, fishing, or recreational shooting any land that is not open to those activities as of the date of enactment of this Act.

SEC. 4103. CLOSURE OF FEDERAL LAND TO HUNTING, FISHING, AND RECREATIONAL SHOOTING.

16 USC 7913.

(a) **AUTHORIZATION.**—

(1) **IN GENERAL.**—Subject to paragraph (2) and in accordance with section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)), the Secretary concerned may designate any area on Federal land in which, and establish any period during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or recreational shooting shall be permitted.

(2) **REQUIREMENT.**—In making a designation under paragraph (1), the Secretary concerned shall designate the smallest area for the least amount of time that is required for public safety, administration, or compliance with applicable laws.

(b) **CLOSURE PROCEDURES.**—

(1) **IN GENERAL.**—Except in an emergency, before permanently or temporarily closing any Federal land to hunting, fishing, or recreational shooting, the Secretary concerned shall—

(A) consult with State fish and wildlife agencies; and
 (B) provide public notice and opportunity for comment under paragraph (2).

(2) PUBLIC NOTICE AND COMMENT.—

(A) IN GENERAL.—Public notice and comment shall include—

(i) a notice of intent—

(I) published in advance of the public comment period for the closure—

(aa) in the Federal Register;

(bb) on the website of the applicable Federal agency;

(cc) on the website of the Federal land unit, if available; and

(dd) in at least 1 local newspaper;

(II) made available in advance of the public comment period to local offices, chapters, and affiliate organizations in the vicinity of the closure that are signatories to the memorandum of understanding entitled “Federal Lands Hunting, Fishing, and Shooting Sports Roundtable Memorandum of Understanding”; and

(III) that describes—

(aa) the proposed closure; and

(bb) the justification for the proposed closure, including an explanation of the reasons and necessity for the decision to close the area to hunting, fishing, or recreational shooting; and

(ii) an opportunity for public comment for a period of—

(I) not less than 60 days for a permanent closure; or

(II) not less than 30 days for a temporary closure.

(B) FINAL DECISION.—In a final decision to permanently or temporarily close an area to hunting, fishing, or recreation shooting, the Secretary concerned shall—

(i) respond in a reasoned manner to the comments received;

(ii) explain how the Secretary concerned resolved any significant issues raised by the comments; and

(iii) show how the resolution led to the closure.

(c) TEMPORARY CLOSURES.—

(1) IN GENERAL.—A temporary closure under this section may not exceed a period of 180 days.

(2) RENEWAL.—Except in an emergency, a temporary closure for the same area of land closed to the same activities—

(A) may not be renewed more than 3 times after the first temporary closure; and

(B) must be subject to a separate notice and comment procedure in accordance with subsection (b)(2).

(3) EFFECT OF TEMPORARY CLOSURE.—Any Federal land that is temporarily closed to hunting, fishing, or recreational shooting under this section shall not become permanently closed to that activity without a separate public notice and opportunity to comment in accordance with subsection (b)(2).

(d) **REPORTING.**—On an annual basis, the Secretaries concerned shall—

(1) publish on a public website a list of all areas of Federal land temporarily or permanently subject to a closure under this section; and

(2) submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a report that identifies—

(A) a list of each area of Federal land temporarily or permanently subject to a closure;

(B) the acreage of each closure; and

(C) a survey of—

(i) the aggregate areas and acreage closed under this section in each State; and

(ii) the percentage of Federal land in each State closed under this section with respect to hunting, fishing, and recreational shooting.

(e) **APPLICATION.**—This section shall not apply if the closure is—

(1) less than 14 days in duration; and

(2) covered by a special use permit.

SEC. 4104. SHOOTING RANGES.

16 USC 7914.

(a) **IN GENERAL.**—Except as provided in subsection (b), the Secretary concerned may, in accordance with this section and other applicable law, lease or permit the use of Federal land for a shooting range.

(b) **EXCEPTION.**—The Secretary concerned shall not lease or permit the use of Federal land for a shooting range within—

(1) a component of the National Landscape Conservation System;

(2) a component of the National Wilderness Preservation System;

(3) any area that is—

(A) designated as a wilderness study area;

(B) administratively classified as—

(i) wilderness-eligible; or

(ii) wilderness-suitable; or

(C) a primitive or semiprimitive area;

(4) a national monument, national volcanic monument, or national scenic area; or

(5) a component of the National Wild and Scenic Rivers System (including areas designated for study for potential addition to the National Wild and Scenic Rivers System).

SEC. 4105. IDENTIFYING OPPORTUNITIES FOR RECREATION, HUNTING, AND FISHING ON FEDERAL LAND.

16 USC 7915.

(a) **DEFINITIONS.**—In this section:

(1) **SECRETARY.**—The term “Secretary” means—

(A) the Secretary, with respect to land administered by—

(i) the Director of the National Park Service;

(ii) the Director of the United States Fish and Wildlife Service; and

(iii) the Director of the Bureau of Land Management; and

(B) the Secretary of Agriculture, with respect to land administered by the Chief of the Forest Service.

(2) STATE OR REGIONAL OFFICE.—The term “State or regional office” means—

(A) a State office of the Bureau of Land Management;

or

(B) a regional office of—

(i) the National Park Service;

(ii) the United States Fish and Wildlife Service;

or

(iii) the Forest Service.

(3) TRAVEL MANAGEMENT PLAN.—The term “travel management plan” means a plan for the management of travel—

(A) with respect to land under the jurisdiction of the National Park Service, on park roads and designated routes under section 4.10 of title 36, Code of Federal Regulations (or successor regulations);

(B) with respect to land under the jurisdiction of the United States Fish and Wildlife Service, on the land under a comprehensive conservation plan prepared under section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e));

(C) with respect to land under the jurisdiction of the Forest Service, on National Forest System land under part 212 of title 36, Code of Federal Regulations (or successor regulations); and

(D) with respect to land under the jurisdiction of the Bureau of Land Management, under a resource management plan developed under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(b) PRIORITY LISTS REQUIRED.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter during the 10-year period beginning on the date on which the first priority list is completed, the Secretary shall prepare a priority list, to be made publicly available on the website of the applicable Federal agency referred to in subsection (a)(1), which shall identify the location and acreage of land within the jurisdiction of each State or regional office on which the public is allowed, under Federal or State law, to hunt, fish, or use the land for other recreational purposes but—

(A) to which there is no public access or egress; or

(B) to which public access or egress to the legal boundaries of the land is significantly restricted (as determined by the Secretary).

(2) MINIMUM SIZE.—Any land identified under paragraph (1) shall consist of contiguous acreage of at least 640 acres.

(3) CONSIDERATIONS.—In preparing the priority list required under paragraph (1), the Secretary shall consider, with respect to the land—

(A) whether access is absent or merely restricted, including the extent of the restriction;

(B) the likelihood of resolving the absence of or restriction to public access;

(C) the potential for recreational use;

(D) any information received from the public or other stakeholders during the nomination process described in paragraph (5); and

(E) any other factor, as determined by the Secretary.

(4) ADJACENT LAND STATUS.—For each parcel of land on the priority list, the Secretary shall include in the priority list whether resolving the issue of public access or egress to the land would require acquisition of an easement, right-of-way, or fee title from—

(A) another Federal agency;

(B) a State, local, or Tribal government; or

(C) a private landowner.

(5) NOMINATION PROCESS.—In preparing a priority list under this section, the Secretary shall provide an opportunity for members of the public to nominate parcels for inclusion on the priority list.

(c) ACCESS OPTIONS.—With respect to land included on a priority list described in subsection (b), the Secretary shall develop and submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives a report on options for providing access that—

(1) identifies how public access and egress could reasonably be provided to the legal boundaries of the land in a manner that minimizes the impact on wildlife habitat and water quality;

(2) specifies the steps recommended to secure the access and egress, including acquiring an easement, right-of-way, or fee title from a willing owner of any land that abuts the land or the need to coordinate with State land management agencies or other Federal, State, or Tribal governments to allow for such access and egress; and

(3) is consistent with the travel management plan in effect on the land.

(d) PROTECTION OF PERSONALLY IDENTIFYING INFORMATION.—In making the priority list and report prepared under subsections (b) and (c) available, the Secretary shall ensure that no personally identifying information is included, such as names or addresses of individuals or entities.

(e) WILLING OWNERS.—For purposes of providing any permits to, or entering into agreements with, a State, local, or Tribal government or private landowner with respect to the use of land under the jurisdiction of the government or landowner, the Secretary shall not take into account whether the State, local, or Tribal government or private landowner has granted or denied public access or egress to the land.

(f) MEANS OF PUBLIC ACCESS AND EGRESS INCLUDED.—In considering public access and egress under subsections (b) and (c), the Secretary shall consider public access and egress to the legal boundaries of the land described in those subsections, including access and egress—

(1) by motorized or non-motorized vehicles; and

(2) on foot or horseback.

(g) EFFECT.—

(1) IN GENERAL.—This section shall have no effect on whether a particular recreational use shall be allowed on the land included in a priority list under this section.

(2) EFFECT OF ALLOWABLE USES ON AGENCY CONSIDERATION.—In preparing the priority list under subsection (b), the Secretary shall only consider recreational uses that are allowed on the land at the time that the priority list is prepared.

Subtitle C—Open Book on Equal Access to Justice

SEC. 4201. FEDERAL ACTION TRANSPARENCY.

(a) MODIFICATION OF EQUAL ACCESS TO JUSTICE PROVISIONS.—

(1) AGENCY PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) in subsection (c)(1), by striking “, United States Code”;

(B) by redesignating subsection (f) as subsection (i); and

(C) by striking subsection (e) and inserting the following:

“(e)(1) Not later than March 31 of the first fiscal year beginning after the date of enactment of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, and every fiscal year thereafter, the Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding fiscal year under this section.

“(2) Each report under paragraph (1) shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards.

“(3)(A) Each report under paragraph (1) shall account for all payments of fees and other expenses awarded under this section that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to a nondisclosure provision.

“(B) The disclosure of fees and other expenses required under subparagraph (A) shall not affect any other information that is subject to a nondisclosure provision in a settlement agreement.

“(f) As soon as practicable, and in any event not later than the date on which the first report under subsection (e)(1) is required to be submitted, the Chairman of the Administrative Conference of the United States shall create and maintain online a searchable database containing, with respect to each award of fees and other expenses under this section made on or after the date of enactment of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, the following information:

“(1) The case name and number of the adversary adjudication, if available, hyperlinked to the case, if available.

“(2) The name of the agency involved in the adversary adjudication.

“(3) A description of the claims in the adversary adjudication.

“(4) The name of each party to whom the award was made as such party is identified in the order or other court document making the award.

“(5) The amount of the award.

“(6) The basis for the finding that the position of the agency concerned was not substantially justified.

“(g) The online searchable database described in subsection (f) may not reveal any information the disclosure of which is prohibited by law or a court order.

“(h) The head of each agency shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information requested by the Chairman to comply with the requirements of subsections (e), (f), and (g).”

(2) COURT CASES.—Section 2412(d) of title 28, United States Code, is amended by adding at the end the following:

“(5)(A) Not later than March 31 of the first fiscal year beginning after the date of enactment of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, and every fiscal year thereafter, the Chairman of the Administrative Conference of the United States shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection.

“(B) Each report under subparagraph (A) shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards.

“(C)(i) Each report under subparagraph (A) shall account for all payments of fees and other expenses awarded under this subsection that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to a nondisclosure provision.

“(ii) The disclosure of fees and other expenses required under clause (i) shall not affect any other information that is subject to a nondisclosure provision in a settlement agreement.

“(D) The Chairman of the Administrative Conference of the United States shall include and clearly identify in each annual report under subparagraph (A), for each case in which an award of fees and other expenses is included in the report—

“(i) any amounts paid under section 1304 of title 31 for a judgment in the case;

“(ii) the amount of the award of fees and other expenses; and

“(iii) the statute under which the plaintiff filed suit.

“(6) As soon as practicable, and in any event not later than the date on which the first report under paragraph (5)(A) is required to be submitted, the Chairman of the Administrative Conference of the United States shall create and maintain online a searchable database containing, with respect to each award of fees and other expenses under this subsection made on or after the date of enactment of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, the following information:

“(A) The case name and number, hyperlinked to the case, if available.

“(B) The name of the agency involved in the case.

“(C) The name of each party to whom the award was made as such party is identified in the order or other court document making the award.

“(D) A description of the claims in the case.

“(E) The amount of the award.

“(F) The basis for the finding that the position of the agency concerned was not substantially justified.

“(7) The online searchable database described in paragraph (6) may not reveal any information the disclosure of which is prohibited by law or a court order.

“(8) The head of each agency (including the Attorney General of the United States) shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information requested by the Chairman to comply with the requirements of paragraphs (5), (6), and (7).”.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2412 of title 28, United States Code, is amended—

(A) in subsection (d)(3), by striking “United States Code,”; and

(B) in subsection (e)—

(i) by striking “of section 2412 of title 28, United States Code,” and inserting “of this section”; and

(ii) by striking “of such title” and inserting “of this title”.

(b) JUDGMENT FUND TRANSPARENCY.—Section 1304 of title 31, United States Code, is amended by adding at the end the following:

“(d) Beginning not later than the date that is 60 days after the date of enactment of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, and unless the disclosure of such information is otherwise prohibited by law or a court order, the Secretary of the Treasury shall make available to the public on a website, as soon as practicable, but not later than 30 days after the date on which a payment under this section is tendered, the following information with regard to that payment:

“(1) The name of the specific agency or entity whose actions gave rise to the claim or judgment.

“(2) The name of the plaintiff or claimant.

“(3) The name of counsel for the plaintiff or claimant.

“(4) The amount paid representing principal liability, and any amounts paid representing any ancillary liability, including attorney fees, costs, and interest.

“(5) A brief description of the facts that gave rise to the claim.

“(6) The name of the agency that submitted the claim.”.

Subtitle D—Migratory Bird Framework and Hunting Opportunities for Veterans

SEC. 4301. FEDERAL CLOSING DATE FOR HUNTING OF DUCKS, MERGANSERS, AND COOTS.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by adding at the end the following:

“(c) FEDERAL FRAMEWORK CLOSING DATE FOR HUNTING OF DUCKS, MERGANSERS, AND COOTS.—

“(1) REGULATIONS RELATING TO FRAMEWORK CLOSING DATE.—

“(A) IN GENERAL.—In promulgating regulations under subsection (a) relating to the Federal framework for the closing date up to which the States may select seasons for migratory bird hunting, except as provided in paragraph

(2), the Secretary shall, with respect to the hunting season for ducks, mergansers, and coots—

“(i) subject to subparagraph (B), adopt the recommendation of each respective flyway council (as defined in section 20.152 of title 50, Code of Federal Regulations) for the Federal framework if the Secretary determines that the recommendation is consistent with science-based and sustainable harvest management; and

“(ii) allow the States to establish the closing date for the hunting season in accordance with the Federal framework.

“(B) REQUIREMENT.—The framework closing date promulgated by the Secretary under subparagraph (A) shall not be later than January 31 of each year.

“(2) SPECIAL HUNTING DAYS FOR YOUTHS, VETERANS, AND ACTIVE MILITARY PERSONNEL.—

“(A) IN GENERAL.—Notwithstanding the Federal framework closing date under paragraph (1) and subject to subparagraphs (B) and (C), the Secretary shall allow States to select 2 days for youths and 2 days for veterans (as defined in section 101 of title 38, United States Code) and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty (other than for training), to hunt eligible ducks, geese, swans, mergansers, coots, moorhens, and gallinules, if the Secretary determines that the addition of those days is consistent with science-based and sustainable harvest management. Such days shall be treated as separate from, and in addition to, the annual Federal framework hunting season lengths.

“(B) REQUIREMENTS.—In selecting days under subparagraph (A), a State shall ensure that—

“(i) the days selected—

“(I) may only include the hunting of duck, geese, swan, merganser, coot, moorhen, and gallinule species that are eligible for hunting under the applicable annual Federal framework;

“(II) are not more than 14 days before or after the Federal framework hunting season for ducks, mergansers, and coots; and

“(III) are otherwise consistent with the Federal framework; and

“(ii) the total number of days in a hunting season for any migratory bird species, including any days selected under subparagraph (A), is not more than 107 days.

“(C) LIMITATION.—A State may combine the 2 days allowed for youths with the 2 days allowed for veterans and members of the Armed Forces on active duty under subparagraph (A), but in no circumstance may a State have more than a total of 4 additional days added to its regular hunting season for any purpose.

“(3) REGULATIONS.—The Secretary shall promulgate regulations in accordance with this subsection for the Federal framework for migratory bird hunting for the 2019–2020 hunting season and each hunting season thereafter.”.

Subtitle E—Miscellaneous

16 USC 7931.

SEC. 4401. RESPECT FOR TREATIES AND RIGHTS.

Nothing in this title or the amendments made by this title—

(1) affects or modifies any treaty or other right of any federally recognized Indian Tribe; or

(2) modifies any provision of Federal law relating to migratory birds or to endangered or threatened species.

16 USC 7932.

SEC. 4402. NO PRIORITY.

Nothing in this title or the amendments made by this title provides a preference to hunting, fishing, or recreational shooting over any other use of Federal land or water.

16 USC 7933.

SEC. 4403. STATE AUTHORITY FOR FISH AND WILDLIFE.

Nothing in this title—

(1) authorizes the Secretary of Agriculture or the Secretary to require Federal licenses or permits to hunt and fish on Federal land; or

(2) enlarges or diminishes the responsibility or authority of States with respect to fish and wildlife management.

TITLE V—HAZARDS AND MAPPING

43 USC 31k.

SEC. 5001. NATIONAL VOLCANO EARLY WARNING AND MONITORING SYSTEM.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary, acting through the Director of the United States Geological Survey.

(2) SYSTEM.—The term “System” means the National Volcano Early Warning and Monitoring System established under subsection (b)(1)(A).

(b) NATIONAL VOLCANO EARLY WARNING AND MONITORING SYSTEM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish within the United States Geological Survey a system, to be known as the “National Volcano Early Warning and Monitoring System”, to monitor, warn, and protect citizens of the United States from undue and avoidable harm from volcanic activity.

(B) PURPOSES.—The purposes of the System are—

(i) to organize, modernize, standardize, and stabilize the monitoring systems of the volcano observatories in the United States, which includes the Alaska Volcano Observatory, California Volcano Observatory, Cascades Volcano Observatory, Hawaiian Volcano Observatory, and Yellowstone Volcano Observatory; and

(ii) to unify the monitoring systems of volcano observatories in the United States into a single inter-operative system.

(C) OBJECTIVE.—The objective of the System is to monitor all the volcanoes in the United States at a level commensurate with the threat posed by the volcanoes by—

- (i) upgrading existing networks on monitored volcanoes;
- (ii) installing new networks on unmonitored volcanoes; and
- (iii) employing geodetic and other components when applicable.

(2) SYSTEM COMPONENTS.—

(A) IN GENERAL.—The System shall include—

- (i) a national volcano watch office that is operational 24 hours a day and 7 days a week;
- (ii) a national volcano data center; and
- (iii) an external grants program to support research in volcano monitoring science and technology.

(B) MODERNIZATION ACTIVITIES.—Modernization activities under the System shall include the comprehensive application of emerging technologies, including digital broadband seismometers, real-time continuous Global Positioning System receivers, satellite and airborne radar interferometry, acoustic pressure sensors, and spectrometry to measure gas emissions.

(3) MANAGEMENT.—

(A) MANAGEMENT PLAN.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a 5-year management plan for establishing and operating the System.

(ii) INCLUSIONS.—The management plan submitted under clause (i) shall include—

- (I) annual cost estimates for modernization activities and operation of the System;
- (II) annual milestones, standards, and performance goals; and
- (III) recommendations for, and progress towards, establishing new, or enhancing existing, partnerships to leverage resources.

(B) ADVISORY COMMITTEE.—The Secretary shall establish an advisory committee to assist the Secretary in implementing the System, to be comprised of representatives of relevant agencies and members of the scientific community, to be appointed by the Secretary.

(C) PARTNERSHIPS.—The Secretary may enter into cooperative agreements with institutions of higher education and State agencies designating the institutions of higher education and State agencies as volcano observatory partners for the System.

(D) COORDINATION.—The Secretary shall coordinate the activities under this section with the heads of relevant Federal agencies, including—

- (i) the Secretary of Transportation;
- (ii) the Administrator of the Federal Aviation Administration;
- (iii) the Administrator of the National Oceanic and Atmospheric Administration; and
- (iv) the Administrator of the Federal Emergency Management Agency.

(4) ANNUAL REPORT.—Annually, the Secretary shall submit to Congress a report that describes the activities carried out under this section.

(c) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$55,000,000 for the period of fiscal years 2019 through 2023.

(2) EFFECT ON OTHER SOURCES OF FEDERAL FUNDING.—Amounts made available under this subsection shall supplement, and not supplant, Federal funds made available for other United States Geological Survey hazards activities and programs.

SEC. 5002. REAUTHORIZATION OF NATIONAL GEOLOGIC MAPPING ACT OF 1992.

(a) REAUTHORIZATION.—

(1) IN GENERAL.—Section 9(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h(a)) is amended by striking “2018” and inserting “2023”.

(2) CONFORMING AMENDMENT.—Section 4(b)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(b)(1)) is amended by striking “Omnibus Public Land Management Act of 2009” each place it appears in subparagraphs (A) and (B) and inserting “John D. Dingell, Jr. Conservation, Management, and Recreation Act”.

(b) GEOLOGIC MAPPING ADVISORY COMMITTEE.—Section 5(a)(3) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)(3)) is amended by striking “Associate Director for Geology” and inserting “Associate Director for Core Science Systems”.

(c) CLERICAL AMENDMENTS.—Section 3 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31b) is amended—

(1) in paragraph (4), by striking “section 6(d)(3)” and inserting “section 4(d)(3)”;

(2) in paragraph (5), by striking “section 6(d)(1)” and inserting “section 4(d)(1)”; and

(3) in paragraph (9), by striking “section 6(d)(2)” and inserting “section 4(d)(2)”.

TITLE VI—NATIONAL HERITAGE AREAS

SEC. 6001. NATIONAL HERITAGE AREA DESIGNATIONS.

(a) IN GENERAL.—The following areas are designated as National Heritage Areas, to be administered in accordance with this section:

(1) APPALACHIAN FOREST NATIONAL HERITAGE AREA, WEST VIRGINIA AND MARYLAND.—

(A) IN GENERAL.—There is established the Appalachian Forest National Heritage Area in the States of West Virginia and Maryland, as depicted on the map entitled “Appalachian Forest National Heritage Area”, numbered T07/80,000, and dated October 2007, including—

(i) Barbour, Braxton, Grant, Greenbrier, Hampshire, Hardy, Mineral, Morgan, Nicholas, Pendleton, Pocahontas, Preston, Randolph, Tucker, Upshur, and Webster Counties in West Virginia; and

(ii) Allegany and Garrett Counties in Maryland.

(B) LOCAL COORDINATING ENTITY.—The Appalachian Forest Heritage Area, Inc., shall be—

(i) the local coordinating entity for the National Heritage Area designated by subparagraph (A) (referred to in this subparagraph as the “local coordinating entity”); and

(ii) governed by a board of directors that shall—

(I) include members to represent a geographic balance across the counties described in subparagraph (A) and the States of West Virginia and Maryland;

(II) be composed of not fewer than 7, and not more than 15, members elected by the membership of the local coordinating entity;

(III) be selected to represent a balanced group of diverse interests, including—

(aa) the forest industry;

(bb) environmental interests;

(cc) cultural heritage interests;

(dd) tourism interests; and

(ee) regional agency partners;

(IV) exercise all corporate powers of the local coordinating entity;

(V) manage the activities and affairs of the local coordinating entity; and

(VI) subject to any limitations in the articles and bylaws of the local coordinating entity, this section, and other applicable Federal or State law, establish the policies of the local coordinating entity.

(2) MARITIME WASHINGTON NATIONAL HERITAGE AREA, WASHINGTON.—

54 USC 320101
note.

(A) IN GENERAL.—There is established the Maritime Washington National Heritage Area in the State of Washington, to include land in Whatcom, Skagit, Snohomish, San Juan, Island, King, Pierce, Thurston, Mason, Kitsap, Jefferson, Clallam, and Grays Harbor Counties in the State that is at least partially located within the area that is $\frac{1}{4}$ -mile landward of the shoreline, as generally depicted on the map entitled “Maritime Washington National Heritage Area Proposed Boundary”, numbered 584/125,484, and dated August, 2014.

(B) LOCAL COORDINATING ENTITY.—The Washington Trust for Historic Preservation shall be the local coordinating entity for the National Heritage Area designated by subparagraph (A).

(3) MOUNTAINS TO SOUND GREENWAY NATIONAL HERITAGE AREA, WASHINGTON.—

54 USC 320101
note.

(A) IN GENERAL.—There is established the Mountains to Sound Greenway National Heritage Area in the State of Washington, to consist of land in King and Kittitas Counties in the State, as generally depicted on the map entitled “Mountains to Sound Greenway National Heritage Area Proposed Boundary”, numbered 584/125,483, and dated August, 2014 (referred to in this paragraph as the “map”).

(B) LOCAL COORDINATING ENTITY.—The Mountains to Sound Greenway Trust shall be the local coordinating entity for the National Heritage Area designated by subparagraph (A).

(C) MAP.—The map shall be on file and available for public inspection in the appropriate offices of—

- (i) the National Park Service;
- (ii) the Forest Service;
- (iii) the Indian Tribes; and
- (iv) the local coordinating entity.

(D) REFERENCES TO INDIAN TRIBE; TRIBAL.—Any reference in this paragraph to the terms “Indian Tribe” and “Tribal” shall be considered, for purposes of the National Heritage Area designated by subparagraph (A), to refer to each of the Tribal governments of the Snoqualmie, Yakama, Tulalip, Muckleshoot, and Colville Indian Tribes.

(E) MANAGEMENT REQUIREMENTS.—With respect to the National Heritage Area designated by subparagraph (A)—

(i) the preparation of an interpretive plan under subsection (c)(2)(C)(vii) shall also include plans for Tribal heritage;

(ii) the Secretary shall ensure that the management plan developed under subsection (c) is consistent with the trust responsibilities of the Secretary to Indian Tribes and Tribal treaty rights within the National Heritage Area;

(iii) the interpretive plan and management plan for the National Heritage Area shall be developed in consultation with the Indian Tribes;

(iv) nothing in this paragraph shall grant or diminish any hunting, fishing, or gathering treaty right of any Indian Tribe; and

(v) nothing in this paragraph affects the authority of a State or an Indian Tribe to manage fish and wildlife, including the regulation of hunting and fishing within the National Heritage Area.

(4) SACRAMENTO-SAN JOAQUIN DELTA NATIONAL HERITAGE AREA, CALIFORNIA.—

(A) IN GENERAL.—There is established the Sacramento-San Joaquin Delta National Heritage Area in the State of California, to consist of land in Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties in the State, as generally depicted on the map entitled “Sacramento-San Joaquin Delta National Heritage Area Proposed Boundary”, numbered T27/105,030, and dated October 2012.

(B) LOCAL COORDINATING ENTITY.—The Delta Protection Commission established by section 29735 of the California Public Resources Code shall be the local coordinating entity for the National Heritage Area designated by subparagraph (A).

(C) EFFECT.—This paragraph shall not be interpreted or implemented in a manner that directly or indirectly has a negative effect on the operations of the Central Valley Project, the State Water Project, or any water supply facilities within the Bay-Delta watershed.

(5) SANTA CRUZ VALLEY NATIONAL HERITAGE AREA, ARIZONA.— 54 USC 320101 note.

(A) IN GENERAL.—There is established the Santa Cruz Valley National Heritage Area in the State of Arizona, to consist of land in Pima and Santa Cruz Counties in the State, as generally depicted on the map entitled “Santa Cruz Valley National Heritage Area”, numbered T09/80,000, and dated November 13, 2007.

(B) LOCAL COORDINATING ENTITY.—Santa Cruz Valley Heritage Alliance, Inc., a nonprofit organization established under the laws of the State of Arizona, shall be the local coordinating entity for the National Heritage Area designated by subparagraph (A).

(6) SUSQUEHANNA NATIONAL HERITAGE AREA, PENNSYLVANIA.— 54 USC 320101 note.

(A) IN GENERAL.—There is established the Susquehanna National Heritage Area in the State of Pennsylvania, to consist of land in Lancaster and York Counties in the State.

(B) LOCAL COORDINATING ENTITY.—The Susquehanna Heritage Corporation, a nonprofit organization established under the laws of the State of Pennsylvania, shall be the local coordinating entity for the National Heritage Area designated by subparagraph (A).

(b) ADMINISTRATION.—

(1) AUTHORITIES.—For purposes of carrying out the management plan for each of the National Heritage Areas designated by subsection (a), the Secretary, acting through the local coordinating entity, may use amounts made available under subsection (g)—

54 USC 320101 note.

(A) to make grants to the State or a political subdivision of the State, Indian Tribes, nonprofit organizations, and other persons;

(B) to enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, Indian Tribes, nonprofit organizations, and other interested parties;

(C) to hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(D) to obtain money or services from any source including any money or services that are provided under any other Federal law or program;

(E) to contract for goods or services; and

(F) to undertake to be a catalyst for any other activity that furthers the National Heritage Area and is consistent with the approved management plan.

(2) DUTIES.—The local coordinating entity for each of the National Heritage Areas designated by subsection (a) shall—

(A) in accordance with subsection (c), prepare and submit a management plan for the National Heritage Area to the Secretary;

(B) assist Federal agencies, the State or a political subdivision of the State, Indian Tribes, regional planning organizations, nonprofit organizations and other interested parties in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values in the National Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the National Heritage Area;

(iii) developing recreational and educational opportunities in the National Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historical, scenic, and cultural resources of the National Heritage Area;

(v) protecting and restoring historic sites and buildings in the National Heritage Area that are consistent with National Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the National Heritage Area; and

(vii) promoting a wide range of partnerships among the Federal Government, State, Tribal, and local governments, organizations, and individuals to further the National Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the National Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

(E) for any year that Federal funds have been received under this subsection—

(i) submit to the Secretary an annual report that describes the activities, expenses, and income of the local coordinating entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the National Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds made available under subsection (g) to acquire real property or any interest in real property.

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity for each of the National Heritage Areas designated by subsection (a) shall submit to the Secretary for approval a proposed management plan for the National Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the

natural, cultural, historic, scenic, and recreational resources of the National Heritage Area;

(B) take into consideration Federal, State, local, and Tribal plans and treaty rights;

(C) include—

(i) an inventory of—

(I) the resources located in the National Heritage Area; and

(II) any other property in the National Heritage Area that—

(aa) is related to the themes of the National Heritage Area; and

(bb) should be preserved, restored, managed, or maintained because of the significance of the property;

(ii) comprehensive policies, strategies and recommendations for conservation, funding, management, and development of the National Heritage Area;

(iii) a description of actions that the Federal Government, State, Tribal, and local governments, private organizations, and individuals have agreed to take to protect the natural, historical, cultural, scenic, and recreational resources of the National Heritage Area;

(iv) a program of implementation for the management plan by the local coordinating entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which Federal, State, local, and Tribal programs, including the role of the National Park Service in the National Heritage Area, may best be coordinated to carry out this subsection; and

(vii) an interpretive plan for the National Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the local coordinating entity shall be ineligible to receive additional funding under this section until the date on which the Secretary receives and approves the management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with State and Tribal governments, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity is representative of the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the National Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines make a substantial change to the management plan.

(ii) USE OF FUNDS.—The local coordinating entity shall not use Federal funds authorized by this subsection to carry out any amendments to the management plan until the Secretary has approved the amendments.

(d) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area designated by subsection (a) is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area designated by subsection (a); or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(e) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.— 54 USC 320101
Nothing in this section— note.

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within a National Heritage Area designated by subsection (a);

(2) requires any property owner—

(A) to permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) enlarges or diminishes the treaty rights of any Indian Tribe within the National Heritage Area;

(7) diminishes—

(A) the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within a National Heritage Area designated by subsection (a); or

(B) the authority of Indian Tribes to regulate members of Indian Tribes with respect to fishing, hunting, and gathering in the exercise of treaty rights; or

(8) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(f) EVALUATION AND REPORT.—

(1) IN GENERAL.—For each of the National Heritage Areas designated by subsection (a), not later than 3 years before the date on which authority for Federal funding terminates for each National Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the National Heritage Area; and

(B) prepare a report in accordance with paragraph

(3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local management entity with respect to—

(i) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

54 USC 320101
note.

(ii) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(B) analyze the investments of the Federal Government, State, Tribal, and local governments, and private entities in each National Heritage Area to determine the impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(3) REPORT.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for each National Heritage Area designated by subsection (a) to carry out the purposes of this section \$10,000,000, of which not more than \$1,000,000 may be made available in any fiscal year.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution of the total cost of any activity under this section may be in the form of in-kind contributions of goods or services fairly valued.

(4) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 6002. ADJUSTMENT OF BOUNDARIES OF LINCOLN NATIONAL HERITAGE AREA.

(a) BOUNDARY ADJUSTMENT.—Section 443(b)(1) of the Consolidated Natural Resources Act of 2008 (Public Law 110–229; 122 Stat. 819) is amended—

(1) by inserting “, Livingston,” after “LaSalle”; and

(2) by inserting “, the city of Jonesboro in Union County, and the city of Freeport in Stephenson County” after “Woodford counties”.

(b) MAP.—The Secretary shall update the map referred to in section 443(b)(2) of the Consolidated Natural Resources Act of 2008 to reflect the boundary adjustment made by the amendments in subsection (a).

SEC. 6003. FINGER LAKES NATIONAL HERITAGE AREA STUDY.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Finger Lakes National Heritage Area.

(2) STATE.—The term “State” means the State of New York.

54 USC 320101
note.

54 USC 320101
note.

(3) STUDY AREA.—The term “study area” means—

(A) the counties in the State of Cayuga, Chemung, Cortland, Livingston, Monroe, Onondaga, Ontario, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, and Yates; and

(B) any other areas in the State that—

(i) have heritage aspects that are similar to the areas described in subparagraph (A); and

(ii) are adjacent to, or in the vicinity of, those areas.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with State and local historic preservation officers, State and local historical societies, State and local tourism offices, and other appropriate organizations and governmental agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as a National Heritage Area, to be known as the “Finger Lakes National Heritage Area”.

(2) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) represent distinctive aspects of the heritage of the United States;

(ii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iii) would be best managed—

(I) through partnerships among public and private entities; and

(II) by linking diverse and sometimes non-contiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(C) provides outstanding opportunities—

(i) to conserve natural, historic, cultural, or scenic features; and

(ii) for recreation and education;

(D) contains resources that—

(i) are important to any identified themes of the study area; and

(ii) retain a degree of integrity capable of supporting interpretation;

(E) includes residents, business interests, nonprofit organizations, and State and local governments that—

(i) are involved in the planning of the Heritage Area;

(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Heritage Area, including the Federal Government; and

(iii) have demonstrated support for the designation of the Heritage Area;

(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Heritage Area while encouraging State and local economic activity; and

(G) has a conceptual boundary map that is supported by the public.

(c) REPORT.—Not later than 3 years after the date on which funds are first made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

- (1) the findings of the study under subsection (b); and
- (2) any conclusions and recommendations of the Secretary.

SEC. 6004. NATIONAL HERITAGE AREA AMENDMENTS.

54 USC 320101
note.

(a) RIVERS OF STEEL NATIONAL HERITAGE AREA.—Section 409(a) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4256; 129 Stat. 2551) is amended in the second sentence, by striking “\$17,000,000” and inserting “\$20,000,000”.

(b) ESSEX NATIONAL HERITAGE AREA.—Section 508(a) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4260; 129 Stat. 2551) is amended in the second sentence, by striking “\$17,000,000” and inserting “\$20,000,000”.

(c) OHIO & ERIE NATIONAL HERITAGE CANALWAY.—Section 810(a) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4275; 122 Stat. 826) is amended by striking the second sentence and inserting the following: “Not more than a total of \$20,000,000 may be appropriated for the canalway under this title.”

(d) BLUE RIDGE NATIONAL HERITAGE AREA.—The Blue Ridge National Heritage Area Act of 2003 (Public Law 108–108; 117 Stat. 1274; 131 Stat. 461; 132 Stat. 661) is amended—

(1) in subsection (i)(1), by striking “\$12,000,000” and inserting “\$14,000,000”; and

(2) by striking subsection (j) and inserting the following:

“(j) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on September 30, 2021.”

(e) MOTORCITIES NATIONAL HERITAGE AREA.—Section 110(a) of the Automobile National Heritage Area Act (Public Law 105–355; 112 Stat. 3252) is amended, in the second sentence, by striking “\$10,000,000” and inserting “\$12,000,000”.

(f) WHEELING NATIONAL HERITAGE AREA.—Subsection (h)(1) of the Wheeling National Heritage Area Act of 2000 (Public Law 106–291; 114 Stat. 967; 128 Stat. 2421; 129 Stat. 2550) is amended by striking “\$13,000,000” and inserting “\$15,000,000”.

(g) TENNESSEE CIVIL WAR HERITAGE AREA.—Section 208 of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4248; 127 Stat. 420; 128 Stat. 314; 129 Stat. 2551; 132 Stat. 661) is amended by striking “after” and all that follows through the period at the end and inserting the following: “after September 30, 2021.”

(h) AUGUSTA CANAL NATIONAL HERITAGE AREA.—Section 310 of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4252; 127 Stat. 420; 128 Stat. 314; 129 Stat. 2551; 132 Stat. 661) is amended by striking “2019” and inserting “2021”.

(i) SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR.—Section 607 of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4264; 127 Stat. 420; 128

Stat. 314; 129 Stat. 2551; 132 Stat. 661) is amended by striking “2019” and inserting “2021”.

(j) OIL REGION NATIONAL HERITAGE AREA.—The Oil Region National Heritage Area Act (Public Law 108–447; 118 Stat. 3368) is amended by striking “Oil Heritage Region, Inc.” each place it appears and inserting “Oil Region Alliance of Business, Industry and Tourism”.

(k) HUDSON RIVER VALLEY NATIONAL HERITAGE AREA REDESIGNATION.—

(1) IN GENERAL.—The Hudson River Valley National Heritage Area Act of 1996 (Public Law 104–333; 110 Stat. 4275) is amended by striking “Hudson River Valley National Heritage Area” each place it appears and inserting “Maurice D. Hinchey Hudson River Valley National Heritage Area”.

(2) REFERENCE IN LAW.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Heritage Area referred to in paragraph (1) shall be deemed to be a reference to the “Maurice D. Hinchey Hudson River Valley National Heritage Area”.

TITLE VII—WILDLIFE HABITAT AND CONSERVATION

SEC. 7001. WILDLIFE HABITAT AND CONSERVATION.

(a) PARTNERS FOR FISH AND WILDLIFE PROGRAM REAUTHORIZATION.—Section 5 of the Partners for Fish and Wildlife Act (16 U.S.C. 3774) is amended by striking “2006 through 2011” and inserting “2019 through 2023”.

(b) FISH AND WILDLIFE COORDINATION.—

(1) PURPOSE.—The purpose of this subsection is to protect water, oceans, coasts, and wildlife from invasive species.

(2) AMENDMENTS TO FISH AND WILDLIFE COORDINATION ACT.—

(A) SHORT TITLE; AUTHORIZATION.—The first section of the Fish and Wildlife Coordination Act (16 U.S.C. 661) is amended by striking “For the purpose” and inserting the following:

“SECTION 1. SHORT TITLE; AUTHORIZATION.

“(a) SHORT TITLE.—This Act may be cited as the ‘Fish and Wildlife Coordination Act’.

“(b) AUTHORIZATION.—For the purpose”.

(B) PROTECTION OF WATER, OCEANS, COASTS, AND WILDLIFE FROM INVASIVE SPECIES.—The Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) is amended by adding at the end the following:

“SEC. 10. PROTECTION OF WATER, OCEANS, COASTS, AND WILDLIFE FROM INVASIVE SPECIES. 16 USC 666c–1.

“(a) DEFINITIONS.—In this section:

“(1) CONTROL.—The term ‘control’, with respect to an invasive species, means the eradication, suppression, or reduction of the population of the invasive species within the area in which the invasive species is present.

“(2) ECOSYSTEM.—The term ‘ecosystem’ means the complex of a community of organisms and the environment of the organisms.

“(3) ELIGIBLE STATE.—The term ‘eligible State’ means any of—

“(A) a State;

“(B) the District of Columbia;

“(C) the Commonwealth of Puerto Rico;

“(D) Guam;

“(E) American Samoa;

“(F) the Commonwealth of the Northern Mariana Islands; and

“(G) the United States Virgin Islands.

“(4) INVASIVE SPECIES.—

“(A) IN GENERAL.—The term ‘invasive species’ means an alien species, the introduction of which causes, or is likely to cause, economic or environmental harm or harm to human health.

“(B) ASSOCIATED DEFINITION.—For purposes of subparagraph (A), the term ‘alien species’, with respect to a particular ecosystem, means any species (including the seeds, eggs, spores, or other biological material of the species that are capable of propagating the species) that is not native to the affected ecosystem.

“(5) MANAGE; MANAGEMENT.—The terms ‘manage’ and ‘management’, with respect to an invasive species, mean the active implementation of any activity—

“(A) to reduce or stop the spread of the invasive species;

and

“(B) to inhibit further infestations of the invasive species, the spread of the invasive species, or harm caused by the invasive species, including investigations regarding methods for early detection and rapid response, prevention, control, or management of the invasive species.

“(6) PREVENT.—The term ‘prevent’, with respect to an invasive species, means—

“(A) to hinder the introduction of the invasive species onto land or water; or

“(B) to impede the spread of the invasive species within land or water by inspecting, intercepting, or confiscating invasive species threats prior to the establishment of the invasive species onto land or water of an eligible State.

“(7) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

“(A) the Secretary of the Army, with respect to Federal land administered by the Corps of Engineers;

“(B) the Secretary of the Interior, with respect to Federal land administered by the Secretary of the Interior through—

“(i) the United States Fish and Wildlife Service;

“(ii) the Bureau of Indian Affairs;

“(iii) the Bureau of Land Management;

“(iv) the Bureau of Reclamation; or

“(v) the National Park Service;

“(C) the Secretary of Agriculture, with respect to Federal land administered by the Secretary of Agriculture through the Forest Service; and

“(D) the head or a representative of any other Federal agency the duties of whom require planning relating to, and the treatment of, invasive species for the purpose of protecting water and wildlife on land and coasts and in oceans and water.

“(8) SPECIES.—The term ‘species’ means a group of organisms, all of which—

“(A) have a high degree of genetic similarity;

“(B) are morphologically distinct;

“(C) generally—

“(i) interbreed at maturity only among themselves;

and

“(ii) produce fertile offspring; and

“(D) show persistent differences from members of allied groups of organisms.

“(b) CONTROL AND MANAGEMENT.—Each Secretary concerned shall plan and carry out activities on land directly managed by the Secretary concerned to protect water and wildlife by controlling and managing invasive species—

“(1) to inhibit or reduce the populations of invasive species;

and

“(2) to effectuate restoration or reclamation efforts.

“(c) STRATEGIC PLAN.—

“(1) IN GENERAL.—Each Secretary concerned shall develop a strategic plan for the implementation of the invasive species program to achieve, to the maximum extent practicable, a substantive annual net reduction of invasive species populations or infested acreage on land or water managed by the Secretary concerned.

“(2) COORDINATION.—Each strategic plan under paragraph (1) shall be developed—

“(A) in coordination with affected—

“(i) eligible States; and

“(ii) political subdivisions of eligible States;

“(B) in consultation with federally recognized Indian tribes; and

“(C) in accordance with the priorities established by 1 or more Governors of the eligible States in which an ecosystem affected by an invasive species is located.

“(3) FACTORS FOR CONSIDERATION.—In developing a strategic plan under this subsection, the Secretary concerned shall take into consideration the economic and ecological costs of action or inaction, as applicable.

“(d) COST-EFFECTIVE METHODS.—In selecting a method to be used to control or manage an invasive species as part of a specific control or management project conducted as part of a strategic plan developed under subsection (c), the Secretary concerned shall prioritize the use of methods that—

“(1) effectively control and manage invasive species, as determined by the Secretary concerned, based on sound scientific data;

“(2) minimize environmental impacts; and

“(3) control and manage invasive species in the most cost-effective manner.

“(e) COMPARATIVE ECONOMIC ASSESSMENT.—To achieve compliance with subsection (d), the Secretary concerned shall require

a comparative economic assessment of invasive species control and management methods to be conducted.

“(f) EXPEDITED ACTION.—

“(1) IN GENERAL.—The Secretaries concerned shall use all tools and flexibilities available (as of the date of enactment of this section) to expedite the projects and activities described in paragraph (2).

“(2) DESCRIPTION OF PROJECTS AND ACTIVITIES.—A project or activity referred to in paragraph (1) is a project or activity—

“(A) to protect water or wildlife from an invasive species that, as determined by the Secretary concerned is, or will be, carried out on land or water that is—

“(i) directly managed by the Secretary concerned; and

“(ii) located in an area that is—

“(I) at high risk for the introduction, establishment, or spread of invasive species; and

“(II) determined by the Secretary concerned to require immediate action to address the risk identified in subclause (I); and

“(B) carried out in accordance with applicable agency procedures, including any applicable—

“(i) land or resource management plan; or

“(ii) land use plan.

“(g) ALLOCATION OF FUNDING.—Of the amount appropriated or otherwise made available to each Secretary concerned for a fiscal year for programs that address or include protection of land or water from an invasive species, the Secretary concerned shall use not less than 75 percent for on-the-ground control and management of invasive species, which may include—

“(1) the purchase of necessary products, equipment, or services to conduct that control and management;

“(2) the use of integrated pest management options, including options that use pesticides authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

“(3) the use of biological control agents that are proven to be effective to reduce invasive species populations;

“(4) the use of revegetation or cultural restoration methods designed to improve the diversity and richness of ecosystems;

“(5) the use of monitoring and detection activities for invasive species, including equipment, detection dogs, and mechanical devices;

“(6) the use of appropriate methods to remove invasive species from a vehicle or vessel capable of conveyance; or

“(7) the use of other effective mechanical or manual control methods.

“(h) INVESTIGATIONS, OUTREACH, AND PUBLIC AWARENESS.—Of the amount appropriated or otherwise made available to each Secretary concerned for a fiscal year for programs that address or include protection of land or water from an invasive species, the Secretary concerned may use not more than 15 percent for investigations, development activities, and outreach and public awareness efforts to address invasive species control and management needs.

“(i) ADMINISTRATIVE COSTS.—Of the amount appropriated or otherwise made available to each Secretary concerned for a fiscal

year for programs that address or include protection of land or water from an invasive species, not more than 10 percent may be used for administrative costs incurred to carry out those programs, including costs relating to oversight and management of the programs, recordkeeping, and implementation of the strategic plan developed under subsection (c).

“(j) REPORTING REQUIREMENTS.—Not later than 60 days after the end of the second fiscal year beginning after the date of enactment of this section, each Secretary concerned shall submit to Congress a report—

“(1) describing the use by the Secretary concerned during the 2 preceding fiscal years of funds for programs that address or include invasive species management; and

“(2) specifying the percentage of funds expended for each of the purposes specified in subsections (g), (h), and (i).

“(k) RELATION TO OTHER AUTHORITY.—

“(1) OTHER INVASIVE SPECIES CONTROL, PREVENTION, AND MANAGEMENT AUTHORITIES.—Nothing in this section precludes the Secretary concerned from pursuing or supporting, pursuant to any other provision of law, any activity regarding the control, prevention, or management of an invasive species, including investigations to improve the control, prevention, or management of the invasive species.

“(2) PUBLIC WATER SUPPLY SYSTEMS.—Nothing in this section authorizes the Secretary concerned to suspend any water delivery or diversion, or otherwise to prevent the operation of a public water supply system, as a measure to control, manage, or prevent the introduction or spread of an invasive species.

“(l) USE OF PARTNERSHIPS.—Subject to the subsections (m) and (n), the Secretary concerned may enter into any contract or cooperative agreement with another Federal agency, an eligible State, a federally recognized Indian tribe, a political subdivision of an eligible State, or a private individual or entity to assist with the control and management of an invasive species.

“(m) MEMORANDUM OF UNDERSTANDING.—

“(1) IN GENERAL.—As a condition of a contract or cooperative agreement under subsection (l), the Secretary concerned and the applicable Federal agency, eligible State, political subdivision of an eligible State, or private individual or entity shall enter into a memorandum of understanding that describes—

“(A) the nature of the partnership between the parties to the memorandum of understanding; and

“(B) the control and management activities to be conducted under the contract or cooperative agreement.

“(2) CONTENTS.—A memorandum of understanding under this subsection shall contain, at a minimum, the following:

“(A) A prioritized listing of each invasive species to be controlled or managed.

“(B) An assessment of the total acres of land or area of water infested by the invasive species.

“(C) An estimate of the expected total acres of land or area of water infested by the invasive species after control and management of the invasive species is attempted.

“(D) A description of each specific, integrated pest management option to be used, including a comparative economic assessment to determine the least-costly method.

“(E) Any map, boundary, or Global Positioning System coordinates needed to clearly identify the area in which each control or management activity is proposed to be conducted.

“(F) A written assurance that each partner will comply with section 15 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2814).

“(3) COORDINATION.—If a partner to a contract or cooperative agreement under subsection (l) is an eligible State, political subdivision of an eligible State, or private individual or entity, the memorandum of understanding under this subsection shall include a description of—

“(A) the means by which each applicable control or management effort will be coordinated; and

“(B) the expected outcomes of managing and controlling the invasive species.

“(4) PUBLIC OUTREACH AND AWARENESS EFFORTS.—If a contract or cooperative agreement under subsection (l) involves any outreach or public awareness effort, the memorandum of understanding under this subsection shall include a list of goals and objectives for each outreach or public awareness effort that have been determined to be efficient to inform national, regional, State, Tribal, or local audiences regarding invasive species control and management.

“(n) INVESTIGATIONS.—The purpose of any invasive species-related investigation carried out under a contract or cooperative agreement under subsection (l) shall be—

“(1) to develop solutions and specific recommendations for control and management of invasive species; and

“(2) specifically to provide faster implementation of control and management methods.

“(o) COORDINATION WITH AFFECTED LOCAL GOVERNMENTS.—Each project and activity carried out pursuant to this section shall be coordinated with affected local governments in a manner that is consistent with section 202(c)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(9)).”.

(c) WILDLIFE CONSERVATION.—

(1) REAUTHORIZATIONS.—

(A) REAUTHORIZATION OF AFRICAN ELEPHANT CONSERVATION ACT.—Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amended by striking “2007 through 2012” and inserting “2019 through 2023”.

(B) REAUTHORIZATION OF ASIAN ELEPHANT CONSERVATION ACT OF 1997.—Section 8(a) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) is amended by striking “2007 through 2012” and inserting “2019 through 2023”.

(C) REAUTHORIZATION OF RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.—Section 10(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) is amended by striking “2007 through 2012” and inserting “2019 through 2023”.

(2) AMENDMENTS TO GREAT APE CONSERVATION ACT OF 2000.—

(A) PANEL.—Section 4(i) of the Great Ape Conservation Act of 2000 (16 U.S.C. 6303(i)) is amended—

(i) by striking paragraph (1) and inserting the following:

“(1) CONVENTION.—Not later than 1 year after the date of enactment of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, and every 5 years thereafter, the Secretary may convene a panel of experts on great apes to identify the greatest needs and priorities for the conservation of great apes.”;

(ii) by redesignating paragraph (2) as paragraph

(5); and

(iii) by inserting after paragraph (1) the following:

“(2) COMPOSITION.—The Secretary shall ensure that the panel referred to in paragraph (1) includes, to the maximum extent practicable, 1 or more representatives—

“(A) from each country that comprises the natural range of great apes; and

“(B) with expertise in great ape conservation.

“(3) CONSERVATION PLANS.—In identifying the conservation needs and priorities under paragraph (1), the panel referred to in that paragraph shall consider any relevant great ape conservation plan or strategy, including scientific research and findings relating to—

“(A) the conservation needs and priorities of great apes;

“(B) any regional or species-specific action plan or strategy;

“(C) any applicable strategy developed or initiated by the Secretary; and

“(D) any other applicable conservation plan or strategy.

“(4) FUNDS.—Subject to the availability of appropriations, the Secretary may use amounts available to the Secretary to pay for the costs of convening and facilitating any meeting of the panel referred to in paragraph (1).”.

(B) MULTIYEAR GRANTS.—Section 4 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6303) is amended by adding at the end the following:

“(j) MULTIYEAR GRANTS.—

“(1) AUTHORIZATION.—The Secretary may award to a person who is otherwise eligible for a grant under this section a multiyear grant to carry out a project that the person demonstrates is an effective, long-term conservation strategy for great apes and the habitat of great apes.

“(2) EFFECT OF SUBSECTION.—Nothing in this subsection precludes the Secretary from awarding a grant on an annual basis.”.

(C) ADMINISTRATIVE EXPENSES.—Section 5(b)(2) of the Great Ape Conservation Act of 2000 (16 U.S.C. 6304(b)(2)) is amended by striking “\$100,000” and inserting “\$150,000”.

(D) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6305) is amended by striking “2006 through 2010” and inserting “2019 through 2023”.

(3) AMENDMENTS TO MARINE TURTLE CONSERVATION ACT OF 2004.—

(A) PURPOSE.—Section 2 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601) is amended by striking subsection (b) and inserting the following:

“(b) PURPOSE.—The purpose of this Act is to assist in the conservation of marine turtles, freshwater turtles, and tortoises and the habitats of marine turtles, freshwater turtles, and tortoises in foreign countries and territories of the United States by supporting and providing financial resources for projects—

“(1) to conserve marine turtle, freshwater turtle, and tortoise habitats under the jurisdiction of United States Fish and Wildlife Service programs;

“(2) to conserve marine turtles, freshwater turtles, and tortoises in those habitats; and

“(3) to address other threats to the survival of marine turtles, freshwater turtles, and tortoises, including habitat loss, poaching of turtles or their eggs, and wildlife trafficking.”.

(B) DEFINITIONS.—Section 3 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6602) is amended—

(i) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking “nesting habitats of marine turtles in foreign countries and of marine turtles in those habitats” and inserting “marine turtles, freshwater turtles, and tortoises, and the habitats of marine turtles, freshwater turtles, and tortoises, in foreign countries and territories of the United States under the jurisdiction of United States Fish and Wildlife Service programs”;

(II) in subparagraphs (A), (B), and (C), by striking “nesting” each place it appears;

(III) in subparagraph (D)—

(aa) in the matter preceding clause (i), by striking “countries to—” and inserting “countries—”;

(bb) in clause (i)—

(AA) by inserting “to” before “protect”; and

(BB) by striking “nesting” each place it appears; and

(cc) in clause (ii), by inserting “to” before “prevent”;

(IV) in subparagraph (E)(i), by striking “turtles on nesting habitat” and inserting “turtles, freshwater turtles, and tortoises”;

(V) in subparagraph (F), by striking “turtles over habitat used by marine turtles for nesting” and inserting “turtles, freshwater turtles, and tortoises over habitats used by marine turtles, freshwater turtles, and tortoises”; and

(VI) in subparagraph (H), by striking “nesting” each place it appears;

(ii) by redesignating paragraphs (3), (4), (5), and

(6) as paragraphs (4), (6), (7), and (8), respectively;

(iii) by inserting before paragraph (4) (as so redesignated) the following:

“(3) FRESHWATER TURTLE.—

“(A) IN GENERAL.—The term ‘freshwater turtle’ means any member of the family Carettochelyidae, Chelidae, Chelydridae, Dermatemydidae, Emydidae, Geoemydidae, Kinosternidae, Pelomedusidae, Platysternidae, Podocnemididae, or Trionychidae.

“(B) INCLUSIONS.—The term ‘freshwater turtle’ includes—

“(i) any part, product, egg, or offspring of a turtle described in subparagraph (A); and

“(ii) a carcass of such a turtle.”;

(iv) by inserting after paragraph (4) (as so redesignated) the following:

“(5) HABITAT.—The term ‘habitat’ means any marine turtle, freshwater turtle, or tortoise habitat (including a nesting habitat) that is under the jurisdiction of United States Fish and Wildlife Service programs.”; and

(v) by inserting after paragraph (8) (as so redesignated) the following:

“(9) TERRITORY OF THE UNITED STATES.—The term ‘territory of the United States’ means—

“(A) American Samoa;

“(B) the Commonwealth of the Northern Mariana Islands;

“(C) the Commonwealth of Puerto Rico;

“(D) Guam;

“(E) the United States Virgin Islands; and

“(F) any other territory or possession of the United States.

“(10) TORTOISE.—

“(A) IN GENERAL.—The term ‘tortoise’ means any member of the family Testudinidae.

“(B) INCLUSIONS.—The term ‘tortoise’ includes—

“(i) any part, product, egg, or offspring of a tortoise described in subparagraph (A); and

“(ii) a carcass of such a tortoise.”.

(C) CONSERVATION ASSISTANCE.—Section 4 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6603) is amended—

(i) in the section heading, by striking “MARINE TURTLE”;

(ii) in subsection (a), by inserting “, freshwater turtles, or tortoises” after “marine turtles”;

(iii) in subsection (b)(1)—

(I) in the matter preceding subparagraph (A), by inserting “, freshwater turtles, or tortoises” after “marine turtles”;

(II) by striking subparagraph (A) and inserting the following:

“(A) any wildlife management authority of a foreign country or territory of the United States that has within its boundaries marine turtle, freshwater turtle, or tortoise habitat, if the activities of the authority directly or indirectly affect marine turtle, freshwater turtle, or tortoise conservation; or”;

(III) in subparagraph (B), by inserting “, freshwater turtles, or tortoises” after “marine turtles”;

(iv) in subsection (c)(2), in each of subparagraphs (A) and (C), by inserting “and territory of the United States” after “each country”;

(v) by striking subsection (d) and inserting the following:

“(d) **CRITERIA FOR APPROVAL.**—The Secretary may approve a project proposal under this section if the Secretary determines that the project will help to restore, recover, and sustain a viable population of marine turtles, freshwater turtles, or tortoises in the wild by assisting efforts in a foreign country or territory of the United States to implement a marine turtle, freshwater turtle, or tortoise conservation program.”; and

(vi) in subsection (e), by striking “marine turtles and their nesting habitats” and inserting “marine turtles, freshwater turtles, or tortoises and the habitats of marine turtles, freshwater turtles, or tortoises”.

(D) **MARINE TURTLE CONSERVATION FUND.**—Section 5 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6604) is amended—

(i) in subsection (a)(2), by striking “section 6” and inserting “section 7(a)”; and

(ii) in subsection (b)(2), by striking “3 percent, or up to \$80,000” and inserting “5 percent, or up to \$150,000”.

(E) **ADVISORY GROUP.**—Section 6(a) of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6605(a)) is amended by inserting “, freshwater turtles, or tortoises” after “marine turtles”.

(F) **AUTHORIZATION OF APPROPRIATIONS.**—Section 7 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6606) is amended to read as follows:

“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

“(a) **IN GENERAL.**—There is authorized to be appropriated to the Fund \$5,000,000 for each of fiscal years 2019 through 2023.

“(b) **ALLOCATION.**—Of the amounts made available for each fiscal year pursuant to subsection (a)—

“(1) not less than \$1,510,000 shall be used by the Secretary for marine turtle conservation purposes in accordance with this Act; and

“(2) of the amounts in excess of the amount described in paragraph (1), not less than 40 percent shall be used by the Secretary for freshwater turtle and tortoise conservation purposes in accordance with this Act.”.

(d) **PRIZE COMPETITIONS.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **NON-FEDERAL FUNDS.**—The term “non-Federal funds” means funds provided by—

(i) a State;

(ii) a territory of the United States;

(iii) 1 or more units of local or tribal government;

(iv) a private for-profit entity;

(v) a nonprofit organization; or

(vi) a private individual.

(B) **SECRETARY.**—The term “Secretary” means the Secretary, acting through the Director of the United States Fish and Wildlife Service.

(C) WILDLIFE.—The term “wildlife” has the meaning given the term in section 8 of the Fish and Wildlife Coordination Act (16 U.S.C. 666b).

(2) THEODORE ROOSEVELT GENIUS PRIZE FOR PREVENTION OF WILDLIFE POACHING AND TRAFFICKING.—

(A) DEFINITIONS.—In this paragraph:

(i) BOARD.—The term “Board” means the Prevention of Wildlife Poaching and Trafficking Technology Advisory Board established by subparagraph (C)(i).

(ii) PRIZE COMPETITION.—The term “prize competition” means the Theodore Roosevelt Genius Prize for the prevention of wildlife poaching and trafficking established under subparagraph (B).

(B) AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition, to be known as the “Theodore Roosevelt Genius Prize for the prevention of wildlife poaching and trafficking”—

(i) to encourage technological innovation with the potential to advance the mission of the United States Fish and Wildlife Service with respect to the prevention of wildlife poaching and trafficking; and

(ii) to award 1 or more prizes annually for a technological advancement that prevents wildlife poaching and trafficking.

(C) ADVISORY BOARD.—

(i) ESTABLISHMENT.—There is established an advisory board, to be known as the “Prevention of Wildlife Poaching and Trafficking Technology Advisory Board”.

(ii) COMPOSITION.—The Board shall be composed of not fewer than 9 members appointed by the Secretary, who shall provide expertise in—

(I) wildlife trafficking and trade;

(II) wildlife conservation and management;

(III) biology;

(IV) technology development;

(V) engineering;

(VI) economics;

(VII) business development and management;

and

(VIII) any other discipline, as the Secretary determines to be necessary to achieve the purposes of this paragraph.

(iii) DUTIES.—Subject to clause (iv), with respect to the prize competition, the Board shall—

(I) select a topic;

(II) issue a problem statement;

(III) advise the Secretary regarding any opportunity for technological innovation to prevent wildlife poaching and trafficking; and

(IV) advise winners of the prize competition regarding opportunities to pilot and implement winning technologies in relevant fields, including in partnership with conservation organizations, Federal or State agencies, federally recognized

Indian tribes, private entities, and research institutions with expertise or interest relating to the prevention of wildlife poaching and trafficking.

(iv) CONSULTATION.—In selecting a topic and issuing a problem statement for the prize competition under subclauses (I) and (II) of clause (iii), respectively, the Board shall consult widely with Federal and non-Federal stakeholders, including—

(I) 1 or more Federal agencies with jurisdiction over the prevention of wildlife poaching and trafficking;

(II) 1 or more State agencies with jurisdiction over the prevention of wildlife poaching and trafficking;

(III) 1 or more State, regional, or local wildlife organizations, the mission of which relates to the prevention of wildlife poaching and trafficking; and

(IV) 1 or more wildlife conservation groups, technology companies, research institutions, institutions of higher education, industry associations, or individual stakeholders with an interest in the prevention of wildlife poaching and trafficking.

(v) REQUIREMENTS.—The Board shall comply with all requirements under paragraph (7)(A).

(D) AGREEMENT WITH NATIONAL FISH AND WILDLIFE FOUNDATION.—

(i) IN GENERAL.—The Secretary shall offer to enter into an agreement under which the National Fish and Wildlife Foundation shall administer the prize competition.

(ii) REQUIREMENTS.—An agreement entered into under clause (i) shall comply with all requirements under paragraph (7)(B).

(E) JUDGES.—

(i) APPOINTMENT.—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in clause (ii), select the 1 or more annual winners of the prize competition.

(ii) DETERMINATION BY SECRETARY.—The judges appointed under clause (i) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

(F) REPORT TO CONGRESS.—Not later than 60 days after the date on which a cash prize is awarded under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—

(i) a statement by the Board that describes the activities carried out by the Board relating to the duties described in subparagraph (C)(iii);

(ii) if the Secretary has entered into an agreement under subparagraph (D)(i), a statement by the National

Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in paragraph (7)(B); and

(iii) a statement by 1 or more of the judges appointed under subparagraph (E) that explains the basis on which the winner of the cash prize was selected.

(G) TERMINATION OF AUTHORITY.—The Board and all authority provided under this paragraph shall terminate on December 31, 2023.

(3) THEODORE ROOSEVELT GENIUS PRIZE FOR PROMOTION OF WILDLIFE CONSERVATION.—

(A) DEFINITIONS.—In this paragraph:

(i) BOARD.—The term “Board” means the Promotion of Wildlife Conservation Technology Advisory Board established by subparagraph (C)(i).

(ii) PRIZE COMPETITION.—The term “prize competition” means the Theodore Roosevelt Genius Prize for the promotion of wildlife conservation established under subparagraph (B).

(B) AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition, to be known as the “Theodore Roosevelt Genius Prize for the promotion of wildlife conservation”—

(i) to encourage technological innovation with the potential to advance the mission of the United States Fish and Wildlife Service with respect to the promotion of wildlife conservation; and

(ii) to award 1 or more prizes annually for a technological advancement that promotes wildlife conservation.

(C) ADVISORY BOARD.—

(i) ESTABLISHMENT.—There is established an advisory board, to be known as the “Promotion of Wildlife Conservation Technology Advisory Board”.

(ii) COMPOSITION.—The Board shall be composed of not fewer than 9 members appointed by the Secretary, who shall provide expertise in—

(I) wildlife conservation and management;

(II) biology;

(III) technology development;

(IV) engineering;

(V) economics;

(VI) business development and management;

and

(VII) any other discipline, as the Secretary determines to be necessary to achieve the purposes of this paragraph.

(iii) DUTIES.—Subject to clause (iv), with respect to the prize competition, the Board shall—

(I) select a topic;

(II) issue a problem statement;

(III) advise the Secretary regarding any opportunity for technological innovation to promote wildlife conservation; and

(IV) advise winners of the prize competition regarding opportunities to pilot and implement winning technologies in relevant fields, including in partnership with conservation organizations, Federal or State agencies, federally recognized Indian tribes, private entities, and research institutions with expertise or interest relating to the promotion of wildlife conservation.

(iv) CONSULTATION.—In selecting a topic and issuing a problem statement for the prize competition under subclauses (I) and (II) of clause (iii), respectively, the Board shall consult widely with Federal and non-Federal stakeholders, including—

(I) 1 or more Federal agencies with jurisdiction over the promotion of wildlife conservation;

(II) 1 or more State agencies with jurisdiction over the promotion of wildlife conservation;

(III) 1 or more State, regional, or local wildlife organizations, the mission of which relates to the promotion of wildlife conservation; and

(IV) 1 or more wildlife conservation groups, technology companies, research institutions, institutions of higher education, industry associations, or individual stakeholders with an interest in the promotion of wildlife conservation.

(v) REQUIREMENTS.—The Board shall comply with all requirements under paragraph (7)(A).

(D) AGREEMENT WITH NATIONAL FISH AND WILDLIFE FOUNDATION.—

(i) IN GENERAL.—The Secretary shall offer to enter into an agreement under which the National Fish and Wildlife Foundation shall administer the prize competition.

(ii) REQUIREMENTS.—An agreement entered into under clause (i) shall comply with all requirements under paragraph (7)(B).

(E) JUDGES.—

(i) APPOINTMENT.—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in clause (ii), select the 1 or more annual winners of the prize competition.

(ii) DETERMINATION BY SECRETARY.—The judges appointed under clause (i) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

(F) REPORT TO CONGRESS.—Not later than 60 days after the date on which a cash prize is awarded under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—

(i) a statement by the Board that describes the activities carried out by the Board relating to the duties described in subparagraph (C)(iii);

(ii) if the Secretary has entered into an agreement under subparagraph (D)(i), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in paragraph (7)(B); and

(iii) a statement by 1 or more of the judges appointed under subparagraph (E) that explains the basis on which the winner of the cash prize was selected.

(G) TERMINATION OF AUTHORITY.—The Board and all authority provided under this paragraph shall terminate on December 31, 2023.

(4) THEODORE ROOSEVELT GENIUS PRIZE FOR MANAGEMENT OF INVASIVE SPECIES.—

(A) DEFINITIONS.—In this paragraph:

(i) BOARD.—The term “Board” means the Management of Invasive Species Technology Advisory Board established by subparagraph (C)(i).

(ii) PRIZE COMPETITION.—The term “prize competition” means the Theodore Roosevelt Genius Prize for the management of invasive species established under subparagraph (B).

(B) AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition, to be known as the “Theodore Roosevelt Genius Prize for the management of invasive species”—

(i) to encourage technological innovation with the potential to advance the mission of the United States Fish and Wildlife Service with respect to the management of invasive species; and

(ii) to award 1 or more prizes annually for a technological advancement that manages invasive species.

(C) ADVISORY BOARD.—

(i) ESTABLISHMENT.—There is established an advisory board, to be known as the “Management of Invasive Species Technology Advisory Board”.

(ii) COMPOSITION.—The Board shall be composed of not fewer than 9 members appointed by the Secretary, who shall provide expertise in—

(I) invasive species;

(II) biology;

(III) technology development;

(IV) engineering;

(V) economics;

(VI) business development and management;

and

(VII) any other discipline, as the Secretary determines to be necessary to achieve the purposes of this paragraph.

(iii) DUTIES.—Subject to clause (iv), with respect to the prize competition, the Board shall—

(I) select a topic;
(II) issue a problem statement;
(III) advise the Secretary regarding any opportunity for technological innovation to manage invasive species; and

(IV) advise winners of the prize competition regarding opportunities to pilot and implement winning technologies in relevant fields, including in partnership with conservation organizations, Federal or State agencies, federally recognized Indian tribes, private entities, and research institutions with expertise or interest relating to the management of invasive species.

(iv) CONSULTATION.—In selecting a topic and issuing a problem statement for the prize competition under subclauses (I) and (II) of clause (iii), respectively, the Board shall consult widely with Federal and non-Federal stakeholders, including—

(I) 1 or more Federal agencies with jurisdiction over the management of invasive species;

(II) 1 or more State agencies with jurisdiction over the management of invasive species;

(III) 1 or more State, regional, or local wildlife organizations, the mission of which relates to the management of invasive species; and

(IV) 1 or more wildlife conservation groups, technology companies, research institutions, institutions of higher education, industry associations, or individual stakeholders with an interest in the management of invasive species.

(v) REQUIREMENTS.—The Board shall comply with all requirements under paragraph (7)(A).

(D) AGREEMENT WITH NATIONAL FISH AND WILDLIFE FOUNDATION.—

(i) IN GENERAL.—The Secretary shall offer to enter into an agreement under which the National Fish and Wildlife Foundation shall administer the prize competition.

(ii) REQUIREMENTS.—An agreement entered into under clause (i) shall comply with all requirements under paragraph (7)(B).

(E) JUDGES.—

(i) APPOINTMENT.—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in clause (ii), select the 1 or more annual winners of the prize competition.

(ii) DETERMINATION BY SECRETARY.—The judges appointed under clause (i) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

(F) REPORT TO CONGRESS.—Not later than 60 days after the date on which a cash prize is awarded under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House

of Representatives a report on the prize competition that includes—

(i) a statement by the Board that describes the activities carried out by the Board relating to the duties described in subparagraph (C)(iii);

(ii) if the Secretary has entered into an agreement under subparagraph (D)(i), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in paragraph (7)(B); and

(iii) a statement by 1 or more of the judges appointed under subparagraph (E) that explains the basis on which the winner of the cash prize was selected.

(G) TERMINATION OF AUTHORITY.—The Board and all authority provided under this paragraph shall terminate on December 31, 2023.

(5) THEODORE ROOSEVELT GENIUS PRIZE FOR PROTECTION OF ENDANGERED SPECIES.—

(A) DEFINITIONS.—In this paragraph:

(i) BOARD.—The term “Board” means the Protection of Endangered Species Technology Advisory Board established by subparagraph (C)(i).

(ii) PRIZE COMPETITION.—The term “prize competition” means the Theodore Roosevelt Genius Prize for the protection of endangered species established under subparagraph (B).

(B) AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition, to be known as the “Theodore Roosevelt Genius Prize for the protection of endangered species”—

(i) to encourage technological innovation with the potential to advance the mission of the United States Fish and Wildlife Service with respect to the protection of endangered species; and

(ii) to award 1 or more prizes annually for a technological advancement that protects endangered species.

(C) ADVISORY BOARD.—

(i) ESTABLISHMENT.—There is established an advisory board, to be known as the “Protection of Endangered Species Technology Advisory Board”.

(ii) COMPOSITION.—The Board shall be composed of not fewer than 9 members appointed by the Secretary, who shall provide expertise in—

(I) endangered species;

(II) biology;

(III) technology development;

(IV) engineering;

(V) economics;

(VI) business development and management;

and

(VII) any other discipline, as the Secretary determines to be necessary to achieve the purposes of this paragraph.

(iii) DUTIES.—Subject to clause (iv), with respect to the prize competition, the Board shall—

(I) select a topic;

(II) issue a problem statement;

(III) advise the Secretary regarding any opportunity for technological innovation to protect endangered species; and

(IV) advise winners of the prize competition regarding opportunities to pilot and implement winning technologies in relevant fields, including in partnership with conservation organizations, Federal or State agencies, federally recognized Indian tribes, private entities, and research institutions with expertise or interest relating to the protection of endangered species.

(iv) CONSULTATION.—In selecting a topic and issuing a problem statement for the prize competition under subclauses (I) and (II) of clause (iii), respectively, the Board shall consult widely with Federal and non-Federal stakeholders, including—

(I) 1 or more Federal agencies with jurisdiction over the protection of endangered species;

(II) 1 or more State agencies with jurisdiction over the protection of endangered species;

(III) 1 or more State, regional, or local wildlife organizations, the mission of which relates to the protection of endangered species; and

(IV) 1 or more wildlife conservation groups, technology companies, research institutions, institutions of higher education, industry associations, or individual stakeholders with an interest in the protection of endangered species.

(v) REQUIREMENTS.—The Board shall comply with all requirements under paragraph (7)(A).

(D) AGREEMENT WITH NATIONAL FISH AND WILDLIFE FOUNDATION.—

(i) IN GENERAL.—The Secretary shall offer to enter into an agreement under which the National Fish and Wildlife Foundation shall administer the prize competition.

(ii) REQUIREMENTS.—An agreement entered into under clause (i) shall comply with all requirements under paragraph (7)(B).

(E) JUDGES.—

(i) APPOINTMENT.—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in clause (ii), select the 1 or more annual winners of the prize competition.

(ii) DETERMINATION BY SECRETARY.—The judges appointed under clause (i) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

(F) REPORT TO CONGRESS.—Not later than 60 days after the date on which a cash prize is awarded under

this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—

(i) a statement by the Board that describes the activities carried out by the Board relating to the duties described in subparagraph (C)(iii);

(ii) if the Secretary has entered into an agreement under subparagraph (D)(i), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in paragraph (7)(B); and

(iii) a statement by 1 or more of the judges appointed under subparagraph (E) that explains the basis on which the winner of the cash prize was selected.

(G) TERMINATION OF AUTHORITY.—The Board and all authority provided under this paragraph shall terminate on December 31, 2023.

(6) THEODORE ROOSEVELT GENIUS PRIZE FOR NONLETHAL MANAGEMENT OF HUMAN-WILDLIFE CONFLICTS.—

(A) DEFINITIONS.—In this paragraph:

(i) BOARD.—The term “Board” means the Nonlethal Management of Human-Wildlife Conflicts Technology Advisory Board established by subparagraph (C)(i).

(ii) PRIZE COMPETITION.—The term “prize competition” means the Theodore Roosevelt Genius Prize for the nonlethal management of human-wildlife conflicts established under subparagraph (B).

(B) AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition, to be known as the “Theodore Roosevelt Genius Prize for the nonlethal management of human-wildlife conflicts”—

(i) to encourage technological innovation with the potential to advance the mission of the United States Fish and Wildlife Service with respect to the nonlethal management of human-wildlife conflicts; and

(ii) to award 1 or more prizes annually for a technological advancement that promotes the nonlethal management of human-wildlife conflicts.

(C) ADVISORY BOARD.—

(i) ESTABLISHMENT.—There is established an advisory board, to be known as the “Nonlethal Management of Human-Wildlife Conflicts Technology Advisory Board”.

(ii) COMPOSITION.—The Board shall be composed of not fewer than 9 members appointed by the Secretary, who shall provide expertise in—

- (I) nonlethal wildlife management;
- (II) social aspects of human-wildlife conflict management;
- (III) biology;
- (IV) technology development;

- (V) engineering;
- (VI) economics;
- (VII) business development and management;
- and
- (VIII) any other discipline, as the Secretary determines to be necessary to achieve the purposes of this paragraph.
- (iii) DUTIES.—Subject to clause (iv), with respect to the prize competition, the Board shall—
 - (I) select a topic;
 - (II) issue a problem statement;
 - (III) advise the Secretary regarding any opportunity for technological innovation to promote the nonlethal management of human-wildlife conflicts; and
 - (IV) advise winners of the prize competition regarding opportunities to pilot and implement winning technologies in relevant fields, including in partnership with conservation organizations, Federal or State agencies, federally recognized Indian tribes, private entities, and research institutions with expertise or interest relating to the nonlethal management of human-wildlife conflicts.
- (iv) CONSULTATION.—In selecting a topic and issuing a problem statement for the prize competition under subclauses (I) and (II) of subparagraph (C), respectively, the Board shall consult widely with Federal and non-Federal stakeholders, including—
 - (I) 1 or more Federal agencies with jurisdiction over the management of native wildlife species at risk due to conflict with human activities;
 - (II) 1 or more State agencies with jurisdiction over the management of native wildlife species at risk due to conflict with human activities;
 - (III) 1 or more State, regional, or local wildlife organizations, the mission of which relates to the management of native wildlife species at risk due to conflict with human activities; and
 - (IV) 1 or more wildlife conservation groups, technology companies, research institutions, institutions of higher education, industry associations, or individual stakeholders with an interest in the management of native wildlife species at risk due to conflict with human activities.
- (v) REQUIREMENTS.—The Board shall comply with all requirements under paragraph (7)(A).
- (D) AGREEMENT WITH NATIONAL FISH AND WILDLIFE FOUNDATION.—
 - (i) IN GENERAL.—The Secretary shall offer to enter into an agreement under which the National Fish and Wildlife Foundation shall administer the prize competition.
 - (ii) REQUIREMENTS.—An agreement entered into under clause (i) shall comply with all requirements under paragraph (7)(B).
- (E) JUDGES.—

(i) APPOINTMENT.—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in clause (ii), select the 1 or more annual winners of the prize competition.

(ii) DETERMINATION BY SECRETARY.—The judges appointed under clause (i) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

(F) REPORT TO CONGRESS.—Not later than 60 days after the date on which a cash prize is awarded under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—

(i) a statement by the Board that describes the activities carried out by the Board relating to the duties described in subparagraph (C)(iii);

(ii) if the Secretary has entered into an agreement under subparagraph (D)(i), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in paragraph (7)(B); and

(iii) a statement by 1 or more of the judges appointed under subparagraph (E) that explains the basis on which the winner of the cash prize was selected.

(G) TERMINATION OF AUTHORITY.—The Board and all authority provided under this paragraph shall terminate on December 31, 2023.

(7) ADMINISTRATION OF PRIZE COMPETITIONS.—

(A) ADDITIONAL REQUIREMENTS FOR ADVISORY BOARDS.—An advisory board established under paragraph (2)(C)(i), (3)(C)(i), (4)(C)(i), (5)(C)(i), or (6)(C)(i) (referred to in this paragraph as a “Board”) shall comply with the following requirements:

(i) TERM; VACANCIES.—

(I) TERM.—A member of the Board shall serve for a term of 5 years.

(II) VACANCIES.—A vacancy on the Board—
(aa) shall not affect the powers of the Board; and

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

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

(iii) MEETINGS.—

(I) IN GENERAL.—The Board shall meet at the call of the Chairperson.

(II) REMOTE PARTICIPATION.—

(aa) IN GENERAL.—Any member of the Board may participate in a meeting of the Board through the use of—

(AA) teleconferencing; or

(BB) any other remote business telecommunications method that allows each participating member to simultaneously hear each other participating member during the meeting.

(bb) PRESENCE.—A member of the Board who participates in a meeting remotely under item (aa) shall be considered to be present at the meeting.

(iv) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold a meeting.

(v) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall select a Chairperson and Vice Chairperson from among the members of the Board.

(vi) ADMINISTRATIVE COST REDUCTION.—The Board shall, to the maximum extent practicable, minimize the administrative costs of the Board, including by encouraging the remote participation described in clause (iii)(II)(aa) to reduce travel costs.

(B) AGREEMENTS WITH NATIONAL FISH AND WILDLIFE FOUNDATION.—Any agreement entered into under paragraph (2)(D)(i), (3)(D)(i), (4)(D)(i), (5)(D)(i), or (6)(D)(i) shall comply with the following requirements:

(i) DUTIES.—An agreement shall provide that the National Fish and Wildlife Foundation shall—

(I) advertise the prize competition;

(II) solicit prize competition participants;

(III) administer funds relating to the prize competition;

(IV) receive Federal funds—

(aa) to administer the prize competition;

and

(bb) to award a cash prize;

(V) carry out activities to generate contributions of non-Federal funds to offset, in whole or in part—

(aa) the administrative costs of the prize competition; and

(bb) the costs of a cash prize;

(VI) in consultation with, and subject to final approval by, the Secretary, develop criteria for the selection of prize competition winners;

(VII) provide advice and consultation to the Secretary on the selection of judges under paragraphs (2)(E), (3)(E), (4)(E), (5)(E), and (6)(E) based on criteria developed in consultation with, and subject to the final approval of, the Secretary;

(VIII) announce 1 or more annual winners of the prize competition;

(IX) subject to clause (ii), award 1 cash prize annually; and

(X) protect against unauthorized use or disclosure by the National Fish and Wildlife Foundation of any trade secret or confidential business information of a prize competition participant.

(ii) **ADDITIONAL CASH PRIZES.**—An agreement shall provide that the National Fish and Wildlife Foundation may award more than 1 cash prize annually if the initial cash prize referred to in clause (i)(IX) and any additional cash prize are awarded using only non-Federal funds.

(iii) **SOLICITATION OF FUNDS.**—An agreement shall provide that the National Fish and Wildlife Foundation—

(I) may request and accept Federal funds and non-Federal funds for a cash prize;

(II) may accept a contribution for a cash prize in exchange for the right to name the prize; and

(III) shall not give special consideration to any Federal agency or non-Federal entity in exchange for a donation for a cash prize awarded under this subsection.

(C) **AWARD AMOUNTS.**—

(i) **IN GENERAL.**—The amount of the initial cash prize referred to in subparagraph (B)(i)(IX) shall be \$100,000.

(ii) **ADDITIONAL CASH PRIZES.**—On notification by the National Fish and Wildlife Foundation that non-Federal funds are available for an additional cash prize, the Secretary shall determine the amount of the additional cash prize.

SEC. 7002. REAUTHORIZATION OF NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

“(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this Act \$6,500,000 for each of fiscal years 2019 through 2023.

“(b) **USE OF FUNDS.**—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.”.

SEC. 7003. JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) **REPLACEMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MAPS.**—

(1) **IN GENERAL.**—Subject to paragraph (3), each map included in the set of maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) that relates to a Unit of such System referred to in paragraph (2) is replaced in such set with the map described in that paragraph with respect to that Unit.

(2) **REPLACEMENT MAPS DESCRIBED.**—The replacement maps referred to in paragraph (1) are the following:

(A) The map entitled “Delaware Seashore Unit DE–07/DE–07P North Bethany Beach Unit H01” and dated

March 18, 2016, with respect to Unit DE-07, Unit DE-07P, and Unit H01.

(B) The map entitled “Pine Island Bay Unit NC-01/NC-01P” and dated March 18, 2016, with respect to Unit NC-01 and Unit NC-01P.

(C) The map entitled “Roosevelt Natural Area Unit NC-05P” and dated March 18, 2016, with respect to Unit NC-05P.

(D) The map entitled “Hammocks Beach Unit NC-06/NC-06P (2 of 2) Onslow Beach Complex L05 (1 of 2)” and dated March 18, 2016, with respect to Unit L05.

(E) The map entitled “Onslow Beach Complex L05 (2 of 2) Topsail Unit L06 (1 of 2)” and dated November 20, 2013, with respect to Unit L05 and Unit L06.

(F) The map entitled “Topsail Unit L06 (2 of 2)” and dated November 20, 2013, with respect to Unit L06.

(G) The map entitled “Litchfield Beach Unit M02 Pawleys Inlet Unit M03” and dated March 18, 2016, with respect to Unit M02 and Unit M03.

(H) The map entitled “Fort Clinch Unit FL-01/FL-01P” and dated March 18, 2016, with respect to Unit FL-01 and Unit FL-01P.

(I) The map entitled “Usina Beach Unit P04A Conch Island Unit P05/P05P” and dated March 18, 2016, with respect to Unit P04A, Unit P05, and Unit P05P.

(J) The map entitled “Ponce Inlet Unit P08/P08P” and dated March 18, 2016, with respect to Unit P08 and Unit P08P.

(K) The map entitled “Spessard Holland Park Unit FL-13P Coconut Point Unit P09A/P09AP” and dated March 18, 2016, with respect to Unit FL-13P, Unit P09A, and Unit P09AP.

(L) The map entitled “Blue Hole Unit P10A Pepper Beach Unit FL-14P” and dated March 18, 2016, with respect to Unit P10A and Unit FL-14P.

(M) The map entitled “Hutchinson Island Unit P11/P11P (1 of 2)” and dated March 18, 2016, with respect to Unit P11 and Unit P11P.

(N) The map entitled “Hutchinson Island Unit P11 (2 of 2)” and dated March 18, 2016, with respect to Unit P11.

(O) The map entitled “Blowing Rocks Unit FL-15 Jupiter Beach Unit FL-16P Carlin Unit FL-17P” and dated March 18, 2016, with respect to Unit FL-15, Unit FL-16P, and Unit FL-17P.

(P) The map entitled “MacArthur Beach Unit FL-18P” and dated March 18, 2016, with respect to Unit FL-18P.

(Q) The map entitled “Birch Park Unit FL-19P” and dated March 18, 2016, with respect to Unit FL-19P.

(R) The map entitled “Lloyd Beach Unit FL-20P North Beach Unit P14A” and dated March 18, 2016, with respect to Unit FL-20P and Unit P14A.

(S) The map entitled “Tavernier Key Unit FL-39 Snake Creek Unit FL-40” and dated March 18, 2016, with respect to Unit FL-39 and Unit FL-40.

(T) The map entitled “Channel Key Unit FL-43 Toms Harbor Keys Unit FL-44 Deer/Long Point Keys Unit FL-

45” and dated March 18, 2016, with respect to Unit FL–43, Unit FL–44, and FL–45.

(U) The map entitled “Boot Key Unit FL–46” and dated March 18, 2016, with respect to Unit FL–46.

(V) The map entitled “Bowditch Point Unit P17A Bunche Beach Unit FL–67/FL–67P Sanibel Island Complex P18P (1 of 2)” and dated March 18, 2016, with respect to Unit P17A, Unit FL–67, and Unit FL–67P.

(W) The map entitled “Bocilla Island Unit P21/P21P” and dated March 18, 2016, with respect to Unit P21 and Unit P21P.

(X) The map entitled “Venice Inlet Unit FL–71P Casey Key Unit P22” and dated March 18, 2016, with respect to Unit P22.

(Y) The map entitled “Lido Key Unit FL–72P” and dated March 18, 2016, with respect to Unit FL–72P.

(Z) The map entitled “De Soto Unit FL–73P Rattlesnake Key Unit FL–78 Bishop Harbor Unit FL–82” and dated March 18, 2016, with respect to Unit FL–73P, Unit FL–78, and Unit FL–82.

(AA) The map entitled “Passage Key Unit FL–80P Egmont Key Unit FL–81/FL–81P The Reefs Unit P24P (1 of 2)” and dated March 18, 2016, with respect to Unit FL–80P, Unit FL–81, and Unit FL–81P.

(BB) The map entitled “Cockroach Bay Unit FL–83” and dated March 18, 2016, with respect to Unit FL–83.

(CC) The map entitled “Sand Key Unit FL–85P” and dated March 18, 2016, with respect to Unit FL–85P.

(DD) The map entitled “Pepperfish Keys Unit P26” and dated March 18, 2016, with respect to Unit P26.

(EE) The map entitled “Peninsula Point Unit FL–89” and dated March 18, 2016, with respect to Unit FL–89.

(FF) The map entitled “Phillips Inlet Unit FL–93/FL–93P Deer Lake Complex FL–94” and dated March 18, 2016, with respect to Unit FL–93, Unit FL–93P, and Unit FL–94.

(GG) The map entitled “St. Andrew Complex P31 (1 of 3)” and dated October 7, 2016, with respect to Unit P31.

(HH) The map entitled “St. Andrew Complex P31 (2 of 3)” and dated October 7, 2016, with respect to Unit P31.

(II) The map entitled “St. Andrew Complex P31/P31P (3 of 3)” and dated October 7, 2016, with respect to Unit P31 and Unit P31P.

(3) LIMITATIONS.—For purposes of paragraph (1)—

(A) nothing in this subsection affects the boundaries of any of Units NC–06 and NC–06P;

(B) the occurrence in paragraph (2) of the name of a Unit solely in the title of a map shall not be construed to be a reference to such Unit; and

(C) the depiction of boundaries of any of Units P18P, FL–71P, and P24P in a map referred to in subparagraph (V), (X), or (AA) of paragraph (2) shall not be construed to affect the boundaries of such Unit.

(4) CONFORMING AMENDMENT.—Section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is amended—

(A) in the matter preceding paragraph (1), by inserting “replaced,” after “may be”; and

(B) in paragraph (3), by inserting “replaces such a map or” after “that specifically”.

(b) DIGITAL MAPS OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM UNITS.—Section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)) is amended—

(1) by inserting before the first sentence the following:

“(1) IN GENERAL.—”; and

(2) by adding at the end the following:

“(2) DIGITAL MAPS.—

“(A) AVAILABILITY.—The Secretary shall make available to the public on the Internet web site of the United States Fish and Wildlife Service digital versions of the maps included in the set of maps referred to in subsection (a).

“(B) EFFECT.—Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps available under this paragraph, except that this subparagraph does not apply with respect to any printed version of such a digital map if the printed version is included in the maps referred to in subsection (a).

“(C) REPORT.—No later than 180 days after the date of the enactment of John D. Dingell, Jr. Conservation, Management, and Recreation Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report regarding the progress and challenges in the transition from paper to digital maps and a timetable for completion of the digitization of all maps related to the System.”.

(c) REPEAL OF REPORT.—Section 3 of Public Law 109–226 (16 U.S.C. 3503 note) is repealed.

TITLE VIII—WATER AND POWER

Subtitle A—Reclamation Title Transfer

43 USC 2901.

SEC. 8001. PURPOSE.

The purpose of this subtitle is to facilitate the transfer of title to Reclamation project facilities to qualifying entities on the completion of repayment of capital costs.

43 USC 2902.

SEC. 8002. DEFINITIONS.

In this subtitle:

(1) CONVEYED PROPERTY.—The term “conveyed property” means an eligible facility that has been conveyed to a qualifying entity under section 8003.

(2) ELIGIBLE FACILITY.—The term “eligible facility” means a facility that meets the criteria for potential transfer established under section 8004(a).

(3) FACILITY.—

(A) IN GENERAL.—The term “facility” includes a dam or appurtenant works, canal, lateral, ditch, gate, control

structure, pumping station, other infrastructure, recreational facility, building, distribution and drainage works, and associated land or interest in land or water.

(B) EXCLUSIONS.—The term “facility” does not include a Reclamation project facility, or a portion of a Reclamation project facility—

(i) that is a reserved works as of the date of enactment of this Act;

(ii) that generates hydropower marketed by a Federal power marketing administration; or

(iii) that is managed for recreation under a lease, permit, license, or other management agreement that does contribute to capital repayment.

(4) PROJECT USE POWER.—The term “project use power” means the electrical capacity, energy, and associated ancillary service components required to provide the minimum electrical service needed to operate or maintain Reclamation project facilities in accordance with the authorization for the Reclamation project.

(5) QUALIFYING ENTITY.—The term “qualifying entity” means an agency of a State or political subdivision of a State, a joint action or powers agency, a water users association, or an Indian Tribe or Tribal utility authority that—

(A) as of the date of conveyance under this subtitle, is the current operator of the eligible facility pursuant to a contract with Reclamation; and

(B) as determined by the Secretary, has the capacity to continue to manage the eligible facility for the same purposes for which the property has been managed under the reclamation laws.

(6) RECLAMATION.—The term “Reclamation” means the Bureau of Reclamation.

(7) RECLAMATION PROJECT.—The term “Reclamation project” means—

(A) any reclamation or irrigation project, including incidental features of the project—

(i) that is authorized by the reclamation laws;

(ii) that is constructed by the United States pursuant to the reclamation laws; or

(iii) in connection with which there is a repayment or water service contract executed by the United States pursuant to the reclamation laws; or

(B) any project constructed by the Secretary for the reclamation of land.

(8) RESERVED WORKS.—The term “reserved works” means any building, structure, facility, or equipment—

(A) that is owned by the Bureau; and

(B) for which operations and maintenance are performed, regardless of the source of funding—

(i) by an employee of the Bureau; or

(ii) through a contract entered into by the Commissioner.

(9) SECRETARY.—The term “Secretary” means the Secretary, acting through the Commissioner of Reclamation.

43 USC 2903.

SEC. 8003. AUTHORIZATION OF TRANSFERS OF TITLE TO ELIGIBLE FACILITIES.**(a) AUTHORIZATION.—**

(1) **IN GENERAL.**—Subject to the requirements of this subtitle, the Secretary, without further authorization from Congress, may, on application of a qualifying entity, convey to a qualifying entity all right, title, and interest of the United States in and to any eligible facility, if—

(A) not later than 90 days before the date on which the Secretary makes the conveyance, the Secretary submits to Congress—

(i) a written notice of the proposed conveyance; and

(ii) a description of the reasons for the conveyance; and

(B) a joint resolution disapproving the conveyance is not enacted before the date on which the Secretary makes the conveyance.

(2) **CONSULTATION.**—A conveyance under paragraph (1) shall be made by written agreement between the Secretary and the qualifying entity, developed in consultation with any existing water and power customers affected by the conveyance of the eligible facility.

(b) RESERVATION OF EASEMENT.—The Secretary may reserve an easement over a conveyed property if—

(1) the Secretary determines that the easement is necessary for the management of any interests retained by the Federal Government under this subtitle;

(2) the Reclamation project or a portion of the Reclamation project remains under Federal ownership; and

(3) the Secretary enters into an agreement regarding the easement with the applicable qualifying entity.

(c) INTERESTS IN WATER.—No interests in water shall be conveyed under this subtitle unless the conveyance is provided for in a separate, quantified agreement between the Secretary and the qualifying entity, subject to applicable State law and public process requirements.

43 USC 2904.

SEC. 8004. ELIGIBILITY CRITERIA.

(a) ESTABLISHMENT.—The Secretary shall establish criteria for determining whether a facility is eligible for conveyance under this subtitle.

(b) MINIMUM REQUIREMENTS.—

(1) **AGREEMENT OF QUALIFYING ENTITY.**—The criteria established under subsection (a) shall include a requirement that a qualifying entity shall agree—

(A) to accept title to the eligible facility;

(B) to use the eligible facility for substantially the same purposes for which the eligible facility is being used at the time the Secretary evaluates the potential transfer; and

(C) to provide, as consideration for the assets to be conveyed, compensation to the reclamation fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093), in an amount that is the equivalent of the net present value of any repayment obligation to the United States or other income stream that the United

States derives from the eligible facility to be transferred, as of the date of the transfer.

(2) DETERMINATIONS OF SECRETARY.—The criteria established under subsection (a) shall include a requirement that the Secretary shall—

(A) be able to enter into an agreement with the qualifying entity with respect to the legal, institutional, and financial arrangements relating to the conveyance;

(B) determine that the proposed transfer—

(i) would not have an unmitigated significant effect on the environment;

(ii) is consistent with the responsibilities of the Secretary—

(I) in the role as trustee for federally recognized Indian Tribes; and

(II) to ensure compliance with any applicable international and Tribal treaties and agreements and interstate compacts and agreements;

(iii) is in the financial interest of the United States;

(iv) protects the public aspects of the eligible facility, including water rights managed for public purposes, such as flood control or fish and wildlife;

(v) complies with all applicable Federal and State law; and

(vi) will not result in an adverse impact on fulfillment of existing water delivery obligations consistent with historical operations and applicable contracts; and

(C) if the eligible facility proposed to be transferred is a dam or diversion works (not including canals or other project features that receive or convey water from the diverting works) diverting water from a water body containing a species listed as a threatened species or an endangered species or critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), determine that—

(i) the eligible facility continues to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in a manner that provides no less protection to the listed species as existed under Federal ownership; and

(ii) the eligible facility is not part of the Central Valley Project in the State of California.

(3) STATUS OF RECLAMATION LAND.—The criteria established under subsection (a) shall require that any land to be conveyed out of Federal ownership under this subtitle is—

(A) land acquired by the Secretary; or

(B) land withdrawn by the Secretary, only if—

(i) the Secretary determines in writing that the withdrawn land is encumbered by facilities to the extent that the withdrawn land is unsuitable for return to the public domain; and

(ii) the qualifying entity agrees to pay fair market value based on historical or existing uses for the withdrawn land to be conveyed.

(c) HOLD HARMLESS.—No conveyance under this subtitle shall adversely impact applicable Federal power rates, repayment obligations, or other project power uses.

43 USC 2905.

SEC. 8005. LIABILITY.

(a) **IN GENERAL.**—Effective on the date of conveyance of any eligible facility under this subtitle, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the eligible facility, other than damages caused by acts of negligence committed by the United States or by agents or employees of the United States prior to the date of the conveyance.

(b) **EFFECT.**—Nothing in this section increases the liability of the United States beyond that currently provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

43 USC 2906.

SEC. 8006. BENEFITS.

After a conveyance of an eligible facility under this subtitle—

(1) the conveyed property shall no longer be considered to be part of a Reclamation project;

(2) except as provided in paragraph (3), the qualifying entity to which the conveyed property is conveyed shall not be eligible to receive any benefits, including project use power, with respect to the conveyed property, except for any benefit that would be available to a similarly situated entity with respect to property that is not a part of a Reclamation project; and

(3) the qualifying entity to which the conveyed property is conveyed may be eligible to receive project use power if—

(A) the qualifying entity is receiving project use power as of the date of enactment of this Act;

(B) the project use power will be used for the delivery of Reclamation project water; and

(C) the Secretary and the qualifying entity enter into an agreement under which the qualifying entity agrees to continue to be responsible for a proportionate share of operation and maintenance and capital costs for the Federal facilities that generate and deliver, if applicable, power used for delivery of Reclamation project water after the date of conveyance, in accordance with Reclamation project use power rates.

43 USC 2907.

SEC. 8007. COMPLIANCE WITH OTHER LAWS.

(a) **IN GENERAL.**—Before conveying an eligible facility under this subtitle, the Secretary shall comply with all applicable Federal environmental laws, including—

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

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

(3) subtitle III of title 54, United States Code.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that any Federal permitting and review processes required with respect to a conveyance of an eligible facility under this subtitle should be completed with the maximum efficiency and effectiveness.

Subtitle B—Endangered Fish Recovery Programs

SEC. 8101. EXTENSION OF AUTHORIZATION FOR ANNUAL BASE FUNDING OF FISH RECOVERY PROGRAMS; REMOVAL OF CERTAIN REPORTING REQUIREMENT.

Section 3(d) of Public Law 106–392 (114 Stat. 1604; 126 Stat. 2444) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—There is authorized to be appropriated to the Secretary to be used by the Bureau of Reclamation to make the annual base funding contributions to the Recovery Implementation Programs \$10,000,000 for each of fiscal years 2020 through 2023.

“(B) NONREIMBURSABLE FUNDS.—The funds contributed to the Recovery Implementation Programs under subparagraph (A) shall be considered a nonreimbursable Federal expenditure.”; and

(2) in paragraph (2), by striking the fourth, fifth, sixth, and seventh sentences.

SEC. 8102. REPORT ON RECOVERY IMPLEMENTATION PROGRAMS.

Section 3 of Public Law 106–392 (114 Stat. 1603; 126 Stat. 2444) is amended by adding at the end the following:

“(j) REPORT.—

“(1) IN GENERAL.—Not later than September 30, 2021, the Secretary shall submit to the appropriate committees of Congress a report that—

“(A) describes the accomplishments of the Recovery Implementation Programs;

“(B) identifies—

“(i) as of the date of the report, the listing status under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) of the Colorado pikeminnow, humpback chub, razorback sucker, and bonytail; and

“(ii) as of September 30, 2023, the projected listing status under that Act of each of the species referred to in clause (i);

“(C)(i) identifies—

“(I) the total expenditures and the expenditures by categories of activities by the Recovery Implementation Programs during the period beginning on the date on which the applicable Recovery Implementation Program was established and ending on September 30, 2021; and

“(II) projected expenditures by the Recovery Implementation Programs during the period beginning on October 1, 2021, and ending on September 30, 2023; and

“(ii) for purposes of the expenditures identified under clause (i), includes a description of—

“(I) any expenditures of appropriated funds;

“(II) any power revenues;

“(III) any contributions by the States, power customers, Tribes, water users, and environmental organizations; and

“(IV) any other sources of funds for the Recovery Implementation Programs; and

“(D) describes—

“(i) any activities to be carried out under the Recovery Implementation Program after September 30, 2023; and

“(ii) the projected cost of the activities described under clause (i).

“(2) CONSULTATION REQUIRED.—The Secretary shall consult with the participants in the Recovery Implementation Programs in preparing the report under paragraph (1).”.

Subtitle C—Yakima River Basin Water Enhancement Project

SEC. 8201. AUTHORIZATION OF PHASE III.

(a) DEFINITIONS.—In this section:

(1) INTEGRATED PLAN.—The term “Integrated Plan” means the Yakima River Basin Integrated Water Resource Management Plan, the Federal elements of which are known as “phase III of the Yakima River Basin Water Enhancement Project”, as described in the Bureau of Reclamation document entitled “Record of Decision for the Yakima River Basin Integrated Water Resource Management Plan Final Programmatic Environmental Impact Statement” and dated March 2, 2012.

(2) IRRIGATION ENTITY.—The term “irrigation entity” means a district, project, or State-recognized authority, board of control, agency, or entity located in the Yakima River basin that manages and delivers irrigation water to farms in the Yakima River basin.

(3) PRORATABLE IRRIGATION ENTITY.—The term “proratable irrigation entity” means an irrigation entity that possesses, or the members of which possess, proratable water (as defined in section 1202 of Public Law 103–434 (108 Stat. 4551)).

(4) STATE.—The term “State” means the State of Washington.

(5) TOTAL WATER SUPPLY AVAILABLE.—The term “total water supply available” has the meaning given the term in applicable civil actions, as determined by the Secretary.

(6) YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.—The term “Yakima River Basin Water Enhancement Project” means the Yakima River basin water enhancement project authorized by Congress pursuant to title XII of Public Law 103–434 (108 Stat. 4550; 114 Stat. 1425) and other Acts (including Public Law 96–162 (93 Stat. 1241), section 109 of Public Law 98–381 (16 U.S.C. 839b note), and Public Law 105–62 (111 Stat. 1320)) to promote water conservation, water supply, habitat, and stream enhancement improvements in the Yakima River basin.

(b) INTEGRATED PLAN.—

(1) INITIAL DEVELOPMENT PHASE.—

(A) IN GENERAL.—As the initial development phase of the Integrated Plan, the Secretary, in coordination with

the State and the Yakama Nation, shall identify and implement projects under the Integrated Plan that are prepared to be commenced during the 10-year period beginning on the date of enactment of this Act.

(B) REQUIREMENT.—The initial development phase of the Integrated Plan under subparagraph (A) shall be carried out in accordance with—

(i) this subsection, including any related plans, reports, and correspondence referred to in this subsection; and

(ii) title XII of Public Law 103-434 (108 Stat. 4550; 114 Stat. 1425).

(2) INTERMEDIATE AND FINAL DEVELOPMENT PHASES.—

(A) PLANS.—The Secretary, in coordination with the State and the Yakama Nation, shall develop plans for the intermediate and final development phases of the Integrated Plan to achieve the purposes of title XII of Public Law 103-434 (108 Stat. 4550; 114 Stat. 1425), including conducting applicable feasibility studies, environmental reviews, and other relevant studies required to develop those plans.

(B) INTERMEDIATE DEVELOPMENT PHASE.—The Secretary, in coordination with the State and the Yakama Nation, shall develop an intermediate development phase of the Integrated Plan, to commence not earlier than the date that is 10 years after the date of enactment of this Act.

(C) FINAL DEVELOPMENT PHASE.—The Secretary, in coordination with the State and the Yakama Nation, shall develop a final development phase of the Integrated Plan, to commence not earlier than the date that is 20 years after the date of enactment of this Act.

(3) REQUIREMENTS.—The projects and activities identified by the Secretary for implementation under the Integrated Plan shall be carried out only—

(A) subject to authorization and appropriation;

(B) contingent on the completion of applicable feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development;

(C) on public review and a determination by the Secretary that design, construction, and operation of a proposed project or activity is in the best interest of the public; and

(D) in accordance with applicable laws, including—

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

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

(4) EFFECT OF SUBSECTION.—Nothing in this subsection—

(A) shall be considered to be a new or supplemental benefit for purposes of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.);

(B) affects—

(i) any contract in existence on the date of enactment of this Act that was executed pursuant to the reclamation laws; or

(ii) any contract or agreement between the Bureau of Indian Affairs and the Bureau of Reclamation;

(C) affects, waives, abrogates, diminishes, defines, or interprets any treaty between the Yakama Nation and the United States; or

(D) constrains the authority of the Secretary to provide fish passage in the Yakima River basin, in accordance with the Hoover Power Plant Act of 1984 (43 U.S.C. 619 et seq.).

(5) PROGRESS REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary, in conjunction with the State and in consultation with the Yakama Nation, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a progress report on the development and implementation of the Integrated Plan.

(c) FINANCING, CONSTRUCTION, OPERATION, AND MAINTENANCE OF KACHESS DROUGHT RELIEF PUMPING PLANT AND KEECHELUS TO KACHESS PIPELINE.—

(1) LONG-TERM AGREEMENTS.—

(A) IN GENERAL.—A long-term agreement negotiated pursuant to this section or the reclamation laws between the Secretary and a participating proratable irrigation entity in the Yakima River basin for the non-Federal financing, construction, operation, or maintenance of the Drought Relief Pumping Plant or the Keechelus to Kachess Pipeline shall include provisions regarding—

(i) responsibilities of each participating proratable irrigation entity for—

(I) the planning, design, and construction of infrastructure, in consultation and coordination with the Secretary; and

(II) the pumping and operational costs necessary to provide the total water supply available that is made inaccessible due to drought pumping during any preceding calendar year, if the Kachess Reservoir fails to refill as a result of pumping drought storage water during such a calendar year;

(ii) property titles and responsibilities of each participating proratable irrigation entity for the maintenance of, and liability for, all infrastructure constructed under title XII of Public Law 103–434 (108 Stat. 4550; 114 Stat. 1425);

(iii) operation and integration of the projects by the Secretary in the operation of the Yakima Project; and

(iv) costs associated with the design, financing, construction, operation, maintenance, and mitigation of projects, with the costs of Federal oversight and review to be nonreimbursable to the participating proratable irrigation entities and the Yakima Project.

(B) TREATMENT.—A facility developed or operated by a participating proratable irrigation entity under this subsection shall not be considered to be a supplemental work for purposes of section 9(a) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(a)).

(2) KACHESS RESERVOIR.—

(A) IN GENERAL.—Any additional stored water made available by the construction of a facility to access and deliver inactive and natural storage in Kachess Lake and Reservoir under this subsection—

- (i) shall be considered to be Yakima Project water;
- (ii) shall be used exclusively by the Secretary to enhance the water supply during years for which the total water supply available is not sufficient to provide a percentage of proratable entitlements in order to make that additional water available, in a quantity representing not more than 70 percent of proratable entitlements to the Kittitas Reclamation District, the Roza Irrigation District, or any other proratable irrigation entity participating in the construction, operation, or maintenance costs of a facility under this section, in accordance with such terms and conditions as the districts may agree, subject to the conditions that—

(I) the Bureau of Indian Affairs, the Wapato Irrigation Project, and the Yakama Nation, on an election to participate, may also obtain water from Kachess Reservoir inactive storage to enhance applicable existing irrigation water supply in accordance with such terms and conditions as the Bureau of Indian Affairs and the Yakama Nation may agree; and

(II) the additional supply made available under this clause shall be available to participating individuals and entities based on—

(aa) the proportion that—

(AA) the proratable entitlement of each participating individual or entity; bears to

(BB) the proratable entitlements of all participating individuals and entities; or

(bb) such other proportion as the participating entities may agree; and

(iii) shall not be any portion of the total water supply available.

(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects, as in existence on the date of enactment of this Act, any—

- (i) contract;
- (ii) law (including regulations) relating to repayment costs;
- (iii) water rights; or
- (iv) treaty right of the Yakama Nation.

(3) PROJECT POWER FOR KACHESS PUMPING PLANT.—

(A) IN GENERAL.—Subject to subparagraphs (B) through (D), the Administrator of the Bonneville Power Administration, pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), shall provide to the Secretary project power to operate the Kachess Pumping Plant constructed under this section if inactive storage in the Kachess Reservoir is needed to provide drought relief for irrigation.

(B) DETERMINATIONS BY SECRETARY.—The project power described in subparagraph (A) may be provided only if the Secretary determines that—

(i) there are in effect—

(I) a drought declaration issued by the State; and

(II) conditions that have led to 70 percent or lower water delivery to proratable irrigation districts; and

(ii) it is appropriate to provide the power under that subparagraph.

(C) PERIOD OF AVAILABILITY.—The power described in subparagraph (A) shall be provided during the period—

(i) beginning on the date on which the Secretary makes the determinations described in subparagraph (B); and

(ii) ending on the earlier of—

(I) the date that is 1 year after that date; and

(II) the date on which the Secretary determines that—

(aa) drought mitigation measures are still necessary in the Yakima River basin; or

(bb) the power should no longer be provided for any other reason.

(D) RATE.—

(i) IN GENERAL.—The Administrator of the Bonneville Power Administration shall provide project power under subparagraph (A) at the then-applicable lowest Bonneville Power Administration rate for public body, cooperative, and Federal agency customer firm obligations on the date on which the authority is provided.

(ii) NO DISCOUNTS.—The rate under clause (i) shall not include any irrigation discount.

(E) LOCAL PROVIDER.—During any period for which project power is not provided under subparagraph (A), the Secretary shall obtain power to operate the Kachess Pumping Plant from a local provider.

(F) OTHER COSTS.—The cost of power for pumping and station service, and the costs of transmitting power from the Federal Columbia River power system to the pumping facilities of the Yakima River Basin Water Enhancement Project, shall be borne by the irrigation districts receiving the benefits of the applicable water.

(G) DUTIES OF COMMISSIONER.—For purposes of this paragraph, the Commissioner of Reclamation shall arrange transmission for any delivery of—

(i) Federal power over the Bonneville system through applicable tariff and business practice processes of that system; or

(ii) power obtained from any local provider.

(d) DESIGN AND USE OF GROUNDWATER RECHARGE PROJECTS.—The Secretary, in coordination with the State and the Yakama Nation, may provide technical assistance for, participate in, and enter into agreements, including with irrigation entities for the use of excess conveyance capacity in Yakima River Basin Water Enhancement Project facilities, for—

- (1) groundwater recharge projects; and
- (2) aquifer storage and recovery projects.

(e) OPERATIONAL CONTROL OF WATER SUPPLIES.—

(1) IN GENERAL.—The Secretary shall retain authority and discretion over the management of Yakima River Basin Water Enhancement Project supplies—

(A) to optimize operational use and flexibility; and

(B) to ensure compliance with all applicable Federal and State laws, treaty rights of the Yakama Nation, and legal obligations, including those under title XII of Public Law 103–434 (108 Stat. 4550; 114 Stat. 1425).

(2) INCLUSION.—The authority and discretion described in paragraph (1) shall include the ability of the United States to store, deliver, conserve, and reuse water supplies deriving from projects authorized under title XII of Public Law 103–434 (108 Stat. 4550; 114 Stat. 1425).

(f) COOPERATIVE AGREEMENTS AND GRANTS.—The Secretary may enter into cooperative agreements and make grants to carry out this section, including for the purposes of land and water transfers, leases, and acquisitions from willing participants, subject to the condition that the acquiring entity shall hold title to, and be responsible for, all required operation, maintenance, and management of the acquired land or water during any period in which the acquiring entity holds title to the acquired land.

(g) WATER CONSERVATION PROJECTS.—The Secretary may participate in, provide funding for, and accept non-Federal financing for water conservation projects, regardless of whether the projects are in accordance with the Yakima River Basin Water Conservation Program established under section 1203 of Public Law 103–434 (108 Stat. 4551), that are intended to partially implement the Integrated Plan by providing conserved water to improve tributary and mainstem stream flow.

(h) INDIAN IRRIGATION PROJECTS.—

(1) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, may contribute funds for the preparation of plans and investigation measures, and, after the date on which the Secretary certifies that the measures are consistent with the water conservation objectives of this section, to any Indian irrigation project—

(A) that is located in the Pacific Northwest Region;

(B) that is identified in the report of the Government Accountability Office numbered GAO–15–453T;

(C) that has been identified as part of a Bureau of Reclamation basin study pursuant to subtitle F of title IX of Public Law 111–11 (42 U.S.C. 10361 et seq.) to increase water supply for the Pacific Northwest Region; and

(D) an improvement to which would contribute to the flow of interstate water.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$75,000,000.

SEC. 8202. MODIFICATION OF PURPOSES AND DEFINITIONS.

(a) PURPOSES.—Section 1201 of Public Law 103–434 (108 Stat. 4550) is amended—

- (1) by striking paragraph (1) and inserting the following:

“(1) to protect, mitigate, and enhance fish and wildlife and the recovery and maintenance of self-sustaining harvestable populations of fish and other aquatic life, both anadromous and resident species, throughout their historic distribution range in the Yakima Basin through—

“(A) improved water management and the constructions of fish passage at storage and diversion dams, as authorized under the Hoover Power Plant Act of 1984 (43 U.S.C. 619 et seq.);

“(B) improved instream flows and water supplies;

“(C) improved water quality, watershed, and ecosystem function;

“(D) protection, creation, and enhancement of wetlands; and

“(E) other appropriate means of habitat improvement.”;

(2) in paragraph (2), by inserting “, municipal, industrial, and domestic water supply and use purposes, especially during drought years, including reducing the frequency and severity of water supply shortages for pro-ratable irrigation entities” before the semicolon at the end;

(3) by striking paragraph (4);

(4) by redesignating paragraph (3) as paragraph (4);

(5) by inserting after paragraph (2) the following:

“(3) to authorize the Secretary to make water available for purchase or lease for meeting municipal, industrial, and domestic water supply purposes;”;

(6) by redesignating paragraphs (5) and (6) as paragraphs (6) and (8), respectively;

(7) by inserting after paragraph (4) (as redesignated by paragraph (4)) the following:

“(5) to realize sufficient water savings from implementing the Yakima River Basin Integrated Water Resource Management Plan, so that not less than 85,000 acre feet of water savings are achieved by implementing the initial development phase of the Integrated Plan pursuant to section 8201(b)(1) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, in addition to the 165,000 acre-feet of water savings targeted through the Basin Conservation Program, as authorized on October 31, 1994;”;

(8) in paragraph (6) (as redesignated by paragraph (6))—

(A) by inserting “an increase in” before “voluntary”; and

(B) by striking “and” at the end;

(9) by inserting after paragraph (6) (as so redesignated) the following:

“(7) to encourage an increase in the use of, and reduce the barriers to, water transfers, leasing, markets, and other voluntary transactions among public and private entities to enhance water management in the Yakima River basin;”;

(10) in paragraph (8) (as so redesignated), by striking the period at the end and inserting “; and”; and

(11) by adding at the end the following:

“(9) to improve the resilience of the ecosystems, economies, and communities in the Yakima River basin facing drought, hydrologic changes, and other related changes and variability in natural and human systems, for the benefit of the people, fish, and wildlife of the region.”.

(b) **DEFINITIONS.**—Section 1202 of Public Law 103-434 (108 Stat. 4550) is amended—

(1) by redesignating paragraphs (6), (7), (8), (9), (10), (11), (12), (13), and (14) as paragraphs (8), (10), (11), (12), (13), (14), (15), (17), and (18), respectively;

(2) by inserting after paragraph (5) the following:

“(6) **DESIGNATED FEDERAL OFFICIAL.**—The term ‘designated Federal official’ means the Commissioner of Reclamation (or a designee), acting pursuant to the charter of the Conservation Advisory Group.

“(7) **INTEGRATED PLAN.**—The term ‘Integrated Plan’ has the meaning given the term in section 8201(a) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, to be carried out in cooperation with, and in addition to, activities of the State of Washington and the Yakama Nation.”;

(3) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:

“(9) **MUNICIPAL, INDUSTRIAL, AND DOMESTIC WATER SUPPLY AND USE.**—The term ‘municipal, industrial, and domestic water supply and use’ means the supply and use of water for—

“(A) domestic consumption (whether urban or rural);

“(B) maintenance and protection of public health and safety;

“(C) manufacture, fabrication, processing, assembly, or other production of a good or commodity;

“(D) production of energy;

“(E) fish hatcheries; or

“(F) water conservation activities relating to a use described in subparagraphs (A) through (E).”; and

(4) by inserting after paragraph (15) (as so redesignated) the following:

“(16) **YAKIMA ENHANCEMENT PROJECT; YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.**—The terms ‘Yakima Enhancement Project’ and ‘Yakima River Basin Water Enhancement Project’ mean the Yakima River basin water enhancement project authorized by Congress pursuant to this Act and other Acts (including Public Law 96-162 (93 Stat. 1241), section 109 of Public Law 98-381 (16 U.S.C. 839b note; 98 Stat. 1340), Public Law 105-62 (111 Stat. 1320), and Public Law 106-372 (114 Stat. 1425)) to promote water conservation, water supply, habitat, and stream enhancement improvements in the Yakima River basin.”.

SEC. 8203. YAKIMA RIVER BASIN WATER CONSERVATION PROGRAM.

Section 1203 of Public Law 103-434 (108 Stat. 4551) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the second sentence, by striking “title” and inserting “section”; and

(ii) in the third sentence, by striking “within 5 years of the date of enactment of this Act”; and

(B) in paragraph (2), by striking “irrigation” and inserting “the number of irrigated acres”;

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in each of subparagraphs (A) through (D), by striking the comma at the end of the subparagraph and inserting a semicolon;

(ii) in subparagraph (E), by striking the comma at the end and inserting “; and”;

(iii) in subparagraph (F), by striking “Department of Wildlife of the State of Washington, and” and inserting “Department of Fish and Wildlife of the State of Washington.”; and

(iv) by striking subparagraph (G);

(B) in paragraph (3)—

(i) in each of subparagraphs (A) through (C), by striking the comma at the end of the subparagraph and inserting a semicolon;

(ii) in subparagraph (D), by striking “, and” at the end and inserting a semicolon;

(iii) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(F) provide recommendations to advance the purposes and programs of the Yakima Enhancement Project, including the Integrated Plan.”; and

(C) by striking paragraph (4) and inserting the following:

“(4) AUTHORITY OF DESIGNATED FEDERAL OFFICIAL.—The designated Federal official may—

“(A) arrange and provide logistical support for meetings of the Conservation Advisory Group;

“(B) use a facilitator to serve as a moderator for meetings of the Conservation Advisory Group or provide additional logistical support; and

“(C) grant any request for a facilitator by any member of the Conservation Advisory Group.”;

(3) in subsection (d), by adding at the end the following:

“(4) PAYMENT OF LOCAL SHARE BY STATE OR FEDERAL GOVERNMENT.—

“(A) IN GENERAL.—The State or the Federal Government may fund not more than the 17.5-percent local share of the costs of the Basin Conservation Program in exchange for the long-term use of conserved water, subject to the requirement that the funding by the Federal Government of the local share of the costs shall provide a quantifiable public benefit in meeting Federal responsibilities in the Yakima River basin and the purposes of this title.

“(B) USE OF CONSERVED WATER.—The Yakima Project Manager may use water resulting from conservation measures taken under this title, in addition to water that the Bureau of Reclamation may acquire from any willing seller through purchase, donation, or lease, for water management uses pursuant to this title.”;

(4) in subsection (e), by striking the first sentence and inserting the following: “To participate in the Basin Conservation Program, as described in subsection (b), an entity shall submit to the Secretary a proposed water conservation plan.”;

(5) in subsection (i)(3)—

(A) by striking “purchase or lease” each place it appears and inserting “purchase, lease, or management”; and

(B) in the third sentence, by striking “made immediately upon availability” and all that follows through “Committee” and inserting “continued as needed to provide water to be used by the Yakima Project Manager as recommended by the System Operations Advisory Committee and the Conservation Advisory Group”; and

(6) in subsection (j)(4), in the first sentence, by striking “initial acquisition” and all that follows through “flushing flows” and inserting “acquisition of water from willing sellers or lessors specifically to provide improved instream flows for anadromous and resident fish and other aquatic life, including pulse flows to facilitate outward migration of anadromous fish”.

SEC. 8204. YAKIMA BASIN WATER PROJECTS, OPERATIONS, AND AUTHORIZATIONS.

(a) REDESIGNATION OF YAKAMA NATION.—Section 1204(g) of Public Law 103–434 (108 Stat. 4557) is amended—

16 USC 544 note.

(1) by striking the subsection designation and heading and all that follows through paragraph (1) and inserting the following:

“(g) REDESIGNATION OF YAKAMA INDIAN NATION TO YAKAMA NATION.—

“(1) REDESIGNATION.—The Confederated Tribes and Bands of the Yakama Indian Nation shall be known and designated as the ‘Confederated Tribes and Bands of the Yakama Nation’.”; and

(2) in paragraph (2), by striking “deemed to be a reference to the ‘Confederated Tribes and Bands of the Yakama Indian Nation’.” and inserting “deemed to be a reference to the ‘Confederated Tribes and Bands of the Yakama Nation’.”.

(b) OPERATION OF YAKIMA BASIN PROJECTS.—Section 1205 of Public Law 103–434 (108 Stat. 4557) is amended—

(1) in subsection (a)(4)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by inserting “additional” after “secure”;

(II) by striking “flushing” and inserting “pulse”; and

(III) by striking “uses” and inserting “uses, in addition to the quantity of water provided under the treaty between the Yakama Nation and the United States”;

(ii) by striking clause (ii);

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

(iv) in clause (ii) (as so redesignated) by inserting “and water rights mandated” after “goals”; and

(B) in subparagraph (B)(i), in the first sentence, by inserting “in proportion to the funding received” after “Program”;

(2) in subsection (b), in the second sentence, by striking “instream flows for use by the Yakima Project Manager as flushing flows or as otherwise” and inserting “fishery purposes, as”; and

(3) in subsection (e), by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Additional purposes of the Yakima Project shall be any of the following:

“(A) To recover and maintain self-sustaining harvestable populations of native fish, both anadromous and resident species, throughout their historic distribution range in the Yakima River basin.

“(B) To protect, mitigate, and enhance aquatic life and wildlife.

“(C) Recreation.

“(D) Municipal, industrial, and domestic use.”.

(c) ENHANCEMENT OF WATER SUPPLIES FOR YAKIMA BASIN TRIBUTARIES.—Section 1207 of Public Law 103-434 (108 Stat. 4560) is amended—

(1) in the section heading, by striking “SUPPLIES” and inserting “MANAGEMENT”;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “supplies” and inserting “management”;

(B) in paragraph (1), by inserting “and water supply entities” after “owners”; and

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting “that choose not to participate in, or opt out of, tributary enhancement projects pursuant to this section” after “water right owners”; and

(ii) in subparagraph (B), by inserting “nonparticipating” before “tributary water users”;

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking the paragraph designation and all that follows through “(but not limited to)—” and inserting the following:

“(1) IN GENERAL.—The Secretary, following consultation with the State of Washington, tributary water right owners, and the Yakama Nation, and on agreement of appropriate water right owners, is authorized to conduct studies to evaluate measures to further Yakima Project purposes on tributaries to the Yakima River. Enhancement programs that use measures authorized by this subsection may be investigated and implemented by the Secretary in tributaries to the Yakima River, including Taneum Creek, other areas, or tributary basins that currently or could potentially be provided supplemental or transfer water by entities, such as the Kittitas Reclamation District or the Yakima-Tieton Irrigation District, subject to the condition that activities may commence on completion of applicable and required feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development, as appropriate. Measures to evaluate include—”;

(ii) by indenting subparagraphs (A) through (F) appropriately;

(iii) in subparagraph (A), by inserting before the semicolon at the end the following: “, including irrigation efficiency improvements (in coordination with programs of the Department of Agriculture), consolidation of diversions or administration, and diversion scheduling or coordination”;

(iv) by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively;

(v) by inserting after subparagraph (B) the following:

“(C) improvements in irrigation system management or delivery facilities within the Yakima River basin when those improvements allow for increased irrigation system conveyance and corresponding reduction in diversion from tributaries or flow enhancements to tributaries through direct flow supplementation or groundwater recharge;

“(D) improvements of irrigation system management or delivery facilities to reduce or eliminate excessively high flows caused by the use of natural streams for conveyance or irrigation water or return water;”;

(vi) in subparagraph (E) (as redesignated by clause (iv)), by striking “ground water” and inserting “groundwater recharge and”;

(vii) in subparagraph (G) (as so redesignated), by inserting “or transfer” after “purchase”; and

(viii) in subparagraph (H) (as so redesignated), by inserting “stream processes and” before “stream habitats”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “the Taneum Creek study” and inserting “studies under this subsection”;

(ii) in subparagraph (B)—

(I) by striking “and economic” and inserting “, infrastructure, economic, and land use”; and

(II) by striking “and” at the end;

(iii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(D) any related studies already underway or undertaken.”; and

(C) in paragraph (3), in the first sentence, by inserting “of each tributary or group of tributaries” after “study”;

(4) in subsection (c)—

(A) in the subsection heading, by inserting “AND NON-SURFACE STORAGE” after “NONSTORAGE”; and

(B) in the matter preceding paragraph (1), by inserting “and nonsurface storage” after “nonstorage”;

(5) by striking subsection (d);

(6) by redesignating subsection (e) as subsection (d); and

(7) in paragraph (2) of subsection (d) (as so redesignated)—

(A) in the first sentence—

(i) by inserting “and implementation” after “investigation”;

(ii) by striking “other” before “Yakima River”; and

(iii) by inserting “and other water supply entities” after “owners”; and

(B) by striking the second sentence.

(d) CHANDLER PUMPING PLANT AND POWERPLANT-OPERATIONS AT PROSSER DIVERSION DAM.—Section 1208(d) of Public Law 103-434 (108 Stat. 4562; 114 Stat. 1425) is amended by inserting “negatively” before “affected”.

Subtitle D—Bureau of Reclamation Facility Conveyances

SEC. 8301. CONVEYANCE OF MAINTENANCE COMPLEX AND DISTRICT OFFICE OF THE ARBUCKLE PROJECT, OKLAHOMA.

(a) **DEFINITIONS.**—In this section:

(1) **AGREEMENT.**—The term “Agreement” means the agreement entitled “Agreement between the United States and the Arbuckle Master Conservancy District for Transferring Title to the Federally Owned Maintenance Complex and District Office to the Arbuckle Master Conservancy District” and numbered 14AG640141.

(2) **DISTRICT.**—The term “District” means the Arbuckle Master Conservancy District, located in Murray County, Oklahoma.

(3) **DISTRICT OFFICE.**—The term “District Office” means—

(A) the headquarters building located at 2440 East Main, Davis, Oklahoma; and

(B) the approximately 0.83 acres of land described in the Agreement.

(4) **MAINTENANCE COMPLEX.**—The term “Maintenance Complex” means the caretaker’s residence, shop buildings, and any appurtenances located on the land described in the Agreement comprising approximately 2 acres.

(b) **CONVEYANCE TO DISTRICT.**—As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the District, all right, title, and interest of the United States in and to the Maintenance Complex and District Office, Arbuckle Project, Oklahoma, consistent with the terms and conditions of the Agreement.

(c) **LIABILITY.**—

(1) **IN GENERAL.**—Effective on the date of conveyance to the District of the Maintenance Complex and District Office under this section, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the Maintenance Complex or District Office, except for damages caused by acts of negligence committed by the United States or by an employee or agent of the United States prior to the date of conveyance.

(2) **APPLICABLE LAW.**—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), on the date of enactment of this Act.

(d) **BENEFITS.**—After the conveyance of the Maintenance Complex and District Office to the District under this section—

(1) the Maintenance Complex and District Office shall not be considered to be a part of a Federal reclamation project; and

(2) the District shall not be eligible to receive any benefits with respect to any facility comprising that Maintenance Complex and District Office, other than benefits that would be available to a similarly situated person with respect to a facility that is not part of a Federal reclamation project.

(e) **COMMUNICATION.**—If the Secretary has not completed the conveyance required under subsection (b) by the date that is 1

year after the date of enactment of this Act, the Secretary shall submit to Congress a letter with sufficient detail that—

- (1) explains the reasons the conveyance has not been completed; and
- (2) specifies the date by which the conveyance will be completed.

SEC. 8302. CONTRA COSTA CANAL TRANSFER.

(a) **DEFINITIONS.**—In this section:

(1) **ACQUIRED LAND.**—The term “acquired land” means land in Federal ownership and land over which the Federal Government holds an interest for the purpose of the construction and operation of the Contra Costa Canal, including land under the jurisdiction of—

- (A) the Bureau of Reclamation;
- (B) the Western Area Power Administration; and
- (C) the Department of Defense in the case of the Clayton Canal diversion traversing the Concord Naval Weapons Station.

(2) **CONTRA COSTA CANAL.**—

(A) **IN GENERAL.**—The term “Contra Costa Canal” means the Contra Costa Canal Unit of the Central Valley Project, which exclusively serves the Contra Costa Water District in an urban area of Contra Costa County, California.

(B) **INCLUSIONS.**—The term “Contra Costa Canal” includes pipelines, conduits, pumping plants, aqueducts, laterals, water storage and regulatory facilities, electric substations, related works and improvements, and all interests in land associated with the Contra Costa Canal Unit of the Central Valley Project in existence on the date of enactment of this Act.

(C) **EXCLUSION.**—The term “Contra Costa Canal” does not include the Rock Slough fish screen facility.

(3) **CONTRA COSTA CANAL AGREEMENT.**—The term “Contra Costa Canal Agreement” means an agreement between the District and the Bureau of Reclamation to determine the legal, institutional, and financial terms surrounding the transfer of the Contra Costa Canal, including compensation to the reclamation fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093), equal to the net present value of miscellaneous revenues that the United States would otherwise derive over the 10 years following the date of enactment of this Act from the eligible land and facilities to be transferred, as governed by reclamation law and policy and the contracts.

(4) **CONTRACTS.**—The term “contracts” means the existing water service contract between the District and the United States, Contract No. 175r-3401A-LTR1 (2005), Contract No. 14-06-200-6072A (1972, as amended), and any other contract or land permit involving the United States, the District, and Contra Costa Canal.

(5) **DISTRICT.**—The term “District” means the Contra Costa Water District, a political subdivision of the State of California.

(6) **ROCK SLOUGH FISH SCREEN FACILITY.**—

(A) IN GENERAL.—The term “Rock Slough fish screen facility” means the fish screen facility at the Rock Slough intake to the Contra Costa Canal.

(B) INCLUSIONS.—The term “Rock Slough fish screen facility” includes the screen structure, rake cleaning system, and accessory structures integral to the screen function of the Rock Slough fish screen facility, as required under the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706).

(7) ROCK SLOUGH FISH SCREEN FACILITY TITLE TRANSFER AGREEMENT.—The term “Rock Slough fish screen facility title transfer agreement” means an agreement between the District and the Bureau of Reclamation to—

(A) determine the legal, institutional, and financial terms surrounding the transfer of the Rock Slough fish screen facility; and

(B) ensure the continued safe and reliable operations of the Rock Slough fish screen facility.

(b) CONVEYANCE OF LAND AND FACILITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in consideration for the District assuming from the United States all liability for the administration, operation, maintenance, and replacement of the Contra Costa Canal, consistent with the terms and conditions set forth in the Contra Costa Canal Agreement and subject to valid existing rights and existing recreation agreements between the Bureau of Reclamation and the East Bay Regional Park District for Contra Loma Regional Park and other local agencies within the Contra Costa Canal, the Secretary shall offer to convey and assign to the District—

(A) all right, title, and interest of the United States in and to—

(i) the Contra Costa Canal; and

(ii) the acquired land; and

(B) all interests reserved and developed as of the date of enactment of this Act for the Contra Costa Canal in the acquired land, including existing recreation agreements between the Bureau of Reclamation and the East Bay Regional Park District for Contra Loma Regional Park and other local agencies within the Contra Costa Canal.

(2) ROCK SLOUGH FISH SCREEN FACILITY.—

(A) IN GENERAL.—The Secretary shall convey and assign to the District all right, title, and interest of the United States in and to the Rock Slough fish screen facility pursuant to the Rock Slough fish screen facility title transfer agreement.

(B) COOPERATION.—Not later than 180 days after the conveyance of the Contra Costa Canal, the Secretary and the District shall enter into good faith negotiations to accomplish the conveyance and assignment under subparagraph (A).

(3) PAYMENT OF COSTS.—The District shall pay to the Secretary any administrative and real estate transfer costs incurred by the Secretary in carrying out the conveyances and assignments under paragraphs (1) and (2), including the cost of any boundary survey, title search, cadastral survey,

appraisal, and other real estate transaction required for the conveyances and assignments.

(4) COMPLIANCE WITH ENVIRONMENTAL LAWS.—

(A) IN GENERAL.—Before carrying out the conveyances and assignments under paragraphs (1) and (2), the Secretary shall comply with all applicable requirements under—

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

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

(iii) any other law applicable to the Contra Costa Canal or the acquired land.

(B) EFFECT.—Nothing in this section modifies or alters any obligations under—

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

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

(c) RELATIONSHIP TO EXISTING CENTRAL VALLEY PROJECT CONTRACTS.—

(1) IN GENERAL.—Nothing in this section affects—

(A) the application of the reclamation laws to water delivered to the District pursuant to any contract with the Secretary; or

(B) subject to paragraph (2), the contracts.

(2) AMENDMENTS TO CONTRACTS.—The Secretary and the District may modify the contracts as necessary to comply with this section.

(3) LIABILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the Contra Costa Canal or the acquired land.

(B) EXCEPTION.—The United States shall continue to be liable for damages caused by acts of negligence committed by the United States or by any employee or agent of the United States before the date of the conveyance and assignment under subsection (b)(1), consistent with chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(C) LIMITATION.—Nothing in this section increases the liability of the United States beyond the liability provided under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(d) REPORT.—If the conveyance and assignment authorized by subsection (b)(1) is not completed by the date that is 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(1) describes the status of the conveyance and assignment;

(2) describes any obstacles to completing the conveyance and assignment; and

(3) specifies an anticipated date for completion of the conveyance and assignment.

Subtitle E—Project Authorizations

SEC. 8401. EXTENSION OF EQUUS BEDS DIVISION OF THE WICHITA PROJECT.

Section 10(h) of Public Law 86–787 (74 Stat. 1026; 120 Stat. 1474) is amended by striking “10 years” and inserting “20 years”.

Subtitle F—Modifications of Existing Programs

SEC. 8501. WATERSMART.

Section 9504 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364) is amended in subsection (a)—

(1) in paragraph (2)(A)—

(A) by striking “within the States” and inserting the following: “within—

“(i) the States”;

(B) in clause (i) (as so designated), by striking “and” at the end; and

(C) by adding at the end the following:

“(ii) the State of Alaska; or

“(iii) the State of Hawaii; and”; and

(2) in paragraph (3)(B)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately;

(B) in the matter preceding subclause (I) (as so redesignated), by striking “In carrying” and inserting the following:

“(i) IN GENERAL.—Except as provided in clause (ii), in carrying”; and

(C) by adding at the end the following:

“(ii) INDIAN TRIBES.—In the case of an eligible applicant that is an Indian tribe, in carrying out paragraph (1), the Secretary shall not provide a grant, or enter into an agreement, for an improvement to conserve irrigation water unless the Indian tribe agrees not—

“(I) to use any associated water savings to increase the total irrigated acreage more than the water right of that Indian tribe, as determined by—

“(aa) a court decree;

“(bb) a settlement;

“(cc) a law; or

“(dd) any combination of the authorities described in items (aa) through (cc); or

“(II) to otherwise increase the consumptive use of water more than the water right of the Indian tribe described in subclause (I).”.

Subtitle G—Bureau of Reclamation Transparency

SEC. 8601. DEFINITIONS.

43 USC 505a.

In this part:

(1) **ASSET.**—

(A) **IN GENERAL.**—The term “asset” means any of the following assets that are used to achieve the mission of the Bureau to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the people of the United States:

(i) Capitalized facilities, buildings, structures, project features, power production equipment, recreation facilities, or quarters.

(ii) Capitalized and noncapitalized heavy equipment and other installed equipment.

(B) **INCLUSIONS.**—The term “asset” includes assets described in subparagraph (A) that are considered to be mission critical.

(2) **ASSET MANAGEMENT REPORT.**—The term “Asset Management Report” means—

(A) the annual plan prepared by the Bureau known as the “Asset Management Plan”; and

(B) any publicly available information relating to the plan described in subparagraph (A) that summarizes the efforts of the Bureau to evaluate and manage infrastructure assets of the Bureau.

(3) **MAJOR REPAIR AND REHABILITATION NEED.**—The term “major repair and rehabilitation need” means major non-recurring maintenance at a Reclamation facility, including maintenance related to the safety of dams, extraordinary maintenance of dams, deferred major maintenance activities, and all other significant repairs and extraordinary maintenance.

SEC. 8602. ASSET MANAGEMENT REPORT ENHANCEMENTS FOR RESERVED WORKS.

43 USC 505a–1.

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress an Asset Management Report that—

(1) describes the efforts of the Bureau—

(A) to maintain in a reliable manner all reserved works at Reclamation facilities; and

(B) to standardize and streamline data reporting and processes across regions and areas for the purpose of maintaining reserved works at Reclamation facilities; and

(2) expands on the information otherwise provided in an Asset Management Report, in accordance with subsection (b).

(b) **INFRASTRUCTURE MAINTENANCE NEEDS ASSESSMENT.**—

(1) **IN GENERAL.**—The Asset Management Report submitted under subsection (a) shall include—

(A) a detailed assessment of major repair and rehabilitation needs for all reserved works at all Reclamation projects; and

(B) to the maximum extent practicable, an itemized list of major repair and rehabilitation needs of individual Reclamation facilities at each Reclamation project.

(2) INCLUSIONS.—To the maximum extent practicable, the itemized list of major repair and rehabilitation needs under paragraph (1)(B) shall include—

(A) a budget level cost estimate of the appropriations needed to complete each item; and

(B) an assignment of a categorical rating for each item, consistent with paragraph (3).

(3) RATING REQUIREMENTS.—

(A) IN GENERAL.—The system for assigning ratings under paragraph (2)(B) shall be—

(i) consistent with existing uniform categorization systems to inform the annual budget process and agency requirements; and

(ii) subject to the guidance and instructions issued under subparagraph (B).

(B) GUIDANCE.—As soon as practicable after the date of enactment of this Act, the Secretary shall issue guidance that describes the applicability of the rating system applicable under paragraph (2)(B) to Reclamation facilities.

(4) PUBLIC AVAILABILITY.—Except as provided in paragraph (5), the Secretary shall make publicly available, including on the internet, the Asset Management Report required under subsection (a).

(5) CONFIDENTIALITY.—The Secretary may exclude from the public version of the Asset Management Report made available under paragraph (4) any information that the Secretary identifies as sensitive or classified, but shall make available to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a version of the report containing the sensitive or classified information.

(c) UPDATES.—Not later than 2 years after the date on which the Asset Management Report is submitted under subsection (a) and biennially thereafter, the Secretary shall update the Asset Management Report, subject to the requirements of section 8603(b)(2).

(d) CONSULTATION.—To the extent that such consultation would assist the Secretary in preparing the Asset Management Report under subsection (a) and updates to the Asset Management Report under subsection (c), the Secretary shall consult with—

(1) the Secretary of the Army (acting through the Chief of Engineers); and

(2) water and power contractors.

SEC. 8603. ASSET MANAGEMENT REPORT ENHANCEMENTS FOR TRANSFERRED WORKS.

(a) IN GENERAL.—The Secretary shall coordinate with the non-Federal entities responsible for the operation and maintenance of transferred works in developing reporting requirements for Asset Management Reports with respect to major repair and rehabilitation needs for transferred works that are similar to the reporting requirements described in section 8602(b).

(b) GUIDANCE.—

(1) **IN GENERAL.**—After considering input from water and power contractors of the Bureau, the Secretary shall develop and implement a rating system for transferred works that incorporates, to the maximum extent practicable, the rating system for major repair and rehabilitation needs for reserved works developed under section 8602(b)(3).

(2) **UPDATES.**—The ratings system developed under paragraph (1) shall be included in the updated Asset Management Reports under section 8602(c).

TITLE IX—MISCELLANEOUS

SEC. 9001. EVERY KID OUTDOORS ACT.

16 USC 6804
note.

(a) **DEFINITIONS.**—In this section:

(1) **FEDERAL LAND AND WATERS.**—The term “Federal land and waters” means any Federal land or body of water under the jurisdiction of any of the Secretaries to which the public has access.

(2) **PROGRAM.**—The term “program” means the Every Kid Outdoors program established under subsection (b)(1).

(3) **SECRETARIES.**—The term “Secretaries” means—

(A) the Secretary, acting through—

(i) the Director of the National Park Service;

(ii) the Director of the United States Fish and Wildlife Service;

(iii) the Director of the Bureau of Land Management; and

(iv) the Commissioner of Reclamation;

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service;

(C) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration; and

(D) the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works.

(4) **STATE.**—The term “State” means each of the several States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and any other territory or possession of the United States.

(5) **STUDENT OR STUDENTS.**—The term “student” or “students” means any fourth grader or home-schooled learner 10 years of age residing in the United States, including any territory or possession of the United States.

(b) **EVERY KID OUTDOORS PROGRAM.**—

(1) **ESTABLISHMENT.**—The Secretaries shall jointly establish a program, to be known as the “Every Kid Outdoors program”, to provide free access to Federal land and waters for students and accompanying individuals in accordance with this subsection.

(2) **ANNUAL PASSES.**—

(A) **IN GENERAL.**—At the request of a student, the Secretaries shall issue a pass to the student, which allows access to Federal lands and waters for which access is subject to an entrance, standard amenity, or day use fee, free of charge for the student and—

(i) in the case of a per-vehicle fee area—

(I) any passengers accompanying the student in a private, noncommercial vehicle; or

(II) not more than three adults accompanying the student on bicycles; or

(ii) in the case of a per-person fee area, not more than three adults accompanying the student.

(B) TERM.—A pass described in subparagraph (A) shall be effective during the period beginning on September 1 and ending on August 31 of the following year.

(C) PRESENCE OF A STUDENT IN GRADE FOUR REQUIRED.—A pass described in subparagraph (A) shall be effective only if the student to which the pass was issued is present at the point of entry to the applicable Federal land or water.

(3) OTHER ACTIVITIES.—In carrying out the program, the Secretaries—

(A) may collaborate with State Park systems that opt to implement a complementary Every Kid Outdoors State park pass;

(B) may coordinate with the Secretary of Education to implement the program;

(C) shall maintain a publicly available website with information about the program;

(D) may provide visitor services for the program; and

(E) may support approved partners of the Federal land and waters by providing the partners with opportunities to participate in the program.

(4) REPORTS.—The Secretary, in coordination with each Secretary described in subparagraphs (B) through (D) of subsection (a)(3), shall prepare a comprehensive report to Congress each year describing—

(A) the implementation of the program;

(B) the number and geographical distribution of students who participated in the program; and

(C) the number of passes described in paragraph (2)(A) that were distributed.

(5) SUNSET.—The authorities provided in this section, including the reporting requirement, shall expire on the date that is 7 years after the date of enactment of this Act.

43 USC 1742a.

SEC. 9002. GOOD SAMARITAN SEARCH AND RECOVERY ACT.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE.—The term “eligible”, with respect to an organization or individual, means that the organization or individual, respectively, is—

(A) acting in a not-for-profit capacity; and

(B) composed entirely of members who, at the time of the good Samaritan search-and-recovery mission, have attained the age of majority under the law of the State where the mission takes place.

(2) GOOD SAMARITAN SEARCH-AND-RECOVERY MISSION.—The term “good Samaritan search-and-recovery mission” means a search conducted by an eligible organization or individual for 1 or more missing individuals believed to be deceased at the time that the search is initiated.

(3) SECRETARY.—The term “Secretary” means the Secretary or the Secretary of Agriculture, as applicable.

(b) PROCESS.—

(1) IN GENERAL.—Each Secretary shall develop and implement a process to expedite access to Federal land under the administrative jurisdiction of the Secretary for eligible organizations and individuals to request access to Federal land to conduct good Samaritan search-and-recovery missions.

(2) INCLUSIONS.—The process developed and implemented under this subsection shall include provisions to clarify that—

(A) an eligible organization or individual granted access under this section—

(i) shall be acting for private purposes; and

(ii) shall not be considered to be a Federal volunteer;

(B) an eligible organization or individual conducting a good Samaritan search-and-recovery mission under this section shall not be considered to be a volunteer under section 102301(c) of title 54, United States Code;

(C) chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), shall not apply to an eligible organization or individual carrying out a privately requested good Samaritan search-and-recovery mission under this section; and

(D) chapter 81 of title 5, United States Code (commonly known as the “Federal Employees Compensation Act”), shall not apply to an eligible organization or individual conducting a good Samaritan search-and-recovery mission under this section, and the conduct of the good Samaritan search-and-recovery mission shall not constitute civilian employment.

(c) RELEASE OF FEDERAL GOVERNMENT FROM LIABILITY.—The Secretary shall not require an eligible organization or individual to have liability insurance as a condition of accessing Federal land under this section, if the eligible organization or individual—

(1) acknowledges and consents, in writing, to the provisions described in subparagraphs (A) through (D) of subsection (b)(2); and

(2) signs a waiver releasing the Federal Government from all liability relating to the access granted under this section and agrees to indemnify and hold harmless the United States from any claims or lawsuits arising from any conduct by the eligible organization or individual on Federal land.

(d) APPROVAL AND DENIAL OF REQUESTS.—

(1) IN GENERAL.—The Secretary shall notify an eligible organization or individual of the approval or denial of a request by the eligible organization or individual to carry out a good Samaritan search-and-recovery mission under this section by not later than 48 hours after the request is made.

(2) DENIALS.—If the Secretary denies a request from an eligible organization or individual to carry out a good Samaritan search-and-recovery mission under this section, the Secretary shall notify the eligible organization or individual of—

(A) the reason for the denial of the request; and

(B) any actions that the eligible organization or individual can take to meet the requirements for the request to be approved.

(e) **PARTNERSHIPS.**—Each Secretary shall develop search-and-recovery-focused partnerships with search-and-recovery organizations—

(1) to coordinate good Samaritan search-and-recovery missions on Federal land under the administrative jurisdiction of the Secretary; and

(2) to expedite and accelerate good Samaritan search-and-recovery mission efforts for missing individuals on Federal land under the administrative jurisdiction of the Secretary.

(f) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Secretaries shall submit to Congress a joint report describing—

(1) plans to develop partnerships described in subsection (e)(1); and

(2) efforts carried out to expedite and accelerate good Samaritan search-and-recovery mission efforts for missing individuals on Federal land under the administrative jurisdiction of each Secretary pursuant to subsection (e)(2).

SEC. 9003. JOHN S. MCCAIN III 21ST CENTURY CONSERVATION SERVICE CORPS ACT.

(a) **DEFINITIONS.**—Section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722) is amended—

(1) in paragraph (2), by striking “under section 204” and inserting “by section 204(a)(1)”;

(2) by redesignating paragraphs (8) through (13) as paragraphs (9) through (14), respectively;

(3) by inserting after paragraph (7) the following:

“(8) **INSTITUTION OF HIGHER EDUCATION.**—

“(A) **IN GENERAL.**—The term ‘institution of higher education’ has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

“(B) **EXCLUSION.**—The term ‘institution of higher education’ does not include—

“(i) an institution described in section 101(b) of the Higher Education Act of 1965 (20 U.S.C. 1001(b)); or

“(ii) an institution outside the United States, as described in section 102(a)(1)(C) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(1)(C)).”;

(4) in paragraph (9) (as so redesignated)—

(A) in the matter preceding subparagraph (A), by striking “, as follows” and inserting “and other conservation and restoration initiatives, as follows”; and

(B) by adding at the end the following:

“(E) To protect, restore, or enhance marine, estuarine, riverine, and coastal habitat ecosystem components—

“(i) to promote the recovery of threatened species, endangered species, and managed fisheries;

“(ii) to restore fisheries, protected resources, and habitats impacted by oil and chemical spills and natural disasters; or

“(iii) to enhance the resilience of coastal ecosystems, communities, and economies through habitat conservation.”;

(5) in subparagraph (A) of paragraph (11) (as so redesignated), by striking “individuals between the ages of 16 and

30, inclusive,” and inserting “individuals between the ages of 16 and 30, inclusive, or veterans age 35 or younger”;

(6) in paragraph (13) (as so redesignated)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) with respect to the National Marine Sanctuary System, coral reefs, and other coastal, estuarine, and marine habitats, and other land and facilities administered by the National Oceanic and Atmospheric Administration, the Secretary of Commerce.”; and

(7) by adding at the end the following:

“(15) VETERAN.—The term ‘veteran’ has the meaning given the term in section 101 of title 38, United States Code.”.

(b) PUBLIC LANDS CORPS PROGRAM.—Section 204 of the Public Lands Corps Act of 1993 (16 U.S.C. 1723) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) ESTABLISHMENT OF PUBLIC LANDS CORPS.—

“(1) IN GENERAL.—There is established in the Department of the Interior, the Department of Agriculture, and the Department of Commerce a corps, to be known as the ‘Public Lands Corps’.

“(2) NO EFFECT ON OTHER AGENCIES.—Nothing in this subsection precludes the establishment of a public lands corps by the head of a Federal department or agency other than a department described in paragraph (1), in accordance with this Act.”;

(2) in subsection (b)—

(A) in the first sentence, by striking “individuals between the ages of 16 and 30, inclusive,” and inserting “individuals between the ages of 16 and 30, inclusive, and veterans age 35 or younger”; and

(B) in the second sentence, by striking “section 137(b) of the National and Community Service Act of 1990” and inserting “paragraphs (1), (2), (4), and (5) of section 137(a) of the National and Community Service Act of 1990 (42 U.S.C. 12591(a))”; and

(3) by adding at the end the following:

“(g) EFFECT.—Nothing in this section authorizes the use of the Public Lands Corps for projects on or impacting real property owned by, operated by, or within the custody, control, or administrative jurisdiction of the Administrator of General Services without the express permission of the Administrator of General Services.”.

(c) TRANSPORTATION.—Section 205 of the Public Lands Corps Act of 1993 (16 U.S.C. 1724) is amended by adding at the end the following:

“(e) TRANSPORTATION.—The Secretary may provide to Corps participants who reside in their own homes transportation to and from appropriate conservation project sites.”.

(d) RESOURCE ASSISTANTS.—

(1) IN GENERAL.—Section 206(a) of the Public Lands Corps Act of 1993 (16 U.S.C. 1725(a)) is amended by striking the first sentence and inserting the following: “The Secretary may provide individual placements of resource assistants to carry out research or resource protection activities on behalf of the Secretary.”.

(2) **DIRECT HIRE AUTHORITY.**—Section 121(a) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012 (16 U.S.C. 1725a), is amended—

(A) in paragraph (1)—

(i) by striking “Secretary of the Interior” and inserting “Secretary (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722))”;

(ii) by striking “paragraph (1)” and inserting “paragraph (2)”; and

(iii) by striking “with a land managing agency of the Department of the Interior”; and

(B) in paragraph (2)(A), by striking “with a land managing agency” and inserting “with the Secretary (as so defined)”.

(e) **COMPENSATION AND EMPLOYMENT STANDARDS.**—Section 207 of the Public Lands Corps Act of 1993 (16 U.S.C. 1726) is amended—

(1) by striking the section heading and inserting “**COMPENSATION AND TERMS OF SERVICE**”;

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

(3) by inserting after subsection (a) the following:

“(b) **EDUCATIONAL CREDIT.**—The Secretary may provide a Corps participant with an educational credit that may be applied toward a program of postsecondary education at an institution of higher education that agrees to award the credit for participation in the Corps.”;

(4) in subsection (c) (as so redesignated)—

(A) by striking “Each participant” and inserting the following:

“(1) **IN GENERAL.**—Each participant”; and

(B) by adding at the end the following:

“(2) **INDIAN YOUTH SERVICE CORPS.**—With respect to the Indian Youth Service Corps established under section 210, the Secretary shall establish the term of service of participants in consultation with the affected Indian tribe.”;

(5) in subsection (d) (as so redesignated)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(B) in the matter preceding subparagraph (A) (as so redesignated), by striking “The Secretary” and inserting the following:

“(1) **IN GENERAL.**—The Secretary”; and

(C) by adding at the end the following:

“(2) **TIME-LIMITED APPOINTMENT.**—For purposes of section 9602 of title 5, United States Code, a former member of the Corps hired by the Secretary under paragraph (1)(B) for a time-limited appointment shall be considered to be appointed initially under open, competitive examination.”; and

(6) by adding at the end the following:

“(e) **APPLICABILITY TO QUALIFIED YOUTH OR CONSERVATION CORPS.**—The hiring and compensation standards described in this section shall apply to any individual participating in an appropriate conservation project through a qualified youth or conservation corps, including an individual placed through a contract or cooperative agreement, as approved by the Secretary.”.

(f) REPORTING AND DATA COLLECTION.—Title II of the Public Lands Corps Act of 1993 (16 U.S.C. 1721 et seq.) is amended—

(1) by redesignating sections 209 through 211 as sections 211 through 213, respectively;

16 USC
1728–1730.

(2) by inserting after section 208 the following:

“SEC. 209. REPORTING AND DATA COLLECTION.

16 USC 1727a.

“(a) REPORT.—Not later than 2 years after the date of enactment of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, and annually thereafter, the Chief Executive Officer of the Corporation for National and Community Service, in coordination with the Secretaries, shall submit to Congress a report that includes data on the Corps, including—

“(1) the number of participants enrolled in the Corps and the length of the term of service for each participant;

“(2) the projects carried out by Corps participants, categorized by type of project and Federal agency;

“(3) the total amount and sources of funding provided for the service of participants;

“(4) the type of service performed by participants and the impact and accomplishments of the service; and

“(5) any other similar data determined to be appropriate by the Chief Executive Officer of the Corporation for National and Community Service or the Secretaries.

“(b) DATA.—Not later than 1 year after the date of enactment of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, and annually thereafter, the Secretaries shall submit to the Chief Executive Officer of the Corporation for National and Community Service the data described in subsection (a).

“(c) DATA COLLECTION.—The Chief Executive Officer of the Corporation for National and Community Service may coordinate with qualified youth or conservation corps to improve the collection of the required data described in subsection (a).

“(d) COORDINATION.—

“(1) IN GENERAL.—The Secretaries shall, to the maximum extent practicable, coordinate with each other to carry out activities authorized under this Act, including—

“(A) the data collection and reporting requirements of this section; and

“(B) implementing and issuing guidance on eligibility for noncompetitive hiring status under section 207(d).

“(2) DESIGNATION OF COORDINATORS.—The Secretary shall designate a coordinator to coordinate and serve as the primary point of contact for any activity of the Corps carried out by the Secretary.”; and

(3) in subsection (c) of section 212 (as so redesignated), by striking “211” and inserting “213”. 16 USC 1729.

(g) INDIAN YOUTH SERVICE CORPS.—Title II of the Public Lands Corps Act of 1993 (16 U.S.C. 1721 et seq.) (as amended by subsection (f)) is amended by inserting after section 209 the following:

“SEC. 210. INDIAN YOUTH SERVICE CORPS.

16 USC 1727b.

“(a) IN GENERAL.—There is established within the Public Lands Corps a program to be known as the ‘Indian Youth Service Corps’ that—

“(1) enrolls participants between the ages of 16 and 30, inclusive, and veterans age 35 or younger, a majority of whom are Indians;

“(2) is established pursuant to an agreement between an Indian tribe and a qualified youth or conservation corps for the benefit of the members of the Indian tribe; and

“(3) carries out appropriate conservation projects on eligible service land.

“(b) **AUTHORIZATION OF COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with Indian tribes and qualified youth or conservation corps for the establishment and administration of the Indian Youth Service Corps.

“(c) **GUIDELINES.**—Not later than 18 months after the date of enactment of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, the Secretary of the Interior, in consultation with Indian tribes, shall issue guidelines for the management of the Indian Youth Service Corps, in accordance with this Act and any other applicable Federal laws.”.

SEC. 9004. NATIONAL NORDIC MUSEUM ACT.

(a) **DESIGNATION.**—The Nordic Museum located at 2655 N.W. Market Street, Seattle, Washington, is designated as the “National Nordic Museum”.

(b) **EFFECT OF DESIGNATION.**—

(1) **IN GENERAL.**—The museum designated by subsection (a) is not a unit of the National Park System.

(2) **USE OF FEDERAL FUNDS.**—The designation of the museum by subsection (a) shall not require Federal funds to be expended for any purpose related to the museum.

SEC. 9005. DESIGNATION OF NATIONAL GEORGE C. MARSHALL MUSEUM AND LIBRARY.

(a) **DESIGNATION.**—The George C. Marshall Museum and the George C. Marshall Research Library in Lexington, Virginia, are designated as the “National George C. Marshall Museum and Library” (referred to in this section as the “museum”).

(b) **EFFECT OF DESIGNATION.**—

(1) **IN GENERAL.**—The museum designated by subsection (a) is not a unit of the National Park System.

(2) **USE OF FEDERAL FUNDS.**—The designation of the museum by subsection (a) shall not require Federal funds to be expended for any purpose related to the museum.

SEC. 9006. 21ST CENTURY RESPECT ACT.

(a) **AMENDMENTS TO REGULATIONS REQUIRED.**—

(1) **SECRETARY OF AGRICULTURE.**—The Secretary of Agriculture shall amend section 1901.202 of title 7, Code of Federal Regulations, for purposes of—

(A) replacing the reference to the term “Negro or Black” with “Black or African American”;

(B) replacing the reference to the term “Spanish Surname” with “Hispanic”; and

(C) replacing the reference to the term “Oriental” with “Asian American or Pacific Islander”.

(2) **ADMINISTRATOR OF GENERAL SERVICES.**—The Administrator of General Services shall amend section 906.2 of title 36, Code of Federal Regulations, for purposes of—

(A) replacing the references to the term “Negro” with “Black or African American”;

(B) replacing the definition of “Negro” with the definition of “Black or African American” as “an individual having origins in any of the Black racial groups of Africa”;

(C) replacing the references to the term “Oriental” with “Asian American or Pacific Islander”; and

(D) replacing the references to the terms “Eskimo” and “Aleut” with “Alaska Native”.

(b) **RULE OF CONSTRUCTION.**—Nothing in this section, or the amendments required by this section, shall be construed to affect Federal law, except with respect to the use of terms by the Secretary of Agriculture and the Administrator of General Services, respectively, to the regulations affected by this section.

SEC. 9007. AMERICAN WORLD WAR II HERITAGE CITIES.

36 USC note
prec. 101.

(a) **DESIGNATION.**—In order to recognize and ensure the continued preservation and importance of the history of the United States involvement in World War II, each calendar year the Secretary may designate 1 or more cities located in 1 of the several States or a territory of the United States as an “American World War II Heritage City”. Not more than 1 city in each State or territory may be designated under this section.

(b) **APPLICATION FOR DESIGNATION.**—The Secretary may—

(1) establish and publicize the process by which a city may apply for designation as an American World War II Heritage City based on the criteria in subsection (c); and

(2) encourage cities to apply for designation as an American World War II Heritage City.

(c) **CRITERIA FOR DESIGNATION.**—The Secretary, in consultation with the Secretary of the Smithsonian Institution or the President of the National Trust for Historic Preservation, shall make each designation under subsection (a) based on the following criteria:

(1) Contributions by a city and its environs to the World War II home-front war effort, including contributions related to—

(A) defense manufacturing, such as ships, aircraft, uniforms, and equipment;

(B) production of foodstuffs and consumer items for Armed Forces and home consumption;

(C) war bond drives;

(D) adaptations to wartime survival;

(E) volunteer participation;

(F) civil defense preparedness;

(G) personnel serving in the Armed Forces, their achievements, and facilities for their rest and recreation; or

(H) the presence of Armed Forces camps, bases, airfields, harbors, repair facilities, and other installations within or in its environs.

(2) Achievements by a city and its environs to preserve the heritage and legacy of the city’s contributions to the war effort and to preserve World War II history, including—

(A) the identification, preservation, restoration, and interpretation of World War II-related structures, facilities and sites;

(B) establishment of museums, parks, and markers;

(C) establishment of memorials to area men who lost their lives in service;

(D) organizing groups of veterans and home-front workers and their recognition;

(E) presentation of cultural events such as dances, plays, and lectures;

(F) public relations outreach through the print and electronic media, and books; and

(G) recognition and ceremonies remembering wartime event anniversaries.

54 USC 320101
note.

SEC. 9008. QUINDARO TOWNSITE NATIONAL COMMEMORATIVE SITE.

(a) DEFINITIONS.—In this section:

(1) COMMEMORATIVE SITE.—The term “Commemorative Site” means the Quindaro Townsite National Commemorative Site designated by subsection (b)(1).

(2) STATE.—The term “State” means the State of Kansas.

(b) DESIGNATION.—

(1) IN GENERAL.—The Quindaro Townsite in Kansas City, Kansas, as listed on the National Register of Historic Places, is designated as the “Quindaro Townsite National Commemorative Site”.

(2) EFFECT OF DESIGNATION.—The Commemorative Site shall not be considered to be a unit of the National Park System.

(c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary, in consultation with the State, Kansas City, Kansas, and affected subdivisions of the State, may enter into cooperative agreements with appropriate public or private entities, for the purposes of—

(A) protecting historic resources at the Commemorative Site; and

(B) providing educational and interpretive facilities and programs at the Commemorative Site for the public.

(2) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide technical and financial assistance to any entity with which the Secretary has entered into a cooperative agreement under paragraph (1).

(d) NO EFFECT ON ACTIONS OF PROPERTY OWNERS.—Designation of the Quindaro Townsite as a National Commemorative Site shall not prohibit any actions that may otherwise be taken by a property owner (including any owner of the Commemorative Site) with respect to the property of the owner.

(e) NO EFFECT ON ADMINISTRATION.—Nothing in this section affects the administration of the Commemorative Site by Kansas City, Kansas, or the State.

SEC. 9009. DESIGNATION OF NATIONAL COMEDY CENTER IN JAMESTOWN, NEW YORK.

(a) CONGRESSIONAL RECOGNITION.—Congress—

(1) recognizes that the National Comedy Center, located in Jamestown, New York, is the only museum of its kind that exists for the exclusive purpose of celebrating comedy in all its forms; and

(2) officially designates the National Comedy Center as the “National Comedy Center” (referred to in this section as the “Center”).

(b) EFFECT OF RECOGNITION.—The National Comedy Center recognized in this section is not a unit of the National Park System and the designation of the Center shall not be construed to require

or permit Federal funds to be expended for any purpose related to the Center.

Approved March 12, 2019.

LEGISLATIVE HISTORY—S. 47:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Feb. 7, 11, 12, considered and passed Senate.

Feb. 26, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2019):

Mar. 12, Presidential statement.

Public Law 116–10
116th Congress

An Act

Mar. 21, 2019
[S. 49]

To designate the outstation of the Department of Veterans Affairs in North Ogden, Utah, as the Major Brent Taylor Vet Center Outstation.

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) Major Brent Taylor began his military service following the attacks of September 11, 2001. He joined the Army National Guard in 2003, three days after his engagement to his wife, Jennie. Five of his brothers would eventually serve in the Armed Forces following the deadly attacks.

(2) During his time in the Army National Guard, Major Taylor distinguished himself in service to the United States and the State of Utah. He received a commission as a second lieutenant from the Brigham Young University Reserve Officer Training Corps in 2006, while graduating as a member of the National Society of Collegiate Scholars.

(3) During his impressive career with the Utah National Guard, Major Taylor distinguished himself in multiple specialties, including Intelligence and Military Police. One of his earliest assignments included analyzing foreign language documents in support of the Defense Intelligence Agency. He also led document exploitation efforts in multiple European and South American languages for a variety of intelligence community customers. Major Taylor also managed a team that assessed security vulnerabilities at high-profile facilities across the United States, all while maintaining a successful private sector career in Utah.

(4) Major Taylor was continuously ready to take up a call to arms from the United States and deployed four times in support of operations in Iraq and Afghanistan. His deployed duties varied from Platoon Leader and Combat Advisor to Chief of Staff to the Special Operations Advisory Group, responsible for leading a joint task force advising and assisting an elite Afghan special operations unit.

(5) Throughout his deployments, Major Taylor distinguished himself on several occasions, earning a multitude of awards including the Bronze Star. The citation credits the ability of Major Taylor to think calmly and decisively to keep his subordinates safe while traversing 600,000 miles of roads in Iraq, laden with improvised explosive devices (commonly referred to as “IED”) and ripe for ambush.

(6) During one particularly harrowing mission, Major Taylor’s vehicle was struck by an IED. Although he survived the attack, the wounds he received earned him the Purple Heart.

(7) Major Taylor’s amazing record of service was not limited to the battlefield. In 2010, he served as a member of the North Ogden City Council and, in 2013, Major Taylor was elected mayor. His steadfast leadership led to the city being recognized as “Business Friendly” by the Governor of Utah, and as one of the safest, freest cities in the United States by several organizations. His initiatives included improvements to public works and infrastructure, attracting businesses to the area, developing a local community center, and increasing transparency. His action led his constituents to reelect Major Taylor in 2017.

(8) In 2018, Major Taylor placed himself on a leave of absence from his mayoral duties in order to deploy to Afghanistan, explaining to his constituents, “Service is what leadership is all about.”

(9) While serving in Afghanistan, a dear colleague, Afghani Lieutenant Kefayatullah, was killed shortly before the Afghan elections. Major Taylor wrote, “The strong turnout at that election, despite the attacks and challenges, was a success for the long-suffering people of Afghanistan, and for the cause of human freedom. I am proud of the brave Afghan and U.S. soldiers I serve with. Many American, NATO and Afghan troops have died to make moments like this election possible.”. He also extolled the American public to embrace its civic duty, stating, “I hope everyone back home exercises their precious right to vote. And that whether the Republicans or Democrats win, that we all remember that we have far more as Americans that unites us than divides us.”.

(10) Tragically, on Saturday, November 3, 2018, Major Taylor was killed in an attack in Afghanistan. He was survived by his wife, Jennie, and his seven children, Megan, Lincoln, Alex, Jacob, Ellie, Jonathan, and Caroline.

(11) The impression that Major Taylor left was indelible. An Afghan officer who had served with Major Taylor penned a letter to his wife, stating, “Your husband taught me to love my wife Hamida as an equal and treat my children as treasured gifts, to be a better father, to be a better husband, and to be a better man.”. That officer further commented that, “He died on our soil but he died for the success of freedom and democracy in both of our countries.”.

(12) It is only well and fitting that, as a tribute to the amazing life of Major Taylor, Congress name a facility in honor of Major Taylor’s shining example of service and sacrifice.

SEC. 2. DESIGNATION OF MAJOR BRENT TAYLOR VET CENTER OUTSTATION IN NORTH OGDEN, UTAH.

(a) **DESIGNATION.**—The outstation of the Department of Veterans Affairs located at 2357 North 400 East Washington Boulevard, North Ogden, Utah, shall after the date of the enactment of this Act be known and designated as the “Major Brent Taylor Vet Center Outstation”.

(b) **REFERENCE.**—Any reference in any law, regulation, map, document, paper, or other record of the United States to the facility

referred to in subsection (a) shall be considered to be a reference to the Major Brent Taylor Vet Center Outstation.

Approved March 21, 2019.

LEGISLATIVE HISTORY—S. 49:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Feb. 5, considered and passed Senate.

Mar. 5, considered and passed House.

Public Law 116–11
116th Congress

An Act

To authorize the honorary appointment of Robert J. Dole to the grade of colonel in the regular Army.

Apr. 6, 2019
[S. 252]

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Robert J. Dole, also known as Bob Dole, was born July 22, 1923, in Russell, Kansas.

(2) As a student at the University of Kansas, Bob Dole enrolled in the Army Enlisted Reserve Corps in 1942. He was called to active duty the following year and served during World War II. While deployed to Italy as an infantry lieutenant in the 10th Mountain Division, he was seriously wounded in combat and was twice cited for acts of heroism under fire. He finished his military service with two Purple Hearts and two awards of the Bronze Star Medal with “V” device for valor. He was also awarded the American Campaign medal, the European-African-Middle Eastern Campaign Medal, and the World War II Victory medal. He resigned his Army commission at the grade of captain.

(3) Bob Dole served in the House of Representatives from 1961 to 1969. He served in the Senate from 1969 until 1996. His service was previously recognized by both the Legislative Branch of the United States Government, through the Congressional Gold Medal, and the Executive Branch of the United States Government, through the Presidential Medal of Freedom.

(4) Separate from the actions underlying the honors previously bestowed upon him, Bob Dole also made direct contributions to the Department of Defense and the veterans of United States military service, including through the following:

(A) Bob Dole sponsored or co-sponsored bills in Congress to improve veterans benefits, to improve accountability of missing members of the Armed Forces, to establish the Persian Gulf War Veterans Health Registry, to recognize women veterans, and to provide relief from certain inequities for National Guard technician service in connection with civil service retirement.

(B) Bob Dole served as the National Chairman of the WWII Memorial Campaign, co-chair of the Families of Freedom Scholarship Fund, and co-chair of the Presidential Commission on the Care of America’s Returning Wounded Warriors.

(5) In 2018, an Army advisory panel reviewed the comprehensive record of Bob Dole’s service to the Armed Forces, veterans, and the national security of the United States. The panel, recognizing Bob Dole’s unique contributions to the Department of Defense and veterans, recommended the honorary promotion of Bob Dole to the grade of colonel in the Army.

(6) Acting under provisions of section 1563 of title 10, United States Code, the Secretary of the Army endorsed the recommendation of the advisory panel for an honorary promotion of Bob Dole and forwarded it to Congress for further action.

SEC. 2. HONORARY APPOINTMENT OF ROBERT J. DOLE TO THE GRADE OF COLONEL IN THE REGULAR ARMY.

(a) HONORARY APPOINTMENT.—The honorary appointment of Robert J. Dole, of Kansas, to the grade of colonel in the regular Army is hereby authorized.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The honorary appointment of Robert J. Dole to the grade of colonel in the regular Army under subsection (a) shall not affect pay or other benefits from the United States to which Robert J. Dole is otherwise entitled based upon his military service or affect any benefits to which any other person may become entitled based on his military service.

Approved April 6, 2019.

LEGISLATIVE HISTORY—S. 252:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Mar. 4, considered and passed Senate.

Mar. 26, considered and passed House.

Public Law 116–12
116th Congress

An Act

To amend title 38, United States Code, to clarify the grade and pay of podiatrists of the Department of Veterans Affairs.

Apr. 8, 2019
[S. 863]

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

SECTION 1. CLARIFICATION OF GRADE AND PAY OF PODIATRISTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) **GRADE.**—The list in section 7404(b) of title 38, United States Code, is amended—

(1) by striking “PODIATRIC SURGEON (DPM)” and inserting “PODIATRIST”; and

(2) by inserting after the item relating to “Physician and surgeon grade.” the following new item: “Podiatrist grade.”.

(b) **PAY.**—

(1) **IN GENERAL.**—Section 7431 of such title is amended—

(A) by striking “physician and dentist” each place it appears and inserting “physician, podiatrist, and dentist”; and

(B) by striking “physicians and dentists” each place it appears and inserting “physicians, podiatrists, and dentists”;

(C) by striking “physician or dentist” each place it appears and inserting “physician, podiatrist, or dentist”; and

(D) by striking “physicians or dentists” each place it appears and inserting “physicians, podiatrists, or dentists”; and

(E) by striking “Physician and Dentist” each place it appears and inserting “Physician, Podiatrist, and Dentist”; and

(F) in subsection (e)(1)(A), by inserting “podiatrists and” before “dentists.”.

(2) **ADMINISTRATIVE MATTERS.**—Section 7433 of such title is amended by striking “physicians and dentists” each place it appears and inserting “physicians, podiatrists, and dentists”.

(3) **CONFORMING AMENDMENT.**—The heading of subchapter III of chapter 74 of such title is amended by inserting “, PODIATRISTS,” after “PHYSICIANS”.

(4) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 74 of such title is amended by striking the item relating to subchapter III and inserting the following new item:

“SUBCHAPTER III—PAY FOR PHYSICIANS, PODIATRISTS, AND DENTISTS”.

(5) **TECHNICAL AMENDMENT.**—Section 7433 of such title is further amended—

38 USC
prec. 7431.

38 USC
prec. 7401.

- (A) by striking subsection (b);
- (B) in subsection (a)—
 - (i) by striking “(1) The Secretary” and inserting “The Secretary”; and
 - (ii) by redesignating paragraph (2) as subsection (b); and
- (C) in subsection (b), as so redesignated—
 - (i) by striking “In prescribing” and inserting “RECOMMENDATIONS AND VIEWS.—In prescribing”; and
 - (ii) by striking “this paragraph” and inserting “this subsection”.

Approved April 8, 2019.

LEGISLATIVE HISTORY—S. 863:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Mar. 25, considered and passed Senate.

Mar. 28, considered and passed House.

Public Law 116–13
116th Congress

An Act

To direct the Secretary of Education to establish the Recognizing Inspiring School Employees (RISE) Award Program recognizing excellence exhibited by classified school employees providing services to students in prekindergarten through high school.

Apr. 12, 2019
[H.R. 276]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Recognizing Achievement in Classified School Employees Act”.

Recognizing
Achievement in
Classified School
Employees Act.
20 USC 6301
note.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Classified school employees provide valuable service in the United States.

(2) Classified school employees provide essential services, such as transportation, facilities maintenance and operations, food service, safety, and health care.

(3) Classified school employees play a vital role in providing for the welfare and safety of students.

(4) Classified school employees strive for excellence in all areas of service to the education community.

(5) Exemplary classified school employees should be recognized for their outstanding contributions to quality education in the United States.

20 USC 6681.

SEC. 3. DEFINITIONS.

In this Act:

(1) **CLASSIFIED SCHOOL EMPLOYEE.**—The term “classified school employee” means an employee of a State or of any political subdivision of a State, or an employee of a nonprofit entity, who works in any grade from prekindergarten through high school in any of the following occupational specialties:

- (A) Paraprofessional, including paraeducator services.
- (B) Clerical and administrative services.
- (C) Transportation services.
- (D) Food and nutrition services.
- (E) Custodial and maintenance services.
- (F) Security services.
- (G) Health and student services.
- (H) Technical services.
- (I) Skilled trades.

20 USC 6682.

(2) OTHER DEFINITIONS.—The terms used in this Act have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

20 USC 6683.

SEC. 4. RECOGNITION PROGRAM ESTABLISHED.

(a) IN GENERAL.—The Secretary of Education shall establish a national recognition program to be known as the “Recognizing Inspiring School Employees Award Program” or the “award program”. The purpose of the award program shall be to recognize and promote the commitment and excellence exhibited by classified school employees who provide exemplary service to students in prekindergarten through high school.

(b) AWARD.—

Effective date.

(1) IN GENERAL.—Prior to May 31 of each year (beginning with the second calendar year that begins after the date of the enactment of this Act), the Secretary shall select a classified school employee to receive the Recognizing Inspiring School Employees Award for the year.

(2) NON-MONETARY VALUE.—The award and recognition provided under this Act shall have no monetary value.

(c) SELECTION PROCESS.—

(1) NOMINATION PROCESS.—

Deadline.
Effective date.

(A) IN GENERAL.—Not later than November 1 of each year (beginning with the first calendar year that begins after the date of the enactment of this Act), the Secretary shall solicit nominations of classified school employees from the occupational specialties described in section 3(1) from the Governor of each State.

(B) NOMINATION SUBMISSIONS.—In order for individuals in a State to be eligible to receive recognition under this section, the Governor of the State shall consider nominations submitted by the following:

- (i) Local educational agencies.
- (ii) School administrators.
- (iii) Professional associations.
- (iv) Labor organizations.
- (v) Educational service agencies.
- (vi) Nonprofit entities.
- (vii) Parents and students.
- (viii) Any other group determined appropriate by the Secretary.

Submission.

(2) DEMONSTRATION.—Each Governor of a State who desires individuals in the State to receive recognition under this section shall submit the nominations described in paragraph (1) to the Secretary in such manner as may be required by the Secretary. Each such nomination shall contain, at a minimum, demonstrations of excellence in the following areas:

- (A) Work performance.
- (B) School and community involvement.
- (C) Leadership and commitment.
- (D) Local support.
- (E) Enhancement of classified school employees’ image in the community and schools.

Guidelines.

(3) SELECTION.—The Secretary shall develop uniform national guidelines for evaluating nominations submitted under paragraph (2) in order to select the most deserving nominees

based on the demonstrations made in the areas described in such paragraph.

Approved April 12, 2019.

LEGISLATIVE HISTORY—H.R. 276:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Feb. 25, considered and passed House.

Mar. 28, considered and passed Senate.

Public Law 116–14
116th Congress

An Act

Apr. 16, 2019
[H.R. 2030]

To direct the Secretary of the Interior to execute and carry out agreements concerning Colorado River Drought Contingency Management and Operations, and for other purposes.

Colorado River
Drought
Contingency Plan
Authorization
Act.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Colorado River Drought Contingency Plan Authorization Act”.

SEC. 2. COLORADO RIVER BASIN DROUGHT CONTINGENCY PLANS.

(a) IN GENERAL.—Notwithstanding any other provision of law expressly addressing the operation of the applicable Colorado River System reservoirs, immediately upon execution of the March 19, 2019, versions of the Agreement Concerning Colorado River Drought Contingency Management and Operations and the agreements attached thereto as Attachments A1, A2, and B, by all of the non-Federal parties thereto, the Secretary of the Interior shall, without delay, execute such agreements, and is directed and authorized to carry out the provisions of such agreements and operate applicable Colorado River System reservoirs accordingly.

(b) EFFECT.—Nothing in this section shall—

(1) be construed or interpreted as precedent for the litigation of, or as altering, affecting, or being deemed as a congressional determination regarding, the water rights of the United States, any Indian Tribe, band, or community, any State or political subdivision or district of a State, or any person; or

(2) exempt the implementation of such agreements and the operation of applicable Colorado River System reservoirs from any requirements of applicable Federal environmental laws.

Approved April 16, 2019.

LEGISLATIVE HISTORY—H.R. 2030 (S. 1057):

CONGRESSIONAL RECORD, Vol. 165 (2019):

Apr. 8, considered and passed House.

Apr. 9, considered and passed Senate.

Public Law 116–15
116th Congress

An Act

To change the address of the postal facility designated in honor of Captain Humayun Khan.

Apr. 16, 2019
[S. 725]

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

SECTION 1. CAPTAIN HUMAYUN KHAN POST OFFICE.

Section 1(a) of Public Law 115–347 (132 Stat. 5054) is amended by striking “180 McCormick Road” and inserting “2150 Wise Street”.

Approved April 16, 2019.

LEGISLATIVE HISTORY—S. 725:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Mar. 7, considered and passed Senate.

Apr. 2, considered and passed House.

Public Law 116–16
116th Congress

An Act

Apr. 18, 2019

[H.R. 1839]

Medicaid
Services
Investment and
Accountability
Act of 2019.
42 USC 1305
note.

To amend title XIX to extend protection for Medicaid recipients of home and community-based services against spousal impoverishment, establish a State Medicaid option to provide coordinated care to children with complex medical conditions through health homes, prevent the misclassification of drugs for purposes of the Medicaid drug rebate program, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Medicaid Services Investment and Accountability Act of 2019”.

SEC. 2. EXTENSION OF PROTECTION FOR MEDICAID RECIPIENTS OF HOME AND COMMUNITY-BASED SERVICES AGAINST SPOUSAL IMPOVERISHMENT.

(a) IN GENERAL.—Section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note), as amended by section 3(a) of the Medicaid Extenders Act of 2019 (Public Law 116–3), is amended by striking “March 31, 2019” and inserting “September 30, 2019”.

42 USC 1396r–5
note.

(b) RULE OF CONSTRUCTION.—

(1) PROTECTING STATE SPOUSAL INCOME AND ASSET DISREGARD FLEXIBILITY UNDER WAIVERS AND PLAN AMENDMENTS.—Nothing in section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) or section 1924 of the Social Security Act (42 U.S.C. 1396r–5) shall be construed as prohibiting a State from disregarding an individual’s spousal income and assets under a State waiver or plan amendment described in paragraph (2) for purposes of making determinations of eligibility for home and community-based services or home and community-based attendant services and supports under such waiver or plan amendment.

(2) STATE WAIVER OR PLAN AMENDMENT DESCRIBED.—A State waiver or plan amendment described in this paragraph is any of the following:

(A) A waiver or plan amendment to provide medical assistance for home and community-based services under a waiver or plan amendment under subsection (c), (d), or (i) of section 1915 of the Social Security Act (42 U.S.C. 1396n) or under section 1115 of such Act (42 U.S.C. 1315).

(B) A plan amendment to provide medical assistance for home and community-based services for individuals by reason of being determined eligible under section 1902(a)(10)(C) of such Act (42 U.S.C. 1396a(a)(10)(C)) or by reason of section 1902(f) of such Act (42 U.S.C. 1396a(f))

or otherwise on the basis of a reduction of income based on costs incurred for medical or other remedial care under which the State disregarded the income and assets of the individual's spouse in determining the initial and ongoing financial eligibility of an individual for such services in place of the spousal impoverishment provisions applied under section 1924 of such Act (42 U.S.C. 1396r–5).

(C) A plan amendment to provide medical assistance for home and community-based attendant services and supports under section 1915(k) of such Act (42 U.S.C. 1396n(k)).

SEC. 3. STATE OPTION TO PROVIDE COORDINATED CARE THROUGH A HEALTH HOME FOR CHILDREN WITH MEDICALLY COMPLEX CONDITIONS.

Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1945 the following new section:

“SEC. 1945A. STATE OPTION TO PROVIDE COORDINATED CARE THROUGH A HEALTH HOME FOR CHILDREN WITH MEDICALLY COMPLEX CONDITIONS.

42 USC
1396w–4a.

“(a) **IN GENERAL.**—Notwithstanding section 1902(a)(1) (relating to statewideness) and section 1902(a)(10)(B) (relating to comparability), beginning October 1, 2022, a State, at its option as a State plan amendment, may provide for medical assistance under this title to children with medically complex conditions who choose to enroll in a health home under this section by selecting a designated provider, a team of health care professionals operating with such a provider, or a health team as the child's health home for purposes of providing the child with health home services.

Effective date.

“(b) **HEALTH HOME QUALIFICATION STANDARDS.**—The Secretary shall establish standards for qualification as a health home for purposes of this section. Such standards shall include requiring designated providers, teams of health care professionals operating with such providers, and health teams to demonstrate to the State the ability to do the following:

Coordination.

“(1) Coordinate prompt care for children with medically complex conditions, including access to pediatric emergency services at all times.

“(2) Develop an individualized comprehensive pediatric family-centered care plan for children with medically complex conditions that accommodates patient preferences.

“(3) Work in a culturally and linguistically appropriate manner with the family of a child with medically complex conditions to develop and incorporate into such child's care plan, in a manner consistent with the needs of the child and the choices of the child's family, ongoing home care, community-based pediatric primary care, pediatric inpatient care, social support services, and local hospital pediatric emergency care.

“(4) Coordinate access to—

“(A) subspecialized pediatric services and programs for children with medically complex conditions, including the most intensive diagnostic, treatment, and critical care levels as medically necessary; and

“(B) palliative services if the State provides such services under the State plan (or a waiver of such plan).

“(5) Coordinate care for children with medically complex conditions with out-of-State providers furnishing care to such

children to the maximum extent practicable for the families of such children and where medically necessary, in accordance with guidance issued under subsection (e)(1) and section 431.52 of title 42, Code of Federal Regulations.

“(6) Collect and report information under subsection (g)(1).
“(c) PAYMENTS.—

“(1) IN GENERAL.—A State shall provide a designated provider, a team of health care professionals operating with such a provider, or a health team with payments for the provision of health home services to each child with medically complex conditions that selects such provider, team of health care professionals, or health team as the child’s health home. Payments made to a designated provider, a team of health care professionals operating with such a provider, or a health team for such services shall be treated as medical assistance for purposes of section 1903(a), except that, during the first 2 fiscal year quarters that the State plan amendment is in effect, the Federal medical assistance percentage applicable to such payments shall be increased by 15 percentage points, but in no case may exceed 90 percent.

“(2) METHODOLOGY.—

“(A) IN GENERAL.—The State shall specify in the State plan amendment the methodology the State will use for determining payment for the provision of health home services. Such methodology for determining payment—

“(i) may be tiered to reflect, with respect to each child with medically complex conditions provided such services by a designated provider, a team of health care professionals operating with such a provider, or a health team, the severity or number of each such child’s chronic conditions, life-threatening illnesses, disabilities, or rare diseases, or the specific capabilities of the provider, team of health care professionals, or health team; and

“(ii) shall be established consistent with section 1902(a)(30)(A).

“(B) ALTERNATE MODELS OF PAYMENT.—The methodology for determining payment for provision of health home services under this section shall not be limited to a per-member per-month basis and may provide (as proposed by the State and subject to approval by the Secretary) for alternate models of payment.

“(3) PLANNING GRANTS.—

“(A) IN GENERAL.—Beginning October 1, 2022, the Secretary may award planning grants to States for purposes of developing a State plan amendment under this section. A planning grant awarded to a State under this paragraph shall remain available until expended.

“(B) STATE CONTRIBUTION.—A State awarded a planning grant shall contribute an amount equal to the State percentage determined under section 1905(b) (without regard to section 5001 of Public Law 111–5) for each fiscal year for which the grant is awarded.

“(C) LIMITATION.—The total amount of payments made to States under this paragraph shall not exceed \$5,000,000.

“(d) COORDINATING CARE.—

Effective date.

“(1) HOSPITAL NOTIFICATION.—A State with a State plan amendment approved under this section shall require each hospital that is a participating provider under the State plan (or a waiver of such plan) to establish procedures for, in the case of a child with medically complex conditions who is enrolled in a health home pursuant to this section and seeks treatment in the emergency department of such hospital, notifying the health home of such child of such treatment.

Procedures.

“(2) EDUCATION WITH RESPECT TO AVAILABILITY OF HEALTH HOME SERVICES.—In order for a State plan amendment to be approved under this section, a State shall include in the State plan amendment a description of the State’s process for educating providers participating in the State plan (or a waiver of such plan) on the availability of health home services for children with medically complex conditions, including the process by which such providers can refer such children to a designated provider, team of health care professionals operating such a provider, or health team for the purpose of establishing a health home through which such children may receive such services.

“(3) FAMILY EDUCATION.—In order for a State plan amendment to be approved under this section, a State shall include in the State plan amendment a description of the State’s process for educating families with children eligible to receive health home services pursuant to this section of the availability of such services. Such process shall include the participation of family-to-family entities or other public or private organizations or entities who provide outreach and information on the availability of health care items and services to families of individuals eligible to receive medical assistance under the State plan (or a waiver of such plan).

“(4) MENTAL HEALTH COORDINATION.—A State with a State plan amendment approved under this section shall consult and coordinate, as appropriate, with the Secretary in addressing issues regarding the prevention and treatment of mental illness and substance use among children with medically complex conditions receiving health home services under this section.

Consultation.

“(e) GUIDANCE ON COORDINATING CARE FROM OUT-OF-STATE PROVIDERS.—

“(1) IN GENERAL.—Not later than October 1, 2020, the Secretary shall issue (and update as the Secretary determines necessary) guidance to State Medicaid directors on—

Deadline.

“(A) best practices for using out-of-State providers to provide care to children with medically complex conditions;

“(B) coordinating care for such children provided by such out-of-State providers (including when provided in emergency and non-emergency situations);

“(C) reducing barriers for such children receiving care from such providers in a timely fashion; and

“(D) processes for screening and enrolling such providers in the respective State plan (or a waiver of such plan), including efforts to streamline such processes or reduce the burden of such processes on such providers.

“(2) STAKEHOLDER INPUT.—In carrying out paragraph (1), the Secretary shall issue a request for information to seek input from children with medically complex conditions and their families, States, providers (including children’s hospitals,

- hospitals, pediatricians, and other providers), managed care plans, children’s health groups, family and beneficiary advocates, and other stakeholders with respect to coordinating the care for such children provided by out-of-State providers.
- Methodologies. “(f) MONITORING.—A State shall include in the State plan amendment—
- “ (1) a methodology for tracking reductions in inpatient days and reductions in the total cost of care resulting from improved care coordination and management under this section;
 - Proposal. “ (2) a proposal for use of health information technology in providing health home services under this section and improving service delivery and coordination across the care continuum (including the use of wireless patient technology to improve coordination and management of care and patient adherence to recommendations made by their provider); and
 - “ (3) a methodology for tracking prompt and timely access to medically necessary care for children with medically complex conditions from out-of-State providers.
- “(g) DATA COLLECTION.—
- “ (1) PROVIDER REPORTING REQUIREMENTS.—In order to receive payments from a State under subsection (c), a designated provider, a team of health care professionals operating with such a provider, or a health team shall report to the State, at such time and in such form and manner as may be required by the State, the following information:
 - “ (A) With respect to each such provider, team of health care professionals, or health team, the name, National Provider Identification number, address, and specific health care services offered to be provided to children with medically complex conditions who have selected such provider, team of health care professionals, or health team as the health home of such children.
 - “ (B) Information on all applicable measures for determining the quality of health home services provided by such provider, team of health care professionals, or health team, including, to the extent applicable, child health quality measures and measures for centers of excellence for children with complex needs developed under this title, title XXI, and section 1139A.
 - “ (C) Such other information as the Secretary shall specify in guidance.
- When appropriate and feasible, such provider, team of health care professionals, or health team, as the case may be, shall use health information technology in providing the State with such information.
- “(2) STATE REPORTING REQUIREMENTS.—
- “ (A) COMPREHENSIVE REPORT.—A State with a State plan amendment approved under this section shall report to the Secretary (and, upon request, to the Medicaid and CHIP Payment and Access Commission), at such time and in such form and manner determined by the Secretary to be reasonable and minimally burdensome, the following information:
 - “ (i) Information reported under paragraph (1).
 - “ (ii) The number of children with medically complex conditions who have selected a health home pursuant to this section.

“(iii) The nature, number, and prevalence of chronic conditions, life-threatening illnesses, disabilities, or rare diseases that such children have.

“(iv) The type of delivery systems and payment models used to provide services to such children under this section.

“(v) The number and characteristics of designated providers, teams of health care professionals operating with such providers, and health teams selected as health homes pursuant to this section, including the number and characteristics of out-of-State providers, teams of health care professionals operating with such providers, and health teams who have provided health care items and services to such children.

“(vi) The extent to which such children receive health care items and services under the State plan.

“(vii) Quality measures developed specifically with respect to health care items and services provided to children with medically complex conditions.

“(B) REPORT ON BEST PRACTICES.—Not later than 90 days after a State has a State plan amendment approved under this section, such State shall submit to the Secretary, and make publicly available on the appropriate State website, a report on how the State is implementing guidance issued under subsection (e)(1), including through any best practices adopted by the State.

Public
information.
Web posting.

“(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

“(1) to require a child with medically complex conditions to enroll in a health home under this section;

“(2) to limit the choice of a child with medically complex conditions in selecting a designated provider, team of health care professionals operating with such a provider, or health team that meets the health home qualification standards established under subsection (b) as the child’s health home; or

“(3) to reduce or otherwise modify—

“(A) the entitlement of children with medically complex conditions to early and periodic screening, diagnostic, and treatment services (as defined in section 1905(r)); or

“(B) the informing, providing, arranging, and reporting requirements of a State under section 1902(a)(43).

“(i) DEFINITIONS.—In this section:

“(1) CHILD WITH MEDICALLY COMPLEX CONDITIONS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the term ‘child with medically complex conditions’ means an individual under 21 years of age who—

“(i) is eligible for medical assistance under the State plan (or under a waiver of such plan); and

“(ii) has at least—

“(I) one or more chronic conditions that cumulatively affect three or more organ systems and severely reduces cognitive or physical functioning (such as the ability to eat, drink, or breathe independently) and that also requires the use of medication, durable medical equipment, therapy, surgery, or other treatments; or

“(II) one life-limiting illness or rare pediatric disease (as defined in section 529(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff(a)(3))).

“(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall prevent the Secretary from establishing higher levels as to the number or severity of chronic, life threatening illnesses, disabilities, rare diseases or mental health conditions for purposes of determining eligibility for receipt of health home services under this section.

“(2) CHRONIC CONDITION.—The term ‘chronic condition’ means a serious, long-term physical, mental, or developmental disability or disease, including the following:

“(A) Cerebral palsy.

“(B) Cystic fibrosis.

“(C) HIV/AIDS.

“(D) Blood diseases, such as anemia or sickle cell disease.

“(E) Muscular dystrophy.

“(F) Spina bifida.

“(G) Epilepsy.

“(H) Severe autism spectrum disorder.

“(I) Serious emotional disturbance or serious mental health illness.

“(3) HEALTH HOME.—The term ‘health home’ means a designated provider (including a provider that operates in coordination with a team of health care professionals) or a health team selected by a child with medically complex conditions (or the family of such child) to provide health home services.

“(4) HEALTH HOME SERVICES.—

“(A) IN GENERAL.—The term ‘health home services’ means comprehensive and timely high-quality services described in subparagraph (B) that are provided by a designated provider, a team of health care professionals operating with such a provider, or a health team.

“(B) SERVICES DESCRIBED.—The services described in this subparagraph shall include—

“(i) comprehensive care management;

“(ii) care coordination, health promotion, and providing access to the full range of pediatric specialty and subspecialty medical services, including services from out-of-State providers, as medically necessary;

“(iii) comprehensive transitional care, including appropriate follow-up, from inpatient to other settings;

“(iv) patient and family support (including authorized representatives);

“(v) referrals to community and social support services, if relevant; and

“(vi) use of health information technology to link services, as feasible and appropriate.

“(5) DESIGNATED PROVIDER.—The term ‘designated provider’ means a physician (including a pediatrician or a pediatric specialty or subspecialty provider), children’s hospital, clinical practice or clinical group practice, prepaid inpatient health plan or prepaid ambulatory health plan (as defined by the Secretary), rural clinic, community health center, community mental health center, home health agency, or any other entity or provider

that is determined by the State and approved by the Secretary to be qualified to be a health home for children with medically complex conditions on the basis of documentation evidencing that the entity has the systems, expertise, and infrastructure in place to provide health home services. Such term may include providers who are employed by, or affiliated with, a children's hospital.

“(6) TEAM OF HEALTH CARE PROFESSIONALS.—The term ‘team of health care professionals’ means a team of health care professionals (as described in the State plan amendment under this section) that may—

“(A) include—

“(i) physicians and other professionals, such as pediatricians or pediatric specialty or subspecialty providers, nurse care coordinators, dietitians, nutritionists, social workers, behavioral health professionals, physical therapists, occupational therapists, speech pathologists, nurses, individuals with experience in medical supportive technologies, or any professionals determined to be appropriate by the State and approved by the Secretary;

“(ii) an entity or individual who is designated to coordinate such a team; and

“(iii) community health workers, translators, and other individuals with culturally-appropriate expertise; and

“(B) be freestanding, virtual, or based at a children's hospital, hospital, community health center, community mental health center, rural clinic, clinical practice or clinical group practice, academic health center, or any entity determined to be appropriate by the State and approved by the Secretary.

“(7) HEALTH TEAM.—The term ‘health team’ has the meaning given such term for purposes of section 3502 of Public Law 111–148.”.

SEC. 4. EXTENSION OF THE COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.

Section 223(d)(3) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note) is amended by striking “for 2-year demonstration programs under this subsection” and inserting “to conduct demonstration programs under this subsection for 2 years or through June 30, 2019, whichever is longer”.

SEC. 5. ADDITIONAL FUNDING FOR THE MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION.

Section 6071(h)(1)(F) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended by striking “\$112,000,000” and inserting “132,000,000”.

SEC. 6. PREVENTING THE MISCLASSIFICATION OF DRUGS UNDER THE MEDICAID DRUG REBATE PROGRAM.

(a) APPLICATION OF CIVIL MONEY PENALTY FOR MISCLASSIFICATION OF COVERED OUTPATIENT DRUGS.—

(1) IN GENERAL.—Section 1927(b)(3) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)) is amended—

(A) in the paragraph heading, by inserting “AND DRUG PRODUCT” after “PRICE”;

(B) in subparagraph (A)—

(i) in clause (ii), by striking “; and” at the end and inserting a semicolon;

(ii) in clause (iii), by striking the period at the end and inserting a semicolon;

(iii) in clause (iv), by striking the semicolon at the end and inserting “; and”; and

(iv) by inserting after clause (iv) the following new clause:

Deadline.

“(v) not later than 30 days after the last day of each month of a rebate period under the agreement, such drug product information as the Secretary shall require for each of the manufacturer’s covered outpatient drugs.”; and

(C) in subparagraph (C)—

(i) in clause (ii), by inserting “, including information related to drug pricing, drug product information, and data related to drug pricing or drug product information,” after “provides false information”;

(ii) by adding at the end the following new clauses:

“(iii) MISCLASSIFIED DRUG PRODUCT OR MISREPORTED INFORMATION.—

Penalties.

“(I) IN GENERAL.—Any manufacturer with an agreement under this section that knowingly (as defined in section 1003.110 of title 42, Code of Federal Regulations (or any successor regulation)) misclassifies a covered outpatient drug, such as by knowingly submitting incorrect drug product information, is subject to a civil money penalty for each covered outpatient drug that is misclassified in an amount not to exceed 2 times the amount of the difference between—

“(aa) the total amount of rebates that the manufacturer paid with respect to the drug to all States for all rebate periods during which the drug was misclassified; and

“(bb) the total amount of rebates that the manufacturer would have been required to pay, as determined by the Secretary using drug product information provided by the manufacturer, with respect to the drug to all States for all rebate periods during which the drug was misclassified if the drug had been correctly classified.

“(II) OTHER PENALTIES AND RECOVERY OF UNDERPAID REBATES.—The civil money penalties described in subclause (I) are in addition to other penalties as may be prescribed by law and any other recovery of the underlying underpayment for rebates due under this section or the terms of the rebate agreement as determined by the Secretary.

“(iv) INCREASING OVERSIGHT AND ENFORCEMENT.—Each year the Secretary shall retain, in addition to any amount retained by the Secretary to recoup investigation and litigation costs related to the enforcement of the civil money penalties under this subparagraph

and subsection (c)(4)(B)(ii)(III), an amount equal to 25 percent of the total amount of civil money penalties collected under this subparagraph and subsection (c)(4)(B)(ii)(III) for the year, and such retained amount shall be available to the Secretary, without further appropriation and until expended, for activities related to the oversight and enforcement of this section and agreements under this section, including—

“(I) improving drug data reporting systems;
“(II) evaluating and ensuring manufacturer compliance with rebate obligations; and

“(III) oversight and enforcement related to ensuring that manufacturers accurately and fully report drug information, including data related to drug classification.”; and

(iii) in subparagraph (D)—

(I) in clause (iv), by striking “, and” and inserting a comma;

(II) in clause (v), by striking the period and inserting “, and”; and

(III) by inserting after clause (v) the following new clause:

“(vi) in the case of categories of drug product or classification information that were not considered confidential by the Secretary on the day before the date of the enactment of this clause.”.

(2) TECHNICAL AMENDMENTS.—

(A) Section 1903(i)(10) of the Social Security Act (42 U.S.C. 1396b(i)(10)) is amended—

(i) in subparagraph (C)—

(I) by adjusting the left margin so as to align with the left margin of subparagraph (B); and

(II) by striking “, and” and inserting a semicolon;

(ii) in subparagraph (D), by striking “; or” and inserting “, and”; and

(iii) by adding at the end the following new subparagraph:

“(E) with respect to any amount expended for a covered outpatient drug for which a suspension under section 1927(c)(4)(B)(ii)(II) is in effect; or”.

(B) Section 1927(b)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(C)(ii)) is amended by striking “subsections (a) and (b)” and inserting “subsections (a), (b), (f)(3), and (f)(4)”.

(b) RECOVERY OF UNPAID REBATE AMOUNTS DUE TO MISCLASSIFICATION OF COVERED OUTPATIENT DRUGS.—

(1) IN GENERAL.—Section 1927(c) of the Social Security Act (42 U.S.C. 1396r–8(c)) is amended by adding at the end the following new paragraph:

“(4) RECOVERY OF UNPAID REBATE AMOUNTS DUE TO MISCLASSIFICATION OF COVERED OUTPATIENT DRUGS.—

“(A) IN GENERAL.—If the Secretary determines that a manufacturer with an agreement under this section paid a lower per-unit rebate amount to a State for a rebate period as a result of the misclassification by the manufacturer of a covered outpatient drug (without regard to

Determination.

whether the manufacturer knowingly made the misclassification or should have known that the misclassification would be made) than the per-unit rebate amount that the manufacturer would have paid to the State if the drug had been correctly classified, the manufacturer shall pay to the State an amount equal to the product of—

“(i) the difference between—

“(I) the per-unit rebate amount paid to the State for the period; and

“(II) the per-unit rebate amount that the manufacturer would have paid to the State for the period, as determined by the Secretary, if the drug had been correctly classified; and

“(ii) the total units of the drug paid for under the State plan in the period.

“(B) AUTHORITY TO CORRECT MISCLASSIFICATIONS.—

Determination.
Notification.

“(i) IN GENERAL.—If the Secretary determines that a manufacturer with an agreement under this section has misclassified a covered outpatient drug (without regard to whether the manufacturer knowingly made the misclassification or should have known that the misclassification would be made), the Secretary shall notify the manufacturer of the misclassification and require the manufacturer to correct the misclassification in a timely manner.

“(ii) ENFORCEMENT.—If, after receiving notice of a misclassification from the Secretary under clause (i), a manufacturer fails to correct the misclassification by such time as the Secretary shall require, until the manufacturer makes such correction, the Secretary may do any or all of the following:

“(I) Correct the misclassification, using drug product information provided by the manufacturer, on behalf of the manufacturer.

“(II) Suspend the misclassified drug and the drug’s status as a covered outpatient drug under the manufacturer’s national rebate agreement, and exclude the misclassified drug from Federal financial participation in accordance with section 1903(i)(10)(E).

Penalties.

“(III) Impose a civil money penalty (which shall be in addition to any other recovery or penalty which may be available under this section or any other provision of law) for each rebate period during which the drug is misclassified not to exceed an amount equal to the product of—

“(aa) the total number of units of each dosage form and strength of such misclassified drug paid for under any State plan during such a rebate period; and

“(bb) 23.1 percent of the average manufacturer price for the dosage form and strength of such misclassified drug.

“(C) REPORTING AND TRANSPARENCY.—

“(i) IN GENERAL.—The Secretary shall submit a report to Congress on at least an annual basis that

includes information on the covered outpatient drugs that have been identified as misclassified, any steps taken to reclassify such drugs, the actions the Secretary has taken to ensure the payment of any rebate amounts which were unpaid as a result of such misclassification, and a disclosure of expenditures from the fund created in subsection (b)(3)(C)(iv), including an accounting of how such funds have been allocated and spent in accordance with such subsection.

“(ii) PUBLIC ACCESS.—The Secretary shall make the information contained in the report required under clause (i) available to the public on a timely basis.

“(D) OTHER PENALTIES AND ACTIONS.—Actions taken and penalties imposed under this clause shall be in addition to other remedies available to the Secretary including terminating the manufacturer’s rebate agreement for non-compliance with the terms of such agreement and shall not exempt a manufacturer from, or preclude the Secretary from pursuing, any civil money penalty under this title or title XI, or any other penalty or action as may be prescribed by law.”.

(2) OFFSET OF RECOVERED AMOUNTS AGAINST MEDICAL ASSISTANCE.—Section 1927(b)(1)(B) of the Social Security Act (42 U.S.C. 1396r–8(b)(1)(B)) is amended by inserting “, including amounts received by a State under subsection (c)(4),” after “in any quarter”.

(c) CLARIFYING DEFINITIONS.—Section 1927(k) of the Social Security Act (42 U.S.C. 1396r–8(k)) is amended—

(1) in paragraph (2)(A), by striking “paragraph (5)” and inserting “paragraph (4)”; and

(2) in paragraph (7)(A)—

(A) by striking “an original new drug application” and inserting “a new drug application” each place it appears;

(B) in clause (i), by striking “(not including any drug described in paragraph (5))” and inserting “, including a drug product approved for marketing as a non-prescription drug that is regarded as a covered outpatient drug under paragraph (4),”;

(C) in clause (ii)—

(i) by striking “was originally marketed” and inserting “is marketed”; and

(ii) by inserting “, unless the Secretary determines that a narrow exception applies (as described in section 447.502 of title 42, Code of Federal Regulations (or any successor regulation))” before the period; and

(D) in clause (iv)—

(i) by inserting “, including a drug product approved for marketing as a non-prescription drug that is regarded as a covered outpatient drug under paragraph (4),” after “covered outpatient drug”;

(ii) by inserting “unless the Secretary determines that a narrow exception applies (as described in section 447.502 of title 42, Code of Federal Regulations (or any successor regulation))” after “under the new drug application”; and

(iii) by adding at the end the following new sentence: “Such term also includes a covered outpatient

drug that is a biological product licensed, produced, or distributed under a biologics license application approved by the Food and Drug Administration.”.

(d) **EXCLUSION OF MANUFACTURERS FOR KNOWING MISCLASSIFICATION OF COVERED OUTPATIENT DRUGS.**—Section 1128(b) of the Social Security Act (42 U.S.C. 1320a–7(b)) is amended by adding at the end the following new paragraph:

“(17) **KNOWINGLY MISCLASSIFYING COVERED OUTPATIENT DRUGS.**—Any manufacturer or officer, director, agent, or managing employee of such manufacturer that knowingly misclassifies a covered outpatient drug under an agreement under section 1927, knowingly fails to correct such misclassification, or knowingly provides false information related to drug pricing, drug product information, or data related to drug pricing or drug product information.”.

42 USC 1320a–7
note.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to covered outpatient drugs supplied by manufacturers under agreements under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after such date.

SEC. 7. EXTENSION OF THIRD-PARTY LIABILITY PERIOD FOR CHILD SUPPORT SERVICES.

(a) **IN GENERAL.**—Section 202(a)(2) of the Bipartisan Budget Act of 2013 (Public Law 113–67) is amended by striking “90 days” and inserting “100 days”.

42 USC 1396a
note.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 8. DENIAL OF FFP FOR CERTAIN EXPENDITURES RELATING TO VACUUM ERECTION SYSTEMS AND PENILE PROSTHETIC IMPLANTS.

(a) **IN GENERAL.**—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended by inserting after paragraph (11) the following:

“(12) with respect to any amounts expended for—

“(A) a vacuum erection system that is not medically necessary; or

“(B) the insertion, repair, or removal and replacement of a penile prosthetic implant (unless such insertion, repair, or removal and replacement is medically necessary); or”.

42 USC 1396b
note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to items and services furnished on or after January 1, 2020.

SEC. 9. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the

Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved April 18, 2019.

LEGISLATIVE HISTORY—H.R. 1839:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Mar. 25, considered and passed House.

Apr. 2, considered and passed Senate.

Public Law 116–17
116th Congress

An Act

May 10, 2019
[H.R. 1222]

To amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

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

Target
Practice and
Marksmanship
Training
Support Act.
16 USC 669 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Target Practice and Marksmanship Training Support Act”.

16 USC 669a
note.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the use of firearms and archery equipment for target practice and marksmanship training activities on Federal land is allowed, except to the extent specific portions of that land have been closed to those activities;

(2) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(3) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

(4) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(5) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States amounts that may be used for construction, operation, and maintenance of public target ranges; and

(6) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) PURPOSE.—The purpose of this Act is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

SEC. 3. DEFINITION OF PUBLIC TARGET RANGE.16 USC 669a
note.

In this Act, the term “public target range” means a specific location that—

- (1) is identified by a governmental agency for recreational shooting;
- (2) is open to the public;
- (3) may be supervised; and
- (4) may accommodate archery or rifle, pistol, or shotgun shooting.

SEC. 4. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(a) **DEFINITIONS.**—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

- (1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and
- (2) by inserting after paragraph (1) the following:

“(2) the term ‘public target range’ means a specific location that—

- “(A) is identified by a governmental agency for recreational shooting;
- “(B) is open to the public;
- “(C) may be supervised; and
- “(D) may accommodate archery or rifle, pistol, or shotgun shooting.”.

(b) **EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.**—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

- (1) by striking “(b) Each State” and inserting the following:

“(b) **EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), each State”;

(2) in paragraph (1) (as so designated), by striking “construction, operation,” and inserting “operation”;

(3) in the second sentence, by striking “The non-Federal share” and inserting the following:

“(3) **NON-FEDERAL SHARE.**—The non-Federal share”;

(4) in the third sentence, by striking “The Secretary” and inserting the following:

“(4) **REGULATIONS.**—The Secretary”; and

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

“(2) **EXCEPTION.**—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.”.

(c) **FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.**—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

- (1) in subsection (a), by adding at the end the following:

“(3) **ALLOCATION OF ADDITIONAL AMOUNTS.**—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.”;

(2) by striking subsection (b) and inserting the following:
“(b) COST SHARING.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

“(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.”; and

(3) in subsection (c)(1)—

(A) by striking “Amounts made” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made”; and

(B) by adding at the end the following:

“(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.”.

Time period.
Effective date.

SEC. 5. SENSE OF CONGRESS REGARDING COOPERATION.

It is the sense of Congress that, consistent with applicable laws and regulations, the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to carry out waste removal and other activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

Approved May 10, 2019.

LEGISLATIVE HISTORY—H.R. 1222 (S. 94):

SENATE REPORTS: No. 116–8 (Comm. on Environment and Public Works) accompanying S. 94.

CONGRESSIONAL RECORD, Vol. 165 (2019):

Apr. 29, considered and passed House.

Apr. 30, considered and passed Senate.

Public Law 116–18
116th Congress

An Act

To reauthorize the Bulletproof Vest Partnership Grant Program.

May 23, 2019
[H.R. 2379]

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

**SECTION 1. BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM
REAUTHORIZATION.**

(a) IN GENERAL.—Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)(23)) is amended by striking “part Y” and all that follows and inserting “part Y, \$30,000,000 for fiscal year 2020, and each fiscal year thereafter.”.

(b) PROGRAM NAME.—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10531 et seq.) is amended by inserting before section 2501 the following:

**“SEC. 2500. PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP
GRANT PROGRAM.** 34 USC 10530.

“The program under this part shall be known as the ‘Patrick Leahy Bulletproof Vest Partnership Grant Program’.”.

Approved May 23, 2019.

LEGISLATIVE HISTORY—H.R. 2379:

CONGRESSIONAL RECORD, Vol. 165 (2019):

May 14, considered and passed House.

May 16, considered and passed Senate.

Public Law 116–19
116th Congress

An Act

May 31, 2019
[S. 1693]

To reauthorize the National Flood Insurance Program.

National Flood
Insurance
Program
Extension Act
of 2019.
42 USC 4001
note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Flood Insurance Pro-
gram Extension Act of 2019”.

**SEC. 2. REAUTHORIZATION OF NATIONAL FLOOD INSURANCE PRO-
GRAM.**

(a) **FINANCING.**—Section 1309(a) of the National Flood Insur-
ance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking “May
31, 2019” and inserting “June 14, 2019”.

(b) **PROGRAM EXPIRATION.**—Section 1319 of the National Flood
Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking
“May 31, 2019” and inserting “June 14, 2019”.

42 USC 4016
note.

(c) **RETROACTIVE EFFECTIVE DATE.**—If this Act is enacted after
May 31, 2019, the amendments made by subsections (a) and (b)
shall take effect as if enacted on May 31, 2019.

Approved May 31, 2019.

LEGISLATIVE HISTORY—S. 1693:

CONGRESSIONAL RECORD, Vol. 165 (2019):

May 23, considered and passed Senate.

May 30, considered and passed House.

Public Law 116–20
116th Congress

An Act

Making supplemental appropriations for the fiscal year ending September 30, 2019,
and for other purposes.

June 6, 2019
[H.R. 2157]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2019, and for other purposes, namely:

Additional
Supplemental
Appropriations
for Disaster
Relief Act, 2019.

TITLE I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL PROGRAMS

PROCESSING, RESEARCH AND MARKETING

OFFICE OF THE SECRETARY

For an additional amount for the “Office of the Secretary”, \$3,005,442,000, which shall remain available until December 31, 2020, for necessary expenses related to losses of crops (including milk, on-farm stored commodities, crops prevented from planting in 2019, and harvested adulterated wine grapes), trees, bushes, and vines, as a consequence of Hurricanes Michael and Florence, other hurricanes, floods, tornadoes, typhoons, volcanic activity, snowstorms, and wildfires occurring in calendar years 2018 and 2019 under such terms and conditions as determined by the Secretary: *Provided*, That the Secretary may provide assistance for such losses in the form of block grants to eligible states and territories and such assistance may include compensation to producers, as determined by the Secretary, for forest restoration and poultry and livestock losses: *Provided further*, That of the amounts provided under this heading, tree assistance payments may be made under section 1501(e) of the Agricultural Act of 2014 (7 U.S.C. 9081(e)) to eligible orchardists or nursery tree growers (as defined in such section) of pecan trees with a tree mortality rate that exceeds 7.5 percent (adjusted for normal mortality) and is less than 15 percent (adjusted for normal mortality), to be available until expended, for losses incurred during the period beginning January 1, 2018, and ending December 31, 2018: *Provided further*, That in the case of producers impacted by volcanic activity that resulted in the loss of crop land, or access to crop land, the Secretary shall consider all measures available, as appropriate, to bring replacement land into production: *Provided further*, That of the

Determination.

Time period.

amounts provided under this heading, not more than \$7,000,000 shall be available to make payments to agricultural producers whose Whole Farm Revenue Protection indemnity payments were reduced following 2018 crop year losses due to assistance received through state-legislated agriculture disaster assistance programs: *Provided further*, That the total amount of payments received under this heading and applicable policies of crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the Noninsured Crop Disaster Assistance Program (NAP) under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall not exceed 90 percent of the loss as determined by the Secretary: *Provided further*, That the total amount of payments received under this heading for producers who did not obtain a policy or plan of insurance for an insurable commodity for the applicable crop year under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses or did not file the required paperwork and pay the service fee by the applicable State filing deadline for a noninsurable commodity for the applicable crop year under NAP for the crop incurring the losses shall not exceed 70 percent of the loss as determined by the Secretary: *Provided further*, That in the case of a crop under this heading for which the Federal Crop Insurance Corporation offers a revenue insurance policy under section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508), the Secretary shall use the greater of the projected price or the harvest price for such crop to determine the expected value of such crop: *Provided further*, That producers receiving payments under this heading, as determined by the Secretary, shall be required to purchase crop insurance where crop insurance is available for the next two available crop years, excluding tree insurance policies, and producers receiving payments under this heading shall be required to purchase coverage under NAP where crop insurance is not available in the next two available crop years, as determined by the Secretary: *Provided further*, That, not later than 120 days after the end of fiscal year 2019, the Secretary shall submit a report to the Congress specifying the type, amount, and method of such assistance by state and territory: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Reports.

FARM SERVICE AGENCY

EMERGENCY FOREST RESTORATION PROGRAM

For an additional amount for the “Emergency Forest Restoration Program”, for necessary expenses related to the consequences of Hurricanes Michael and Florence and wildfires occurring in calendar year 2018, tornadoes and floods occurring in calendar year 2019, and other natural disasters, \$480,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the “Emergency Conservation Program”, for necessary expenses related to the consequences of Hurricanes Michael and Florence and wildfires occurring in calendar year 2018, tornadoes and floods occurring in calendar year 2019, and other natural disasters, \$558,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for “Watershed and Flood Prevention Operations”, for necessary expenses for the Emergency Watershed Protection Program related to the consequences of Hurricanes Michael and Florence and wildfires occurring in calendar year 2018, tornadoes and floods occurring in calendar year 2019, and other natural disasters, \$435,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL DEVELOPMENT

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

For an additional amount for the cost of grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, for necessary expenses related to the consequences of Hurricanes Michael and Florence and wildfires occurring in calendar year 2018, tornadoes and floods occurring in calendar year 2019, and other natural disasters, \$150,000,000, to remain available until expended: *Provided*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

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

251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 102. For purposes of administering title I of subdivision 1 of division B of the Bipartisan Budget Act of 2018 (Public Law 115–123), losses to agricultural producers resulting from hurricanes shall also include losses incurred from Tropical Storm Cindy, losses of peach and blueberry crops in calendar year 2017 due to extreme cold, and blueberry productivity losses in calendar year 2018 due to extreme cold and hurricane damage in calendar year 2017: *Provided*, That the amounts provided by this section are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That amounts repurposed under this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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

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

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

(c) The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Grants.
Puerto Rico.

SEC. 104. In addition to other amounts made available by section 309 of division A of the Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Public Law 115–72; 131 Stat. 1229), there is appropriated to the Secretary, out of any moneys in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2019, \$600,000,000 to provide a grant to the Commonwealth of Puerto Rico for disaster nutrition assistance in response to a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That the funds made available to the Commonwealth of Puerto Rico under this section shall remain available for obligation by the Commonwealth until September 30, 2020, and shall be in addition to funds otherwise made available: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

Study.
Survey.
Puerto Rico.

SEC. 105. There is hereby appropriated \$5,000,000, to remain available until September 30, 2020, for the Secretary of Agriculture to conduct an independent study, including a survey of participants,

to compare the impact of the additional benefits provided by section 309 of Public Law 115–72 to the food insecurity, health status, and well-being of low-income residents in Puerto Rico without such additional benefits: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 106. In addition to amounts otherwise made available, out of the funds made available under section 18 of the Food and Nutrition Act of 2008, \$18,000,000 shall be available for the Secretary to provide a grant to American Samoa for disaster nutrition assistance in response to the presidentially declared major disasters and emergencies: *Provided*, That funds made available to the territory under this section shall remain available for obligation by the territory until September 30, 2020: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 107. Beginning not later than the 2020 reinsurance year, the Federal Crop Insurance Corporation shall offer coverage under the wholefarm revenue protection insurance policy (or a successor policy or plan of insurance) for hemp (as defined in section 297A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1639o)): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

7 USC 1508 note.

SEC. 108. Notwithstanding any other provision of law, any rural community impacted by major declared disaster DR–4407 may have the governor in the affected state, or the governor’s designee, certify the area’s population as a rural area with respect to eligibility for loans, grants, and technical assistance under rural development programs funded by the Department of Agriculture until data from the 2020 United States Census is available: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Certification.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for “Economic Development Assistance Programs” for necessary expenses related to flood mitigation, disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation as a result of Hurricanes Florence, Michael, and Lane, Typhoons Yutu and Mangkhut, and of wildfires, volcanic eruptions, earthquakes, and other natural disasters occurring in calendar year 2018, and tornadoes and floods occurring in calendar year 2019 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.),

\$600,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That within the amount appropriated, up to 2 percent of funds may be transferred to the “Salaries and Expenses” account for administration and oversight activities: *Provided further*, That within the amount appropriated, \$1,000,000 shall be transferred to the “Office of Inspector General” account for carrying out investigations and audits related to the funding provided under this heading.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

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

- (1) \$3,000,000 for repair and replacement of observing assets, real property, and equipment;
- (2) \$11,000,000 for marine debris assessment and removal;
- (3) \$31,570,000 for mapping, charting, and geodesy services;
- (4) \$25,000,000 to improve: (a) hurricane intensity forecasting, including through deployment of unmanned ocean observing platforms and enhanced data assimilation; (b) flood prediction, forecasting, and mitigation capabilities; and (c) wildfire prediction, detection, and forecasting; and
- (5) \$50,000,000 for Title IX Fund grants as authorized under section 906(c) of division O of Public Law 114–113:

Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for funding provided under subsection (4) of this heading within 45 days after the date of enactment of this Act.

Spending plan.
Deadline.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for “Procurement, Acquisition and Construction”, \$25,000,000, to remain available until September 30, 2021, for improvements to operational and research weather supercomputing infrastructure and satellite ground services used for hurricane intensity and track prediction; flood prediction, forecasting, and mitigation; and wildfire prediction, detection, and forecasting: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

Spending plan.
Deadline.

FISHERY DISASTER ASSISTANCE

For an additional amount for “Fishery Disaster Assistance” for necessary expenses associated with the mitigation of fishery disasters, \$150,000,000, to remain available until expended: *Provided*, That funds shall be used for mitigating the effects of commercial fishery failures and fishery resource disasters declared by the Secretary of Commerce, including those declared by the Secretary to be a direct result of Hurricanes Florence and Michael and Typhoons Yutu and Mangkhut: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricanes Florence and Michael and Typhoon Yutu, \$1,336,000: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

For an additional amount for “Buildings and Facilities” for necessary expenses related to the consequences of Hurricanes Florence and Michael and Typhoon Yutu, \$28,400,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for “Payment to the Legal Services Corporation” to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of Hurricanes Florence, Michael, and Lane, Typhoons Yutu and Mangkhut, calendar year 2018 wildfires, volcanic eruptions, and earthquakes, and calendar year 2019 tornadoes and floods, \$15,000,000: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That none of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504,

505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2018 and 2019, respectively, and except that sections 501 and 503 of Public Law 104–134 (referenced by Public Law 105–119) shall not apply to the amount made available under this heading: *Provided further*, That, for the purposes of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

TITLE III

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, \$381,000,000, for necessary expenses related to the consequences of Hurricanes Michael and Florence: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$670,000,000, for necessary expenses related to the consequences of Hurricanes Michael and Florence and floods occurring in calendar year 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 301. Notwithstanding any other provision of law, funds made available under each heading in this title shall only be used for the purposes specifically described under that heading.

TITLE IV

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

INVESTIGATIONS

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

by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House and the Senate detailing the allocation and obligation of these funds, including new studies selected to be initiated using funds provided under this heading, beginning not later than 60 days after the date of enactment of this Act.

Reports.

CONSTRUCTION

For an additional amount for “Construction” for necessary expenses, \$740,000,000, to remain available until expended, to construct flood and storm damage reduction, including shore protection, projects which are currently authorized or which are authorized after the date of enactment of this Act, and flood and storm damage reduction, including shore protection, projects which have signed Chief’s Reports as of the date of enactment of this Act or which are studied using funds provided under the heading “Investigations” if the Secretary determines such projects to be technically feasible, economically justified, and environmentally acceptable, in States and insular areas that were impacted by Hurricanes Florence and Michael, Typhoon Mangkhut, Super Typhoon Yutu, and Tropical Storm Gita: *Provided*, That projects receiving funds provided under the first proviso in “Title IV—Corps of Engineers—Civil—Department of the Army—Construction” in Public Law 115–123 shall not be eligible for funding provided under this heading: *Provided further*, That for projects receiving funds provided under this heading, the provisions of Section 902 of the Water Resources Development Act of 1986 shall not apply to these funds: *Provided further*, That the completion of ongoing construction projects receiving funds provided under this heading shall be at full Federal expense with respect to such funds: *Provided further*, That using funds provided under this heading, the non-Federal cash contribution for projects other than ongoing construction projects shall be financed in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years from the date of completion of the project or separable element: *Provided further*, That up to \$25,000,000 of the funds made available under this heading shall be used for continuing authorities projects to reduce the risk of flooding and storm damage: *Provided further*, That any projects using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring, where applicable, the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations

Reports.

of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for “Mississippi River and Tributaries” for necessary expenses to address emergency situations at Corps of Engineers projects and rehabilitate and repair damages to Corps of Engineers projects, caused by natural disasters, \$575,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this Act.

Reports.

OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance” for necessary expenses to dredge Federal navigation projects in response to, and repair damages to Corps of Engineers Federal projects caused by, natural disasters, \$908,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this Act.

Reports.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters, as authorized by law, \$1,000,000,000, to remain available until expended: *Provided*, That funding utilized for authorized shore protection projects shall restore such projects to the full project profile at full Federal expense: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this Act.

Reports.

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For an additional amount for “Central Utah Project Completion Account”, \$350,000, to be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission, to remain available until expended, for expenses necessary in carrying out fire remediation activities related to wildfires in 2018: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for “Water and Related Resources”, \$15,500,000, to remain available until expended, for fire remediation and suppression emergency assistance related to wildfires in 2017 and 2018: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE V

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount, to be deposited in the Federal Buildings Fund, \$91,200,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Florence for repair and alteration of buildings under the custody and control of the Administrator of General Services, and real property management and related activities not otherwise provided for: *Provided*, That such amount may be used to reimburse the Fund for obligations incurred for this purpose prior to the date of the enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Reimbursement.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

COAST GUARD

OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Michael, Florence, and Lane, Tropical Storm Gordon, and Typhoon Mangkhut, \$48,977,000; of which \$46,977,000 shall remain available until September 30, 2020, and of which \$2,000,000 shall remain available until September 30, 2023, for environmental compliance and restoration: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Procurement, Construction, and Improvements” for necessary expenses related to the consequences of Hurricanes Michael, Florence, and Lane, Tropical Storm Gordon, and Typhoon Mangkhut, \$476,755,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. In implementing section 20601 of Public Law 115–123, the Administrator shall include the costs associated with addressing pre-disaster condition, undamaged components, codes and standards, and industry standards in the cost of repair when calculating the percentage in section 206.226(f) of title 44, Code of Federal Regulations: *Provided*, That amounts repurposed under this section that were previously designated by the Congress, respectively, as an emergency requirement or as being for disaster relief pursuant to the Balanced Budget and Emergency Deficit Control Act are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 602. Notwithstanding any other provision of law, funds made available under each heading in this title shall only be used for the purposes specifically described under that heading.

TITLE VII

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for “Construction” for necessary expenses related to the consequences of Hurricanes Florence, Lane, and Michael, and flooding associated with major declared disaster DR–4365, and calendar year 2018 earthquakes, \$82,400,000, to remain available until expended: *Provided*, That of this amount \$50,000,000 shall be used to restore and rebuild national wildlife refuges and increase the resiliency and capacity of coastal habitat and infrastructure to withstand storms and reduce the amount of damage caused by such storms: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the “Historic Preservation Fund” for necessary expenses related to the consequences of Hurricanes Florence and Michael, and Typhoon Yutu, \$50,000,000, to remain available until September 30, 2022, including costs to States and territories necessary to complete compliance activities required by section 306108 of title 54, United States Code (formerly section 106 of the National Historic Preservation Act) and costs needed to administer the program: *Provided*, That grants shall only be available for areas that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That individual grants shall not be subject to a non-Federal matching requirement: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION

For an additional amount for “Construction” for necessary expenses related to the consequences of Hurricanes Florence and Michael, Typhoons Yutu and Mangkhut, and calendar year 2018 wildfires, earthquakes, and volcanic eruptions, \$78,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

Reports.
Cost estimates.

For an additional amount for “Surveys, Investigations, and Research” for necessary expenses related to the consequences of Hurricanes Florence and Michael, and calendar year 2018 wildfires, earthquake damage associated with emergency declaration EM–3410, and in those areas impacted by a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) with respect to calendar year 2018 wildfires or volcanic eruptions, \$98,500,000, to remain available until expended: *Provided*, That of this amount, \$72,310,000 is for costs related to the repair and replacement of equipment and facilities damaged by disasters in 2018: *Provided further*, That, not later than 90 days after enactment of this Act, the Survey shall submit a report to the Committees on Appropriations that describes the potential options to replace the facility damaged by the 2018 volcano disaster along with cost estimates and a description of how the Survey will provide direct access for monitoring volcanic activity and the potential threat to at-risk communities: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For an additional amount for “Technical Assistance” for financial management expenses related to the consequences of Typhoon Yutu, \$2,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in 2018, \$1,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For an additional amount for “Science and Technology” for necessary expenses related to improving preparedness of the water

sector, \$600,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For an additional amount for “Leaking Underground Storage Tank Fund” for necessary expenses related to the consequences of Hurricanes Florence and Michael, calendar year 2018 earthquakes, and Typhoon Yutu, \$1,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE AND TRIBAL ASSISTANCE GRANTS

For additional amounts for “State and Tribal Assistance Grants” for necessary expenses related to the consequences of Hurricanes Florence and Michael and calendar year 2018 earthquakes for the hazardous waste financial assistance grants program, \$1,500,000, to remain available until expended; for necessary expenses related to the consequences of Typhoon Yutu for the hazardous waste financial assistance grants program and for other solid waste management activities, \$56,000,000, to remain available until expended, provided that none of these funds shall be subject to section 3011(b) of the Solid Waste Disposal Act; and for grants under section 106 of the Federal Water Pollution Control Act, \$5,000,000, to remain available until expended, to address impacts of Hurricane Florence, Hurricane Michael, Typhoon Yutu, and calendar year 2018 wildfires, notwithstanding subsections (b), (e), and (f), of such section: *Provided*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “State and Tribal Assistance Grants”, \$349,400,000 to remain available until expended, of which \$53,300,000 shall be for capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, and of which \$296,100,000 shall be for capitalization grants under section 1452 of the Safe Drinking Water Act: *Provided*, That notwithstanding section 604(a) of the Federal Water Pollution Control Act and section 1452(a)(1)(D) of the Safe Drinking Water Act, funds appropriated herein shall be provided to States or Territories in EPA Regions 4, 9, and 10 in amounts determined by the Administrator for wastewater treatment works and drinking water facilities impacted by Hurricanes Florence and Michael, Typhoon Yutu, and calendar year 2018 wildfires and earthquakes: *Provided further*, That notwithstanding the requirements of section 603(i) of the Federal Water Pollution Control Act and section 1452(d) of the Safe Drinking Water Act, for the funds appropriated herein, each State shall use not less than 20 percent but not more than 30 percent of the amount of its capitalization grants to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of these: *Provided further*, That the Administrator shall retain \$10,400,000 of the funds appropriated herein for grants

Determination.

for drinking water facilities and waste water treatment plants impacted by Typhoon Yutu: *Provided further*, That the funds appropriated herein shall be used for eligible projects whose purpose is to reduce flood or fire damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or natural disaster at treatment works as defined by section 212 of the Federal Water Pollution Control Act or any eligible facilities under section 1452 of the Safe Drinking Water Act, and for other eligible tasks at such treatment works or facilities necessary to further such purposes: *Provided further*, That the Administrator of the Environmental Protection Agency may retain up to \$1,000,000 of the funds appropriated herein for management and oversight: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For an additional amount for “Forest and Rangeland Research” for necessary expenses related to the consequences of Hurricanes Florence and Michael, and the calendar year 2018 wildfires, \$1,000,000, to remain available until expended for the forest inventory and analysis program: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE AND PRIVATE FORESTRY

For an additional amount for “State and Private Forestry” for necessary expenses related to the consequences of Hurricanes Florence and Michael, and the calendar year 2018 wildfires, \$12,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FOREST SYSTEM

For an additional amount for “National Forest System” for necessary expenses related to the consequences of Hurricanes Florence and Michael, and the calendar year 2018 wildfires, \$84,960,000, to remain available until expended: *Provided*, That of this amount \$21,000,000 shall be used for hazardous fuels management activities: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for “Capital Improvement and Maintenance” for necessary expenses related to the consequences of Hurricanes Florence and Michael, and the calendar year 2018 wildfires, \$36,040,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For an additional amount for “National Institute of Environmental Health Sciences” for necessary expenses in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(a)) and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 related to the consequences of major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in 2018, \$1,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 701. Not later than 45 days after the date of enactment of this Act, the agencies receiving funds appropriated by this title shall provide a detailed operating plan of anticipated uses of funds made available in this title by State and Territory, and by program, project, and activity, to the Committees on Appropriations: *Provided*, That no such funds shall be obligated before the operating plans are provided to the Committees: *Provided further*, That such plans shall be updated, including obligations to date, and submitted to the Committees on Appropriations every 60 days until all such funds are expended.

Deadline.
Operating plans.

Time period.

TITLE VIII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Training and Employment Services”, \$50,000,000, for the dislocated workers assistance national reserve for necessary expenses directly related to the consequences of Hurricanes Florence and Michael, Typhoon Mangkhut, Super Typhoon Yutu, wildfires and earthquakes occurring in calendar year 2018, and tornadoes and floods occurring in calendar year 2019 (referred to under this heading as “covered disaster or emergency”), to remain available through September 30, 2020: *Provided*, That the Secretary of Labor may transfer up to \$1,000,000 of such funds to any other Department of Labor account for reconstruction and recovery needs, including worker protection activities: *Provided further*, That these sums may be used to replace grant funds previously obligated to the impacted areas: *Provided further*, That of the amount provided, up to \$500,000, to remain available until expended, shall be transferred to “Office of Inspector General” for oversight of activities responding to such covered disaster or emergency: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT
BLOCK GRANT

For an additional amount for “Payments to States for the Child Care and Development Block Grant”, \$30,000,000, to remain available through September 30, 2021, for necessary expenses directly related to the consequences of Hurricanes Florence and Michael, Typhoon Mangkhut, Super Typhoon Yutu, and wildfires and earthquakes occurring in calendar year 2018 and tornadoes and floods occurring in calendar year 2019 in those areas for which a major disaster or emergency has been declared under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191): *Provided*, That the Secretary shall allocate such funds based on assessed need notwithstanding sections 658J and 658O of the Child Care and Development Block Grant Act of 1990: *Provided further*, That such funds may be used for costs of renovating, repairing, or rebuilding child care facilities without regard to section 658F(b) or 658G of such Act and with amounts allocated for such purposes excluded from the calculation of percentages under subsection 658E(c)(3) of such Act: *Provided further*, That notwithstanding section 658J(c) of such Act, funds allotted to a State and used for renovating, repairing, or rebuilding child care facilities may be obligated by the State

in that fiscal year or the succeeding three fiscal years: *Provided further*, That Federal interest provisions will not apply to the renovation or rebuilding of privately-owned family child care homes, and the Secretary shall develop parameters on the use of funds for family child care homes: *Provided further*, That the Secretary shall not retain Federal interest after a period of 10 years in any facility renovated, repaired, or rebuilt with funds appropriated under this paragraph: *Provided further*, That funds appropriated in this paragraph shall not be available for costs that are reimbursed by the Federal Emergency Management Agency, under a contract for insurance, or by self-insurance: *Provided further*, That obligations incurred for the purposes provided herein prior to the date of enactment of this Act may be charged to funds appropriated under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Time period.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for “Children and Families Services Programs”, \$90,000,000, to remain available through September 30, 2021, for necessary expenses directly related to the consequences of Hurricanes Florence and Michael, Typhoon Mangkhut, Super Typhoon Yutu, and wildfires and earthquakes occurring in calendar year 2018 and tornadoes and floods occurring in calendar year 2019 in those areas for which a major disaster or emergency has been declared under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191): *Provided*, That \$55,000,000 shall be for Head Start programs, including making payments under the Head Start Act: *Provided further*, That none of funds provided in the previous proviso shall be included in the calculation of the “base grant” in subsequent fiscal years, as such term is defined in sections 640(a)(7)(A), 641A(h)(1)(B), or 645(d)(3) of the Head Start Act: *Provided further*, That funds provided in the second previous proviso are not subject to the allocation requirements of section 640(a) of the Head Start Act: *Provided further*, That \$5,000,000 shall be for payments to States, territories, and tribes for activities authorized under subpart 1 of part B of title IV of the Social Security Act, with such funds allocated based on assessed need notwithstanding section 423 of such Act and paid without regard to percentage limitations in subsections (a) or (e) in section 424 of such Act: *Provided further*, That \$25,000,000 shall be for payments to States, territories, and tribes authorized under the Community Services Block Grant Act, with such funds allocated based on assessed need notwithstanding sections 674(b), 675A, and 675B of such Act: *Provided further*, That notwithstanding section 676(b)(8) of the Community Services Block Grant Act, each State, territory, or tribe may allocate funds to eligible entities based on assessed need: *Provided further*, That funds appropriated in this paragraph shall not be available for costs that are reimbursed by the Federal Emergency Management Agency, under a contract for insurance, or by self-insurance: *Provided further*, That up to \$5,000,000, to remain available until expended, shall be available for Federal administrative expenses: *Provided further*, That obligations incurred for the purposes provided herein prior to the date

of enactment of this Act may be charged to funds appropriated under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for the “Public Health and Social Services Emergency Fund”, \$201,000,000, to remain available through September 30, 2020, for necessary expenses directly related to the consequences of Hurricanes Florence and Michael, Typhoon Mangkhut, Super Typhoon Yutu, and wildfires and earthquakes occurring in calendar year 2018 and tornadoes and floods occurring in calendar year 2019 in those areas for which a major disaster or emergency has been declared under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191) (referred to under this heading as “covered disaster or emergency”), including activities authorized under section 319(a) of the Public Health Service Act (referred to in this Act as the “PHS Act”): *Provided*, That of the amount provided, \$80,000,000 shall be transferred to “Health Resources and Services Administration—Primary Health Care” for expenses directly related to a covered disaster or emergency for disaster response and recovery, for the Health Centers Program under section 330 of the PHS Act, including alteration, renovation, construction, equipment, and other capital improvement costs as necessary to meet the needs of areas affected by a covered disaster or emergency: *Provided further*, That the time limitation in section 330(e)(3) of the PHS Act shall not apply to funds made available under the preceding proviso: *Provided further*, That of the amount provided, not less than \$20,000,000 shall be transferred to “Centers for Disease Control and Prevention—CDC-Wide Activities and Program Support” for response, recovery, mitigation, and other expenses directly related to a covered disaster or emergency: *Provided further*, That of the amount provided, not less than \$100,000,000 shall be transferred to “Substance Abuse and Mental Health Services Administration—Health Surveillance and Program Support” for grants, contracts, and cooperative agreements for behavioral health treatment, treatment of substance use disorders, crisis counseling, and other related helplines, and for other similar programs to provide support to individuals impacted by a covered disaster or emergency: *Provided further*, That of the amount provided, up to \$1,000,000, to remain available until expended, shall be transferred to “Office of the Secretary—Office of Inspector General” for oversight of activities responding to such covered disasters or emergencies: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF EDUCATION

HURRICANE EDUCATION RECOVERY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Hurricane Education Recovery” for necessary expenses related to the consequences of Hurricanes Florence and Michael, Typhoon Mangkhut, Super Typhoon Yutu, and wildfires, earthquakes, and volcanic eruptions occurring in calendar year 2018 and tornadoes and floods occurring in calendar year 2019 in those areas for which a major disaster or emergency has been declared under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191) (referred to under this heading as “covered disaster or emergency”), \$165,000,000, to remain available through September 30, 2020, for assisting in meeting the educational needs of individuals affected by a covered disaster or emergency: *Provided*, That such assistance may be provided through any of the programs authorized under this heading in title VIII of subdivision 1 of division B of Public Law 115–123 (as amended by Public Law 115–141), as determined by the Secretary of Education, and subject to the terms and conditions that applied to those programs, except that references to dates and school years in Public Law 115–123 shall be deemed to be the corresponding dates and school years for the covered disaster or emergency: *Provided further*, That the Secretary of Education may determine the amounts to be used for each such program and shall notify the Committees on Appropriations of the House of Representatives and the Senate of these amounts not later than 7 days prior to obligation: *Provided further*, That \$2,000,000 of the funds made available under this heading, to remain available until expended, shall be transferred to the Office of the Inspector General of the Department of Education for oversight of activities supported with funds appropriated under this heading, and up to \$1,000,000 of the funds made available under this heading shall be for program administration: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Determination.

Determination.
Notification.
Deadline.

GENERAL PROVISIONS—THIS TITLE

SEC. 801. Not later than 30 days after enactment of this Act, the Secretaries of Labor, Health and Human Services, and Education shall provide a detailed spend plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations: *Provided*, That such plans shall be updated and submitted to the Committees on Appropriations every 60 days until all funds are expended or expire.

Deadline.
Spend plan.
Cost estimates.

Time period.

SEC. 802. (a) Section 1108(g)(5) of the Social Security Act (42 U.S.C. 1308(g)(5)) is amended—

(1) in subparagraph (A), by striking “and (E)” and inserting “(E), and (F)”;

(2) in subparagraph (C), in the matter preceding clause (i), by striking “and (E)” and inserting “and (F)”;

(3) by redesignating subparagraph (E) as subparagraph (F);

- (4) by inserting after subparagraph (D), the following:
- Time period. “(E) Subject to subparagraph (F), for the period beginning January 1, 2019, and ending September 30, 2019, the amount of the increase otherwise provided under subparagraph (A) for the Northern Mariana Islands shall be further increased by \$36,000,000.”; and
- Northern Mariana Islands. (5) in subparagraph (F) (as redesignated by paragraph (3) of this section)—
- (A) by striking “title XIX, during” and inserting “title XIX—
- “(i) during”;
- (B) by striking “and (D)” and inserting “, (D), and (E)”;
- (C) by striking “and the Virgin Islands” each place it appears and inserting “, the Virgin Islands, and the Northern Mariana Islands”;
- (D) by striking the period at the end and inserting “; and”; and
- (E) by adding at the end the following:
- Time period. “(ii) for the period beginning January 1, 2019, and ending September 30, 2019, with respect to payments to Guam and American Samoa from the additional funds provided under subparagraph (A), the Secretary shall increase the Federal medical assistance percentage or other rate that would otherwise apply to such payments to 100 percent.”; and
- Guam. American Samoa.
- (6) by adding at the end the following:
- Deadline. “(G) Not later than September 30, 2019, Guam and Guam. American Samoa shall each submit a plan to the Secretary outlining the steps each such territory shall take to collect and report reliable data to the Transformed Medicaid Statistical Information System (T-MSIS) (or a successor system).”.
- American Samoa. Plans.
- (b) The amounts provided by the amendments made by subsection (a) are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IX

LEGISLATIVE BRANCH

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

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

Deadline. Spend plan. Funding estimates.

a spend plan specifying funding estimates for audits and investigations of any such declared disasters occurring in 2018 and identifying funding estimates or carryover balances, if any, that may be available for audits and investigations of any other such declared disasters: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE X

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, \$600,000,000, to remain available until September 30, 2023, for planning and design, and construction expenses related to the consequences of Hurricanes Florence and Michael on Navy and Marine Corps installations: *Provided*, That none of the funds shall be available for obligation until the Committees on Appropriations of the House of Representatives and the Senate receive a master plan for the installations: *Provided further*, That, not later than 60 days after enactment of this Act, the Secretary of the Navy, or his designee, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Expenditure
plans.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force”, \$1,000,000,000, to remain available until September 30, 2023, for planning and design, and construction expenses related to the consequences of Hurricane Michael and floods occurring in calendar year 2019: *Provided*, That none of the funds shall be available for obligation until the Committees on Appropriations of the House of Representatives and the Senate receive a basing plan and future mission requirements for installations significantly damaged by Hurricane Michael: *Provided further*, That, not later than 60 days after enactment of this Act, the Secretary of the Air Force, or his designee, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Expenditure
plan.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

Deadline.
Expenditure
plan.

For an additional amount for “Military Construction, Army National Guard”, \$42,400,000, to remain available until September 30, 2023, for necessary expenses related to the consequences of Hurricanes Florence and Michael: *Provided*, That none of the funds shall be available for obligation until the Committees on Appropriations of the House of Representatives and the Senate receive form 1391 for each specific request: *Provided further*, That, not later than 60 days after enactment of this Act, the Director of the Army National Guard, or his designee, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL FACILITIES

(INCLUDING TRANSFER OF FUNDS)

Determination.

Notice.

Expenditure
plan.

For an additional amount for “Medical Facilities”, \$3,000,000, to remain available until September 30, 2023, for necessary expenses related to the consequences of Hurricanes Florence and Michael and Typhoons Mangkhut and Yutu: *Provided*, That the Secretary of Veterans Affairs, upon determination that such action is necessary to address needs as a result of the consequences of Hurricanes Florence and Michael and Typhoons Mangkhut and Yutu, may transfer such funds to any discretionary account of the Department of Veterans Affairs: *Provided further*, That before a transfer may take place, the Secretary of Veterans Affairs shall submit notice thereof to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That none of these funds shall be available for obligation until the Secretary of Veterans Affairs submits to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 1001. Notwithstanding any other provision of law, funds made available under each heading within the “Department of Defense” in this title shall only be used for the purposes specifically described under that heading.

TITLE XI

DEPARTMENT OF TRANSPORTATION

FEDERAL TRANSIT ADMINISTRATION

PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM

For an additional amount for the “Public Transportation Emergency Relief Program” as authorized under section 5324 of title 49, United States Code, \$10,542,000 to remain available until expended, for transit systems affected by major declared disasters occurring in calendar year 2018: *Provided*, That not more than three-quarters of 1 percent of the funds for public transportation emergency relief shall be available for administrative expenses and ongoing program management oversight as authorized under sections 5334 and 5338(f)(2) of such title and shall be in addition to any other appropriations for such purpose: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

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

FEDERAL HIGHWAY ADMINISTRATION

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, \$1,650,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Community Development Fund”, \$2,431,000,000, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major disaster that occurred in 2018 or 2019 (except as otherwise provided under this heading) pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That funds shall be awarded directly to the State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974) at the discretion of the Secretary: *Provided further*, That of the amounts made available under this heading \$431,000,000 shall be allocated to meet unmet infrastructure needs for grantees that received allocations for disasters that occurred in 2017 under this heading of division B of Public Law 115–56 and title XI of subdivision 1 of division B of Public Law 115–123, of which \$331,442,114 shall be allocated to those grantees affected by Hurricane Maria: *Provided further*, That of the amounts provided in the previous proviso, the Secretary’s determination of unmet needs for infrastructure shall not take into account mitigation-specific allocations: *Provided further*, That any amounts allocated pursuant to the previous two provisos to any such grantee shall not be available for draw down and expenditure by a grantee that has entered into alternative procedures under section 428 of the Stafford Act as of the date of enactment of this Act until such grantee has reached a final agreement on all fixed cost estimates within the timeline provided by the Federal Emergency Management Agency: *Provided further*, That prior to making any grant of funds provided in the previous three provisos, the Secretary must receive from the grantee information that allows the Secretary to certify that such grantee has in place proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), to ensure timely expenditure of funds, to maintain comprehensive websites regarding all disaster recovery activities assisted with these funds, and to detect and prevent waste, fraud, and abuse of funds: *Provided further*, That of the amounts made available under this heading in Public Law 115–123 and transferred to the Office of Inspector General, no less than \$6,000,000 shall be for necessary costs of overseeing and auditing funds made available to grantees affected by Hurricane Maria, including a review of grant expenditure rates: *Provided further*, That any funds made available under this heading and under the same heading in Public Law 115–254 that remain available, after the funds under such headings have been allocated

Determination.

Certification.

Review.

for necessary expenses for activities authorized under such headings, shall be allocated to grantees, for mitigation activities in the most impacted and distressed areas resulting from a major disaster that occurred in 2018: *Provided further*, That such allocations shall be made in the same proportion that the amount of funds each grantee received under this Act and the same heading in division I of Public Law 115–254 bears to the amount of all funds provided to all grantees that received allocations for disasters that occurred in 2018: *Provided further*, That of the amounts made available under the text preceding the first proviso under this heading and under the same heading in Public Law 115–254, the Secretary shall allocate to all such grantees an aggregate amount not less than 33 percent of the sum of such amounts of funds within 120 days after the enactment of this Act based on the best available data, and shall allocate no less than 100 percent of such funds by no later than 180 days after the enactment of this Act: *Provided further*, That the Secretary shall not prohibit the use of funds made available under this heading and the same heading in Public Law 115–254 for non-Federal share as authorized by section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9)): *Provided further*, That of the amounts made available under this heading, grantees may establish grant programs to assist small businesses for working capital purposes to aid in recovery: *Provided further*, That as a condition of making any grant, the Secretary shall certify in advance that such grantee has in place proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), to ensure timely expenditure of funds, to maintain comprehensive websites regarding all disaster recovery activities assisted with these funds, and to detect and prevent waste, fraud, and abuse of funds: *Provided further*, That with respect to any such duplication of benefits, the Secretary shall act in accordance with section 1210 of Public Law 115–254 (132 Stat. 3442) and section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155): *Provided further*, That the Secretary shall require grantees to maintain on a public website information containing common reporting criteria established by the Department that permits individuals and entities awaiting assistance and the general public to see how all grant funds are used, including copies of all relevant procurement documents, grantee administrative contracts and details of ongoing procurement processes, as determined by the Secretary: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas: *Provided further*, That such funds may not be used for activities reimbursed by, or for which funds have been made available by, the Federal Emergency Management Agency or the Army Corps of Engineers, in excess of the authorized amount of the project or its components: *Provided further*, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to section 106 of the Housing and Community Development Act

Certification.

Website.
Public
information.
Criteria.
Determination.

Plan.
Criteria.

of 1974 (42 U.S.C. 5306): *Provided further*, That a State, unit of general local government, or Indian tribe may use up to 5 percent of its allocation for administrative costs: *Provided further*, That the first proviso under this heading in the Supplemental Appropriations for Disaster Relief Requirements Act, 2018 (division I of Public Law 115–254) is amended by striking “State or unit of general local government” and inserting “State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302))”: *Provided further*, That the sixth proviso under this heading in the Supplemental Appropriations for Disaster Relief Requirements Act, 2018 (division I of Public Law 115–254) is amended by striking “State or subdivision thereof” and inserting “State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302))”: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That, notwithstanding the preceding proviso, recipients of funds provided under this heading that use such funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, 408(c)(4), or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval or permit: *Provided further*, That, notwithstanding section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review, approval or permit under the preceding proviso or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the Secretary shall publish via notice in the Federal Register any waiver, or alternative requirement, to any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver or alternative requirement: *Provided further*, That of the amounts made available under this heading, up to \$5,000,000 shall be made available for capacity building and technical assistance, including assistance on contracting and procurement processes, to support States, units of general local government, or Indian tribes (and their subrecipients) that receive allocations pursuant to this heading, received disaster recovery allocations under the same heading in Public Law 115–254, or may receive similar allocations for disaster recovery in

132 Stat. 3531.

Waiver authority.

Federal Register,
publication.
Notice.
Deadline.

future appropriations Acts: *Provided further*, That of the amounts made available under this heading and under the same heading in Public Law 115–254, up to \$2,500,000 shall be transferred, in aggregate, to “Department of Housing and Urban Development—Program Office Salaries and Expenses—Community Planning and Development” for necessary costs, including information technology costs, of administering and overseeing the obligation and expenditure of amounts under this heading: *Provided further*, That the amount specified in the preceding proviso shall be combined with funds appropriated under the same heading and for the same purpose in Public Law 115–254 and the aggregate of such amounts shall be available for any of the same such purposes specified under this heading or the same heading in Public Law 115–254 without limitation: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That amounts repurposed under this heading that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 1101. (a) Amounts previously made available for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major disaster, including funds provided under section 145 of division C of Public Law 114–223, section 192 of division C of Public Law 114–223 (as added by section 101(3) of division A of Public Law 114–254), section 421 of division K of Public Law 115–31, and any mitigation funding provided under the heading “Department of Housing and Urban Development—Community Planning and Development—Community Development Fund” of Public Law 115–123, that were allocated in response to Hurricane Matthew, may be used interchangeably and without limitation for the same activities in the most impacted and distressed areas related to Hurricane Florence. In addition, any funds provided under the heading “Department of Housing and Urban Development—Community Planning and Development—Community Development Fund” in this Act or in division I of Public Law 115–254 that are allocated in response to Hurricane Florence may be used interchangeably and without limitation for the same activities in the most impacted and distressed areas related to Hurricane Matthew. Until HUD publishes the Federal Register Notice implementing this provision, grantees may submit for HUD approval revised plans for the use of funds related to Hurricane Matthew that expand the eligible beneficiaries of existing programs contained in such previously approved plans to include those impacted by Hurricane Florence. Approval of any such revised plans shall include the execution of revised grant terms and conditions as necessary. Once the implementing Notice is published,

Revised plans.

any additional action plan revisions shall follow the requirements contained therein.

42 USC 5322.

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

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

Federal Register,
publication.
Deadline.

SEC. 1102. Of all amounts made available for mitigation activities under the heading “Department of Housing and Urban Development—Community Development Fund” in Public Law 115–123, the Secretary shall publish in the Federal Register the allocations to all eligible grantees, and the necessary administrative requirements applicable to such allocations within 90 days after enactment of this Act:

Reviews.
Deadlines.

(1) For any plans or amendments addressing the use of any funds provided under Public Law 115–123 and received by the Secretary prior to December 22, 2018, the Secretary shall review pending amendments within 15 days of enactment of this Act and pending plans within 30 days of enactment of this Act;

(2) After the date of enactment of this Act, the Secretary may not apply the statutory waiver or alternative requirement authority provided by Public Law 115–123 to extend or otherwise alter existing statutory and regulatory provisions governing the timeline for review of required grantee plans:

Certification.

Provided, That any amounts allocated pursuant to this section to any such grantee shall not be available for draw down and expenditure by a grantee that has entered into alternative procedures under section 428 of the Stafford Act as of the date of enactment of this Act until such grantee has reached a final agreement on all fixed cost estimates within the timeline provided by the Federal Emergency Management Agency: *Provided further*, That prior to making any grant of funds allocated pursuant to this section, the Secretary must receive from the grantee information that allows the Secretary to certify that such grantee has in place

proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), to ensure timely expenditure of funds, to maintain comprehensive websites regarding all disaster recovery activities assisted with these funds, and to detect and prevent waste, fraud, and abuse of funds: *Provided further*, That amounts repurposed under this heading that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE XII

GENERAL PROVISIONS—THIS ACT

SEC. 1201. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1202. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 1203. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2019.

SEC. 1204. Each amount designated in this Act by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

President.

SEC. 1205. For purposes of this Act, the consequences or impacts of any hurricane shall include damages caused by the storm at any time during the entirety of its duration as a cyclone, as defined by the National Hurricane Center.

SEC. 1206. Any amount appropriated by this Act, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this Act shall retain such designation.

President.

SEC. 1207. (a) Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking “June 14, 2019” and inserting “September 30, 2019”.

(b) Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking “June 14, 2019” and inserting “September 30, 2019”.

(c) If this Act is enacted after June 14, 2019, the amendments made by subsections (a) and (b) shall take effect as if enacted on June 14, 2019.

Effective date.
42 USC 4016
note.

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

Approved June 6, 2019.

LEGISLATIVE HISTORY—H.R. 2157:

CONGRESSIONAL RECORD, Vol. 165 (2019):

May 10, considered and passed House.

May 23, considered and passed Senate, amended.

June 3, House concurred in Senate amendment.

Public Law 116–21
116th Congress

An Act

To make technical corrections to the computation of average pay under Public Law 110–279.

June 12, 2019
[S. 1436]

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

SECTION 1. TECHNICAL CORRECTIONS TO COMPUTATION OF AVERAGE PAY UNDER PUBLIC LAW 110–279.

(a) IN GENERAL.—Section 1(c)(2)(A) of Public Law 110–279 (2 U.S.C. 2051(c)(2)(A)) is amended—

(1) by striking “For purposes of” and all that follows through “(i) any period” and inserting the following:

“(i) TREATMENT OF SERVICE.—For purposes of chapters 83, 84, and 87 of title 5, United States Code, any period”;

(2) in clause (i), by striking “; and” and inserting a period; and

(3) in clause (ii)—

(A) by inserting “TREATMENT OF PAY.—For purposes of chapter 87 of title 5, United States Code,” before “the rate of basic pay”; and

(B) by striking “the covered” and inserting “a covered”.

(b) REGULATIONS.—

2 USC 2051 note.

(1) IN GENERAL.—The Director of the Office of Personnel Management shall promulgate regulations to carry out this section.

(2) EFFECTIVE DATE.—The regulations promulgated under paragraph (1) shall take effect not later than 180 days after the date of enactment of this Act.

Deadline.

(c) APPLICABILITY OF AMENDMENTS.—

2 USC 2051 note.

(1) DEFINITIONS.—In this subsection, the terms “contractor”, “covered individual”, and “food services contract” have the meanings given those terms in section 1(a) of Public Law 110–279 (2 U.S.C. 2051(a)).

(2) APPLICABILITY.—The amendments made by this section shall apply with respect to—

(A) a covered individual who separates from service as an employee of a contractor performing services under the food services contract before, on, or after the date of enactment of this Act; and

(B) each payment to a covered individual under chapter 83 or 84 of title 5, United States Code, made on or after

133 STAT. 904

PUBLIC LAW 116–21—JUNE 12, 2019

the effective date of the regulations promulgated under
subsection (b).

Approved June 12, 2019.

LEGISLATIVE HISTORY—S. 1436:

CONGRESSIONAL RECORD, Vol. 165 (2019):

May 13, considered and passed Senate.

May 16, considered and passed House.

Public Law 116–22
116th Congress

An Act

To reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

June 24, 2019
[S. 1379]

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019”.

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

Sec. 1. Short title; table of contents.
Sec. 2. References in Act.

TITLE I—STRENGTHENING THE NATIONAL HEALTH SECURITY STRATEGY

Sec. 101. National Health Security Strategy.

TITLE II—IMPROVING PREPAREDNESS AND RESPONSE

Sec. 201. Improving benchmarks and standards for preparedness and response.
Sec. 202. Amendments to preparedness and response programs.
Sec. 203. Regional health care emergency preparedness and response systems.
Sec. 204. Military and civilian partnership for trauma readiness.
Sec. 205. Public health and health care system situational awareness and bio-surveillance capabilities.
Sec. 206. Strengthening and supporting the public health emergency rapid response fund.
Sec. 207. Improving all-hazards preparedness and response by public health emergency volunteers.
Sec. 208. Clarifying State liability law for volunteer health care professionals.
Sec. 209. Report on adequate national blood supply.
Sec. 210. Report on the public health preparedness and response capabilities and capacities of hospitals, long-term care facilities, and other health care facilities.

TITLE III—REACHING ALL COMMUNITIES

Sec. 301. Strengthening and assessing the emergency response workforce.
Sec. 302. Health system infrastructure to improve preparedness and response.
Sec. 303. Considerations for at-risk individuals.
Sec. 304. Improving emergency preparedness and response considerations for children.
Sec. 305. National advisory committees on disasters.
Sec. 306. Guidance for participation in exercises and drills.

TITLE IV—PRIORITIZING A THREAT-BASED APPROACH

Sec. 401. Assistant Secretary for Preparedness and Response.
Sec. 402. Public Health Emergency Medical Countermeasures Enterprise.
Sec. 403. Strategic National Stockpile.
Sec. 404. Preparing for pandemic influenza, antimicrobial resistance, and other significant threats.

Pandemic and
All-Hazards
Preparedness
and Advancing
Innovation Act
of 2019.
42 USC 201 note.

Sec. 405. Reporting on the Federal Select Agent Program.

**TITLE V—INCREASING COMMUNICATION IN MEDICAL COUNTERMEASURE
ADVANCED RESEARCH AND DEVELOPMENT**

Sec. 501. Medical countermeasure budget plan.

Sec. 502. Material threat and medical countermeasure notifications.

Sec. 503. Availability of regulatory management plans.

Sec. 504. The Biomedical Advanced Research and Development Authority and the BioShield Special Reserve Fund.

Sec. 505. Additional strategies for combating antibiotic resistance.

**TITLE VI—ADVANCING TECHNOLOGIES FOR MEDICAL
COUNTERMEASURES**

Sec. 601. Administration of countermeasures.

Sec. 602. Updating definitions of other transactions.

Sec. 603. Medical countermeasure master files.

Sec. 604. Animal rule report.

Sec. 605. Review of the benefits of genomic engineering technologies and their potential role in national security.

Sec. 606. Report on vaccines development.

Sec. 607. Strengthening mosquito abatement for safety and health.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Reauthorizations and extensions.

Sec. 702. Location of materials in the stockpile.

Sec. 703. Cybersecurity.

Sec. 704. Strategy and report.

Sec. 705. Technical amendments.

SEC. 2. REFERENCES IN ACT.

Except as otherwise specified, amendments made by this Act to a section or other provision of law are amendments to such section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

**TITLE I—STRENGTHENING THE NA-
TIONAL HEALTH SECURITY STRAT-
EGY**

SEC. 101. NATIONAL HEALTH SECURITY STRATEGY.

Section 2802 (42 U.S.C. 300hh–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “2014” and inserting “2018”; and

(ii) by striking the second sentence and inserting the following: “Such National Health Security Strategy shall describe potential emergency health security threats and identify the process for achieving the preparedness goals described in subsection (b) to be prepared to identify and respond to such threats and shall be consistent with the national preparedness goal (as described in section 504(a)(19) of the Homeland Security Act of 2002), the National Incident Management System (as defined in section 501(7) of such Act), and the National Response Plan developed pursuant to section 504 of such Act, or any successor plan.”;

(B) in paragraph (2), by inserting before the period at the end of the second sentence the following: “, and an analysis of any changes to the evidence-based benchmarks and objective standards under sections 319C–1 and 319C–2”; and

(C) in paragraph (3)—

(i) by striking “2009” and inserting “2022”;

(ii) by inserting “(including gaps in the environmental health and animal health workforces, as applicable), describing the status of such workforce” after “gaps in such workforce”;

(iii) by striking “and identifying strategies” and inserting “identifying strategies”; and

(iv) by inserting before the period at the end “, and identifying current capabilities to meet the requirements of section 2803”; and

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “and investigation” and inserting “investigation, and related information technology activities”;

(ii) in subparagraph (B), by striking “and decontamination” and inserting “decontamination, relevant health care services and supplies, and transportation and disposal of medical waste”; and

(iii) by adding at the end the following:
“(E) Response to environmental hazards.”;

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking “including mental health” and inserting “including pharmacies, mental health facilities,”; and

(ii) in subparagraph (F), by inserting “or exposures to agents that could cause a public health emergency” before the period;

(C) in paragraph (5), by inserting “and other applicable compacts” after “Compact”; and

(D) by adding at the end the following:

“(9) ZOONOTIC DISEASE, FOOD, AND AGRICULTURE.—

Improving coordination among Federal, State, local, Tribal, and territorial entities (including through consultation with the Secretary of Agriculture) to prevent, detect, and respond to outbreaks of plant or animal disease (including zoonotic disease) that could compromise national security resulting from a deliberate attack, a naturally occurring threat, the intentional adulteration of food, or other public health threats, taking into account interactions between animal health, human health, and animals’ and humans’ shared environment as directly related to public health emergency preparedness and response capabilities, as applicable.

Coordination.
Consultation.

“(10) GLOBAL HEALTH SECURITY.—Assessing current or potential health security threats from abroad to inform domestic public health preparedness and response capabilities.”.

Assessment.

TITLE II—IMPROVING PREPAREDNESS AND RESPONSE

SEC. 201. IMPROVING BENCHMARKS AND STANDARDS FOR PREPAREDNESS AND RESPONSE.

(a) EVALUATING MEASURABLE EVIDENCE-BASED BENCHMARKS AND OBJECTIVE STANDARDS.—Section 319C–1 (42 U.S.C. 247d–3a) is amended by inserting after subsection (j) the following:

- “(k) EVALUATION.—
- Deadlines. “(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019 and every 2 years thereafter, the Secretary shall conduct an evaluation of the evidence-based benchmarks and objective standards required under subsection (g). Such evaluation shall be submitted to the congressional committees of jurisdiction together with the National Health Security Strategy under section 2802, at such time as such strategy is submitted.
- “(2) CONTENT.—The evaluation under this paragraph shall include—
- Review. “(A) a review of evidence-based benchmarks and objective standards, and associated metrics and targets;
- “(B) a discussion of changes to any evidence-based benchmarks and objective standards, and the effect of such changes on the ability to track whether entities are meeting or making progress toward the goals under this section and, to the extent practicable, the applicable goals of the National Health Security Strategy under section 2802;
- “(C) a description of amounts received by eligible entities described in subsection (b) and section 319C–2(b), and amounts received by subrecipients and the effect of such funding on meeting evidence-based benchmarks and objective standards; and
- Recommendations. “(D) recommendations, as applicable and appropriate, to improve evidence-based benchmarks and objective standards to more accurately assess the ability of entities receiving awards under this section to better achieve the goals under this section and section 2802.”
- (b) EVALUATING THE PARTNERSHIP FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS.—Section 319C–2(i)(1) (42 U.S.C. 247–3b(i)(1)) is amended by striking “section 319C–1(g), (i), and (j)” and inserting “section 319C–1(g), (i), (j), and (k)”.
- SEC. 202. AMENDMENTS TO PREPAREDNESS AND RESPONSE PROGRAMS.**
- (a) COOPERATIVE AGREEMENT APPLICATIONS FOR IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.—Section 319C–1 (42 U.S.C. 247d–3a) is amended—
- (1) in subsection (a), by inserting “, acting through the Director of the Centers for Disease Control and Prevention,” after “the Secretary”; and
- (2) in subsection (b)(2)(A)—
- (A) in clause (vi), by inserting “, including public health agencies with specific expertise that may be relevant to public health security, such as environmental health agencies,” after “stakeholders”;
- (B) by redesignating clauses (vii) through (ix) as clauses (viii) through (x);
- (C) by inserting after clause (vi) the following:
- “(vii) a description of how, as applicable, such entity may integrate information to account for individuals with behavioral health needs following a public health emergency;”;
- (D) in clause (ix), as so redesignated, by striking “; and” and inserting a semicolon; and

(E) by adding at the end the following:

“(xi) a description of how the entity will partner with health care facilities, including hospitals and nursing homes and other long-term care facilities, to promote and improve public health preparedness and response; and

“(xii) a description of how, as appropriate and practicable, the entity will include critical infrastructure partners, such as utility companies within the entity’s jurisdiction, in planning pursuant to this subparagraph to help ensure that critical infrastructure will remain functioning during, or return to function as soon as practicable after, a public health emergency.”.

(b) EXCEPTION RELATING TO APPLICATION OF CERTAIN REQUIREMENTS.—

(1) IN GENERAL.—Section 319C–1(g) (42 U.S.C. 247d–3a(g)) is amended—

(A) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking “Beginning with fiscal year 2009” and inserting “Beginning with fiscal year 2019”; and

(ii) in subparagraph (A)—

(I) by striking “for the immediately preceding fiscal year” and inserting “for either of the 2 immediately preceding fiscal years”; and

(II) by striking “2008” and inserting “2018”; and

(B) in paragraph (6), by amending subparagraph (A) to read as follows:

“(A) IN GENERAL.—The amounts described in this paragraph are the following amounts that are payable to an entity for activities described in this section or section 319C–2:

Time periods.

“(i) For no more than one of each of the first 2 fiscal years immediately following a fiscal year in which an entity experienced a failure described in subparagraph (A) or (B) of paragraph (5), an amount equal to 10 percent of the amount the entity was eligible to receive for the respective fiscal year.

“(ii) For no more than one of the first 2 fiscal years immediately following the third consecutive fiscal year in which an entity experienced such a failure, in lieu of applying clause (i), an amount equal to 15 percent of the amount the entity was eligible to receive for the respective fiscal year.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to cooperative agreements awarded on or after the date of enactment of this Act.

42 USC 247d–3a note.

(c) PARTNERSHIP FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.—Section 319C–2 (42 U.S.C. 247d–3b) is amended—

(1) in subsection (a)—

(A) by inserting “, acting through the Assistant Secretary for Preparedness and Response,” after “The Secretary”; and

(B) by striking “preparedness for public health emergencies” and inserting “preparedness for, and response to,

public health emergencies in accordance with subsection (c);

(2) in subsection (b)(1)(A)—

(A) by striking “partnership consisting of” and inserting “coalition that includes”;

(B) in clause (ii), by striking “; and” and inserting a semicolon; and

(C) by adding at the end the following:

“(iv) one or more emergency medical service organizations or emergency management organizations; and”;

(3) in subsection (d)—

(A) in paragraph (1)(B), by striking “partnership” each place it appears and inserting “coalition”; and

(B) in paragraph (2)(C), by striking “medical preparedness” and inserting “preparedness and response”;

(4) in subsection (f), by striking “partnership” and inserting “coalition”;

(5) in subsection (g)(2)—

(A) by striking “Partnerships” and inserting “Coalitions”;

(B) by striking “partnerships” and inserting “coalitions”; and

(C) by inserting “and response” after “preparedness”; and

(6) in subsection (i)(1)—

(A) by striking “An entity” and inserting “A coalition”; and

(B) by striking “such partnership” and inserting “such coalition”.

(d) PUBLIC HEALTH SECURITY GRANTS AUTHORIZATION OF APPROPRIATIONS.—Section 319C–1(h)(1)(A) (42 U.S.C. 247d–3a(h)(1)(A)) is amended by striking “\$641,900,000 for fiscal year 2014” and all that follows through the period at the end and inserting “\$685,000,000 for each of fiscal years 2019 through 2023 for awards pursuant to paragraph (3) (subject to the authority of the Secretary to make awards pursuant to paragraphs (4) and (5)).”.

(e) PARTNERSHIP FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS AUTHORIZATION OF APPROPRIATIONS.—Section 319C–2(j) (42 U.S.C. 247d–3b(j)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section and section 319C–3, in accordance with subparagraph (B), there is authorized to be appropriated \$385,000,000 for each of fiscal years 2019 through 2023.

“(B) RESERVATION OF AMOUNTS FOR REGIONAL SYSTEMS.—

“(i) IN GENERAL.—Subject to clause (ii), of the amount appropriated under subparagraph (A) for a fiscal year, the Secretary may reserve up to 5 percent for the purpose of carrying out section 319C–3.

“(ii) RESERVATION CONTINGENT ON CONTINUED APPROPRIATIONS FOR THIS SECTION.—If for fiscal year 2019 or a subsequent fiscal year, the amount appropriated under subparagraph (A) is such that, after

application of clause (i), the amount remaining for the purpose of carrying out this section would be less than the amount available for such purpose for the previous fiscal year, the amount that may be reserved under clause (i) shall be reduced such that the amount remaining for the purpose of carrying out this section is not less than the amount available for such purpose for the previous fiscal year.

- “(iii) SUNSET.—The authority to reserve amounts under clause (i) shall expire on September 30, 2023.”;
- (2) in paragraph (2), by striking “paragraph (1) for a fiscal year” and inserting “paragraph (1)(A) for a fiscal year and not reserved for the purpose described in paragraph (1)(B)(i)”; and
- (3) in paragraph (3)(A), by striking “paragraph (1) and not reserved under paragraph (2)” and inserting “paragraph (1)(A) and not reserved under paragraph (1)(B)(i) or (2)”.

SEC. 203. REGIONAL HEALTH CARE EMERGENCY PREPAREDNESS AND RESPONSE SYSTEMS.

(a) IN GENERAL.—Part B of title III (42 U.S.C. 243 et seq.) is amended by inserting after section 319C–2 the following:

“SEC. 319C–3. GUIDELINES FOR REGIONAL HEALTH CARE EMERGENCY PREPAREDNESS AND RESPONSE SYSTEMS. 42 USC 247d–3c.

“(a) PURPOSE.—It is the purpose of this section to identify and provide guidelines for regional systems of hospitals, health care facilities, and other public and private sector entities, with varying levels of capability to treat patients and increase medical surge capacity during, in advance of, and immediately following a public health emergency, including threats posed by one or more chemical, biological, radiological, or nuclear agents, including emerging infectious diseases.

“(b) GUIDELINES.—The Assistant Secretary for Preparedness and Response, in consultation with the Director of the Centers for Disease Control and Prevention, the Administrator of the Centers for Medicare & Medicaid Services, the Administrator of the Health Resources and Services Administration, the Commissioner of Food and Drugs, the Assistant Secretary for Mental Health and Substance Use, the Assistant Secretary of Labor for Occupational Safety and Health, the Secretary of Veterans Affairs, the heads of such other Federal agencies as the Secretary determines to be appropriate, and State, local, Tribal, and territorial public health officials, shall, not later than 2 years after the date of enactment of this section—

Consultation.
Deadline.

- “(1) identify and develop a set of guidelines relating to practices and protocols for all-hazards public health emergency preparedness and response for hospitals and health care facilities to provide appropriate patient care during, in advance of, or immediately following, a public health emergency, resulting from one or more chemical, biological, radiological, or nuclear agents, including emerging infectious diseases (which may include existing practices, such as trauma care and medical surge capacity and capabilities), with respect to—

“(A) a regional approach to identifying hospitals and health care facilities based on varying capabilities and capacity to treat patients affected by such emergency, including—

Coordination.

“(i) the manner in which the system will coordinate with and integrate the partnerships and health care coalitions established under section 319C–2(b); and

“(ii) informing and educating appropriate first responders and health care supply chain partners of the regional emergency preparedness and response capabilities and medical surge capacity of such hospitals and health care facilities in the community;

“(B) physical and technological infrastructure, laboratory capacity, staffing, blood supply, and other supply chain needs, taking into account resiliency, geographic considerations, and rural considerations;

“(C) protocols or best practices for the safety and personal protection of workers who handle human remains and health care workers (including with respect to protective equipment and supplies, waste management processes, and decontamination), sharing of specialized experience among the health care workforce, behavioral health, psychological resilience, and training of the workforce, as applicable;

“(D) in a manner that allows for disease containment (within the meaning of section 2802(b)(2)(B)), coordinated medical triage, treatment, and transportation of patients, based on patient medical need (including patients in rural areas), to the appropriate hospitals or health care facilities within the regional system or, as applicable and appropriate, between systems in different States or regions; and

“(E) the needs of children and other at-risk individuals;

Web posting.

“(2) make such guidelines available on the internet website of the Department of Health and Human Services in a manner that does not compromise national security; and

“(3) update such guidelines as appropriate, including based on input received pursuant to subsections (c) and (e) and information resulting from applicable reports required under the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019 (including any amendments made by such Act), to address new and emerging public health threats.

“(c) CONSIDERATIONS.—In identifying, developing, and updating guidelines under subsection (b), the Assistant Secretary for Preparedness and Response shall—

“(1) include input from hospitals and health care facilities (including health care coalitions under section 319C–2), State, local, Tribal, and territorial public health departments, and health care or subject matter experts (including experts with relevant expertise in chemical, biological, radiological, or nuclear threats, including emerging infectious diseases), as the Assistant Secretary determines appropriate, to meet the goals under section 2802(b)(3);

Consultation.

“(2) consult and engage with appropriate health care providers and professionals, including physicians, nurses, first responders, health care facilities (including hospitals, primary care clinics, community health centers, mental health facilities, ambulatory care facilities, and dental health facilities), pharmacies, emergency medical providers, trauma care providers, environmental health agencies, public health laboratories, poison control centers, blood banks, tissue banks, and other experts

that the Assistant Secretary determines appropriate, to meet the goals under section 2802(b)(3);

“(3) consider feedback related to financial implications for hospitals, health care facilities, public health agencies, laboratories, blood banks, tissue banks, and other entities engaged in regional preparedness planning to implement and follow such guidelines, as applicable; and

“(4) consider financial requirements and potential incentives for entities to prepare for, and respond to, public health emergencies as part of the regional health care emergency preparedness and response system.

“(d) TECHNICAL ASSISTANCE.—The Assistant Secretary for Preparedness and Response, in consultation with the Director of the Centers for Disease Control and Prevention and the Assistant Secretary of Labor for Occupational Safety and Health, may provide technical assistance and consultation toward meeting the guidelines described in subsection (b).

Consultation.

“(e) DEMONSTRATION PROJECT FOR REGIONAL HEALTH CARE PREPAREDNESS AND RESPONSE SYSTEMS.—

“(1) IN GENERAL.—The Assistant Secretary for Preparedness and Response may establish a demonstration project pursuant to the development and implementation of guidelines under subsection (b) to award grants to improve medical surge capacity for all hazards, build and integrate regional medical response capabilities, improve specialty care expertise for all-hazards response, and coordinate medical preparedness and response across State, local, Tribal, territorial, and regional jurisdictions.

Grants.
Coordination.

“(2) SUNSET.—The authority under this subsection shall expire on September 30, 2023.”.

(b) GAO REPORT TO CONGRESS.—

(1) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States (referred to in this subsection as the “Comptroller General”) shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, a report on the extent to which hospitals and health care facilities have implemented the recommended guidelines under section 319C–3(b) of the Public Health Service Act (as added by subsection (a)), including an analysis and evaluation of any challenges hospitals or health care facilities experienced in implementing such guidelines.

Analysis.
Evaluation.

(2) CONTENT.—The Comptroller General shall include in the report under paragraph (1)—

(A) data on the preparedness and response capabilities that have been informed by the guidelines under section 319C–3(b) of the Public Health Service Act to improve regional emergency health care preparedness and response capability, including hospital and health care facility capacity and medical surge capabilities to prepare for, and respond to, public health emergencies; and

(B) recommendations to reduce gaps in incentives for regional health partners, including hospitals and health care facilities, to improve capacity and medical surge capabilities to prepare for, and respond to, public health

Recommendations.

emergencies, consistent with subsection (a), which may include consideration of facilities participating in programs under section 319C–2 of the Public Health Service Act (42 U.S.C. 247d–3b) or in programs under the Centers for Medicare & Medicaid Services (including innovative health care delivery and payment models), and input from private sector financial institutions.

(3) CONSULTATION.—In carrying out paragraphs (1) and (2), the Comptroller General shall consult with the heads of appropriate Federal agencies, including—

(A) the Assistant Secretary for Preparedness and Response;

(B) the Director of the Centers for Disease Control and Prevention;

(C) the Administrator of the Centers for Medicare & Medicaid Services;

(D) the Assistant Secretary for Mental Health and Substance Use;

(E) the Assistant Secretary of Labor for Occupational Safety and Health; and

(F) the Secretary of Veterans Affairs.

(c) ANNUAL REPORTS.—Section 319C–2(i)(1) (42 U.S.C. 247d–3b(i)(1)) is amended by inserting after the first sentence the following: “In submitting reports under this paragraph, a coalition shall include information on the progress that the coalition has made toward the implementation of section 319C–3 (or barriers to progress, if any).”.

(d) NATIONAL HEALTH SECURITY STRATEGY INCORPORATION OF REGIONALIZED EMERGENCY PREPAREDNESS AND RESPONSE.—Subparagraph (G) of section 2802(b)(3) (42 U.S.C. 300hh–1(b)(3)) is amended to read as follows:

“(G) Optimizing a coordinated and flexible approach to the emergency response and medical surge capacity of hospitals, other health care facilities, critical care, trauma care (which may include trauma centers), and emergency medical systems.”.

(e) IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.—

(1) STATE AND LOCAL SECURITY.—Section 319C–1(e) (42 U.S.C. 247d–3a(e)) is amended by striking “, and local emergency plans.” and inserting “, local emergency plans, and any regional health care emergency preparedness and response system established pursuant to the applicable guidelines under section 319C–3.”.

(2) PARTNERSHIPS.—Section 319C–2(d)(1)(A) (42 U.S.C. 247d–3b(d)(1)(A)) is amended—

(A) in clause (i), by striking “; and” and inserting “;”,

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

“(ii) among one or more facilities in a regional health care emergency system under section 319C–3; and”.

SEC. 204. MILITARY AND CIVILIAN PARTNERSHIP FOR TRAUMA READINESS.

Title XII (42 U.S.C. 300d et seq.) is amended by adding at the end the following new part:

“PART I—MILITARY AND CIVILIAN PARTNERSHIP FOR TRAUMA READINESS GRANT PROGRAM

“SEC. 1291. MILITARY AND CIVILIAN PARTNERSHIP FOR TRAUMA READINESS GRANT PROGRAM. 42 USC 300d–91.

“(a) MILITARY TRAUMA TEAM PLACEMENT PROGRAM.—

Time periods.
Consultation.

“(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Preparedness and Response and in consultation with the Secretary of Defense, shall award grants to not more than 20 eligible high-acuity trauma centers to enable military trauma teams to provide, on a full-time basis, trauma care and related acute care at such trauma centers.

“(2) LIMITATIONS.—In the case of a grant awarded under paragraph (1) to an eligible high-acuity trauma center, such grant—

“(A) shall be for a period of at least 3 years and not more than 5 years (and may be renewed at the end of such period); and

“(B) shall be in an amount that does not exceed \$1,000,000 per year.

“(3) AVAILABILITY OF FUNDS.—Notwithstanding section 1552 of title 31, United States Code, or any other provision of law, funds available to the Secretary for obligation for a grant under this subsection shall remain available for expenditure for 100 days after the last day of the performance period of such grant.

“(b) MILITARY TRAUMA CARE PROVIDER PLACEMENT PROGRAM.—

Consultation.

“(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Preparedness and Response and in consultation with the Secretary of Defense, shall award grants to eligible trauma centers to enable military trauma care providers to provide trauma care and related acute care at such trauma centers.

“(2) LIMITATIONS.—In the case of a grant awarded under paragraph (1) to an eligible trauma center, such grant—

Time period.

“(A) shall be for a period of at least 1 year and not more than 3 years (and may be renewed at the end of such period); and

“(B) shall be in an amount that does not exceed, in a year—

“(i) \$100,000 for each military trauma care provider that is a physician at such eligible trauma center; and

“(ii) \$50,000 for each other military trauma care provider at such eligible trauma center.

“(c) GRANT REQUIREMENTS.—

“(1) DEPLOYMENT AND PUBLIC HEALTH EMERGENCIES.—As a condition of receipt of a grant under this section, a grant recipient shall agree to allow military trauma care providers providing care pursuant to such grant to—

“(A) be deployed by the Secretary of Defense for military operations, for training, or for response to a mass casualty incident; and

“(B) be deployed by the Secretary of Defense, in consultation with the Secretary of Health and Human Services,

Consultation.

for response to a public health emergency pursuant to section 319.

“(2) USE OF FUNDS.—Grants awarded under this section to an eligible trauma center may be used to train and incorporate military trauma care providers into such trauma center, including incorporation into operational exercises and training drills related to public health emergencies, expenditures for malpractice insurance, office space, information technology, specialty education and supervision, trauma programs, research, and applicable license fees for such military trauma care providers.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any other provision of law that preempts State licensing requirements for health care professionals, including with respect to military trauma care providers.

“(e) REPORTING REQUIREMENTS.—

“(1) REPORT TO THE SECRETARY AND THE SECRETARY OF DEFENSE.—Each eligible trauma center or eligible high-acuity trauma center awarded a grant under subsection (a) or (b) for a year shall submit to the Secretary and the Secretary of Defense a report for such year that includes information on—

“(A) the number and types of trauma cases managed by military trauma teams or military trauma care providers pursuant to such grant during such year;

“(B) the ability to maintain the integration of the military trauma providers or teams of providers as part of the trauma center, including the financial effect of such grant on the trauma center;

“(C) the educational effect on resident trainees in centers where military trauma teams are assigned;

“(D) any research conducted during such year supported by such grant; and

“(E) any other information required by the Secretaries for the purpose of evaluating the effect of such grant.

“(2) REPORT TO CONGRESS.—Not less than once every 2 years, the Secretary, in consultation with the Secretary of Defense, shall submit a report to the congressional committees of jurisdiction that includes information on the effect of placing military trauma care providers in trauma centers awarded grants under this section on—

“(A) maintaining military trauma care providers’ readiness and ability to respond to and treat battlefield injuries;

“(B) providing health care to civilian trauma patients in urban and rural settings;

“(C) the capability of trauma centers and military trauma care providers to increase medical surge capacity, including as a result of a large-scale event;

“(D) the ability of grant recipients to maintain the integration of the military trauma providers or teams of providers as part of the trauma center;

“(E) efforts to incorporate military trauma care providers into operational exercises and training and drills for public health emergencies; and

“(F) the capability of military trauma care providers to participate as part of a medical response during or

Consultation.

in advance of a public health emergency, as determined by the Secretary, or a mass casualty incident.

“(f) DEFINITIONS.—For purposes of this part:

“(1) ELIGIBLE HIGH-ACUITY TRAUMA CENTER.—The term ‘eligible high-acuity trauma center’ means a Level I trauma center that satisfies each of the following:

“(A) Such trauma center has an agreement with the Secretary of Defense to enable military trauma teams to provide trauma care and related acute care at such trauma center.

“(B) At least 20 percent of patients treated at such trauma center in the most recent 3-month period for which data are available are treated for a major trauma at such trauma center.

“(C) Such trauma center utilizes a risk-adjusted benchmarking system and metrics to measure performance, quality, and patient outcomes.

“(D) Such trauma center is an academic training center—

“(i) affiliated with a medical school;

“(ii) that maintains residency programs and fellowships in critical trauma specialties and subspecialties, and provides education and supervision of military trauma team members according to those specialties and subspecialties; and

“(iii) that undertakes research in the prevention and treatment of traumatic injury.

“(E) Such trauma center serves as a medical and public health preparedness and response leader for its community, such as by participating in a partnership for State and regional hospital preparedness established under section 319C–2 or 319C–3.

“(2) ELIGIBLE TRAUMA CENTER.—The term ‘eligible trauma center’ means a Level I, II, or III trauma center that satisfies each of the following:

“(A) Such trauma center has an agreement with the Secretary of Defense to enable military trauma care providers to provide trauma care and related acute care at such trauma center.

“(B) Such trauma center utilizes a risk-adjusted benchmarking system and metrics to measure performance, quality, and patient outcomes.

“(C) Such trauma center demonstrates a need for integrated military trauma care providers to maintain or improve the trauma clinical capability of such trauma center.

“(3) MAJOR TRAUMA.—The term ‘major trauma’ means an injury that is greater than or equal to 15 on the injury severity score.

“(4) MILITARY TRAUMA TEAM.—The term ‘military trauma team’ means a complete military trauma team consisting of military trauma care providers.

“(5) MILITARY TRAUMA CARE PROVIDER.—The term ‘military trauma care provider’ means a member of the Armed Forces who furnishes emergency, critical care, and other trauma acute

care services (including a physician, surgeon, physician assistant, nurse, nurse practitioner, respiratory therapist, flight paramedic, combat medic, or enlisted medical technician) or other military trauma care provider as the Secretary determines appropriate.

“(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated \$11,500,000 for each of fiscal years 2019 through 2023.”.

SEC. 205. PUBLIC HEALTH AND HEALTH CARE SYSTEM SITUATIONAL AWARENESS AND BIOSURVEILLANCE CAPABILITIES.

(a) FACILITIES, CAPACITIES, AND BIOSURVEILLANCE CAPABILITIES.—Section 319D (42 U.S.C. 247d–4) is amended—

(1) in the section heading, by striking “REVITALIZING” and inserting “FACILITIES AND CAPACITIES OF”;

(2) in subsection (a)—

(A) in the subsection heading, by striking “FACILITIES; CAPACITIES” and inserting “IN GENERAL”;

(B) in paragraph (1), by striking “and improved” and inserting “, improved, and appropriately maintained”;

(C) in paragraph (3), in the matter preceding subparagraph (A), by striking “expand, enhance, and improve” and inserting “expand, improve, enhance, and appropriately maintain”; and

(D) by adding at the end the following:

“(4) STUDY OF RESOURCES FOR FACILITIES AND CAPACITIES.—Not later than June 1, 2022, the Comptroller General of the United States shall conduct a study on Federal spending in fiscal years 2013 through 2018 for activities authorized under this subsection. Such study shall include a review and assessment of obligations and expenditures directly related to each activity under paragraphs (2) and (3), including a specific accounting of, and delineation between, obligations and expenditures incurred for the construction, renovation, equipping, and security upgrades of facilities and associated contracts under this subsection, and the obligations and expenditures incurred to establish and improve the situational awareness and biosurveillance network under subsection (b), and shall identify the agency or agencies incurring such obligations and expenditures.”;

(3) in subsection (b)—

(A) in the subsection heading, by striking “NATIONAL” and inserting “ESTABLISHMENT OF SYSTEMS OF PUBLIC HEALTH”;

(B) in paragraph (1)(B), by inserting “immunization information systems,” after “centers,”;

(C) in paragraph (2)—

(i) by inserting “develop a plan to, and” after “The Secretary shall”; and

(ii) by inserting “and in a form readily usable for analytical approaches” after “in a secure manner”; and

(D) by amending paragraph (3) to read as follows:

“(3) STANDARDS.—

“(A) IN GENERAL.—Not later than 1 year after the date of the enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019, the

Deadline.
Time period.

Review.
Assessment.

Deadline.

Secretary, in cooperation with health care providers, State, local, Tribal, and territorial public health officials, and relevant Federal agencies (including the Office of the National Coordinator for Health Information Technology and the National Institute of Standards and Technology), shall, as necessary, adopt technical and reporting standards, including standards for interoperability as defined by section 3000, for networks under paragraph (1) and update such standards as necessary. Such standards shall be made available on the internet website of the Department of Health and Human Services, in a manner that does not compromise national security.

Web posting.

“(B) DEFERENCE TO STANDARDS DEVELOPMENT ORGANIZATIONS.—In adopting and implementing standards under this subsection and subsection (c), the Secretary shall give deference to standards published by standards development organizations and voluntary consensus-based standards entities.”;

(4) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “Not later than 2 years after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013, the Secretary” and inserting “The Secretary”;

(ii) by inserting “, and improve as applicable and appropriate,” after “shall establish”;

(iii) by striking “of rapid” and inserting “of, rapid”; and

(iv) by striking “such connectivity” and inserting “such interoperability”;

(B) by amending paragraph (2) to read as follows:

“(2) COORDINATION AND CONSULTATION.—In establishing and improving the network under paragraph (1), the Secretary shall—

“(A) facilitate coordination among agencies within the Department of Health and Human Services that provide, or have the potential to provide, information and data to, and analyses for, the situational awareness and bio-surveillance network under paragraph (1), including coordination among relevant agencies related to health care services, the facilitation of health information exchange (including the Office of the National Coordinator for Health Information Technology), and public health emergency preparedness and response; and

“(B) consult with the Secretary of Agriculture, the Secretary of Commerce (and the Director of the National Institute of Standards and Technology), the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Veterans Affairs, and the heads of other Federal agencies, as the Secretary determines appropriate.”;

(C) in paragraph (3)—

(i) by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(ii) in clause (iv), as so redesignated—

(I) by inserting “immunization information systems,” after “poison control,”; and

(II) by striking “and clinical laboratories” and inserting “, clinical laboratories, and public environmental health agencies”;

(iii) by striking “The network” and inserting the following:

“(A) IN GENERAL.—The network”; and

(iv) by adding at the end the following:

“(B) REVIEW.—Not later than 2 years after the date of the enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019 and every 6 years thereafter, the Secretary shall conduct a review of the elements described in subparagraph (A). Such review shall include a discussion of the addition of any elements pursuant to clause (v), including elements added to advancing new technologies, and identify any challenges in the incorporation of elements under subparagraph (A). The Secretary shall provide such review to the congressional committees of jurisdiction.”;

(D) in paragraph (5)—

(i) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(ii) by striking “In establishing” and inserting the following:

“(A) IN GENERAL.—In establishing”;

(iii) by adding at the end the following:

“(B) PUBLIC MEETING.—

“(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019, the Secretary shall convene a public meeting for purposes of discussing and providing input on the potential goals, functions, and uses of the network described in paragraph (1) and incorporating the elements described in paragraph (3)(A).

“(ii) EXPERTS.—The public meeting shall include representatives of relevant Federal agencies (including representatives from the Office of the National Coordinator for Health Information Technology and the National Institute of Standards and Technology); State, local, Tribal, and territorial public health officials; stakeholders with expertise in biosurveillance and situational awareness; stakeholders with expertise in capabilities relevant to biosurveillance and situational awareness, such as experts in informatics and data analytics (including experts in prediction, modeling, or forecasting); and other representatives as the Secretary determines appropriate.

“(iii) TOPICS.—Such public meeting shall include a discussion of—

“(I) data elements, including minimal or essential data elements, that are voluntarily provided for such network, which may include elements from public health and public and private health care entities, to the extent practicable;

“(II) standards and implementation specifications that may improve the collection, analysis,

Deadline.
Time periods.

Deadline.

and interpretation of data during a public health emergency;

“(III) strategies to encourage the access, exchange, and use of information;

“(IV) considerations for State, local, Tribal, and territorial capabilities and infrastructure related to data exchange and interoperability;

“(V) privacy and security protections provided at the Federal, State, local, Tribal, and territorial levels, and by nongovernmental stakeholders; and

“(VI) opportunities for the incorporation of innovative technologies to improve the network.”; and

(iv) in subparagraph (A), as so designated by clause (ii)—

(I) in clause (i), as so redesignated—

(aa) by striking “as determined” and inserting “as adopted”; and

(bb) by inserting “and the National Institute of Standards and Technology” after “Office of the National Coordinator for Health Information Technology”;

(II) in clause (iii), as so redesignated, by striking “; and” and inserting a semicolon;

(III) in clause (iv), as so redesignated, by striking the period and inserting “; and”; and

(IV) by adding at the end the following:

“(v) pilot test standards and implementation specifications, consistent with the process described in section 3002(b)(3)(C), which State, local, Tribal, and territorial public health entities may utilize, on a voluntary basis, as a part of the network.”;

(E) by redesignating paragraph (6) as paragraph (7);

(F) by inserting after paragraph (5) the following:

“(6) STRATEGY AND IMPLEMENTATION PLAN.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019, the Secretary shall submit to the congressional committees of jurisdiction a coordinated strategy and an accompanying implementation plan that—

Deadline.

“(i) is informed by the public meeting under paragraph (5)(B);

“(ii) includes a review and assessment of existing capabilities of the network and related infrastructure, including input provided by the public meeting under paragraph (5)(B);

Review.
Assessment.

“(iii) identifies and demonstrates the measurable steps the Secretary will carry out to—

“(I) develop, implement, and evaluate the network described in paragraph (1), utilizing elements described in paragraph (3)(A);

“(II) modernize and enhance biosurveillance activities, including strategies to include innovative technologies and analytical approaches (including prediction and forecasting for pandemics and all-hazards) from public and private entities;

	“(III) improve information sharing, coordination, and communication among disparate biosurveillance systems supported by the Department of Health and Human Services, including the identification of methods to improve accountability, better utilize resources and workforce capabilities, and incorporate innovative technologies within and across agencies; and
Evaluation.	“(IV) test and evaluate capabilities of the interoperable network of systems to improve situational awareness and biosurveillance capabilities;
	“(iv) includes performance measures and the metrics by which performance measures will be assessed with respect to the measurable steps under clause (iii); and
	“(v) establishes dates by which each measurable step under clause (iii) will be implemented.
Deadline.	“(B) ANNUAL BUDGET PLAN.—Not later than 2 years after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019 and on an annual basis thereafter, in accordance with the strategy and implementation plan under this paragraph, the Secretary shall, taking into account recommendations provided by the National Biodefense Science Board, develop a budget plan based on the strategy and implementation plan under this section. Such budget plan shall include—
Summary.	“(i) a summary of resources previously expended to establish, improve, and utilize the nationwide public health situational awareness and biosurveillance network under paragraph (1);
Cost estimates.	“(ii) estimates of costs and resources needed to establish and improve the network under paragraph (1) according to the strategy and implementation plan under subparagraph (A);
	“(iii) the identification of gaps and inefficiencies in nationwide public health situational awareness and biosurveillance capabilities, resources, and authorities needed to address such gaps; and
Strategy.	“(iv) a strategy to minimize and address such gaps and improve inefficiencies.”;
	(G) in paragraph (7), as so redesignated—
	(i) in subparagraph (A), by inserting “(taking into account zoonotic disease, including gaps in scientific understanding of the interactions between human, animal, and environmental health)” after “human health”;
	(ii) in subparagraph (B)—
	(I) by inserting “and gaps in surveillance programs” after “surveillance programs”; and
	(II) by striking “; and” and inserting a semicolon;
	(iii) in subparagraph (C)—
	(I) by inserting “, animal health organizations related to zoonotic disease,” after “health care entities”; and

(II) by striking the period and inserting “; and”; and

(iv) by adding at the end the following:

“(D) provide recommendations to the Secretary on policies and procedures to complete the steps described in this paragraph in a manner that is consistent with section 2802.”; and

Recommendations.

(H) by adding at the end the following:

“(8) SITUATIONAL AWARENESS AND BIOSURVEILLANCE AS A NATIONAL SECURITY PRIORITY.—The Secretary, on a periodic basis as applicable and appropriate, shall meet with the Director of National Intelligence to inform the development and capabilities of the nationwide public health situational awareness and biosurveillance network.”;

(5) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting “environmental health agencies,” after “public health agencies,”; and

(ii) by inserting “immunization programs,” after “poison control centers,”;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by striking the period and inserting “; and”; and

(iii) by adding after subparagraph (C) the following:

“(D) an implementation plan that may include measurable steps to achieve the purposes described in paragraph (1).”; and

(C) by striking paragraph (5) and inserting the following:

“(5) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to States, localities, Tribes, and territories or a consortium of States, localities, Tribes, and territories receiving an award under this subsection regarding interoperability and the technical standards set forth by the Secretary.”;

(6) by redesignating subsections (f) and (g) as subsections (i) and (j), respectively; and

(7) by inserting after subsection (e) the following:

“(f) PERSONNEL AUTHORITIES.—

“(1) SPECIALLY QUALIFIED PERSONNEL.—In addition to any other personnel authorities, to carry out subsections (b) and (c), the Secretary may—

“(A) appoint highly qualified individuals to scientific or professional positions at the Centers for Disease Control and Prevention, not to exceed 30 such employees at any time (specific to positions authorized by this subsection), with expertise in capabilities relevant to biosurveillance and situational awareness, such as experts in informatics and data analytics (including experts in prediction, modeling, or forecasting), and other related scientific or technical fields; and

“(B) compensate individuals appointed under subparagraph (A) in the same manner and subject to the same terms and conditions in which individuals appointed under

9903 of title 5, United States Code, are compensated, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

“(2) LIMITATIONS.—The Secretary shall exercise the authority under paragraph (1) in a manner that is consistent with the limitations described in section 319F–1(e)(2).

Deadline.

“(g) TIMELINE.—The Secretary shall accomplish the purposes under subsections (b) and (c) no later than September 30, 2023, and shall provide a justification to the congressional committees of jurisdiction for any missed or delayed implementation of measurable steps identified under subsection (c)(6)(A)(iii).

Deadline.
Reports.
Recommendations.

“(h) INDEPENDENT EVALUATION.—Not later than 3 years after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019, the Comptroller General of the United States shall conduct an independent evaluation and submit to the Secretary and the congressional committees of jurisdiction a report concerning the activities conducted under subsections (b) and (c), and provide recommendations, as applicable and appropriate, on necessary improvements to the biosurveillance and situational awareness network.”

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (i) of section 319D (42 U.S.C. 247d–4), as redesignated by subsection (a)(6), is amended by striking “\$138,300,000 for each of fiscal years 2014 through 2018” and inserting “\$161,800,000 for each of fiscal years 2019 through 2023”.

Coordination.

(c) BIOLOGICAL THREAT DETECTION REPORT.—The Secretary of Health and Human Services shall, in coordination with the Secretary of Defense and the Secretary of Homeland Security, not later than 180 days after the date of enactment of this Act, report to the Committee on Energy and Commerce, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives and the Committee on Health, Education, Labor, and Pensions, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate on the state of Federal biological threat detection efforts, including the following:

(1) An identification of technological, operational, and programmatic successes and failures of domestic detection programs supported by Federal departments and agencies for intentionally introduced or accidentally released biological threat agents and naturally occurring infectious diseases.

(2) A description of Federal efforts to facilitate the exchange of information related to the information described in paragraph (1) among Federal departments and agencies that utilize biological threat detection technology.

(3) A description of the capabilities of detection systems in use by Federal departments and agencies including the capability to—

(A) rapidly detect, identify, characterize, and confirm the presence of biological threat agents;

(B) recover live biological agents from collection devices;

(C) determine the geographical distribution of biological agents;

(D) determine the extent of environmental contamination and persistence of biological agents; and

(E) provide advanced molecular diagnostics to State, local, Tribal, and territorial public health and other laboratories that support biological threat detection activities.

(4) A description of Federal interagency coordination related to biological threat detection.

(5) A description of efforts by Federal departments and agencies that utilize biological threat detection technology to collaborate with State, local, Tribal, and territorial public health laboratories and other users of biological threat detection systems, including collaboration regarding the development of—

(A) biological threat detection requirements or standards;

(B) a standardized integration strategy;

(C) training requirements or guidelines;

(D) guidelines for a coordinated public health response, including preparedness capabilities, and, as applicable, for coordination with public health surveillance systems; and

(E) a coordinated environmental remediation plan, as applicable.

(6) Recommendations related to research, advanced research, development, and procurement for Federal departments and agencies to improve and enhance biological threat detection systems, including recommendations on the transfer of biological threat detection technology among Federal departments and agencies, as necessary and appropriate.

Recommendations.

SEC. 206. STRENGTHENING AND SUPPORTING THE PUBLIC HEALTH EMERGENCY RAPID RESPONSE FUND.

Section 319 (42 U.S.C. 247d) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the first sentence, by inserting “or if the Secretary determines there is the significant potential for a public health emergency, to allow the Secretary to rapidly respond to the immediate needs resulting from such public health emergency or potential public health emergency” before the period; and

(ii) by inserting “The Secretary shall plan for the expedited distribution of funds to appropriate agencies and entities.” after the first sentence;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

“(2) USES.—The Secretary may use amounts in the Fund established under paragraph (1), to—

“(A) facilitate coordination between and among Federal, State, local, Tribal, and territorial entities and public and private health care entities that the Secretary determines may be affected by a public health emergency or potential public health emergency referred to in paragraph (1) (including communication of such entities with relevant international entities, as applicable);

“(B) make grants, provide for awards, enter into contracts, and conduct supportive investigations pertaining to a public health emergency or potential public health emergency, including further supporting programs under section 319C–1, 319C–2, or 319C–3;

“(C) facilitate and accelerate, as applicable, advanced research and development of security countermeasures (as defined in section 319F–2), qualified countermeasures (as defined in section 319F–1), or qualified pandemic or epidemic products (as defined in section 319F–3), that are applicable to the public health emergency or potential public health emergency under paragraph (1);

“(D) strengthen biosurveillance capabilities and laboratory capacity to identify, collect, and analyze information regarding such public health emergency or potential public health emergency, including the systems under section 319D;

“(E) support initial emergency operations and assets related to preparation and deployment of intermittent disaster response personnel under section 2812 and the Medical Reserve Corps under section 2813; and

“(F) carry out other activities, as the Secretary determines applicable and appropriate.”; and

(D) by inserting after paragraph (3), as so redesignated, the following:

“(4) REVIEW.—Not later than 2 years after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019, the Secretary, in coordination with the Assistant Secretary for Preparedness and Response, shall conduct a review of the Fund under this section and provide recommendations to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives on policies to improve such Fund for the uses described in paragraph (2).

“(5) GAO REPORT.—Not later than 4 years after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019, the Comptroller General of the United States shall—

“(A) conduct a review of the Fund under this section, including its uses and the resources available in the Fund; and

“(B) submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on such review, including recommendations related to such review, as applicable.”; and

(2) in subsection (c)—

(A) by inserting “rapidly respond to public health emergencies or potential public health emergencies and” after “used to”; and

(B) by striking “section.” and inserting “Act or funds otherwise provided for emergency response.”.

SEC. 207. IMPROVING ALL-HAZARDS PREPAREDNESS AND RESPONSE BY PUBLIC HEALTH EMERGENCY VOLUNTEERS.

(a) IN GENERAL.—Section 319I (42 U.S.C. 247d–7b) is amended—

(1) in the section heading, by striking “**HEALTH PROFESSIONS VOLUNTEERS**” and inserting “**VOLUNTEER HEALTH PROFESSIONAL**”;

Deadline.
Coordination.
Recommendations.

Review.

Recommendations.

(2) in subsection (a), by adding at the end the following: “Such health care professionals may include members of the National Disaster Medical System, members of the Medical Reserve Corps, and individual health care professionals.”;

(3) in subsection (i), by adding at the end the following: “In order to inform the development of such mechanisms by States, the Secretary shall make available information and material provided by States that have developed mechanisms to waive the application of licensing requirements to applicable health professionals seeking to provide medical services during a public health emergency. Such information shall be made publicly available in a manner that does not compromise national security.”; and

Public
information.

(4) in subsection (k), by striking “2014 through 2018” and inserting “2019 through 2023”.

(b) ALL-HAZARDS PUBLIC HEALTH EMERGENCY PREPAREDNESS AND RESPONSE PLAN.—Section 319C–1(b)(2)(A)(iv) (42 U.S.C. 247d–3a(b)(2)(A)(iv)) is amended to read as follows:

“(iv) a description of the mechanism the entity will implement to utilize the Emergency Management Assistance Compact, or other mutual aid agreement, for medical and public health mutual aid, and, as appropriate, the activities such entity will implement pursuant to section 319I to improve enrollment and coordination of volunteer health care professionals seeking to provide medical services during a public health emergency, which may include—

“(I) providing a public method of communication for purposes of volunteer coordination (such as a phone number);

“(II) providing for optional registration to participate in volunteer services during processes related to State medical licensing, registration, or certification or renewal of such licensing, registration, or certification; or

“(III) other mechanisms as the State determines appropriate.”.

SEC. 208. CLARIFYING STATE LIABILITY LAW FOR VOLUNTEER HEALTH CARE PROFESSIONALS.

(a) IN GENERAL.—Title II (42 U.S.C. 202 et seq.) is amended by inserting after section 224 the following:

“SEC. 225. HEALTH CARE PROFESSIONALS ASSISTING DURING A PUBLIC HEALTH EMERGENCY.

42 USC 234.

“(a) LIMITATION ON LIABILITY.—Notwithstanding any other provision of law, a health care professional who is a member of the Medical Reserve Corps under section 2813 or who is included in the Emergency System for Advance Registration of Volunteer Health Professionals under section 319I and who—

“(1) is responding—

“(A) to a public health emergency determined under section 319(a), during the initial period of not more than 90 days (as determined by the Secretary) of the public health emergency determination (excluding any period covered by a renewal of such determination); or

“(B) to a major disaster or an emergency as declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.

Time period.
Determination.

5170) or under section 201 of the National Emergencies Act (50 U.S.C. 1621) during the initial period of such declaration;

“(2) is alleged to be liable for an act or omission—

“(A) during the initial period of a determination or declaration described in paragraph (1) and related to the treatment of individuals in need of health care services due to such public health emergency, major disaster, or emergency;

“(B) in the State or States for which such determination or declaration is made;

“(C) in the health care professional’s capacity as a member of the Medical Reserve Corps or a professional included in the Emergency System for Advance Registration of Volunteer Health Professionals under section 319I; and

“(D) in the course of providing services that are within the scope of the license, registration, or certification of the professional, as defined by the State of licensure, registration, or certification; and

“(3) prior to the rendering of such act or omission, was authorized by the State’s authorization of deploying such State’s Emergency System for Advance Registration of Volunteer Health Professionals described in section 319I or the Medical Reserve Corps established under section 2813, to provide health care services,

shall be subject only to the State liability laws of the State in which such act or omission occurred, in the same manner and to the same extent as a similar health care professional who is a resident of such State would be subject to such State laws, except with respect to the licensure, registration, and certification of such individual.

“(b) VOLUNTEER PROTECTION ACT.—Nothing in this section shall be construed to affect an individual’s right to protections under the Volunteer Protection Act of 1997.

“(c) PREEMPTION.—This section shall supersede the laws of any State that would subject a health care professional described in subsection (a) to the liability laws of any State other than the State liability laws to which such individual is subject pursuant to such subsection.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘health care professional’ means an individual licensed, registered, or certified under Federal or State laws or regulations to provide health care services.

“(2) The term ‘health care services’ means any services provided by a health care professional, or by any individual working under the supervision of a health care professional, that relate to—

“(A) the diagnosis, prevention, or treatment of any human disease or impairment; or

“(B) the assessment or care of the health of human beings.

“(e) EFFECTIVE DATE.—

“(1) IN GENERAL.—This section shall take effect 90 days after the date of the enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019.

“(2) APPLICATION.—This section shall apply to a claim for harm only if the act or omission that caused such harm occurred on or after the effective date described in paragraph (1).”.

(b) GAO STUDY.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of—

Deadline.
Review.

(1) the number of health care providers who register under the Emergency System for Advance Registration of Volunteer Health Professionals under section 319I of the Public Health Service Act (42 U.S.C. 247d–7b) in advance to provide services during a public health emergency;

(2) the number of health care providers who are credentialed to provide services during the period of a public health emergency declaration, including those who are credentialed through programs established in the Emergency System for Advance Registration of Volunteer Health Professionals under such section 319I and those credentialed by authorities within the State in which the emergency occurred;

(3) the average time to verify the credentials of a health care provider during the period of a public health emergency declaration, including the average time pursuant to the Emergency System for Advance Registration of Volunteer Health Professionals under such section 319I and for an individual’s credentials to be verified by an authority within the State; and

(4) the Emergency System for Advance Registration of Volunteer Health Professionals program in States, including whether physician or medical groups, associations, or other relevant provider organizations utilize such program for purposes of volunteering during public health emergencies.

SEC. 209. REPORT ON ADEQUATE NATIONAL BLOOD SUPPLY.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report containing recommendations related to maintaining an adequate national blood supply, including—

Recommendations.

(1) challenges associated with the continuous recruitment of blood donors (including those newly eligible to donate);

(2) ensuring the adequacy of the blood supply in the case of public health emergencies;

(3) implementation of the transfusion transmission monitoring system; and

(4) other measures to promote safety and innovation, such as the development, use, or implementation of new technologies, processes, and procedures to improve the safety and reliability of the blood supply.

SEC. 210. REPORT ON THE PUBLIC HEALTH PREPAREDNESS AND RESPONSE CAPABILITIES AND CAPACITIES OF HOSPITALS, LONG-TERM CARE FACILITIES, AND OTHER HEALTH CARE FACILITIES.

(a) STUDY.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into an agreement with an appropriate entity to conduct a study regarding the public health preparedness and response capabilities and medical surge capacities of hospitals, long-term care facilities, and other health care

Contracts.

facilities to prepare for, and respond to, public health emergencies, including natural disasters.

(2) CONSULTATION.—In conducting the study under paragraph (1), the entity shall consult with Federal, State, local, Tribal, and territorial public health officials (as appropriate), and health care providers and facilities with experience in public health preparedness and response activities.

(3) EVALUATION.—The study under paragraph (1) shall include—

(A) an evaluation of the current benchmarks and objective standards, as applicable, related to programs that support hospitals, long-term care facilities, and other health care facilities, and their effect on improving public health preparedness and response capabilities and medical surge capacities, including the Hospital Preparedness Program, the Public Health Emergency Preparedness cooperative agreements, and the Regional Health Care Emergency Preparedness and Response Systems under section 319C–3 of the Public Health Service Act (as added by section 203);

(B) the identification of gaps in preparedness, including with respect to such benchmarks and objective standards, such as those identified during recent public health emergencies, for hospitals, long-term care facilities, and other health care facilities to address future potential public health threats;

(C) an evaluation of coordination efforts between the recipients of Federal funding for programs described in subparagraph (A) and entities with expertise in emergency power systems and other critical infrastructure partners during a public health emergency, to ensure a functioning critical infrastructure, to the greatest extent practicable, during a public health emergency;

(D) an evaluation of coordination efforts between the recipients of Federal funding for programs described in subparagraph (A) and environmental health agencies with expertise in emergency preparedness and response planning for hospitals, long-term care facilities, and other health care facilities; and

(E) an evaluation of current public health preparedness and response capabilities and medical surge capacities related to at-risk individuals during public health emergencies, including an identification of gaps in such preparedness as they relate to such individuals.

(b) REPORT.—

(1) IN GENERAL.—The agreement under subsection (a) shall require the entity to submit to the Secretary of Health and Human Services and the congressional committees of jurisdiction, not later than 3 years after the date of enactment of this Act, a report on the results of the study conducted pursuant to this section.

(2) CONTENTS.—The report under paragraph (1) shall—

(A) describe the findings and conclusions of the evaluation conducted pursuant to subsection (a); and

(B) provide recommendations for improving public health preparedness and response capability and medical

surge capacity for hospitals, long-term care facilities, and other health care facilities, including—

(i) improving the existing benchmarks and objective standards for the Federal grant programs described in subsection (a)(3)(A) or developing new benchmarks and standards for such programs; and

(ii) identifying best practices for improving public health preparedness and response programs and medical surge capacity at hospitals, long-term care facilities, and other health care facilities, including recommendations for the evaluation under subparagraphs (C) and (D) of subsection (a)(3).

TITLE III—REACHING ALL COMMUNITIES

SEC. 301. STRENGTHENING AND ASSESSING THE EMERGENCY RESPONSE WORKFORCE.

(a) NATIONAL DISASTER MEDICAL SYSTEM.—

(1) STRENGTHENING THE NATIONAL DISASTER MEDICAL SYSTEM.—Clause (ii) of section 2812(a)(3)(A) (42 U.S.C. 300hh–11(a)(3)(A)) is amended to read as follows:

“(ii) be present at locations, and for limited periods of time, specified by the Secretary on the basis that the Secretary has determined that a location is at risk of a public health emergency during the time specified, or there is a significant potential for a public health emergency.”.

(2) REVIEW OF THE NATIONAL DISASTER MEDICAL SYSTEM.—Section 2812(b)(2) (42 U.S.C. 300hh–11(b)(2)) is amended to read as follows:

“(2) JOINT REVIEW AND MEDICAL SURGE CAPACITY STRATEGIC PLAN.—

“(A) REVIEW.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019, the Secretary, in coordination with the Secretary of Homeland Security, the Secretary of Defense, and the Secretary of Veterans Affairs, shall conduct a joint review of the National Disaster Medical System. Such review shall include—

Deadline.
Coordination.

“(i) an evaluation of medical surge capacity, as described in section 2803(a);

Evaluation.

“(ii) an assessment of the available workforce of the intermittent disaster response personnel described in subsection (c);

“(iii) the capacity of the workforce described in clause (ii) to respond to all hazards, including capacity to simultaneously respond to multiple public health emergencies and the capacity to respond to a nationwide public health emergency;

“(iv) the effectiveness of efforts to recruit, retain, and train such workforce; and

“(v) gaps that may exist in such workforce and recommendations for addressing such gaps.

Recommendations.

“(B) UPDATES.—As part of the National Health Security Strategy under section 2802, the Secretary shall update

Recommendations.

the findings from the review under subparagraph (A) and provide recommendations to modify the policies of the National Disaster Medical System as necessary.”.

(3) NOTIFICATION OF SHORTAGE.—Section 2812(c) (42 U.S.C. 300hh–11(c)) is amended by adding at the end the following:

Deadline.

“(3) NOTIFICATION.—Not later than 30 days after the date on which the Secretary determines the number of intermittent disaster-response personnel of the National Disaster Medical System is insufficient to address a public health emergency or potential public health emergency, the Secretary shall submit to the congressional committees of jurisdiction a notification detailing—

“(A) the impact such shortage could have on meeting public health needs and emergency medical personnel needs during a public health emergency; and

“(B) any identified measures to address such shortage.

“(4) CERTAIN APPOINTMENTS.—

Determination.

“(A) IN GENERAL.—If the Secretary determines that the number of intermittent disaster response personnel within the National Disaster Medical System under this section is insufficient to address a public health emergency or potential public health emergency, the Secretary may appoint candidates directly to personnel positions for intermittent disaster response within such system. The Secretary shall provide updates on the number of vacant or unfilled positions within such system to the congressional committees of jurisdiction each quarter for which this authority is in effect.

Time period.

“(B) SUNSET.—The authority under this paragraph shall expire on September 30, 2021.”.

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2812(g) (42 U.S.C. 300hh–11(g)) is amended by striking “\$52,700,000 for each of fiscal years 2014 through 2018” and inserting “\$57,400,000 for each of fiscal years 2019 through 2023”.

(b) VOLUNTEER MEDICAL RESERVE CORPS.—

(1) IN GENERAL.—Section 2813(a) (42 U.S.C. 42 U.S.C. 300hh–15(a)) is amended by striking the second sentence and inserting “The Secretary may appoint a Director to head the Corps and oversee the activities of the Corps chapters that exist at the State, local, Tribal, and territorial levels.”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2813(i) (42 U.S.C. 300hh–15(i)) is amended by striking “2014 through 2018” and inserting “2019 through 2023”.

(c) STRENGTHENING THE EPIDEMIC INTELLIGENCE SERVICE.—Section 317F (42 U.S.C. Sec. 247b–7) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “or preparedness and response activities, including rapid response to public health emergencies and significant public health threats” after “conduct prevention activities”; and

(ii) by striking “\$35,000” and inserting “\$50,000”; and

(B) in paragraph (2)(B), by striking “3 years” and inserting “2 years”; and

(2) in subsection (c)—

(A) by striking “For the purpose of carrying out this section” and inserting the following:

“(1) IN GENERAL.—For the purpose of carrying out this section, except as described in paragraph (2)”; and

(B) by adding at the end the following:

“(2) EPIDEMIC INTELLIGENCE SERVICE PROGRAM.—For purposes of carrying out this section with respect to qualified health professionals serving in the Epidemic Intelligence Service, as authorized under section 317G, there is authorized to be appropriated \$1,000,000 for each of fiscal years 2019 through 2023.”.

Time periods.
Appropriation
authorization.

(d) SERVICE BENEFIT FOR NATIONAL DISASTER MEDICAL SYSTEM VOLUNTEERS.—

(1) IN GENERAL.—Section 2812(c) (42 U.S.C. 300hh–11(c)), as amended by subsection (a)(3), is further amended by adding at the end the following:

“(5) SERVICE BENEFIT.—Individuals appointed to serve under this subsection shall be considered eligible for benefits under part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968. The Secretary shall provide notification to any eligible individual of any effect such designation may have on other benefits for which such individual is eligible, including benefits from private entities.”.

Notification.

(2) PUBLIC SAFETY OFFICER BENEFITS.—Section 1204(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284(9)) is amended—

(A) in subparagraph (C)(ii), by striking “or” at the end;

(B) in subparagraph (D), by striking the period and inserting “; or”; and

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

“(E) an individual appointed to the National Disaster Medical System under section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11) who is performing official duties of the Department of Health and Human Services, if those official duties are—

“(i) related to responding to a public health emergency or potential public health emergency, or other activities for which the Secretary of Health and Human Services has activated such National Disaster Medical System; and

“(ii) determined by the Secretary of Health and Human Services to be hazardous.”.

Determination.

(3) SUNSET.—The amendments made by paragraphs (1) and (2) shall cease to have force or effect on October 1, 2021.

34 USC 10284
note.

(e) MISSION READINESS REPORT TO CONGRESS.—

(1) REPORT.—Not later than one year after the date of enactment of this section, the Comptroller General of the United States (referred to in this subsection as the “Comptroller General”) shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the medical surge capacity of the United States in the event of a public health emergency, including the capacity and capability of the current health care workforce to prepare for, and respond to, the full range of public health emergencies

Recommendations.

or potential public health emergencies, and recommendations to address any gaps identified in such workforce.

(2) CONTENTS.—The Comptroller General shall include in the report under paragraph (1)—

(A) the number of health care providers who have volunteered to provide health care services during a public health emergency, including members of the National Disaster Medical System, the Disaster Medical Assistant Teams, the Medical Reserve Corps, and other volunteer health care professionals in the verification network pursuant to section 319I of the Public Health Service Act (42 U.S.C. 247d–7b);

(B) the capacity of the workforce described in subparagraph (A) to respond to a public health emergency or potential public health emergency, including the capacity to respond to multiple concurrent public health emergencies and the capacity to respond to a nationwide public health emergency;

(C) the preparedness and response capabilities and mission readiness of the workforce described in subparagraph (A) taking into account areas of health care expertise and considerations for at-risk individuals (as defined in section 2802(b)(4)(B) of the Public Health Service Act (42 U.S.C. 300hh–1(b)(4)(B)));

(D) an assessment of the effectiveness of efforts to recruit, retain, and train such workforce; and

(E) identification of gaps that may exist in such workforce and recommendations for addressing such gaps, the extent to which the Assistant Secretary for Preparedness and Response plans to address such gaps, and any recommendations from the Comptroller General to address such gaps.

Recommendations.

SEC. 302. HEALTH SYSTEM INFRASTRUCTURE TO IMPROVE PREPAREDNESS AND RESPONSE.

(a) COORDINATION OF PREPAREDNESS.—Section 2811(b)(5) (42 U.S.C. 300hh–10(b)(5)) is amended by adding at the end the following: “Such logistical support shall include working with other relevant Federal, State, local, Tribal, and territorial public health officials and private sector entities to identify the critical infrastructure assets, systems, and networks needed for the proper functioning of the health care and public health sectors that need to be maintained through any emergency or disaster, including entities capable of assisting with, responding to, and mitigating the effect of a public health emergency, including a public health emergency determined by the Secretary pursuant to section 319(a) or an emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act or the National Emergencies Act, including by establishing methods to exchange critical information and deliver products consumed or used to preserve, protect, or sustain life, health, or safety, and sharing of specialized expertise.”

Determination.

(b) MANUFACTURING CAPACITY.—Section 2811(d)(2)(C) (42 U.S.C. 300hh–10(d)(2)(C)) is amended by inserting “, and ancillary medical supplies to assist with the utilization of such countermeasures or products,” after “products”.

(c) EVALUATION OF BARRIERS TO RAPID DELIVERY OF MEDICAL COUNTERMEASURES.—

(1) RAPID DELIVERY STUDY.—The Assistant Secretary for Preparedness and Response may conduct a study on issues that have the potential to adversely affect the handling and rapid delivery of medical countermeasures to individuals during public health emergencies occurring in the United States.

(2) NOTICE TO CONGRESS.—Not later than 9 months after the date of the enactment of this Act, the Assistant Secretary for Preparedness and Response shall notify the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate if the Assistant Secretary for Preparedness and Response does not plan to conduct the study under paragraph (1) and shall provide such committees a summary explanation for such decision.

Deadline.
Summary.

(3) REPORT TO CONGRESS.—Not later than 1 year after the Assistant Secretary for Preparedness and Response conducts the study under paragraph (1), such Assistant Secretary shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate containing the findings of such study.

SEC. 303. CONSIDERATIONS FOR AT-RISK INDIVIDUALS.

(a) AT-RISK INDIVIDUALS IN THE NATIONAL HEALTH SECURITY STRATEGY.—Section 2802(b)(4)(B) (42 U.S.C. 300hh–1(b)(4)(B)) is amended—

(1) by striking “this section and sections 319C–1, 319F, and 319L,” and inserting “this Act,”; and

(2) by striking “special” and inserting “access or functional”.

(b) COUNTERMEASURE CONSIDERATIONS.—Section 319L(c)(6) (42 U.S.C. 247d–7e(c)(6)) is amended—

(1) by striking “elderly” and inserting “older adults”; and

(2) by inserting “with relevant characteristics that warrant consideration during the process of researching and developing such countermeasures and products” before the period.

(c) BIOSURVEILLANCE OF EMERGING PUBLIC HEALTH THREATS.—Section 2814 is amended—

(1) in paragraph (7), by striking “; and” and inserting a semicolon;

(2) in paragraph (8), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(9) facilitate coordination to ensure that, in implementing the situational awareness and biosurveillance network under section 319D, the Secretary considers incorporating data and information from Federal, State, local, Tribal, and territorial public health officials and entities relevant to detecting emerging public health threats that may affect at-risk individuals, such as pregnant and postpartum women and infants, including adverse health outcomes of such populations related to such emerging public health threats.”.

SEC. 304. IMPROVING EMERGENCY PREPAREDNESS AND RESPONSE CONSIDERATIONS FOR CHILDREN.

Part B of title III (42 U.S.C. 243 et seq.) is amended by inserting after section 319D the following:

42 USC 247d–4b. **“SEC. 319D–1. CHILDREN’S PREPAREDNESS UNIT.**

“(a) **ENHANCING EMERGENCY PREPAREDNESS FOR CHILDREN.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention (referred to in this subsection as the ‘Director’), shall maintain an internal team of experts, to be known as the Children’s Preparedness Unit (referred to in this subsection as the ‘Unit’), to work collaboratively to provide guidance on the considerations for, and the specific needs of, children before, during, and after public health emergencies. The Unit shall inform the Director regarding emergency preparedness and response efforts pertaining to children at the Centers for Disease Control and Prevention.

“(b) **EXPERTISE.**—The team described in subsection (a) shall include one or more pediatricians, which may be a developmental-behavioral pediatrician, and may also include behavioral scientists, child psychologists, epidemiologists, biostatisticians, health communications staff, and individuals with other areas of expertise, as the Secretary determines appropriate.

“(c) **DUTIES.**—The team described in subsection (a) may—

“(1) assist State, local, Tribal, and territorial emergency planning and response activities related to children, which may include developing, identifying, and sharing best practices;

“(2) provide technical assistance, training, and consultation to Federal, State, local, Tribal, and territorial public health officials to improve preparedness and response capabilities with respect to the needs of children, including providing such technical assistance, training, and consultation to eligible entities in order to support the achievement of measurable evidence-based benchmarks and objective standards applicable to sections 319C–1 and 319C–2;

“(3) improve the utilization of methods to incorporate the needs of children in planning for and responding to a public health emergency, including public awareness of such methods;

“(4) coordinate with, and improve, public-private partnerships, such as health care coalitions pursuant to sections 319C–2 and 319C–3, to address gaps and inefficiencies in emergency preparedness and response efforts for children;

“(5) provide expertise and input during the development of guidance and clinical recommendations to address the needs of children when preparing for, and responding to, public health emergencies, including pursuant to section 319C–3; and

“(6) carry out other duties related to preparedness and response activities for children, as the Secretary determines appropriate.”.

SEC. 305. NATIONAL ADVISORY COMMITTEES ON DISASTERS.

(a) **REAUTHORIZING THE NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.**—Section 2811A (42 U.S.C. 300hh–10a) is amended—

(1) in subsection (b)(2), by inserting “, mental and behavioral,” after “medical”;

(2) in subsection (d)—

(A) in paragraph (1), by striking “15” and inserting “25”; and

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

“(2) REQUIRED NON-FEDERAL MEMBERS.—The Secretary, in consultation with such other heads of Federal agencies as may be appropriate, shall appoint to the Advisory Committee under paragraph (1) at least 13 individuals, including—

Consultation.
Appointments.

“(A) at least 2 non-Federal professionals with expertise in pediatric medical disaster planning, preparedness, response, or recovery;

“(B) at least 2 representatives from State, local, Tribal, or territorial agencies with expertise in pediatric disaster planning, preparedness, response, or recovery;

“(C) at least 4 members representing health care professionals, which may include members with expertise in pediatric emergency medicine; pediatric trauma, critical care, or surgery; the treatment of pediatric patients affected by chemical, biological, radiological, or nuclear agents, including emerging infectious diseases; pediatric mental or behavioral health related to children affected by a public health emergency; or pediatric primary care; and

“(D) other members as the Secretary determines appropriate, of whom—

“(i) at least one such member shall represent a children’s hospital;

“(ii) at least one such member shall be an individual with expertise in schools or child care settings;

“(iii) at least one such member shall be an individual with expertise in children and youth with special health care needs; and

“(iv) at least one such member shall be an individual with expertise in the needs of parents or family caregivers, including the parents or caregivers of children with disabilities.

“(3) FEDERAL MEMBERS.—The Advisory Committee under paragraph (1) shall include the following Federal members or their designees (who may be nonvoting members, as determined by the Secretary):

“(A) The Assistant Secretary for Preparedness and Response.

“(B) The Director of the Biomedical Advanced Research and Development Authority.

“(C) The Director of the Centers for Disease Control and Prevention.

“(D) The Commissioner of Food and Drugs.

“(E) The Director of the National Institutes of Health.

“(F) The Assistant Secretary of the Administration for Children and Families.

“(G) The Administrator of the Health Resources and Services Administration.

“(H) The Administrator of the Federal Emergency Management Agency.

“(I) The Administrator of the Administration for Community Living.

“(J) The Secretary of Education.

“(K) Representatives from such Federal agencies (such as the Substance Abuse and Mental Health Services Administration and the Department of Homeland Security) as the Secretary determines appropriate to fulfill the duties of the Advisory Committee under subsections (b) and (c).

“(4) TERM OF APPOINTMENT.—Each member of the Advisory Committee appointed under paragraph (2) shall serve for a term of 3 years, except that the Secretary may adjust the terms of the Advisory Committee appointees serving on the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019, or appointees who are initially appointed after such date of enactment, in order to provide for a staggered term of appointment for all members.

“(5) CONSECUTIVE APPOINTMENTS; MAXIMUM TERMS.—A member appointed under paragraph (2) may serve not more than 3 terms on the Advisory Committee, and not more than two of such terms may be served consecutively.”;

(3) in subsection (e), by adding at the end “At least one meeting per year shall be an in-person meeting.”;

(4) by redesignating subsection (f) as subsection (g);

(5) by inserting after subsection (e) the following:

“(f) COORDINATION.—The Secretary shall coordinate duties and activities authorized under this section in accordance with section 2811D.”; and

(6) in subsection (g), as so redesignated, by striking “2018” and inserting “2023”.

(b) AUTHORIZING THE NATIONAL ADVISORY COMMITTEE ON SENIORS AND DISASTERS.—Subtitle B of title XXVIII (42 U.S.C. 300hh et seq.) is amended by inserting after section 2811A the following:

“SEC. 2811B. NATIONAL ADVISORY COMMITTEE ON SENIORS AND DISASTERS.

“(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Homeland Security and the Secretary of Veterans Affairs, shall establish an advisory committee to be known as the National Advisory Committee on Seniors and Disasters (referred to in this section as the ‘Advisory Committee’).

“(b) DUTIES.—The Advisory Committee shall—

“(1) provide advice and consultation with respect to the activities carried out pursuant to section 2814, as applicable and appropriate;

“(2) evaluate and provide input with respect to the medical and public health needs of seniors related to preparation for, response to, and recovery from all-hazards emergencies; and

“(3) provide advice and consultation with respect to State emergency preparedness and response activities relating to seniors, including related drills and exercises pursuant to the preparedness goals under section 2802(b).

“(c) ADDITIONAL DUTIES.—The Advisory Committee may provide advice and recommendations to the Secretary with respect to seniors and the medical and public health grants and cooperative agreements as applicable to preparedness and response activities under this title and title III.

“(d) MEMBERSHIP.—

“(1) IN GENERAL.—The Secretary, in consultation with such other heads of agencies as appropriate, shall appoint not more than 17 members to the Advisory Committee. In appointing such members, the Secretary shall ensure that the total membership of the Advisory Committee is an odd number.

42 USC
300hh–10c.

Consultation.

Consultations.

Evaluation.

Recommendations.

Consultation.
Appointments.

“(2) **REQUIRED MEMBERS.**—The Advisory Committee shall include Federal members or their designees (who may be non-voting members, as determined by the Secretary) and non-Federal members, as follows:

“(A) The Assistant Secretary for Preparedness and Response.

“(B) The Director of the Biomedical Advanced Research and Development Authority.

“(C) The Director of the Centers for Disease Control and Prevention.

“(D) The Commissioner of Food and Drugs.

“(E) The Director of the National Institutes of Health.

“(F) The Administrator of the Centers for Medicare & Medicaid Services.

“(G) The Administrator of the Administration for Community Living.

“(H) The Administrator of the Federal Emergency Management Agency.

“(I) The Under Secretary for Health of the Department of Veterans Affairs.

“(J) At least 2 non-Federal health care professionals with expertise in geriatric medical disaster planning, preparedness, response, or recovery.

“(K) At least 2 representatives of State, local, Tribal, or territorial agencies with expertise in geriatric disaster planning, preparedness, response, or recovery.

“(L) Representatives of such other Federal agencies (such as the Department of Energy and the Department of Homeland Security) as the Secretary determines necessary to fulfill the duties of the Advisory Committee.

“(e) **MEETINGS.**—The Advisory Committee shall meet not less frequently than biannually. At least one meeting per year shall be an in-person meeting.

“(f) **COORDINATION.**—The Secretary shall coordinate duties and activities authorized under this section in accordance with section 2811D.

“(g) **SUNSET.**—

“(1) **IN GENERAL.**—The Advisory Committee shall terminate on September 30, 2023.

“(2) **EXTENSION OF COMMITTEE.**—Not later than October 1, 2022, the Secretary shall submit to Congress a recommendation on whether the Advisory Committee should be extended.”.

Deadline.
Recommendation.

(c) **NATIONAL ADVISORY COMMITTEE ON INDIVIDUALS WITH DISABILITIES AND DISASTERS.**—Subtitle B of title XXVIII (42 U.S.C. 300hh et seq.), as amended by subsection (b), is further amended by inserting after section 2811B the following:

“SEC. 2811C. NATIONAL ADVISORY COMMITTEE ON INDIVIDUALS WITH DISABILITIES AND DISASTERS.

42 USC
300hh–10d.

“(a) **ESTABLISHMENT.**—The Secretary, in consultation with the Secretary of Homeland Security, shall establish a national advisory committee to be known as the National Advisory Committee on Individuals with Disabilities and Disasters (referred to in this section as the ‘Advisory Committee’).

Consultation.

“(b) **DUTIES.**—The Advisory Committee shall—

Consultations.

- “(1) provide advice and consultation with respect to activities carried out pursuant to section 2814, as applicable and appropriate;
- Evaluation. “(2) evaluate and provide input with respect to the medical, public health, and accessibility needs of individuals with disabilities related to preparation for, response to, and recovery from all-hazards emergencies; and
- “(3) provide advice and consultation with respect to State emergency preparedness and response activities, including related drills and exercises pursuant to the preparedness goals under section 2802(b).
- “(c) MEMBERSHIP.—
- Consultation. “(1) IN GENERAL.—The Secretary, in consultation with such
Appointments. other heads of agencies and departments as appropriate, shall appoint not more than 17 members to the Advisory Committee. In appointing such members, the Secretary shall ensure that the total membership of the Advisory Committee is an odd number.
- Determination. “(2) REQUIRED MEMBERS.—The Advisory Committee shall include Federal members or their designees (who may be non-voting members, as determined by the Secretary) and non-Federal members, as follows:
- “(A) The Assistant Secretary for Preparedness and Response.
- “(B) The Administrator of the Administration for Community Living.
- “(C) The Director of the Biomedical Advanced Research and Development Authority.
- “(D) The Director of the Centers for Disease Control and Prevention.
- “(E) The Commissioner of Food and Drugs.
- “(F) The Director of the National Institutes of Health.
- “(G) The Administrator of the Federal Emergency Management Agency.
- “(H) The Chair of the National Council on Disability.
- “(I) The Chair of the United States Access Board.
- “(J) The Under Secretary for Health of the Department of Veterans Affairs.
- “(K) At least 2 non-Federal health care professionals with expertise in disability accessibility before, during, and after disasters, medical and mass care disaster planning, preparedness, response, or recovery.
- “(L) At least 2 representatives from State, local, Tribal, or territorial agencies with expertise in disaster planning, preparedness, response, or recovery for individuals with disabilities.
- “(M) At least 2 individuals with a disability with expertise in disaster planning, preparedness, response, or recovery for individuals with disabilities.
- “(d) MEETINGS.—The Advisory Committee shall meet not less frequently than biannually. At least one meeting per year shall be an in-person meeting.
- “(e) DISABILITY DEFINED.—For purposes of this section, the term ‘disability’ has the meaning given such term in section 3 of the Americans with Disabilities Act of 1990.

“(f) COORDINATION.—The Secretary shall coordinate duties and activities authorized under this section in accordance with section 2811D.

“(g) SUNSET.—

“(1) IN GENERAL.—The Advisory Committee shall terminate on September 30, 2023.

“(2) RECOMMENDATION.—Not later than October 1, 2022, the Secretary shall submit to Congress a recommendation on whether the Advisory Committee should be extended.”.

Deadline.

(d) ADVISORY COMMITTEE COORDINATION.—Subtitle B of title XXVIII (42 U.S.C. 300hh et seq.), as amended by subsection (c), is further amended by inserting after section 2811C the following:

“SEC. 2811D. ADVISORY COMMITTEE COORDINATION.

42 USC
300hh–10e.

“(a) IN GENERAL.—The Secretary shall coordinate duties and activities authorized under sections 2811A, 2811B, and 2811C, and make efforts to reduce unnecessary or duplicative reporting, or unnecessary duplicative meetings and recommendations under such sections, as practicable. Members of the advisory committees authorized under such sections, or their designees, shall annually meet to coordinate any recommendations, as appropriate, that may be similar, duplicative, or overlapping with respect to addressing the needs of children, seniors, and individuals with disabilities during public health emergencies. If such coordination occurs through an in-person meeting, it shall not be considered the required in-person meetings under any of sections 2811A(e), 2811B(e), or 2811C(d).

Recommendations.

“(b) COORDINATION AND ALIGNMENT.—The Secretary, acting through the employee designated pursuant to section 2814, shall align preparedness and response programs or activities to address similar, dual, or overlapping needs of children, seniors, and individuals with disabilities, and any challenges in preparing for and responding to such needs.

“(c) NOTIFICATION.—The Secretary shall annually notify the congressional committees of jurisdiction regarding the steps taken to coordinate, as appropriate, the recommendations under this section, and provide a summary description of such coordination.”.

Deadline.
Summary.

SEC. 306. GUIDANCE FOR PARTICIPATION IN EXERCISES AND DRILLS.

42 USC 300hh
note.
Deadline.

Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall issue final guidance regarding the ability of personnel funded by programs authorized under this Act (including the amendments made by this Act) to participate in drills and operational exercises related to all-hazards medical and public health preparedness and response. Such drills and operational exercises may include activities that incorporate medical surge capacity planning, medical countermeasure distribution and administration, and preparing for and responding to identified threats for that region. Such personnel may include State, local, Tribal, and territorial public health department or agency personnel funded under this Act (including the amendments made by this Act). The Secretary shall consult with the Department of Homeland Security, the Department of Defense, the Department of Veterans Affairs, and other applicable Federal departments and agencies as necessary and appropriate in the development of such guidance. The Secretary shall make the guidance available on the internet website of the Department of Health and Human Services.

Consultation.

Web posting.

TITLE IV—PRIORITIZING A THREAT-BASED APPROACH

SEC. 401. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.

Section 2811(b) (42 U.S.C. 300hh–10(b)) is amended—

(1) in the matter preceding paragraph (1), by inserting “utilize experience related to public health emergency preparedness and response, biodefense, medical countermeasures, and other relevant topics to” after “shall”; and

(2) in paragraph (4), by adding at the end the following:

Coordination.
Assessment.

“(I) THREAT AWARENESS.—Coordinate with the Director of the Centers for Disease Control and Prevention, the Director of National Intelligence, the Secretary of Homeland Security, the Assistant to the President for National Security Affairs, the Secretary of Defense, and other relevant Federal officials, such as the Secretary of Agriculture, to maintain a current assessment of national security threats and inform preparedness and response capabilities based on the range of the threats that have the potential to result in a public health emergency.”.

SEC. 402. PUBLIC HEALTH EMERGENCY MEDICAL COUNTERMEASURES ENTERPRISE.

(a) IN GENERAL.—Title XXVIII is amended by inserting after section 2811 (42 U.S.C. 300hh–10) the following:

42 USC
300hh–10a.

“SEC. 2811–1. PUBLIC HEALTH EMERGENCY MEDICAL COUNTERMEASURES ENTERPRISE.

Establishment.

“(a) IN GENERAL.—The Secretary shall establish the Public Health Emergency Medical Countermeasures Enterprise (referred to in this section as the ‘PHEMCE’). The Assistant Secretary for Preparedness and Response shall serve as chair of the PHEMCE.

“(b) MEMBERS.—The PHEMCE shall include each of the following members, or the designee of such members:

“(1) The Assistant Secretary for Preparedness and Response.

“(2) The Director of the Centers for Disease Control and Prevention.

“(3) The Director of the National Institutes of Health.

“(4) The Commissioner of Food and Drugs.

“(5) The Secretary of Defense.

“(6) The Secretary of Homeland Security.

“(7) The Secretary of Agriculture.

“(8) The Secretary of Veterans Affairs.

“(9) The Director of National Intelligence.

“(10) Representatives of any other Federal agency, which may include the Director of the Biomedical Advanced Research and Development Authority, the Director of the Strategic National Stockpile, the Director of the National Institute of Allergy and Infectious Diseases, and the Director of the Office of Public Health Preparedness and Response, as the Secretary determines appropriate.

“(c) FUNCTIONS.—

“(1) IN GENERAL.—The functions of the PHEMCE shall include the following:

“(A) Utilize a process to make recommendations to the Secretary regarding research, advanced research, development, procurement, stockpiling, deployment, distribution, and utilization with respect to countermeasures, as defined in section 319F–2(c), including prioritization based on the health security needs of the United States. Such recommendations shall be informed by, when available and practicable, the National Health Security Strategy pursuant to section 2802, the Strategic National Stockpile needs pursuant to section 319F–2, and assessments of current national security threats, including chemical, biological, radiological, and nuclear threats, including emerging infectious diseases. In the event that members of the PHEMCE do not agree upon a recommendation, the Secretary shall provide a determination regarding such recommendation.

Recommendations.
Assessments.

Determination.

“(B) Identify national health security needs, including gaps in public health preparedness and response related to countermeasures and challenges to addressing such needs (including any regulatory challenges), and support alignment of countermeasure procurement with recommendations to address such needs under subparagraph (A).

Recommendations.

“(C) Assist the Secretary in developing strategies related to logistics, deployment, distribution, dispensing, and use of countermeasures that may be applicable to the activities of the strategic national stockpile under section 319F–2(a).

Strategies.

“(D) Provide consultation for the development of the strategy and implementation plan under section 2811(d).

Consultation.

“(2) INPUT.—In carrying out subparagraphs (B) and (C) of paragraph (1), the PHEMCE shall solicit and consider input from State, local, Tribal, and territorial public health departments or officials, as appropriate.”.

(b) PUBLIC HEALTH EMERGENCY MEDICAL COUNTERMEASURES ENTERPRISE STRATEGY AND IMPLEMENTATION PLAN.—Section 2811(d) (42 U.S.C. 300hh–10(d)) is amended—

(1) in paragraph (1)—

(A) by striking “Not later than 180 days after the date of enactment of this subsection, and every year thereafter” and inserting “Not later than March 15, 2020, and biennially thereafter”; and

(B) by striking “Director of the Biomedical” and all that follows through “Food and Drugs” and inserting “Public Health Emergency Medical Countermeasures Enterprise established under section 2811–1”; and

(2) in paragraph (2)(J)(v), by striking “one-year period” and inserting “2-year period”.

SEC. 403. STRATEGIC NATIONAL STOCKPILE.

(a) IN GENERAL.—Section 319F–2(a) (42 U.S.C. 247d–6b(a)) is amended—

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

(2) in paragraph (1)—

(A) by inserting “the Assistant Secretary for Preparedness and Response and” after “collaboration with”;

(B) by inserting “and optimize” after “provide for”;

(C) by inserting “and, as informed by existing recommendations of, or consultations with, the Public Health Emergency Medical Countermeasure Enterprise established under section 2811–1, make necessary additions or modifications to the contents of such stockpile or stockpiles based on the review conducted under paragraph (2)” before the period of the first sentence; and

(D) by striking the second sentence;

(3) by inserting after paragraph (1) the following:

“(2) THREAT-BASED REVIEW.—

Consultation.
Assessment.

“(A) IN GENERAL.—The Secretary shall conduct an annual threat-based review (taking into account at-risk individuals) of the contents of the stockpile under paragraph (1), including non-pharmaceutical supplies, and, in consultation with the Public Health Emergency Medical Countermeasures Enterprise established under section 2811–1, review contents within the stockpile and assess whether such contents are consistent with the recommendations made pursuant to section 2811–1(c)(1)(A). Such review shall be submitted on June 15, 2019, and on March 15 of each year thereafter, to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, in a manner that does not compromise national security.

Deadlines.

“(B) ADDITIONS, MODIFICATIONS, AND REPLENISHMENTS.—Each annual threat-based review under subparagraph (A) shall, for each new or modified countermeasure procurement or replenishment, provide—

“(i) information regarding—

“(I) the quantities of the additional or modified countermeasure procured for, or contracted to be procured for, the stockpile;

“(II) planning considerations for appropriate manufacturing capacity and capability to meet the goals of such additions or modifications (without disclosing proprietary information), including consideration of the effect such additions or modifications may have on the availability of such products and ancillary medical supplies in the health care system;

“(III) the presence or lack of a commercial market for the countermeasure at the time of procurement;

“(IV) the emergency health security threat or threats such countermeasure procurement is intended to address, including whether such procurement is consistent with meeting emergency health security needs associated with such threat or threats;

Assessment.

“(V) an assessment of whether the emergency health security threat or threats described in subclause (IV) could be addressed in a manner that better utilizes the resources of the stockpile and permits the greatest possible increase in the level

of emergency preparedness to address such threats;

“(VI) whether such countermeasure is replenishing an expiring or expired countermeasure, is a different countermeasure with the same indication that is replacing an expiring or expired countermeasure, or is a new addition to the stockpile;

“(VII) a description of how such additions or modifications align with projected investments under previous countermeasures budget plans under section 2811(b)(7), including expected life-cycle costs, expenditures related to countermeasure procurement to address the threat or threats described in subclause (IV), replenishment dates (including the ability to extend the maximum shelf life of a countermeasure), and the manufacturing capacity required to replenish such countermeasure; and

“(VIII) appropriate protocols and processes for the deployment, distribution, or dispensing of the countermeasure at the State and local level, including plans for relevant capabilities of State and local entities to dispense, distribute, and administer the countermeasure; and

“(ii) an assurance, which need not be provided in advance of procurement, that for each countermeasure procured or replenished under this subsection, the Secretary completed a review addressing each item listed under this subsection in advance of such procurement or replenishment.”;

(4) in paragraph (3), as so redesignated—

(A) in subparagraph (A), by inserting “and the Public Health Emergency Medical Countermeasures Enterprise established under section 2811–1” before the semicolon;

(B) in subparagraph (C), by inserting “, and the availability, deployment, dispensing, and administration of countermeasures” before the semicolon;

(C) by amending subparagraph (E) to read as follows:

“(E) devise plans for effective and timely supply-chain management of the stockpile, in consultation with the Director of the Centers for Disease Control and Prevention, the Assistant Secretary for Preparedness and Response, the Secretary of Transportation, the Secretary of Homeland Security, the Secretary of Veterans Affairs, and the heads of other appropriate Federal agencies; State, local, Tribal, and territorial agencies; and the public and private health care infrastructure, as applicable, taking into account the manufacturing capacity and other available sources of products and appropriate alternatives to supplies in the stockpile;”;

(D) in subparagraph (G), by striking “; and” and inserting a semicolon;

(E) in subparagraph (H), by striking the period and inserting a semicolon; and

(F) by adding at the end the following:

Consultation.

“(I) ensure that each countermeasure or product under consideration for procurement pursuant to this subsection receives the same consideration regardless of whether such countermeasure or product receives or had received funding under section 319L, including with respect to whether the countermeasure or product is most appropriate to meet the emergency health security needs of the United States; and

“(J) provide assistance, including technical assistance, to maintain and improve State and local public health preparedness capabilities to distribute and dispense medical countermeasures and products from the stockpile, as appropriate.”; and

(5) by adding at the end the following:

“(5) GAO REPORT.—

“(A) IN GENERAL.—Not later than 3 years after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019, and every 5 years thereafter, the Comptroller General of the United States shall conduct a review of any changes to the contents or management of the stockpile since January 1, 2015. Such review shall include—

“(i) an assessment of the comprehensiveness and completeness of each annual threat-based review under paragraph (2), including whether all newly procured or replenished countermeasures within the stockpile were described in each annual review, and whether, consistent with paragraph (2)(B), the Secretary conducted the necessary internal review in advance of such procurement or replenishment;

“(ii) an assessment of whether the Secretary established health security and science-based justifications, and a description of such justifications for procurement decisions related to health security needs with respect to the identified threat, for additions or modifications to the stockpile based on the information provided in such reviews under paragraph (2)(B), including whether such review was conducted prior to procurement, modification, or replenishment;

“(iii) an assessment of the plans developed by the Secretary for the deployment, distribution, and dispensing of countermeasures procured, modified, or replenished under paragraph (1), including whether such plans were developed prior to procurement, modification, or replenishment;

“(iv) an accounting of countermeasures procured, modified, or replenished under paragraph (1) that received advanced research and development funding from the Biomedical Advanced Research and Development Authority;

“(v) an analysis of how such procurement decisions made progress toward meeting emergency health security needs related to the identified threats for countermeasures added, modified, or replenished under paragraph (1);

“(vi) a description of the resources expended related to the procurement of countermeasures

Deadline.
Time period.
Review.
Assessments.

Analysis.

(including additions, modifications, and replenishments) in the stockpile, and how such expenditures relate to the ability of the stockpile to meet emergency health security needs;

“(vii) an assessment of the extent to which additions, modifications, and replenishments reviewed under paragraph (2) align with previous relevant reports or reviews by the Secretary or the Comptroller General;

“(viii) with respect to any change in the Federal organizational management of the stockpile, an assessment and comparison of the processes affected by such change, including planning for potential countermeasure deployment, distribution, or dispensing capabilities and processes related to procurement decisions, use of stockpiled countermeasures, and use of resources for such activities; and

“(ix) an assessment of whether the processes and procedures described by the Secretary pursuant to section 403(b) of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019 are sufficient to ensure countermeasures and products under consideration for procurement pursuant to subsection (a) receive the same consideration regardless of whether such countermeasures and products receive or had received funding under section 319L, including with respect to whether such countermeasures and products are most appropriate to meet the emergency health security needs of the United States.

“(B) SUBMISSION.—Not later than 6 months after completing a classified version of the review under subparagraph (A), the Comptroller General shall submit an unclassified version of the review to the congressional committees of jurisdiction.”. Deadline.

(b) ADDITIONAL REPORTING.—In the first threat-based review submitted after the date of enactment of this Act pursuant to paragraph (2) of section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)), as amended by subsection (a), the Secretary shall include a description of the processes and procedures through which the Director of the Strategic National Stockpile and the Director of the Biomedical Advanced Research and Development Authority coordinate with respect to countermeasures and products procured under such section 319F–2(a), including such processes and procedures in place to ensure countermeasures and products under consideration for procurement pursuant to such section 319F–2(a) receive the same consideration regardless of whether such countermeasures or products receive or had received funding under section 319L of the Public Health Service Act (42 U.S.C. 247d–7e), and whether such countermeasures and products are the most appropriate to meet the emergency health security needs of the United States.

(c) AUTHORIZATION OF APPROPRIATIONS, STRATEGIC NATIONAL STOCKPILE.—Section 319F–2(f)(1) (42 U.S.C. 247d–6b(f)(1)) is amended by striking “\$533,800,000 for each of fiscal years 2014 through 2018” and inserting “\$610,000,000 for each of fiscal years 2019 through 2023, to remain available until expended”.

SEC. 404. PREPARING FOR PANDEMIC INFLUENZA, ANTIMICROBIAL RESISTANCE, AND OTHER SIGNIFICANT THREATS.

(a) STRATEGIC INITIATIVES.—Section 319L(c)(4) (247d–7e(c)(4)) is amended by adding at the end the following:

Determination.

“(F) STRATEGIC INITIATIVES.—The Secretary, acting through the Director of BARDA, may implement strategic initiatives, including by building on existing programs and by awarding contracts, grants, and cooperative agreements, or entering into other transactions, to support innovative candidate products in preclinical and clinical development that address priority, naturally occurring and man-made threats that, as determined by the Secretary, pose a significant level of risk to national security based on the characteristics of a chemical, biological, radiological or nuclear threat, or existing capabilities to respond to such a threat (including medical response and treatment capabilities and manufacturing infrastructure). Such initiatives shall accelerate and support the advanced research, development, and procurement of countermeasures and products, as applicable, to address areas including—

“(i) chemical, biological, radiological, or nuclear threats, including emerging infectious diseases, for which insufficient approved, licensed, or authorized countermeasures exist, or for which such threat, or the result of an exposure to such threat, may become resistant to countermeasures or existing countermeasures may be rendered ineffective;

“(ii) threats that consistently exist or continually circulate and have a significant potential to become a pandemic, such as pandemic influenza, which may include the advanced research and development, manufacturing, and appropriate stockpiling of qualified pandemic or epidemic products, and products, technologies, or processes to support the advanced research and development of such countermeasures (including multiuse platform technologies for diagnostics, vaccines, and therapeutics; virus seeds; clinical trial lots; novel virus strains; and antigen and adjuvant material); and

“(iii) threats that may result primarily or secondarily from a chemical, biological, radiological, or nuclear agent, or emerging infectious diseases, and which may present increased treatment complications such as the occurrence of resistance to available countermeasures or potential countermeasures, including antimicrobial resistant pathogens.”.

(b) PROTECTION OF NATIONAL SECURITY FROM THREATS.—Section 2811 (42 U.S.C. 300hh–10) is amended by adding at the end the following:

“(f) PROTECTION OF NATIONAL SECURITY FROM THREATS.—

“(1) IN GENERAL.—In carrying out subsection (b)(3), the Assistant Secretary for Preparedness and Response shall implement strategic initiatives or activities to address threats, including pandemic influenza and which may include a chemical, biological, radiological, or nuclear agent (including any such agent with a significant potential to become a pandemic), that pose a significant level of risk to public health and national

security based on the characteristics of such threat. Such initiatives shall include activities to—

“(A) accelerate and support the advanced research, development, manufacturing capacity, procurement, and stockpiling of countermeasures, including initiatives under section 319L(c)(4)(F);

“(B) support the development and manufacturing of virus seeds, clinical trial lots, and stockpiles of novel virus strains; and

“(C) maintain or improve preparedness activities, including for pandemic influenza.

“(2) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—To carry out this subsection, there is authorized to be appropriated \$250,000,000 for each of fiscal years 2019 through 2023.

“(B) SUPPLEMENT, NOT SUPPLANT.—Amounts appropriated under this paragraph shall be used to supplement and not supplant funds provided under sections 319L(d) and 319F–2(g).

“(C) DOCUMENTATION REQUIRED.—The Assistant Secretary for Preparedness and Response, in accordance with subsection (b)(7), shall document amounts expended for purposes of carrying out this subsection, including amounts appropriated under the heading ‘Public Health and Social Services Emergency Fund’ under the heading ‘Office of the Secretary’ under title II of division H of the Consolidated Appropriations Act, 2018 (Public Law 115–141) and allocated to carrying out section 319L(c)(4)(F).”.

SEC. 405. REPORTING ON THE FEDERAL SELECT AGENT PROGRAM.

Section 351A(k) (42 U.S.C. 262a(k)) is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(2) IMPLEMENTATION OF RECOMMENDATIONS OF THE FEDERAL EXPERTS SECURITY ADVISORY PANEL AND THE FAST TRACK ACTION COMMITTEE ON SELECT AGENT REGULATIONS.—

“(A) IN GENERAL.—Not later than 1 year after the date of the enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019, the Secretary shall report to the congressional committees of jurisdiction on the implementation of recommendations of the Federal Experts Security Advisory Panel concerning the select agent program.

“(B) CONTINUED UPDATES.—The Secretary shall report to the congressional committees of jurisdiction annually following the submission of the report under subparagraph (A) until the recommendations described in such subparagraph are fully implemented, or a justification is provided for the delay in, or lack of, implementation.”.

TITLE V—INCREASING COMMUNICATION IN MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT

SEC. 501. MEDICAL COUNTERMEASURE BUDGET PLAN.

Section 2811(b)(7) (42 U.S.C. 300hh–10(b)(7)) is amended—

(1) in the matter preceding subparagraph (A), by striking “March 1” and inserting “March 15”;

(2) in subparagraph (A)—

(A) in clause (ii), by striking “; and” and inserting “;”; and

(B) by striking clause (iii) and inserting the following:

“(iii) procurement, stockpiling, maintenance, and potential replenishment (including manufacturing capabilities) of all products in the Strategic National Stockpile;

“(iv) the availability of technologies that may assist in the advanced research and development of countermeasures and opportunities to use such technologies to accelerate and navigate challenges unique to countermeasure research and development; and

“(v) potential deployment, distribution, and utilization of medical countermeasures; development of clinical guidance and emergency use instructions for the use of medical countermeasures; and, as applicable, potential postdeployment activities related to medical countermeasures;”;

(3) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(4) by inserting after subparagraph (C), the following:

“(D) identify the full range of anticipated medical countermeasure needs related to research and development, procurement, and stockpiling, including the potential need for indications, dosing, and administration technologies, and other countermeasure needs as applicable and appropriate;”.

Determinations.

SEC. 502. MATERIAL THREAT AND MEDICAL COUNTERMEASURE NOTIFICATIONS.

(a) CONGRESSIONAL NOTIFICATION OF MATERIAL THREAT DETERMINATION.—Section 319F–2(c)(2)(C) (42 U.S.C. 247d–6b(c)(2)(C)) is amended by striking “The Secretary and the Homeland Security Secretary shall promptly notify the appropriate committees of Congress” and inserting “The Secretary and the Secretary of Homeland Security shall send to Congress, on an annual basis, all current material threat determinations and shall promptly notify the Committee on Health, Education, Labor, and Pensions and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Energy and Commerce and the Committee on Homeland Security of the House of Representatives”.

Deadline.

(b) CONTRACTING COMMUNICATION.—Section 319F–2(c)(7)(B)(ii)(III) (42 U.S.C. 247d–6b(c)(7)(B)(ii)(III)) is amended by adding at the end the following: “The Secretary shall notify the

vendor within 90 days of a determination by the Secretary to renew, extend, or terminate such contract.”.

SEC. 503. AVAILABILITY OF REGULATORY MANAGEMENT PLANS.

Section 565(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4(f)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

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

“(3) PUBLICATION.—The Secretary shall make available on the internet website of the Food and Drug Administration information regarding regulatory management plans, including—

Web posting.

“(A) the process by which an applicant may submit a request for a regulatory management plan;

“(B) the timeframe by which the Secretary is required to respond to such request;

“(C) the information required for the submission of such request;

“(D) a description of the types of development milestones and performance targets that could be discussed and included in such plans; and

“(E) contact information for beginning the regulatory management plan process.”;

(3) in paragraph (6), as so redesignated, in the matter preceding subparagraph (A)—

(A) by striking “paragraph (4)(A)” and inserting “paragraph (5)(A)”; and

(B) by striking “paragraph (4)(B)” and inserting “paragraph (5)(B)”; and

(4) in paragraph (7)(A), as so redesignated, by striking “paragraph (3)(A)” and inserting “paragraph (4)(A)”.

SEC. 504. THE BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY AND THE BIOSHIELD SPECIAL RESERVE FUND.

(a) BIOSHIELD SPECIAL RESERVE FUND.—Section 319F–2(g)(1) (42 U.S.C. 247d–6b(g)(1)) is amended—

(1) by striking “\$2,800,000,000 for the period of fiscal years 2014 through 2018” and inserting “\$7,100,000,000 for the period of fiscal years 2019 through 2028, to remain available until expended”; and

(2) by striking the second sentence.

(b) THE BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.—Section 319L(d)(2) (42 U.S.C. 247d–7e(d)(2)) is amended by striking “\$415,000,000 for each of fiscal years 2014 through 2018” and inserting “\$611,700,000 for each of fiscal years 2019 through 2023”.

SEC. 505. ADDITIONAL STRATEGIES FOR COMBATING ANTIBIOTIC RESISTANCE.

42 USC 247d–5 note.

(a) ADVISORY COUNCIL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) may continue the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria, referred to in this section as the “Advisory Council”.

Continuation.

(b) DUTIES.—The Advisory Council shall advise and provide information and recommendations to the Secretary regarding programs and policies intended to reduce or combat antibiotic-resistant

Recommendations.

bacteria that may present a public health threat and improve capabilities to prevent, diagnose, mitigate, or treat such resistance. Such advice, information, and recommendations may be related to improving—

(1) the effectiveness of antibiotics;

(2) research and advanced research on, and the development of, improved and innovative methods for combating or reducing antibiotic resistance, including new treatments, rapid point-of-care diagnostics, alternatives to antibiotics, including alternatives to animal antibiotics, and antimicrobial stewardship activities;

(3) surveillance of antibiotic-resistant bacterial infections, including publicly available and up-to-date information on resistance to antibiotics;

(4) education for health care providers and the public with respect to up-to-date information on antibiotic resistance and ways to reduce or combat such resistance to antibiotics related to humans and animals;

(5) methods to prevent or reduce the transmission of antibiotic-resistant bacterial infections, including stewardship programs; and

Coordination.

(6) coordination with respect to international efforts in order to inform and advance United States capabilities to combat antibiotic resistance.

(c) MEETINGS AND COORDINATION.—

(1) MEETINGS.—The Advisory Council shall meet not less than biannually and, to the extent practicable, in coordination with meetings of the Antimicrobial Resistance Task Force established in section 319E(a) of the Public Health Service Act.

(2) COORDINATION.—The Advisory Council shall, to the greatest extent practicable, coordinate activities carried out by the Council with the Antimicrobial Resistance Task Force established under section 319E(a) of the Public Health Service Act (42 U.S.C. 247d–5(a)).

Applicability.

(d) FACCA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities and duties of the Advisory Council.

Deadline.
Recommendation.

(e) EXTENSION OF ADVISORY COUNCIL.—Not later than October 1, 2022, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a recommendation on whether the Advisory Council should be extended, and in addition, identify whether there are other committees, councils, or task forces that have overlapping or similar duties to that of the Advisory Council, and whether such committees, councils, or task forces should be combined, including with respect to section 319E(a) of the Public Health Service Act (42 U.S.C. 247d–5(a)).

TITLE VI—ADVANCING TECHNOLOGIES FOR MEDICAL COUNTERMEASURES

SEC. 601. ADMINISTRATION OF COUNTERMEASURES.

Section 319L(c)(4)(D)(iii) (42 U.S.C. 247d–7e(c)(4)(D)(iii)) is amended by striking “and platform technologies” and inserting “platform technologies, technologies to administer countermeasures, and technologies to improve storage and transportation of countermeasures”.

SEC. 602. UPDATING DEFINITIONS OF OTHER TRANSACTIONS.

Section 319L (42 U.S.C. 247d–7e) is amended—

(1) in subsection (a)(3), by striking “, such as” and all that follows through “Code”; and

(2) in subsection (c)(5)(A)—

(A) in clause (i), by striking “under this subsection” and all that follows through “Code” and inserting “(as defined in subsection (a)(3)) under this subsection”; and

(B) in clause (ii)—

(i) by amending subclause (I) to read as follows:

“(I) IN GENERAL.—To the maximum extent practicable, competitive procedures shall be used when entering into transactions to carry out projects under this subsection.”; and

(ii) in subclause (II)—

(I) by striking “\$20,000,000” and inserting “\$100,000,000”;

(II) by striking “senior procurement executive for the Department (as designated for purpose of section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)))” and inserting “Assistant Secretary for Financial Resources”; and

(III) by striking “senior procurement executive under” and inserting “Assistant Secretary for Financial Resources under”.

SEC. 603. MEDICAL COUNTERMEASURE MASTER FILES.

(a) IN GENERAL.—The purpose of this section (including section 565B of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b)) is to support and advance the development or manufacture of security countermeasures, qualified countermeasures, and qualified pandemic or epidemic products by facilitating and encouraging submission of data and information to support the development of such products, and through clarifying the authority to cross-reference to data and information previously submitted to the Secretary of Health and Human Services (referred to in this section as the “Secretary”), including data and information submitted to medical countermeasure master files or other master files.

(b) MEDICAL COUNTERMEASURE MASTER FILES.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 565A the following:

“SEC. 565B. MEDICAL COUNTERMEASURE MASTER FILES.

“(a) APPLICABILITY OF REFERENCE.—

“(1) IN GENERAL.—A person may submit data and information in a master file to the Secretary with the intent to reference, or to authorize, in writing, another person to reference, such data or information to support a medical countermeasure submission (including a supplement or amendment to any such submission), without requiring the master file holder to disclose the data and information to any such persons authorized to reference the master file. Such data and information shall be available for reference by the master file holder or by a person authorized by the master file holder, in accordance with applicable privacy and confidentiality protocols and regulations.

21 USC
360bbb–4b note.

21 USC
360bbb–4b.

“(2) REFERENCE OF CERTAIN MASTER FILES.—In the case that data or information within a medical countermeasure master file is used only to support the conditional approval of an application filed under section 571, such master file may be relied upon to support the effectiveness of a product that is the subject of a subsequent medical countermeasure submission only if such application is supplemented by additional data or information to support review and approval in a manner consistent with the standards applicable to such review and approval for such countermeasure, qualified countermeasure, or qualified pandemic or epidemic product.

“(b) MEDICAL COUNTERMEASURE MASTER FILE CONTENT.—

“(1) IN GENERAL.—A master file under this section may include data or information to support—

“(A) the development of medical countermeasure submissions to support the approval, licensure, classification, clearance, conditional approval, or authorization of one or more security countermeasures, qualified countermeasures, or qualified pandemic or epidemic products; and

“(B) the manufacture of security countermeasures, qualified countermeasures, or qualified pandemic or epidemic products.

“(2) REQUIRED UPDATES.—The Secretary may require, as appropriate, that the master file holder ensure that the contents of such master file are updated during the time such master file is referenced for a medical countermeasure submission.

“(c) SPONSOR REFERENCE.—

“(1) IN GENERAL.—Each incorporation of data or information within a medical countermeasure master file shall describe the incorporated material in a manner in which the Secretary determines appropriate and that permits the review of such information within such master file without necessitating resubmission of such data or information. Master files shall be submitted in an electronic format in accordance with sections 512(b)(4), 571(a)(4), and 745A, as applicable, and as specified in applicable guidance.

Notification.

“(2) REFERENCE BY A MASTER FILE HOLDER.—A master file holder that is the sponsor of a medical countermeasure submission shall notify the Secretary in writing of the intent to reference the medical countermeasure master file as a part of the submission.

“(3) REFERENCE BY AN AUTHORIZED PERSON.—A person submitting an application for review may, where the Secretary determines appropriate, incorporate by reference all or part of the contents of a medical countermeasure master file, if the master file holder authorizes the incorporation in writing.

“(d) ACKNOWLEDGMENT OF AND RELIANCE UPON A MASTER FILE BY THE SECRETARY.—

Notification.

“(1) IN GENERAL.—The Secretary shall provide the master file holder with a written notification indicating that the Secretary has reviewed and relied upon specified data or information within a master file and the purposes for which such data or information was incorporated by reference if the Secretary has reviewed and relied upon such specified data or information to support the approval, classification, conditional approval, clearance, licensure, or authorization of a security

countermeasure, qualified countermeasure, or qualified pandemic or epidemic product. The Secretary may rely upon the data and information within the medical countermeasure master file for which such written notification was provided in additional applications, as applicable and appropriate and upon the request of the master file holder so notified in writing or by an authorized person of such holder.

“(2) CERTAIN APPLICATIONS.—If the Secretary has reviewed and relied upon specified data or information within a medical countermeasure master file to support the conditional approval of an application under section 571 to subsequently support the approval, clearance, licensure, or authorization of a security countermeasure, qualified countermeasure, or qualified pandemic or epidemic product, the Secretary shall provide a brief written description to the master file holder regarding the elements of the application fulfilled by the data or information within the master file and how such data or information contained in such application meets the standards of evidence under subsection (c) or (d) of section 505, subsection (d) of section 512, or section 351 of the Public Health Service Act (as applicable), which shall not include any trade secret or confidential commercial information.

“(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

“(1) limit the authority of the Secretary to approve, license, clear, conditionally approve, or authorize drugs, biological products, or devices pursuant to, as applicable, this Act or section 351 of the Public Health Service Act (as such applicable Act is in effect on the day before the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019), including the standards of evidence, and applicable conditions, for approval under the applicable Act;

“(2) alter the standards of evidence with respect to approval, licensure, or clearance, as applicable, of drugs, biological products, or devices under this Act or section 351 of the Public Health Service Act, including, as applicable, the substantial evidence standards under sections 505(d) and 512(d) or this Act and section 351(a) of the Public Health Service Act; or

“(3) alter the authority of the Secretary under this Act or the Public Health Service Act to determine the types of data or information previously submitted by a sponsor or any other person that may be incorporated by reference in an application, request, or notification for a drug, biological product, or device submitted under sections 505(i), 505(b), 505(j), 512(b)(1), 512(b)(2), 512(j), 564, 571, 520(g), 515(c), 513(f)(2), or 510(k) of this Act, or subsection (a) or (k) of section 351 of the Public Health Service Act, including a supplement or amendment to any such submission, and the requirements associated with such reference.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘master file holder’ means a person who submits data and information to the Secretary with the intent to reference or authorize another person to reference such data or information to support a medical countermeasure submission, as described in subsection (a).

“(2) The term ‘medical countermeasure submission’ means an investigational new drug application under section 505(i), a new drug application under section 505(b), or an abbreviated new drug application under section 505(j) of this Act, a biological product license application under section 351(a) of the Public Health Service Act or a biosimilar biological product license application under section 351(k) of the Public Health Service Act, a new animal drug application under section 512(b)(1) or abbreviated new animal drug application under section 512(b)(2), an application for conditional approval of a new animal drug under section 571, an investigational device application under section 520(g), an application with respect to a device under section 515(c), a request for classification of a device under section 513(f)(2), a notification with respect to a device under section 510(k), or a request for an emergency use authorization under section 564 to support—

“(A) the approval, licensure, classification, clearance, conditional approval, or authorization of a security countermeasure, qualified countermeasure, or qualified pandemic or epidemic product; or

“(B) a new indication to an approved security countermeasure, qualified countermeasure, or qualified pandemic or epidemic product.

“(3) The terms ‘qualified countermeasure’, ‘security countermeasure’, and ‘qualified pandemic or epidemic product’ have the meanings given such terms in sections 319F–1, 319F–2, and 319F–3, respectively, of the Public Health Service Act.”.

Deadline.
Consultation.

(c) **STAKEHOLDER INPUT.**—Not later than 18 months after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs and in consultation with the Assistant Secretary for Preparedness and Response, shall solicit input from stakeholders, including stakeholders developing security countermeasures, qualified countermeasures, or qualified pandemic or epidemic products, and stakeholders developing technologies to assist in the development of such countermeasures with respect to how the Food and Drug Administration can advance the use of tools and technologies to support and advance the development or manufacture of security countermeasures, qualified countermeasures, and qualified pandemic or epidemic products, including through reliance on cross-referenced data and information contained within master files and submissions previously submitted to the Secretary as set forth in section 565B of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b).

Deadlines.

(d) **GUIDANCE.**—Not later than 2 years after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall publish draft guidance about how reliance on cross-referenced data and information contained within master files under section 565B of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b) or submissions otherwise submitted to the Secretary may be used for specific tools or technologies (including platform technologies) that have the potential to support and advance the development or manufacture of security countermeasures, qualified countermeasures, and qualified pandemic or epidemic products. The Secretary, acting through the Commissioner of Food and Drugs, shall publish the final guidance not later than 3 years after the enactment of this Act.

Publication.

SEC. 604. ANIMAL RULE REPORT.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study on the application of the requirements under subsections (c) and (d) of section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4) (referred to in this section as the “animal rule”) as a component of medical countermeasure advanced development under the Biomedical Advanced Research and Development Authority and regulatory review by the Food and Drug Administration. In conducting such study, the Comptroller General shall examine the following:

Examination.

(1) The extent to which advanced development and review of a medical countermeasure are coordinated between the Biomedical Advanced Research and Development Authority and the Food and Drug Administration, including activities that facilitate appropriate and efficient design of studies to support approval, licensure, and authorization under the animal rule, consistent with the recommendations in the animal rule guidance, issued pursuant to section 565(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4(c)) and entitled “Product Development Under the Animal Rule: Guidance for Industry” (issued in October 2015), to resolve discrepancies in the design of adequate and well-controlled efficacy studies conducted in animal models related to the provision of substantial evidence of effectiveness for the product approved, licensed, or authorized under the animal rule.

(2) The consistency of the application of the animal rule among and between review divisions within the Food and Drug Administration.

(3) The flexibility pursuant to the animal rule to address variations in countermeasure development and review processes, including the extent to which qualified animal models are adopted and used within the Food and Drug Administration in regulatory decisionmaking with respect to medical countermeasures.

(4) The extent to which the guidance issued under section 565(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4(c)), entitled, “Product Development Under the Animal Rule: Guidance for Industry” (issued in October 2015), has assisted in achieving the purposes described in paragraphs (1), (2), and (3).

(b) **CONSULTATIONS.**—In conducting the study under subsection (a), the Comptroller General of the United States shall consult with—

(1) the Federal agencies responsible for advancing, reviewing, and procuring medical countermeasures, including the Office of the Assistant Secretary for Preparedness and Response, the Biomedical Advanced Research and Development Authority, the Food and Drug Administration, and the Department of Defense;

(2) manufacturers involved in the research and development of medical countermeasures to address biological, chemical, radiological, or nuclear threats; and

(3) other biodefense stakeholders, as applicable.

(c) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of

Recommendations.

the House of Representatives a report containing the results of the study conducted under subsection (a) and recommendations to improve the application and consistency of the requirements under subsections (c) and (d) of section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4) to support and expedite the research and development of medical countermeasures, as applicable.

(d) PROTECTION OF NATIONAL SECURITY.—The Comptroller General of the United States shall conduct the study and issue the assessment and report under this section in a manner that does not compromise national security.

SEC. 605. REVIEW OF THE BENEFITS OF GENOMIC ENGINEERING TECHNOLOGIES AND THEIR POTENTIAL ROLE IN NATIONAL SECURITY.

(a) MEETING.—

Deadline.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall convene a meeting to discuss the potential role advancements in genomic engineering technologies (including genome editing technologies) may have in advancing national health security. Such meeting shall be held in a manner that does not compromise national security.

(2) ATTENDEES.—The attendees of the meeting under paragraph (1)—

(A) shall include—

(i) representatives from the Office of the Assistant Secretary for Preparedness and Response, the National Institutes of Health, the Centers for Disease Control and Prevention, and the Food and Drug Administration; and

(ii) representatives from academic, private, and nonprofit entities with expertise in genome engineering technologies, biopharmaceuticals, medicine, or bio-defense, and other relevant stakeholders; and

(B) may include—

(i) other representatives from the Department of Health and Human Services, as the Secretary determines appropriate; and

(ii) representatives from the Department of Homeland Security, the Department of Defense, the Department of Agriculture, and other departments, as the Secretary may request for the meeting.

(3) TOPICS.—The meeting under paragraph (1) shall include a discussion of—

(A) the current state of the science of genomic engineering technologies related to national health security, including—

(i) medical countermeasure development, including potential efficiencies in the development pathway and detection technologies; and

(ii) the international and domestic regulation of products utilizing genome editing technologies; and

(B) national security implications, including—

(i) capabilities of the United States to leverage genomic engineering technologies as a part of the medical countermeasure enterprise, including current applicable research, development, and application efforts underway within the Department of Defense;

(ii) the potential for state and non-state actors to utilize genomic engineering technologies as a national health security threat; and

(iii) security measures to monitor and assess the potential threat that may result from utilization of genomic engineering technologies and related technologies for the purpose of compromising national health security.

(b) **REPORT.**—Not later than 270 days after the meeting described in subsection (a) is held, the Assistant Secretary for Preparedness and Response shall issue a report to the congressional committees of jurisdiction on the topics discussed at such meeting, and provide recommendations, as applicable, to utilize innovations in genomic engineering (including genome editing) and related technologies as a part of preparedness and response activities to advance national health security. Such report shall be issued in a manner that does not compromise national security.

Recommendations.

SEC. 606. REPORT ON VACCINES DEVELOPMENT.

Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing efforts and activities to coordinate with other countries and international partners during recent public health emergencies with respect to the research and advanced research on, and development of, qualified pandemic or epidemic products (as defined in section 319F–3 of the Public Health Service Act (42 U.S.C. 247d–6d)). Such report may include information regarding relevant work carried out under section 319L(c)(5)(E) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(5)(E)), through public-private partnerships, and through collaborations with other countries to assist with or expedite the research and development of qualified pandemic or epidemic products. Such report shall not include information that may compromise national security.

SEC. 607. STRENGTHENING MOSQUITO ABATEMENT FOR SAFETY AND HEALTH.

(a) **REAUTHORIZATION OF MOSQUITO ABATEMENT FOR SAFETY AND HEALTH PROGRAM.**—Section 317S (42 U.S.C. 247b–21) is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting “including programs to address emerging infectious mosquito-borne diseases,” after “subdivisions for control programs,”; and

(B) by inserting “or improving existing control programs” before the period at the end;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “, including improvement,” after “operation”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (ii), by striking “or” at the end;

(II) in clause (iii), by striking the semicolon at the end and inserting “, including an emerging infectious mosquito-borne disease that presents a serious public health threat; or”; and

(III) by adding at the end the following:

“(iv) a public health emergency due to the incidence or prevalence of a mosquito-borne disease that presents a serious public health threat;”; and

(ii) by amending subparagraph (D) to read as follows:

“(D)(i) is located in a State that has received a grant under subsection (a); or

“(ii) that demonstrates to the Secretary that the control program is consistent with existing State mosquito control plans or policies, or other applicable State preparedness plans.”;

(C) in paragraph (4)(C), by striking “that extraordinary” and all that follows through the period at the end and inserting the following: “that—

“(i) extraordinary economic conditions in the political subdivision or consortium of political subdivisions involved justify the waiver; or

“(ii) the geographical area covered by a political subdivision or consortium for a grant under paragraph (1) has an extreme mosquito control need due to—

“(I) the size or density of the potentially impacted human population;

“(II) the size or density of a mosquito population that requires heightened control; or

“(III) the severity of the mosquito-borne disease, such that expected serious adverse health outcomes for the human population justify the waiver.”; and

(D) by amending paragraph (6) to read as follows:

“(6) NUMBER OF GRANTS.—A political subdivision or a consortium of political subdivisions may not receive more than one grant under paragraph (1).”; and

(3) in subsection (f)—

(A) in paragraph (1) by striking “for fiscal year 2003, and such sums as may be necessary for each of fiscal years 2004 through 2007” and inserting “for each of fiscal years 2019 through 2023”; and

(B) in paragraph (2), by striking “the Public Health Security and Bioterrorism Preparedness and Response Act of 2002” and inserting “this Act and other medical and public health preparedness and response laws”; and

(C) in paragraph (3)—

(i) in the paragraph heading, by striking “2004” and inserting “2019”; and

(ii) by striking “2004,” and inserting “2019.”

(b) EPIDEMIOLOGY-LABORATORY CAPACITY GRANTS.—Section 2821 (42 U.S.C. 300hh–31) is amended—

(1) in subsection (a)(1), by inserting “, including mosquito and other vector-borne diseases,” after “infectious diseases”; and

(2) in subsection (b), by striking “2010 through 2013” and inserting “2019 through 2023”.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. REAUTHORIZATIONS AND EXTENSIONS.

(a) **VETERANS AFFAIRS.**—Section 8117(g) of title 38, United States Code, is amended by striking “2014 through 2018” and inserting “2019 through 2023”.

(b) **VACCINE TRACKING AND DISTRIBUTION.**—Section 319A(e) (42 U.S.C. 247d–1(e)) is amended by striking “2014 through 2018” and inserting “2019 through 2023”.

(c) **TEMPORARY REASSIGNMENT.**—Section 319(e)(8) (42 U.S.C. 247d(e)(8)) is amended by striking “2018” and inserting “2023”.

(d) **STRATEGIC INNOVATION PARTNER.**—Section 319L(c)(4)(E)(ix) (42 U.S.C. 247d–7e(c)(4)(E)(ix)) is amended by striking “2022” and inserting “2023”.

(e) **LIMITED ANTITRUST EXEMPTION.**—

(1) **IN GENERAL.**—Section 405 of the Pandemic and All-Hazards Preparedness Act (Public Law 109–417; 42 U.S.C. 247d–6a note) is amended—

(A) in subsection (a)(1)(A)—

(i) by striking “Secretary of Health and Human Services (referred to in this subsection as the ‘Secretary’)” and inserting “Secretary”;

(ii) by striking “of the Public Health Service Act (42 U.S.C. 247d–6b)) (as amended by this Act”;

(iii) by striking “of the Public Health Service Act (42 U.S.C. 247d–6a)) (as amended by this Act”; and

(iv) by striking “of the Public Health Service Act (42 U.S.C. 247d–6d)”;

(B) in subsection (b), by striking “12-year” and inserting “17-year”;

(C) by redesignating such section 405 as section 319L–1; and

(D) by transferring such section 319L–1, as redesignated, to the Public Health Service Act (42 U.S.C. 201 et seq.), to appear after section 319L of such Act (42 U.S.C. 247d–7e). 42 USC 247d–7f.

(2) **CONFORMING AMENDMENTS.**—

(A) **TABLE OF CONTENTS.**—The table of contents in section 1(b) of the Pandemic and All-Hazards Preparedness Act (Public Law 109–417) is amended by striking the item related to section 405.

(B) **REFERENCE.**—Section 319L(c)(4)(A)(iii) (42 U.S.C. 247d–7e) is amended by striking “section 405 of the Pandemic and All-Hazards Preparedness Act” and inserting “section 319L–1”.

(f) **INAPPLICABILITY OF CERTAIN PROVISIONS.**—Subsection (e)(1) of section 319L (42 U.S.C. 247d–7e(e)(1)) is amended—

(1) by amending subparagraph (A) to read as follows:

“(A) **NONDISCLOSURE OF INFORMATION.**—

“(i) **IN GENERAL.**—Information described in clause

(ii) shall be deemed to be information described in section 552(b)(3) of title 5, United States Code.

“(ii) INFORMATION DESCRIBED.—The information described in this clause is information relevant to programs of the Department of Health and Human Services that could compromise national security and reveal significant and not otherwise publicly known vulnerabilities of existing medical or public health defenses against chemical, biological, radiological, or nuclear threats, and is comprised of—

“(I) specific technical data or scientific information that is created or obtained during the countermeasure and product advanced research and development carried out under subsection (c);

“(II) information pertaining to the location security, personnel, and research materials and methods of high-containment laboratories conducting research with select agents, toxins, or other agents with a material threat determination under section 319F–2(c)(2); or

“(III) security and vulnerability assessments.”;

(2) by redesignating subparagraph (C) as subparagraph (D);

(3) by inserting after subparagraph (B) the following:

“(C) REPORTING.—One year after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019, and annually thereafter, the Secretary shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on the number of instances in which the Secretary has used the authority under this subsection to withhold information from disclosure, as well as the nature of any request under section 552 of title 5, United States Code that was denied using such authority.”; and

(4) in subparagraph (D), as so redesignated, by striking “12” and inserting “17”.

SEC. 702. LOCATION OF MATERIALS IN THE STOCKPILE.

Subsection (d) of section 319F–2 (42 U.S.C. 247d–6b) is amended to read as follows:

“(d) DISCLOSURES.—No Federal agency may disclose under section 552 of title 5, United States Code any information identifying the location at which materials in the stockpile described in subsection (a) are stored, or other information regarding the contents or deployment capability of the stockpile that could compromise national security.”.

SEC. 703. CYBERSECURITY.

(a) STRATEGY FOR PUBLIC HEALTH PREPAREDNESS AND RESPONSE TO CYBERSECURITY THREATS.—

(1) STRATEGY.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall prepare and submit to the relevant committees of Congress a strategy for public health preparedness and response to address cybersecurity threats (as defined in section 102 of Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501)) that present a threat to national health security. Such strategy shall include—

Deadline.

(A) identifying the duties, functions, and preparedness goals for which the Secretary is responsible in order to prepare for and respond to such cybersecurity threats, including metrics by which to measure success in meeting preparedness goals;

(B) identifying gaps in public health capabilities to achieve such preparedness goals; and

(C) strategies to address identified gaps and strengthen public health emergency preparedness and response capabilities to address such cybersecurity threats.

(2) PROTECTION OF NATIONAL SECURITY.—The Secretary shall make such strategy available to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Energy and Commerce of the House of Representatives, and other congressional committees of jurisdiction, in a manner that does not compromise national security.

(b) COORDINATION OF PREPAREDNESS FOR AND RESPONSE TO ALL-HAZARDS PUBLIC HEALTH EMERGENCIES.—Subparagraph (D) of section 2811(b)(4) (42 U.S.C. 300hh–10(b)(4)) is amended to read as follows:

“(D) POLICY COORDINATION AND STRATEGIC DIRECTION.—Provide integrated policy coordination and strategic direction, before, during, and following public health emergencies, with respect to all matters related to Federal public health and medical preparedness and execution and deployment of the Federal response for public health emergencies and incidents covered by the National Response Plan described in section 504(a)(6) of the Homeland Security Act of 2002 (6 U.S.C. 314(a)(6)), or any successor plan; and such Federal responses covered by the National Cybersecurity Incident Response Plan developed under section 228(c) of the Homeland Security Act of 2002 (6 U.S.C. 149(c)), including public health emergencies or incidents related to cybersecurity threats that present a threat to national health security.”.

SEC. 704. STRATEGY AND REPORT.

Not later than 14 days after the date of the enactment of this Act, the Secretary of Health and Human Services, in coordination with the Assistant Secretary for Preparedness and Response and the Assistant Secretary for the Administration on Children and Families or other appropriate office, and in collaboration with other departments, as appropriate, shall submit to the Committee on Energy and Commerce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and other relevant congressional committees—

Deadline.
Coordination.
Collaboration.

(1) a formal strategy, including interdepartmental actions and efforts to reunify children with their parents or guardians, in all cases in which such children have been separated from their parents or guardians as a result of the initiative announced on April 6, 2018, and due to prosecution under section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)), if the parent or guardian chooses such reunification and the child—

(A) was separated from a parent or guardian and placed into a facility funded by the Department of Health and Human Services;

Effective date.

(B) as of the date of the enactment of this Act, remains in the care of the Department of Health and Human Services; and

(C) can be safely reunited with such parent or guardian; and

(2) a report on challenges and deficiencies related to the oversight of, and care for, unaccompanied alien children and appropriately reuniting such children with their parents or guardians, and the actions taken to address any challenges and deficiencies related to unaccompanied alien children in the custody of the Department of Health and Human Services, including deficiencies identified and publicly reported by Congress, the Government Accountability Office, or the inspectors general of the Department of Health and Human Services or other Federal departments.

SEC. 705. TECHNICAL AMENDMENTS.

(a) PUBLIC HEALTH SERVICE ACT.—Title III (42 U.S.C. 241 et seq.) is amended—

(1) in paragraphs (1) and (5) of section 319F–1(a) (42 U.S.C. 247d–6a(a)), by striking “section 319F(h)” each place such term appears and inserting “section 319F(e)”; and

(2) in section 319K(a) (42 U.S.C. 247d–7d(a)), by striking “section 319F(h)(4)” and inserting “section 319F(e)(4)”.

(b) PUBLIC HEALTH SECURITY GRANTS.—Section 319C–1(b)(2) (42 U.S.C. 247d–3a(b)(2)) is amended—

(1) in subparagraph (C), by striking “individuals,,” and inserting “individuals,”; and

(2) in subparagraph (F), by striking “make satisfactory annual improvement and describe” and inserting “makes satisfactory annual improvement and describes”.

(c) EMERGENCY USE INSTRUCTIONS.—Subparagraph (A) of section 564A(e)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3a(e)(2)) is amended by striking “subsection (a)(1)(C)(i)” and inserting “subsection (a)(1)(C)”.

(d) PRODUCTS HELD FOR EMERGENCY USE.—Section 564B(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3b) is amended—

(1) in subparagraph (B), by inserting a comma after “505”; and

(2) in subparagraph (C), by inserting “or section 564A” before the period at the end.

(e) TRANSPARENCY.—Section 507(c)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357(c)(3)) is amended—

(1) by striking “Nothing in” and inserting the following:

“(A) IN GENERAL.—Nothing in”;

(2) by inserting “or directing” after “authorizing”;

(3) by striking “disclose any” and inserting “disclose—
“(i) any”;

(4) by striking the period and inserting “; or”; and

(5) by adding at the end the following:

“(ii) in the case of a drug development tool that may be used to support the development of a qualified countermeasure, security countermeasure, or qualified pandemic or epidemic product, as defined in sections 319F–1, 319F–2, and 319F–3, respectively, of the Public Health Service Act, any information that the

Secretary determines has a significant potential to affect national security.

“(B) PUBLIC ACKNOWLEDGMENT.—In the case that the Secretary, pursuant to subparagraph (A)(ii), does not make information publicly available, the Secretary shall provide on the internet website of the Food and Drug Administration an acknowledgment of the information that has not been disclosed, pursuant to subparagraph (A)(ii).”.

Approved June 24, 2019.

LEGISLATIVE HISTORY—S. 1379:

CONGRESSIONAL RECORD, Vol. 165 (2019):

May 16, considered and passed Senate.

June 4, considered and passed House.

Public Law 116–23
116th Congress

An Act

June 25, 2019
[H.R. 299]

To amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

Blue Water Navy
Vietnam
Veterans Act
of 2019.
38 USC 101 note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Blue Water Navy Vietnam Veterans Act of 2019”.

SEC. 2. CLARIFICATION OF PRESUMPTIONS OF EXPOSURE FOR VETERANS WHO SERVED IN VICINITY OF REPUBLIC OF VIETNAM.

(a) IN GENERAL.—Chapter 11 of title 38, United States Code, is amended by inserting after section 1116 the following new section:

38 USC 1116A.

“§ 1116A. Presumptions of service connection for veterans who served offshore of the Republic of Vietnam

Time period.

“(a) SERVICE CONNECTION.—For the purposes of section 1110 of this title, and subject to section 1113 of this title, a disease covered by section 1116 of this title becoming manifest as specified in that section in a veteran who, during active military, naval, or air service, served offshore of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of evidence of such disease during the period of such service.

Time period.

“(b) EXPOSURE.—A veteran who, during active military, naval, or air service, served offshore of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, shall be presumed to have been exposed during such service to an herbicide agent unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service.

Determination.

“(c) EFFECTIVE DATE OF AWARD.—(1) Except as provided by paragraph (2), the effective date of an award under this section shall be determined in accordance with section 5110 of this title.

Determination.

“(2)(A) Notwithstanding subsection (g) of section 5110 of this title, the Secretary shall determine the effective date of an award based on a claim under this section for an individual described in subparagraph (B) by treating the date on which the individual filed the prior claim specified in clause (i) of such subparagraph as the date on which the individual filed the claim so awarded under this section.

“(B) An individual described in this subparagraph is a veteran, or a survivor of a veteran, who meets the following criteria: Criteria.

“(i) The veteran or survivor submitted a claim for disability compensation on or after September 25, 1985, and before January 1, 2020, for a disease covered by this section, and the claim was denied by reason of the claim not establishing that the disease was incurred or aggravated by the service of the veteran. Time period.

“(ii) The veteran or survivor submits a claim for disability compensation on or after January 1, 2020, for the same condition covered by the prior claim under clause (i), and the claim is approved pursuant to this section. Effective date.

“(d) DETERMINATION OF OFFSHORE.—Notwithstanding any other provision of law, for purposes of this section, the Secretary shall treat a location as being offshore of Vietnam if the location is not more than 12 nautical miles seaward of a line commencing on the southwestern demarcation line of the waters of Vietnam and Cambodia and intersecting the following points:

“Points Geographic Names	Latitude North	Longitude East
At Hon Nhan Island, Tho Chu Archipelago Kien Giang Province	9°15.0′	103°27.0′
At Hon Da Island southeast of Hon Khoai Island Minh Hai Province	8°22.8′	104°52.4′
At Tai Lon Islet, Con Dao Islet in Con Dao-Vung Toa Special Sector	8°37.8′	106°37.5′
At Bong Lai Islet, Con Dao Islet	8°38.9′	106°40.3′
At Bay Canh Islet, Con Dao Islet	8°39.7′	106°42.1′
At Hon Hai Islet (Phu Qui group of islands) Thuan Hai Province	9°58.0′	109°5.0′
At Hon Doi Islet, Thuan Hai Province	12°39.0′	109°28.0′
At Dai Lanh point, Phu Khanh Province	12°53.8′	109°27.2′
At Ong Can Islet, Phu Khanh Province	13°54.0′	109°21.0′
At Ly Son Islet, Nghia Binh Province	15°23.1′	109° 9.0′
At Con Co Island, Binh Tri Thien Province	17°10.0′	107°20.6′

“(e) HERBICIDE AGENT.—In this section, the term ‘herbicide agent’ has the meaning given that term in section 1116(a)(3) of this title.”.

38 USC prec. 1101.	(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1116 the following new item:
	“1116A. Presumptions of service connection for veterans who served offshore of the Republic of Vietnam.”.
38 USC 1116A note.	(c) IMPLEMENTATION.— (1) GUIDANCE.—Notwithstanding section 501 of such title, the Secretary of Veterans Affairs may issue guidance to implement section 1116A of title 38, United States Code, as added by subsection (a), before prescribing new regulations under such section.
Reports.	(2) UPDATES.—(A) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committees on Veterans’ Affairs of the House of Representatives and the Senate regarding the plans of the Secretary— (i) to conduct outreach under subsection (d); and (ii) to respond to inquiries from veterans regarding claims for disability compensation under section 1116A of title 38, United States Code, as added by subsection (a) of this section.
Time period.	(B) On a quarterly basis during the period beginning on the date of the enactment of this Act and ending on the date on which regulations are prescribed to carry out such section 1116A, the Secretary shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate updates on the status of such regulations.
	(3) PENDING CASES.— (A) AUTHORITY TO STAY.—The Secretary may stay a claim described in subparagraph (B) until the date on which the Secretary commences the implementation of such section 1116A.
	(B) CLAIMS DESCRIBED.—A claim described in this subparagraph is a claim for disability compensation— (i) relating to the service and diseases covered by such section 1116A; and (ii) that is pending at the Veterans Benefits Administration or the Board of Veterans’ Appeals on or after the date of the enactment of this Act and before the date on which the Secretary commences the implementation of such section 1116A.
38 USC 1116A note.	(d) OUTREACH.— (1) REQUIREMENT.—The Secretary of Veterans Affairs shall conduct outreach to inform veterans described in paragraph (2) of the ability to submit a claim for disability compensation under section 1116A of title 38, United States Code, as added by subsection (a). Such outreach shall include the following:
Web posting. Notice.	(A) The Secretary shall publish on the website of the Department a notice that a veterans described in paragraph (2) may submit or resubmit a claim for disability compensation under such section 1116A.
Notification.	(B) The Secretary shall notify in writing the veteran service organization community of the ability of veterans described in paragraph (2) to submit or resubmit claims for disability compensation under such section 1116A.

(2) VETERAN DESCRIBED.—A veteran described in this paragraph is a veteran who, during active military, naval, or air service, served offshore of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975.

Time period.

(e) REPORTS.—Not later than January 1, 2021, and annually thereafter for 2 years, the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate a report regarding claims for disability compensation under section 1116A of title 38, United States Code, as added by subsection (a). Each report shall include, with respect to the calendar year preceding the report, disaggregated by the regional offices of the Department of Veterans Affairs, the following:

- (1) The number of claims filed under such section.
- (2) The number of such claims granted.
- (3) The number of such claims denied.

(f) HEALTH CARE.—Section 1710(e)(4) of title 38, United States Code, is amended by inserting “(including offshore of such Republic as described in section 1116A(d) of this title)” after “served on active duty in the Republic of Vietnam”.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2020.

38 USC 1116A
note.

SEC. 3. PRESUMPTION OF HERBICIDE EXPOSURE FOR CERTAIN VETERANS WHO SERVED IN KOREA.

(a) IN GENERAL.—Chapter 11 of title 38, United States Code, is amended by inserting after section 1116A, as added by section 2, the following new section:

“§ 1116B. Presumption of herbicide exposure for certain veterans who served in Korea

38 USC 1116B.

“(a) PRESUMPTION OF SERVICE-CONNECTION.—(1) For the purposes of section 1110 of this title, and subject to section 1113 of this title, a disease specified in subsection (b) that becomes manifest as specified in that subsection in a veteran described in paragraph (2) shall be considered to have been incurred or aggravated in the line of duty in the active military, naval, or air service, notwithstanding that there is no record of evidence of such disease during the period of such service.

“(2) A veteran described in this paragraph is a veteran who, during active military, naval, or air service, served in or near the Korean Demilitarized Zone (DMZ), during the period beginning on September 1, 1967, and ending on August 31, 1971.

Time period.

“(b) DISEASES.—A disease specified in this subsection is—

“(1) a disease specified in paragraph (2) of subsection (a) of section 1116 of this title that becomes manifest as specified in that paragraph; or

“(2) any additional disease that—

“(A) the Secretary determines in regulations warrants a presumption of service-connection by reason of having positive association with exposure to an herbicide agent; and

Determination.
Regulations.

“(B) becomes manifest within any period prescribed in such regulations.

“(c) HERBICIDE AGENT.—For purposes of this section, the term ‘herbicide agent’ has the meaning given such term in section 1821(d) of this title.”.

38 USC prec. 1101.	(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1116A, as added by section 2, the following new item:
	“1116B. Presumption of herbicide exposure for certain veterans who served in Korea.”.
38 USC 1116B note.	(c) IMPLEMENTATION.— (1) GUIDANCE.—Notwithstanding section 501 of such title, the Secretary of Veterans Affairs may issue guidance to implement section 1116B of title 38, United States Code, as added by subsection (a), before prescribing new regulations under such section.
Reports.	(2) UPDATES.—(A) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committees on Veterans’ Affairs of the House of Representatives and the Senate regarding the plans of the Secretary to respond to inquiries from veterans regarding claims for disability compensation under section 1116B of title 38, United States Code, as added by subsection (a) of this section.
Time period.	(B) On a quarterly basis during the period beginning on the date of the enactment of this Act and ending on the date on which regulations are prescribed to carry out such section 1116B, the Secretary shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate updates on the status of such regulations.
	(3) PENDING CASES.— (A) AUTHORITY TO STAY.—The Secretary may stay a claim described in subparagraph (B) until the date on which the Secretary commences the implementation of section 1116B of title 38, United States Code, as added by subsection (a).
	(B) CLAIMS DESCRIBED.—A claim described in this subparagraph is a claim for disability compensation—
	(i) relating to the service and diseases covered by such section 1116B; and
Time period.	(ii) that is pending at the Veterans Benefits Administration or the Board of Veterans’ Appeals on or after the date of the enactment of this Act and before the date on which the Secretary commences the implementation of such section 1116B.
38 USC 1116B note.	(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2020.
	SEC. 4. BENEFITS FOR CHILDREN OF CERTAIN THAILAND SERVICE VETERANS BORN WITH SPINA BIFIDA.
	(a) IN GENERAL.—Subchapter III of chapter 18 of title 38, United States Code, is amended by adding at the end the following new section:
38 USC 1822.	“§ 1822. Benefits for children of certain Thailand service veterans born with spina bifida
	“(a) BENEFITS AUTHORIZED.—The Secretary may provide to any child of a veteran of covered service in Thailand who is suffering from spina bifida the health care, vocational training and rehabilitation, and monetary allowance required to be paid to a child of a Vietnam veteran who is suffering from spina bifida under subchapter I of this chapter as if such child of a veteran of covered

service in Thailand were a child of a Vietnam veteran who is suffering from spina bifida under such subchapter.

“(b) SPINA BIFIDA CONDITIONS COVERED.—This section applies with respect to all forms and manifestations of spina bifida, except spina bifida occulta.

“(c) VETERAN OF COVERED SERVICE IN THAILAND.—For purposes of this section, a veteran of covered service in Thailand is any individual, without regard to the characterization of that individual’s service, who—

Determinations.
Consultations.

“(1) served in the active military, naval, or air service in Thailand, as determined by the Secretary in consultation with the Secretary of Defense, during the period beginning on January 9, 1962, and ending on May 7, 1975; and

Time period.

“(2) is determined by the Secretary, in consultation with the Secretary of Defense, to have been exposed to a herbicide agent during such service in Thailand.

“(d) HERBICIDE AGENT.—For purposes of this section, the term ‘herbicide agent’ means a chemical in a herbicide used in support of United States and allied military operations in Thailand, as determined by the Secretary in consultation with the Secretary of Defense, during the period beginning on January 9, 1962, and ending on May 7, 1975.”.

Definition.
Determination.
Consultation.
Time period.

(b) CONFORMING AMENDMENT TO DEFINITION OF “CHILD”.—Section 1831(1) of such title is amended—

(1) in subparagraph (B)—

(A) by striking “subchapter III of this chapter” and inserting “section 1821 of this title”; and

(B) in clause (i), by striking “section 1821 of this title” and inserting “that section”; and

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

“(C) For purposes of section 1822 of this title, an individual, regardless of age or marital status, who—

“(i) is the natural child of a veteran of covered service in Thailand (as determined for purposes of that section); and

“(ii) was conceived after the date on which that veteran first entered service described in subsection (c) of that section.”.

(c) CLERICAL AMENDMENTS.—

(1) SUBCHAPTER HEADING.—The heading for subchapter III of chapter 18 of such title is amended by inserting “AND THAILAND” after “KOREA”.

38 USC
prec. 1821.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 18 of such title is amended—

38 USC
prec. 1801.

(A) by striking the item relating to subchapter III and inserting the following new item:

“SUBCHAPTER III—CHILDREN OF CERTAIN KOREA AND THAILAND SERVICE VETERANS
BORN WITH SPINA BIFIDA”;

and

(B) by inserting after the item relating to section 1821 the following new item:

“1822. Benefits for children of certain Thailand service veterans born with spina bifida.”.

(d) IMPLEMENTATION.—

38 USC 1822
note.

	(1) GUIDANCE.—Notwithstanding section 501 of such title, the Secretary of Veterans Affairs may issue guidance to implement section 1822 of title 38, United States Code, as added by subsection (a), before prescribing new regulations under such section.
Reports.	(2) UPDATES.—(A) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committees on Veterans' Affairs of the House of Representatives and the Senate regarding the plans of the Secretary to respond to inquiries from veterans regarding claims for disability compensation under section 1822 of title 38, United States Code, as added by subsection (a) of this section.
Time period.	(B) On a quarterly basis during the period beginning on the date of the enactment of this Act and ending on the date on which regulations are prescribed to carry out such section 1822, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate updates on the status of such regulations.
	(3) PENDING CASES.—
	(A) AUTHORITY TO STAY.—The Secretary may stay a claim described in subparagraph (B) until the date on which the Secretary commences the implementation of section 1822 of title 38, United States Code, as added by subsection (a).
	(B) CLAIMS DESCRIBED.—A claim described in this subparagraph is a claim for benefits—
	(i) relating to the spina bifida and service covered by such section 1822; and
Time period.	(ii) that is pending at the Veterans Benefits Administration or the Board of Veterans' Appeals on or after the date of the enactment of this Act and before the date on which the Secretary commences the implementation of such section 1822.
Consultation.	(e) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report identifying—
Time period.	(1) the military installations of the United States located in Thailand during the period beginning on January 9, 1962, and ending on May 7, 1975, at which an herbicide agent (as defined in section 1822 of title 38, United States Code, as added by subsection (a)) was actively used; and
	(2) the period of such use.
38 USC 1822 note.	(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2020.

SEC. 5. UPDATED REPORT ON CERTAIN GULF WAR ILLNESS STUDY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate an updated report on the findings, as of the date of the updated report, of the Follow-up Study of a National Cohort of Gulf War and Gulf Era Veterans under the epidemiology program of the Department of Veterans Affairs.

SEC. 6. LOANS GUARANTEED UNDER HOME LOAN PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) ADJUSTMENT OF LOAN LIMIT.—

(1) IN GENERAL.—Section 3703(a)(1) of title 38, United States Code, is amended—

(A) in subparagraph (A)—

(i) in clause (i)(IV), by striking “the lesser of the maximum guaranty amount (as defined in subparagraph (C)) or”; and

(ii) in clause (ii), by striking “subparagraph (B) of this paragraph” and inserting “subparagraph (B) or (C)”; and

(B) in subparagraph (B)—

(i) by striking “The maximum” and inserting “With respect to loans described in subclauses (I), (II), or (III) of subparagraph (A)(i), the maximum”; and

(ii) by striking “or in the case” and all that follows through “subparagraph (C)),”; and

(C) by striking subparagraph (C) and inserting the following new subparagraph (C):

“(C)(i) With respect to loans described in subclause (IV) of subparagraph (A)(i) made to a veteran not covered by clause (ii), the maximum amount of guaranty entitlement available to the veteran shall be 25 percent of the loan.

“(ii) With respect to loans described in subclause (IV) of subparagraph (A)(i) made to a covered veteran, the maximum amount of guaranty entitlement available to the veteran shall be 25 percent of the Freddie Mac conforming loan limit, reduced by the amount of entitlement previously used by the veteran under this chapter and not restored as a result of the exclusion in section 3702(b) of this title.

“(iii) In this subparagraph:

“(I) The term ‘covered veteran’ means a veteran who has previously used entitlement under this chapter and for whom the full amount of entitlement so used has not been restored as a result of the exclusion in section 3702(b) of this title.

“(II) The term ‘Freddie Mac conforming loan limit’ means the limit determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a single-family residence, as adjusted for the year involved.”.

(2) LOANS TO NATIVE AMERICAN VETERANS.—Section 3762(c) of such title is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(3) CONFORMING AMENDMENT.—Section 3710(d)(4) of such title is amended by striking “section 3703(a)(1)(B) of this title” and inserting “subparagraph (B) or (C) of section 3703(a)(1) of this title”.

(b) ADJUSTMENT OF LOAN FEES.—Section 3729(b)(2) of title 38, United States Code, is amended by striking the loan fee table and inserting the following:

Definitions.

“Type of loan	Active duty veteran	Reservist	Other obligor
(A)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2004, and before January 1, 2020)	2.15	2.40	NA
(A)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after January 1, 2020, and before January 1, 2022)	2.30	2.30	NA
(A)(iii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after January 1, 2022, and before October 1, 2029)	2.15	2.15	NA
(A)(iv) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2029)	1.40	1.40	NA
(B)(i) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2004, and before January 1, 2020)	3.30	3.30	NA
(B)(ii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after January 1, 2020, and before January 1, 2022)	3.60	3.60	NA
(B)(iii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after January 1, 2022, and before October 1, 2029)	3.30	3.30	NA
(B)(iv) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2029)	1.25	1.25	NA

“Type of loan	Active duty veteran	Reservist	Other obligor
(C)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed before January 1, 2020)	1.50	1.75	NA
(C)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after January 1, 2020, and before January 1, 2022)	1.65	1.65	NA
(C)(iii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after January 1, 2022, and before October 1, 2029)	1.50	1.50	NA
(C)(iv) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2029)	0.75	0.75	NA
(D)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed before January 1, 2020)	1.25	1.50	NA
(D)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after January 1, 2020, and before January 1, 2022)	1.40	1.40	NA
(D)(iii) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after January 1, 2022, and before October 1, 2029)	1.25	1.25	NA
(D)(iv) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2029)	0.50	0.50	NA
(E) Interest rate reduction refinancing loan	0.50	0.50	NA
(F) Direct loan under section 3711	1.00	1.00	NA
(G) Manufactured home loan under section 3712 (other than an interest rate reduction refinancing loan)	1.00	1.00	NA
(H) Loan to Native American veteran under section 3762 (other than an interest rate reduction refinancing loan)	1.25	1.25	NA
(I) Loan assumption under section 3714	0.50	0.50	0.50
(J) Loan under section 3733(a)	2.25	2.25	2.25”.

(c) WAIVER OF FEES FOR PURPLE HEART RECIPIENTS.—Section 3729(c)(1) of such title is amended—

(1) by striking “or from a surviving spouse” and inserting “, from a surviving spouse”; and

(2) by inserting before the period at the end the following:
“, or from a member of the Armed Forces who is serving on active duty and who provides, on or before the date of loan closing, evidence of having been awarded the Purple Heart”.

38 USC 3703
note.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to a loan guaranteed under section 3710 of title 38, United States Code, on or after January 1, 2020.

38 USC 3703
note.

(e) **GUIDANCE.**—Notwithstanding section 501 of title 38, United States Code, the Secretary of Veterans Affairs may issue guidance to implement this section before prescribing new regulations under sections 3703, 3729, and 3762 of such title, as amended by this section.

SEC. 7. INFORMATION GATHERING FOR DEPARTMENT OF VETERANS AFFAIRS HOME LOAN APPRAISALS.

(a) **IN GENERAL.**—Section 3731(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(3) The Secretary shall permit an appraiser on a list developed and maintained under subsection (a)(3) to make an appraisal for the purposes of this chapter based solely on information gathered by a person with whom the appraiser has entered into an agreement for such services.”.

38 USC 3731
note.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to an appraisal under section 3731 of such title, on or after January 1, 2020.

38 USC 3731
note.

(c) **GUIDANCE.**—Notwithstanding section 501 of such title, the Secretary of Veterans Affairs may issue guidance to implement this section before prescribing new regulations under sections 3731 of such title, as amended by subsection (a).

SEC. 8. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved June 25, 2019.

LEGISLATIVE HISTORY—H.R. 299:

HOUSE REPORTS: No. 116–58 (Comm. on Veterans’ Affairs).

CONGRESSIONAL RECORD, Vol. 165 (2019):

May 14, considered and passed House.

June 12, considered and passed Senate.

Public Law 116–24
116th Congress

An Act

To amend section 6 of the Joint Resolution entitled “A Joint Resolution to approve the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes”.

June 25, 2019
[H.R. 559]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Northern Mariana Islands Long-Term Legal Residents Relief Act”.

SEC. 2. LONG-TERM LEGAL RESIDENTS OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Section 6(e) of the Joint Resolution entitled “A Joint Resolution to approve the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes”, approved March 24, 1976 (48 U.S.C. 1806), is amended by adding at the end the following:

“(6) SPECIAL PROVISION REGARDING LONG-TERM RESIDENTS OF THE COMMONWEALTH.—

“(A) CNMI RESIDENT STATUS.—An alien described in subparagraph (B) may, upon the application of the alien, be admitted in CNMI Resident status to the Commonwealth subject to the following rules:

“(i) The alien shall be treated as an alien lawfully admitted to the Commonwealth only, including permitting entry to and exit from the Commonwealth, until the earlier of the date on which—

“(I) the alien ceases to reside in the Commonwealth; or

“(II) the alien’s status is adjusted under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) to that of an alien lawfully admitted for permanent residence in accordance with all applicable eligibility requirements.

“(ii) The Secretary of Homeland Security—

“(I) shall establish a process for such alien to apply for CNMI Resident status during the 180-day period beginning on a date determined by the Secretary but not later than the first day of the sixth month after the date of the enactment of this paragraph; and

“(II) may, in the Secretary’s discretion, authorize deferred action or parole, as appropriate, with work authorization, for such alien beginning

Northern
Mariana Islands
Long-Term Legal
Residents Relief
Act.
48 USC 1801
note.

Time periods.
Effective dates.
Deadline.

on the date of the enactment of this paragraph and continuing through the end of such 180-day period or the date of adjudication of the alien's application for CNMI Resident status, whichever is later.

“(iii) Nothing in this subparagraph may be construed to provide any alien granted status under this subparagraph with public assistance to which the alien is not otherwise entitled.

“(iv) An alien granted status under this paragraph—

“(I) is subject to all grounds of deportability under section 237 of the Immigration and Nationality Act (8 U.S.C. 1227);

“(II) is subject to all grounds of inadmissibility under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) if seeking admission to the United States at a port of entry in the Commonwealth;

“(III) is inadmissible to the United States at any port of entry outside the Commonwealth, except that the Secretary of Homeland Security may in the Secretary's discretion authorize admission of such alien at a port of entry in Guam for the purpose of direct transit to the Commonwealth, which admission shall be considered an admission to the Commonwealth;

“(IV) automatically shall lose such status if the alien travels from the Commonwealth to any other place in the United States, except that the Secretary of Homeland Security may in the Secretary's discretion establish procedures for the advance approval on a case-by-case basis of such travel for a temporary and legitimate purpose, and the Secretary may in the Secretary's discretion authorize the direct transit of aliens with CNMI Resident status through Guam to a foreign place;

“(V) shall be authorized to work in the Commonwealth incident to status; and

“(VI) shall be issued appropriate travel documentation and evidence of work authorization by the Secretary.

“(B) ALIENS DESCRIBED.—An alien is described in this subparagraph if the alien—

“(i) was lawfully present on the date of the enactment of this paragraph or on December 31, 2018, in the Commonwealth under the immigration laws of the United States, including pursuant to a grant of parole under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) or deferred action;

“(ii) is admissible as an immigrant to the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), except that no immigrant visa is required;

“(iii) resided continuously and lawfully in the Commonwealth from November 28, 2009, through the date of the enactment of this paragraph;

Time period.

“(iv) is not a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau; and

“(v) in addition—

“(I) was born in the Northern Mariana Islands between January 1, 1974, and January 9, 1978;

Time period.

“(II) was, on November 27, 2009, a permanent resident of the Commonwealth (as defined in section 4303 of title 3 of the Northern Mariana Islands Commonwealth Code, in effect on May 8, 2008);

“(III) is the spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1))) of an alien described in subclause (I) or (II);

“(IV) was, on November 27, 2011, a spouse, child, or parent of a United States citizen, notwithstanding the age of the United States citizen, and continues to have such family relationship with the citizen on the date of the application described in subparagraph (A); or

“(V) had a grant of parole under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) on December 31, 2018, under the former parole program for certain in-home caregivers administered by United States Citizenship and Immigration Services.

“(C) AUTHORITY OF ATTORNEY GENERAL.—Beginning on the first day of the 180-day period established by the Secretary of Homeland Security under subparagraph (A)(ii)(I), the Attorney General may accept and adjudicate an application for CNMI Resident status under this paragraph by an alien who is in removal proceedings before the Attorney General if the alien—

Effective date.

“(i) makes an initial application to the Attorney General within such 180-day period; or

“(ii) applied to the Secretary of Homeland Security during such 180-period and before being placed in removal proceedings, and the Secretary denied the application.

“(D) JUDICIAL REVIEW.—Notwithstanding any other law, no court shall have jurisdiction to review any decision of the Secretary of Homeland Security or the Attorney General on an application under this paragraph or any other action or determination of the Secretary of Homeland Security or the Attorney General to implement, administer, or enforce this paragraph.

“(E) PROCEDURE.—The requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act), or any other law relating to rulemaking, information collection or publication in the Federal Register shall not apply to any action to implement, administer or enforce this paragraph.”.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined

by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved June 25, 2019.

LEGISLATIVE HISTORY—H.R. 559:

CONGRESSIONAL RECORD, Vol. 165 (2019):

June 3, considered and passed House.

June 20, considered and passed Senate.

Public Law 116–25
116th Congress

An Act

To amend the Internal Revenue Code of 1986 to modernize and improve the Internal Revenue Service, and for other purposes.

July 1, 2019

[H.R. 3151]

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

Taxpayer First Act.

SECTION 1. SHORT TITLE; ETC.

(a) **SHORT TITLE.**—This Act may be cited as the “Taxpayer First Act”.

26 USC 1 note.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title; etc.

TITLE I—PUTTING TAXPAYERS FIRST

Subtitle A—Independent Appeals Process

Sec. 1001. Establishment of Internal Revenue Service Independent Office of Appeals.

Subtitle B—Improved Service

Sec. 1101. Comprehensive customer service strategy.

Sec. 1102. Low-income exception for payments otherwise required in connection with a submission of an offer-in-compromise.

Subtitle C—Sensible Enforcement

Sec. 1201. Internal Revenue Service seizure requirements with respect to structuring transactions.

Sec. 1202. Exclusion of interest received in action to recover property seized by the Internal Revenue Service based on structuring transaction.

Sec. 1203. Clarification of equitable relief from joint liability.

Sec. 1204. Modification of procedures for issuance of third-party summons.

Sec. 1205. Private debt collection and special compliance personnel program.

Sec. 1206. Reform of notice of contact of third parties.

Sec. 1207. Modification of authority to issue designated summons.

Sec. 1208. Limitation on access of non-Internal Revenue Service employees to returns and return information.

Subtitle D—Organizational Modernization

Sec. 1301. Office of the National Taxpayer Advocate.

Sec. 1302. Modernization of Internal Revenue Service organizational structure.

Subtitle E—Other Provisions

Sec. 1401. Return preparation programs for applicable taxpayers.

Sec. 1402. Provision of information regarding low-income taxpayer clinics.

Sec. 1403. Notice from IRS regarding closure of taxpayer assistance centers.

- Sec. 1404. Rules for seizure and sale of perishable goods restricted to only perishable goods.
- Sec. 1405. Whistleblower reforms.
- Sec. 1406. Customer service information.
- Sec. 1407. Misdirected tax refund deposits.

TITLE II—21ST CENTURY IRS

Subtitle A—Cybersecurity and Identity Protection

- Sec. 2001. Public-private partnership to address identity theft refund fraud.
- Sec. 2002. Recommendations of Electronic Tax Administration Advisory Committee regarding identity theft refund fraud.
- Sec. 2003. Information sharing and analysis center.
- Sec. 2004. Compliance by contractors with confidentiality safeguards.
- Sec. 2005. Identity protection personal identification numbers.
- Sec. 2006. Single point of contact for tax-related identity theft victims.
- Sec. 2007. Notification of suspected identity theft.
- Sec. 2008. Guidelines for stolen identity refund fraud cases.
- Sec. 2009. Increased penalty for improper disclosure or use of information by preparers of returns.

Subtitle B—Development of Information Technology

- Sec. 2101. Management of Internal Revenue Service information technology.
- Sec. 2102. Internet platform for Form 1099 filings.
- Sec. 2103. Streamlined critical pay authority for information technology positions.

Subtitle C—Modernization of Consent-Based Income Verification System

- Sec. 2201. Disclosure of taxpayer information for third-party income verification.
- Sec. 2202. Limit redisclosures and uses of consent-based disclosures of tax return information.

Subtitle D—Expanded Use of Electronic Systems

- Sec. 2301. Electronic filing of returns.
- Sec. 2302. Uniform standards for the use of electronic signatures for disclosure authorizations to, and other authorizations of, practitioners.
- Sec. 2303. Payment of taxes by debit and credit cards.
- Sec. 2304. Authentication of users of electronic services accounts.

Subtitle E—Other Provisions

- Sec. 2401. Repeal of provision regarding certain tax compliance procedures and reports.
- Sec. 2402. Comprehensive training strategy.

TITLE III—MISCELLANEOUS PROVISIONS

Subtitle A—Reform of Laws Governing Internal Revenue Service Employees

- Sec. 3001. Prohibition on rehiring any employee of the Internal Revenue Service who was involuntarily separated from service for misconduct.
- Sec. 3002. Notification of unauthorized inspection or disclosure of returns and return information.

Subtitle B—Provisions Relating to Exempt Organizations

- Sec. 3101. Mandatory e-filing by exempt organizations.
- Sec. 3102. Notice required before revocation of tax-exempt status for failure to file return.

Subtitle C—Revenue Provision

- Sec. 3201. Increase in penalty for failure to file.

TITLE IV—BUDGETARY EFFECTS

- Sec. 4001. Determination of budgetary effects.

TITLE I—PUTTING TAXPAYERS FIRST

Subtitle A—Independent Appeals Process

SEC. 1001. ESTABLISHMENT OF INTERNAL REVENUE SERVICE INDEPENDENT OFFICE OF APPEALS.

(a) IN GENERAL.—Section 7803 is amended by adding at the end the following new subsection: 26 USC 7803.

“(e) INDEPENDENT OFFICE OF APPEALS.—

“(1) ESTABLISHMENT.—There is established in the Internal Revenue Service an office to be known as the ‘Internal Revenue Service Independent Office of Appeals’.

“(2) CHIEF OF APPEALS.—

“(A) IN GENERAL.—The Internal Revenue Service Independent Office of Appeals shall be under the supervision and direction of an official to be known as the ‘Chief of Appeals’. The Chief of Appeals shall report directly to the Commissioner of Internal Revenue and shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code.

“(B) APPOINTMENT.—The Chief of Appeals shall be appointed by the Commissioner of Internal Revenue without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or the Senior Executive Service.

“(C) QUALIFICATIONS.—An individual appointed under subparagraph (B) shall have experience and expertise in—

“(i) administration of, and compliance with, Federal tax laws,

“(ii) a broad range of compliance cases, and

“(iii) management of large service organizations.

“(3) PURPOSES AND DUTIES OF OFFICE.—It shall be the function of the Internal Revenue Service Independent Office of Appeals to resolve Federal tax controversies without litigation on a basis which—

“(A) is fair and impartial to both the Government and the taxpayer,

“(B) promotes a consistent application and interpretation of, and voluntary compliance with, the Federal tax laws, and

“(C) enhances public confidence in the integrity and efficiency of the Internal Revenue Service.

“(4) RIGHT OF APPEAL.—The resolution process described in paragraph (3) shall be generally available to all taxpayers.

“(5) LIMITATION ON DESIGNATION OF CASES AS NOT ELIGIBLE FOR REFERRAL TO INDEPENDENT OFFICE OF APPEALS.—

“(A) IN GENERAL.—If any taxpayer which is in receipt of a notice of deficiency authorized under section 6212 requests referral to the Internal Revenue Service Independent Office of Appeals and such request is denied, the Commissioner of Internal Revenue shall provide such taxpayer a written notice which— Notice.

“(i) provides a detailed description of the facts involved, the basis for the decision to deny the request,

and a detailed explanation of how the basis of such decision applies to such facts, and

“(ii) describes the procedures prescribed under subparagraph (C) for protesting the decision to deny the request.

“(B) REPORT TO CONGRESS.—The Commissioner of Internal Revenue shall submit a written report to Congress on an annual basis which includes the number of requests described in subparagraph (A) which were denied and the reasons (described by category) that such requests were denied.

“(C) PROCEDURES FOR PROTESTING DENIAL OF REQUEST.—The Commissioner of Internal Revenue shall prescribe procedures for protesting to the Commissioner of Internal Revenue a denial of a request described in subparagraph (A).

“(D) NOT APPLICABLE TO FRIVOLOUS POSITIONS.—This paragraph shall not apply to a request for referral to the Internal Revenue Service Independent Office of Appeals which is denied on the basis that the issue involved is a frivolous position (within the meaning of section 6702(c)).

“(6) STAFF.—

“(A) IN GENERAL.—All personnel in the Internal Revenue Service Independent Office of Appeals shall report to the Chief of Appeals.

“(B) ACCESS TO STAFF OF OFFICE OF THE CHIEF COUNSEL.—The Chief of Appeals shall have authority to obtain legal assistance and advice from the staff of the Office of the Chief Counsel. The Chief Counsel shall ensure, to the extent practicable, that such assistance and advice is provided by staff of the Office of the Chief Counsel who were not involved in the case with respect to which such assistance and advice is sought and who are not involved in preparing such case for litigation.

“(7) ACCESS TO CASE FILES.—

Deadline.

“(A) IN GENERAL.—In any case in which a conference with the Internal Revenue Service Independent Office of Appeals has been scheduled upon request of a specified taxpayer, the Chief of Appeals shall ensure that such taxpayer is provided access to the nonprivileged portions of the case file on record regarding the disputed issues (other than documents provided by the taxpayer to the Internal Revenue Service) not later than 10 days before the date of such conference.

Applicability.

“(B) TAXPAYER ELECTION TO EXPEDITE CONFERENCE.—If the taxpayer so elects, subparagraph (A) shall be applied by substituting ‘the date of such conference’ for ‘10 days before the date of such conference’.

“(C) SPECIFIED TAXPAYER.—For purposes of this paragraph—

Definition.

“(i) IN GENERAL.—The term ‘specified taxpayer’ means—

“(I) in the case of any taxpayer who is a natural person, a taxpayer whose adjusted gross income does not exceed \$400,000 for the taxable year to which the dispute relates, and

“(II) in the case of any other taxpayer, a taxpayer whose gross receipts do not exceed \$5 million for the taxable year to which the dispute relates.

“(ii) AGGREGATION RULE.—Rules similar to the rules of section 448(c)(2) shall apply for purposes of clause (i)(II).”.

Applicability.

(b) CONFORMING AMENDMENTS.—

(1) The following provisions are each amended by striking “Internal Revenue Service Office of Appeals” and inserting “Internal Revenue Service Independent Office of Appeals”:

(A) Section 6015(c)(4)(B)(ii)(I).

26 USC 6015.

(B) Section 6320(b)(1).

(C) Subsections (b)(1) and (d)(3) of section 6330.

(D) Section 6603(d)(3)(B).

(E) Section 6621(c)(2)(A)(i).

(F) Section 7122(e)(2).

(G) Subsections (a), (b)(1), (b)(2), and (c)(1) of section 7123.

(H) Subsections (c)(7)(B)(i) and (g)(2)(A) of section 7430.

(I) Section 7522(b)(3).

(J) Section 7612(c)(2)(A).

(2) Section 7430(c)(2) is amended by striking “Internal Revenue Service Office of Appeals” each place it appears and inserting “Internal Revenue Service Independent Office of Appeals”.

(3) The heading of section 6330(d)(3) is amended by inserting “INDEPENDENT” after “IRS”.

(c) OTHER REFERENCES.—Any reference in any provision of law, or regulation or other guidance, to the Internal Revenue Service Office of Appeals shall be treated as a reference to the Internal Revenue Service Independent Office of Appeals.

26 USC 7803 note.

(d) SAVINGS PROVISIONS.—Rules similar to the rules of paragraphs (2) through (6) of section 1001(b) of the Internal Revenue Service Restructuring and Reform Act of 1998 shall apply for purposes of this section (and the amendments made by this section).

Applicability.
26 USC 7803 note.

(e) EFFECTIVE DATE.—

26 USC 7803 note.

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ACCESS TO CASE FILES.—Section 7803(e)(7) of the Internal Revenue Code of 1986, as added by subsection (a), shall apply to conferences occurring after the date which is 1 year after the date of the enactment of this Act.

Applicability.
Time period.

Subtitle B—Improved Service

SEC. 1101. COMPREHENSIVE CUSTOMER SERVICE STRATEGY.

26 USC 7804 note.
Deadline.

(a) IN GENERAL.—Not later than the date which is 1 year after the date of the enactment of this Act, the Secretary of the Treasury (or the Secretary’s delegate) shall submit to Congress a written comprehensive customer service strategy for the Internal Revenue Service. Such strategy shall include—

(1) a plan to provide assistance to taxpayers that is secure, designed to meet reasonable taxpayer expectations, and adopts appropriate best practices of customer service provided in the

Plan.

Assessment.	private sector, including online services, telephone call back services, and training of employees providing customer services; (2) a thorough assessment of the services that the Internal Revenue Service can co-locate with other Federal services or offer as self-service options;
Proposals. Time periods.	(3) proposals to improve Internal Revenue Service customer service in the short term (the current and following fiscal year), medium term (approximately 3 to 5 fiscal years), and long term (approximately 10 fiscal years);
Plan.	(4) a plan to update guidance and training materials for customer service employees of the Internal Revenue Service, including the Internal Revenue Manual, to reflect such strategy; and (5) identified metrics and benchmarks for quantitatively measuring the progress of the Internal Revenue Service in implementing such strategy.
Deadline.	(b) UPDATED GUIDANCE AND TRAINING MATERIALS.—Not later than 2 years after the date of the enactment of this Act, the Secretary of the Treasury (or the Secretary’s delegate) shall make available the updated guidance and training materials described in subsection (a)(4) (including the Internal Revenue Manual). Such updated guidance and training materials (including the Internal Revenue Manual) shall be written in a manner so as to be easily understood by customer service employees of the Internal Revenue Service and shall provide clear instructions.
SEC. 1102. LOW-INCOME EXCEPTION FOR PAYMENTS OTHERWISE REQUIRED IN CONNECTION WITH A SUBMISSION OF AN OFFER-IN-COMPROMISE.	
26 USC 7122.	(a) IN GENERAL.—Section 7122(c) is amended by adding at the end the following new paragraph: “(3) EXCEPTION FOR LOW-INCOME TAXPAYERS.—Paragraph (1), and any user fee otherwise required in connection with the submission of an offer-in-compromise, shall not apply to any offer-in-compromise with respect to a taxpayer who is an individual with adjusted gross income, as determined for the most recent taxable year for which such information is available, which does not exceed 250 percent of the applicable poverty level (as determined by the Secretary).”.
26 USC 122 note.	(b) EFFECTIVE DATE.—The amendment made by this section shall apply to offers-in-compromise submitted after the date of the enactment of this Act.

Subtitle C—Sensible Enforcement

SEC. 1201. INTERNAL REVENUE SERVICE SEIZURE REQUIREMENTS WITH RESPECT TO STRUCTURING TRANSACTIONS.

Section 5317(c)(2) of title 31, United States Code, is amended—

(1) by striking “Any property” and inserting the following:

“(A) IN GENERAL.—Any property”; and

(2) by adding at the end the following:

“(B) INTERNAL REVENUE SERVICE SEIZURE REQUIREMENTS WITH RESPECT TO STRUCTURING TRANSACTIONS.—

“(i) PROPERTY DERIVED FROM AN ILLEGAL SOURCE.—

Property may only be seized by the Internal Revenue Service pursuant to subparagraph (A) by reason of

a claimed violation of section 5324 if the property to be seized was derived from an illegal source or the funds were structured for the purpose of concealing the violation of a criminal law or regulation other than section 5324.

“(ii) NOTICE.—Not later than 30 days after property is seized by the Internal Revenue Service pursuant to subparagraph (A), the Internal Revenue Service shall—

Deadline.

“(I) make a good faith effort to find all persons with an ownership interest in such property; and

“(II) provide each such person so found with a notice of the seizure and of the person’s rights under clause (iv).

“(iii) EXTENSION OF NOTICE UNDER CERTAIN CIRCUMSTANCES.—The Internal Revenue Service may apply to a court of competent jurisdiction for one 30-day extension of the notice requirement under clause (ii) if the Internal Revenue Service can establish probable cause of an imminent threat to national security or personal safety necessitating such extension.

“(iv) POST-SEIZURE HEARING.—If a person with an ownership interest in property seized pursuant to subparagraph (A) by the Internal Revenue Service requests a hearing by a court of competent jurisdiction within 30 days after the date on which notice is provided under subclause (ii), such property shall be returned unless the court holds an adversarial hearing and finds within 30 days of such request (or such longer period as the court may provide, but only on request of an interested party) that there is probable cause to believe that there is a violation of section 5324 involving such property and probable cause to believe that the property to be seized was derived from an illegal source or the funds were structured for the purpose of concealing the violation of a criminal law or regulation other than section 5324.”.

Time period.

SEC. 1202. EXCLUSION OF INTEREST RECEIVED IN ACTION TO RECOVER PROPERTY SEIZED BY THE INTERNAL REVENUE SERVICE BASED ON STRUCTURING TRANSACTION.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 is amended by inserting before section 140 the following new section:

“SEC. 139H. INTEREST RECEIVED IN ACTION TO RECOVER PROPERTY SEIZED BY THE INTERNAL REVENUE SERVICE BASED ON STRUCTURING TRANSACTION.

26 USC 139H.

“Gross income shall not include any interest received from the Federal Government in connection with an action to recover property seized by the Internal Revenue Service pursuant to section 5317(c)(2) of title 31, United States Code, by reason of a claimed violation of section 5324 of such title.”.

26 USC
prec. 101. (b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting before the item relating to section 140 the following new item:

“Sec. 139H. Interest received in action to recover property seized by the Internal Revenue Service based on structuring transaction.”.

26 USC 139H
note. (c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest received on or after the date of the enactment of this Act.

SEC. 1203. CLARIFICATION OF EQUITABLE RELIEF FROM JOINT LIABILITY.

26 USC 6015. (a) IN GENERAL.—Section 6015 is amended—
(1) in subsection (e), by adding at the end the following new paragraph:

“(7) STANDARD AND SCOPE OF REVIEW.—Any review of a determination made under this section shall be reviewed de novo by the Tax Court and shall be based upon—

“(A) the administrative record established at the time of the determination, and

“(B) any additional newly discovered or previously unavailable evidence.”; and

(2) by amending subsection (f) to read as follows:

“(f) EQUITABLE RELIEF.—

“(1) IN GENERAL.—Under procedures prescribed by the Secretary, if—

“(A) taking into account all the facts and circumstances, it is inequitable to hold the individual liable for any unpaid tax or any deficiency (or any portion of either), and

“(B) relief is not available to such individual under subsection (b) or (c),

the Secretary may relieve such individual of such liability.

“(2) LIMITATION.—A request for equitable relief under this subsection may be made with respect to any portion of any liability that—

“(A) has not been paid, provided that such request is made before the expiration of the applicable period of limitation under section 6502, or

“(B) has been paid, provided that such request is made during the period in which the individual could submit a timely claim for refund or credit of such payment.”.

26 USC 6015
note. (b) EFFECTIVE DATE.—The amendments made by this section shall apply to petitions or requests filed or pending on or after the date of the enactment of this Act.

SEC. 1204. MODIFICATION OF PROCEDURES FOR ISSUANCE OF THIRD-PARTY SUMMONS.

(a) IN GENERAL.—Section 7609(f) is amended by adding at the end the following flush sentence:

“The Secretary shall not issue any summons described in the preceding sentence unless the information sought to be obtained is narrowly tailored to information that pertains to the failure (or potential failure) of the person or group or class of persons referred to in paragraph (2) to comply with one or more provisions of the internal revenue law which have been identified for purposes of such paragraph.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to summonses served after the date that is 45 days after the date of the enactment of this Act.

Applicability.
Time period.
26 USC 7609.

SEC. 1205. PRIVATE DEBT COLLECTION AND SPECIAL COMPLIANCE PERSONNEL PROGRAM.

(a) **CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION UNDER TAX COLLECTION CONTRACTS.**—Section 6306(d)(3) is amended by striking “or” at the end of subparagraph (C) and by inserting after subparagraph (D) the following new subparagraphs:

26 USC 6306.

“(E) a taxpayer substantially all of whose income consists of disability insurance benefits under section 223 of the Social Security Act or supplemental security income benefits under title XVI of the Social Security Act (including supplemental security income benefits of the type described in section 1616 of such Act or section 212 of Public Law 93–66), or

“(F) a taxpayer who is an individual with adjusted gross income, as determined for the most recent taxable year for which such information is available, which does not exceed 200 percent of the applicable poverty level (as determined by the Secretary).”.

(b) **DETERMINATION OF INACTIVE TAX RECEIVABLES ELIGIBLE FOR COLLECTION UNDER TAX COLLECTION CONTRACTS.**—Section 6306(c)(2)(A)(ii) is amended by striking “more than $\frac{1}{3}$ of the period of the applicable statute of limitation has lapsed” and inserting “more than 2 years has passed since assessment”.

(c) **MAXIMUM LENGTH OF INSTALLMENT AGREEMENTS OFFERED UNDER TAX COLLECTION CONTRACTS.**—Section 6306(b)(1)(B) is amended by striking “5 years” and inserting “7 years”.

(d) **CLARIFICATION THAT SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT MAY BE USED FOR PROGRAM COSTS.**—

(1) **IN GENERAL.**—Section 6307(b) is amended—

(A) in paragraph (2), by striking all that follows “under such program” and inserting a period, and

(B) in paragraph (3), by striking all that follows “out of such account” and inserting “for other than program costs.”.

(2) **COMMUNICATIONS, SOFTWARE, AND TECHNOLOGY COSTS TREATED AS PROGRAM COSTS.**—Section 6307(d)(2)(B) is amended by striking “telecommunications” and inserting “communications, software, technology”.

(3) **CONFORMING AMENDMENT.**—Section 6307(d)(2) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by inserting after subparagraph (B) the following new subparagraph:

“(C) reimbursement of the Internal Revenue Service or other government agencies for the cost of administering the qualified tax collection program under section 6306.”.

(e) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to tax receivables identified by the Secretary (or the Secretary’s delegate) after December 31, 2020.

Applicability.
26 USC 6306
note.

(2) **MAXIMUM LENGTH OF INSTALLMENT AGREEMENTS.**—The amendment made by subsection (c) shall apply to contracts entered into after the date of the enactment of this Act.

(3) **USE OF SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.**—The amendment made by subsection (d) shall apply to amounts expended from the special compliance personnel program account after the date of the enactment of this Act.

SEC. 1206. REFORM OF NOTICE OF CONTACT OF THIRD PARTIES.

26 USC 7602.

(a) **IN GENERAL.**—Section 7602(c)(1) is amended to read as follows:

Time period.

“(1) **GENERAL NOTICE.**—An officer or employee of the Internal Revenue Service may not contact any person other than the taxpayer with respect to the determination or collection of the tax liability of such taxpayer unless such contact occurs during a period (not greater than 1 year) which is specified in a notice which—

“(A) informs the taxpayer that contacts with persons other than the taxpayer are intended to be made during such period, and

Deadline.

“(B) except as otherwise provided by the Secretary, is provided to the taxpayer not later than 45 days before the beginning of such period.

Nothing in the preceding sentence shall prevent the issuance of notices to the same taxpayer with respect to the same tax liability with periods specified therein that, in the aggregate, exceed 1 year. A notice shall not be issued under this paragraph unless there is an intent at the time such notice is issued to contact persons other than the taxpayer during the period specified in such notice. The preceding sentence shall not prevent the issuance of a notice if the requirement of such sentence is met on the basis of the assumption that the information sought to be obtained by such contact will not be obtained by other means before such contact.”.

Applicability.
Time period.
26 USC 7602
note.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to notices provided, and contacts of persons made, after the date which is 45 days after the date of the enactment of this Act.

SEC. 1207. MODIFICATION OF AUTHORITY TO ISSUE DESIGNATED SUMMONS.

(a) **IN GENERAL.**—Paragraph (1) of section 6503(j) is amended by striking “coordinated examination program” and inserting “coordinated industry case program”.

(b) **REQUIREMENTS FOR SUMMONS.**—Clause (i) of section 6503(j)(2)(A) is amended to read as follows:

“(i) the issuance of such summons is preceded by a review and written approval of such issuance by the Commissioner of the relevant operating division of the Internal Revenue Service and the Chief Counsel which—

“(I) states facts clearly establishing that the Secretary has made reasonable requests for the information that is the subject of the summons, and

“(II) is attached to such summons,”.

(c) **ESTABLISHMENT THAT REASONABLE REQUESTS FOR INFORMATION WERE MADE.**—Subsection (j) of section 6503 is amended by adding at the end the following new paragraph: 26 USC 6503.

“(4) **ESTABLISHMENT THAT REASONABLE REQUESTS FOR INFORMATION WERE MADE.**—In any court proceeding described in paragraph (3), the Secretary shall establish that reasonable requests were made for the information that is the subject of the summons.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to summonses issued after the date which is 45 days after the date of the enactment of this Act. Applicability. Time period. 26 USC 6503 note.

SEC. 1208. LIMITATION ON ACCESS OF NON-INTERNAL REVENUE SERVICE EMPLOYEES TO RETURNS AND RETURN INFORMATION.

(a) **IN GENERAL.**—Section 7602 is amended by adding at the end the following new subsection:

“(f) **LIMITATION ON ACCESS OF PERSONS OTHER THAN INTERNAL REVENUE SERVICE OFFICERS AND EMPLOYEES.**—The Secretary shall not, under the authority of section 6103(n), provide any books, papers, records, or other data obtained pursuant to this section to any person authorized under section 6103(n), except when such person requires such information for the sole purpose of providing expert evaluation and assistance to the Internal Revenue Service. No person other than an officer or employee of the Internal Revenue Service or the Office of Chief Counsel may, on behalf of the Secretary, question a witness under oath whose testimony was obtained pursuant to this section.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section— 26 USC 7602 note.

(1) shall take effect on the date of the enactment of this Act; and

(2) shall not fail to apply to a contract in effect under section 6103(n) of the Internal Revenue Code of 1986 merely because such contract was in effect before the date of the enactment of this Act. Applicability.

Subtitle D—Organizational Modernization

SEC. 1301. OFFICE OF THE NATIONAL TAXPAYER ADVOCATE.

(a) **TAXPAYER ADVOCATE DIRECTIVES.**—

(1) **IN GENERAL.**—Section 7803(c) is amended by adding at the end the following new paragraph:

“(5) **TAXPAYER ADVOCATE DIRECTIVES.**—In the case of any Taxpayer Advocate Directive issued by the National Taxpayer Advocate pursuant to a delegation of authority from the Commissioner of Internal Revenue— Deadlines.

“(A) the Commissioner or a Deputy Commissioner shall modify, rescind, or ensure compliance with such directive not later than 90 days after the issuance of such directive, and

“(B) in the case of any directive which is modified or rescinded by a Deputy Commissioner, the National Taxpayer Advocate may (not later than 90 days after such modification or rescission) appeal to the Commissioner, and the Commissioner shall (not later than 90 days after such appeal is made) ensure compliance with such directive

as issued by the National Taxpayer Advocate or provide the National Taxpayer Advocate with the reasons for any modification or rescission made or upheld by the Commissioner pursuant to such appeal.”.

26 USC 7803.

(2) REPORT TO CERTAIN COMMITTEES OF CONGRESS REGARDING DIRECTIVES.—Section 7803(c)(2)(B)(ii) is amended by redesignating subclauses (VIII) through (XI) as subclauses (IX) through (XII), respectively, and by inserting after subclause (VII) the following new subclause:

“(VIII) identify any Taxpayer Advocate Directive which was not honored by the Internal Revenue Service in a timely manner, as specified under paragraph (5);”.

(b) NATIONAL TAXPAYER ADVOCATE ANNUAL REPORTS TO CONGRESS.—

(1) INCLUSION OF MOST SERIOUS TAXPAYER PROBLEMS.—Section 7803(c)(2)(B)(ii)(III) is amended by striking “at least 20 of the” and inserting “the 10”.

(2) COORDINATION WITH TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—Section 7803(c)(2) is amended by adding at the end the following new subparagraph:

“(E) COORDINATION WITH TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—Before beginning any research or study, the National Taxpayer Advocate shall coordinate with the Treasury Inspector General for Tax Administration to ensure that the National Taxpayer Advocate does not duplicate any action that the Treasury Inspector General for Tax Administration has already undertaken or has a plan to undertake.”.

(3) STATISTICAL SUPPORT.—

(A) IN GENERAL.—Section 6108 is amended by adding at the end the following new subsection:

“(d) STATISTICAL SUPPORT FOR NATIONAL TAXPAYER ADVOCATE.—Upon request of the National Taxpayer Advocate, the Secretary shall, to the extent practicable, provide the National Taxpayer Advocate with statistical support in connection with the preparation by the National Taxpayer Advocate of the annual report described in section 7803(c)(2)(B)(ii). Such statistical support shall include statistical studies, compilations, and the review of information provided by the National Taxpayer Advocate for statistical validity and sound statistical methodology.”.

(B) DISCLOSURE OF REVIEW.—Section 7803(c)(2)(B)(ii), as amended by subsection (a), is amended by striking “and” at the end of subclause (XI), by redesignating subclause (XII) as subclause (XIII), and by inserting after subclause (XI) the following new subclause:

“(XII) with respect to any statistical information included in such report, include a statement of whether such statistical information was reviewed or provided by the Secretary under section 6108(d) and, if so, whether the Secretary determined such information to be statistically valid and based on sound statistical methodology; and”.

(C) CONFORMING AMENDMENT.—Section 7803(c)(2)(B)(iii) is amended by adding at the end the following: “The preceding sentence shall not apply with

respect to statistical information provided to the Secretary for review, or received from the Secretary, under section 6108(d).”.

(c) **SALARY OF NATIONAL TAXPAYER ADVOCATE.**—Section 7803(c)(1)(B)(i) is amended by striking “, or, if the Secretary of the Treasury so determines, at a rate fixed under section 9503 of such title”.

26 USC 7803.

(d) **EFFECTIVE DATE.**—

26 USC 6108 note.

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) **SALARY OF NATIONAL TAXPAYER ADVOCATE.**—The amendment made by subsection (c) shall apply to compensation paid to individuals appointed as the National Taxpayer Advocate after March 31, 2019.

Applicability.

SEC. 1302. MODERNIZATION OF INTERNAL REVENUE SERVICE ORGANIZATIONAL STRUCTURE.

26 USC 7801 note.

(a) **IN GENERAL.**—Not later than September 30, 2020, the Secretary of the Treasury (or the Secretary’s delegate) shall submit to Congress a comprehensive written plan to redesign the organization of the Internal Revenue Service. Such plan shall—

Deadline.
Plan.

(1) ensure the successful implementation of the priorities specified by Congress in this Act;

(2) prioritize taxpayer services to ensure that all taxpayers easily and readily receive the assistance that they need;

(3) streamline the structure of the agency including minimizing the duplication of services and responsibilities within the agency;

(4) best position the Internal Revenue Service to combat cybersecurity and other threats to the Internal Revenue Service; and

(5) address whether the Criminal Investigation Division of the Internal Revenue Service should report directly to the Commissioner of Internal Revenue.

(b) **REPEAL OF RESTRICTION ON ORGANIZATIONAL STRUCTURE OF INTERNAL REVENUE SERVICE.**—Paragraph (3) of section 1001(a) of the Internal Revenue Service Restructuring and Reform Act of 1998 shall cease to apply beginning 1 year after the date on which the plan described in subsection (a) is submitted to Congress.

Termination
date.

Subtitle E—Other Provisions

SEC. 1401. RETURN PREPARATION PROGRAMS FOR APPLICABLE TAXPAYERS.

(a) **IN GENERAL.**—Chapter 77 is amended by inserting after section 7526 the following new section:

“SEC. 7526A. RETURN PREPARATION PROGRAMS FOR APPLICABLE TAXPAYERS.

26 USC 7526A.

“(a) **ESTABLISHMENT OF VOLUNTEER INCOME TAX ASSISTANCE MATCHING GRANT PROGRAM.**—The Secretary shall establish a Community Volunteer Income Tax Assistance Matching Grant Program under which the Secretary may, subject to the availability of appropriated funds, make grants to provide matching funds for the development, expansion, or continuation of qualified return

preparation programs assisting applicable taxpayers and members of underserved populations.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—Qualified return preparation programs may use grants received under this section for—

“(A) ordinary and necessary costs associated with program operation in accordance with cost principles under the applicable Office of Management and Budget circular, including—

“(i) wages or salaries of persons coordinating the activities of the program,

“(ii) developing training materials, conducting training, and performing quality reviews of the returns prepared under the program,

“(iii) equipment purchases, and

“(iv) vehicle-related expenses associated with remote or rural tax preparation services,

“(B) outreach and educational activities described in subsection (c)(2)(B), and

“(C) services related to financial education and capability, asset development, and the establishment of savings accounts in connection with tax return preparation.

“(2) REQUIREMENT OF MATCHING FUNDS.—A qualified return preparation program must provide matching funds on a dollar-for-dollar basis for all grants provided under this section. Matching funds may include—

“(A) the salary (including fringe benefits) of individuals performing services for the program,

“(B) the cost of equipment used in the program, and

“(C) other ordinary and necessary costs associated with the program.

Indirect expenses, including general overhead of any entity administering the program, shall not be counted as matching funds.

“(c) APPLICATION.—

“(1) IN GENERAL.—Each applicant for a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications which demonstrate—

“(A) assistance to applicable taxpayers, with emphasis on outreach to, and services for, such taxpayers,

“(B) taxpayer outreach and educational activities relating to eligibility and availability of income supports available through this title, including the earned income tax credit, and

“(C) specific outreach and focus on one or more underserved populations.

“(3) AMOUNTS TAKEN INTO ACCOUNT.—In determining matching grants under this section, the Secretary shall only take into account amounts provided by the qualified return preparation program for expenses described in subsection (b).

“(d) PROGRAM ADHERENCE.—

“(1) IN GENERAL.—The Secretary shall establish procedures for, and shall conduct not less frequently than once every

5 calendar years during which a qualified return preparation program is operating under a grant under this section, periodic site visits—

“(A) to ensure the program is carrying out the purposes of this section, and

“(B) to determine whether the program meets such program adherence standards as the Secretary shall by regulation or other guidance prescribe.

Determination.

“(2) ADDITIONAL REQUIREMENTS FOR GRANT RECIPIENTS NOT MEETING PROGRAM ADHERENCE STANDARDS.—In the case of any qualified return preparation program which—

“(A) is awarded a grant under this section, and

“(B) is subsequently determined—

“(i) not to meet the program adherence standards described in paragraph (1)(B), or

“(ii) not to be otherwise carrying out the purposes of this section,

such program shall not be eligible for any additional grants under this section unless such program provides sufficient documentation of corrective measures established to address any such deficiencies determined.

“(e) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED RETURN PREPARATION PROGRAM.—The term ‘qualified return preparation program’ means any program—

“(A) which provides assistance to individuals, not less than 90 percent of whom are applicable taxpayers, in preparing and filing Federal income tax returns,

“(B) which is administered by a qualified entity,

“(C) in which all volunteers who assist in the preparation of Federal income tax returns meet the training requirements prescribed by the Secretary, and

“(D) which uses a quality review process which reviews 100 percent of all returns.

“(2) QUALIFIED ENTITY.—

“(A) IN GENERAL.—The term ‘qualified entity’ means any entity which—

“(i) is an eligible organization,

“(ii) is in compliance with Federal tax filing and payment requirements,

“(iii) is not debarred or suspended from Federal contracts, grants, or cooperative agreements, and

“(iv) agrees to provide documentation to substantiate any matching funds provided pursuant to the grant program under this section.

“(B) ELIGIBLE ORGANIZATION.—The term ‘eligible organization’ means—

“(i) an institution of higher education which is described in section 102 (other than subsection (a)(1)(C) thereof) of the Higher Education Act of 1965 (20 U.S.C. 1002), as in effect on the date of the enactment of this section, and which has not been disqualified from participating in a program under title IV of such Act,

“(ii) an organization described in section 501(c) and exempt from tax under section 501(a),

“(iii) a local government agency, including—

“(I) a county or municipal government agency, and

“(II) an Indian tribe, as defined in section 4(13) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(13)), including any tribally designated housing entity (as defined in section 4(22) of such Act (25 U.S.C. 4103(22))), tribal subsidiary, subdivision, or other wholly owned tribal entity,

“(iv) a local, State, regional, or national coalition (with one lead organization which meets the eligibility requirements of clause (i), (ii), or (iii) acting as the applicant organization), or

“(v) in the case of applicable taxpayers and members of underserved populations with respect to which no organizations described in the preceding clauses are available—

“(I) a State government agency, or

“(II) an office providing Cooperative Extension services (as established at the land-grant colleges and universities under the Smith-Lever Act of May 8, 1914).

“(3) APPLICABLE TAXPAYERS.—The term ‘applicable taxpayer’ means a taxpayer whose income for the taxable year does not exceed an amount equal to the completed phaseout amount under section 32(b) for a married couple filing a joint return with three or more qualifying children, as determined in a revenue procedure or other published guidance.

“(4) UNDERSERVED POPULATION.—The term ‘underserved population’ includes populations of persons with disabilities, persons with limited English proficiency, Native Americans, individuals living in rural areas, members of the Armed Forces and their spouses, and the elderly.

“(f) SPECIAL RULES AND LIMITATIONS.—

“(1) DURATION OF GRANTS.—Upon application of a qualified return preparation program, the Secretary is authorized to award a multi-year grant not to exceed 3 years.

“(2) AGGREGATE LIMITATION.—Unless otherwise provided by specific appropriation, the Secretary shall not allocate more than \$30 million per fiscal year (exclusive of costs of administering the program) to grants under this section.

“(g) PROMOTION OF PROGRAMS.—

“(1) IN GENERAL.—The Secretary shall promote tax preparation through qualified return preparation programs through the use of mass communications and other means.

“(2) PROVISION OF INFORMATION REGARDING QUALIFIED RETURN PREPARATION PROGRAMS.—The Secretary may provide taxpayers information regarding qualified return preparation programs receiving grants under this section.

“(3) REFERRALS TO LOW-INCOME TAXPAYER CLINICS.—Qualified return preparation programs receiving a grant under this section are encouraged, in appropriate cases, to—

“(A) advise taxpayers of the availability of, and eligibility requirements for receiving, advice and assistance from qualified low-income taxpayer clinics receiving funding under section 7526, and

“(B) provide information regarding the location of, and contact information for, such clinics.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by inserting after the item relating to section 7526 the following new item:

26 USC
prec. 7501.

“Sec. 7526A. Return preparation programs for applicable taxpayers.”.

SEC. 1402. PROVISION OF INFORMATION REGARDING LOW-INCOME TAXPAYER CLINICS.

(a) IN GENERAL.—Section 7526(c) is amended by adding at the end the following new paragraph:

“(6) PROVISION OF INFORMATION REGARDING QUALIFIED LOW-INCOME TAXPAYER CLINICS.—Notwithstanding any other provision of law, officers and employees of the Department of the Treasury may—

“(A) advise taxpayers of the availability of, and eligibility requirements for receiving, advice and assistance from one or more specific qualified low-income taxpayer clinics receiving funding under this section, and

“(B) provide information regarding the location of, and contact information for, such clinics.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

26 USC 7526
note.

SEC. 1403. NOTICE FROM IRS REGARDING CLOSURE OF TAXPAYER ASSISTANCE CENTERS.

26 USC 7801
note.

Not later than 90 days before the date that a proposed closure of a Taxpayer Assistance Center would take effect, the Secretary of the Treasury (or the Secretary’s delegate) shall—

Deadline.

(1) make publicly available (including by non-electronic means) a notice which—

Public
information.

(A) identifies the Taxpayer Assistance Center proposed for closure and the date of such proposed closure; and

(B) identifies the relevant alternative sources of taxpayer assistance which may be utilized by taxpayers affected by such proposed closure; and

(2) submit to Congress a written report that includes—

Reports.

(A) the information included in the notice described in paragraph (1);

(B) the reasons for such proposed closure; and

(C) such other information as the Secretary may determine appropriate.

SEC. 1404. RULES FOR SEIZURE AND SALE OF PERISHABLE GOODS RESTRICTED TO ONLY PERISHABLE GOODS.

(a) IN GENERAL.—Section 6336 is amended by striking “or become greatly reduced in price or value by keeping, or that such property cannot be kept without great expense”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property seized after the date of the enactment of this Act.

26 USC 6336
note.

SEC. 1405. WHISTLEBLOWER REFORMS.

(a) MODIFICATIONS TO DISCLOSURE RULES FOR WHISTLEBLOWERS.—

(1) IN GENERAL.—Section 6103(k) is amended by adding at the end the following new paragraph:

“(13) DISCLOSURE TO WHISTLEBLOWERS.—

“(A) IN GENERAL.—The Secretary may disclose, to any individual providing information relating to any purpose

described in paragraph (1) or (2) of section 7623(a), return information related to the investigation of any taxpayer with respect to whom the individual has provided such information, but only to the extent that such disclosure is necessary in obtaining information, which is not otherwise reasonably available, with respect to the correct determination of tax liability for tax, or the amount to be collected with respect to the enforcement of any other provision of this title.

Deadlines.

“(B) UPDATES ON WHISTLEBLOWER INVESTIGATIONS.—The Secretary shall disclose to an individual providing information relating to any purpose described in paragraph (1) or (2) of section 7623(a) the following:

“(i) Not later than 60 days after a case for which the individual has provided information has been referred for an audit or examination, a notice with respect to such referral.

“(ii) Not later than 60 days after a taxpayer with respect to whom the individual has provided information has made a payment of tax with respect to tax liability to which such information relates, a notice with respect to such payment.

“(iii) Subject to such requirements and conditions as are prescribed by the Secretary, upon a written request by such individual—

“(I) information on the status and stage of any investigation or action related to such information, and

“(II) in the case of a determination of the amount of any award under section 7623(b), the reasons for such determination.

Clause (iii) shall not apply to any information if the Secretary determines that disclosure of such information would seriously impair Federal tax administration. Information described in clauses (i), (ii), and (iii) may be disclosed to a designee of the individual providing such information in accordance with guidance provided by the Secretary.”.

(2) CONFORMING AMENDMENTS.—

26 USC 6103.

(A) CONFIDENTIALITY OF INFORMATION.—Section 6103(a)(3) is amended by striking “subsection (k)(10)” and inserting “paragraph (10) or (13) of subsection (k)”.

(B) PENALTY FOR UNAUTHORIZED DISCLOSURE.—Section 7213(a)(2) is amended by striking “(k)(10)” and inserting “(k)(10) or (13)”.

(C) COORDINATION WITH AUTHORITY TO DISCLOSE FOR INVESTIGATIVE PURPOSES.—Section 6103(k)(6) is amended by adding at the end the following new sentence: “This paragraph shall not apply to any disclosure to an individual providing information relating to any purpose described in paragraph (1) or (2) of section 7623(a) which is made under paragraph (13)(A).”.

(b) PROTECTION AGAINST RETALIATION.—Section 7623 is amended by adding at the end the following new subsection:

“(d) CIVIL ACTION TO PROTECT AGAINST RETALIATION CASES.—

“(1) ANTI-RETALIATION WHISTLEBLOWER PROTECTION FOR EMPLOYEES.—No employer, or any officer, employee, contractor, subcontractor, or agent of such employer, may discharge,

demote, suspend, threaten, harass, or in any other manner discriminate against an employee in the terms and conditions of employment (including through an act in the ordinary course of such employee's duties) in reprisal for any lawful act done by the employee—

“(A) to provide information, cause information to be provided, or otherwise assist in an investigation regarding underpayment of tax or any conduct which the employee reasonably believes constitutes a violation of the internal revenue laws or any provision of Federal law relating to tax fraud, when the information or assistance is provided to the Internal Revenue Service, the Secretary of the Treasury, the Treasury Inspector General for Tax Administration, the Comptroller General of the United States, the Department of Justice, the United States Congress, a person with supervisory authority over the employee, or any other person working for the employer who has the authority to investigate, discover, or terminate misconduct, or

“(B) to testify, participate in, or otherwise assist in any administrative or judicial action taken by the Internal Revenue Service relating to an alleged underpayment of tax or any violation of the internal revenue laws or any provision of Federal law relating to tax fraud.

“(2) ENFORCEMENT ACTION.—

“(A) IN GENERAL.—A person who alleges discharge or other reprisal by any person in violation of paragraph (1) may seek relief under paragraph (3) by—

“(i) filing a complaint with the Secretary of Labor, or

“(ii) if the Secretary of Labor has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Time period.

“(B) PROCEDURE.—

“(i) IN GENERAL.—An action under subparagraph (A)(i) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

“(ii) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the employer.

“(iii) BURDENS OF PROOF.—An action brought under subparagraph (A)(ii) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code, except that in applying such section—

“(I) ‘behavior described in paragraph (1)’ shall be substituted for ‘behavior described in paragraphs (1) through (4) of subsection (a)’ each place it appears in paragraph (2)(B) thereof, and

Deadline.

“(II) ‘a violation of paragraph (1)’ shall be substituted for ‘a violation of subsection (a)’ each place it appears.

“(iv) STATUTE OF LIMITATIONS.—A complaint under subparagraph (A)(i) shall be filed not later than 180 days after the date on which the violation occurs.

“(v) JURY TRIAL.—A party to an action brought under subparagraph (A)(ii) shall be entitled to trial by jury.

“(3) REMEDIES.—

“(A) IN GENERAL.—An employee prevailing in any action under paragraph (2)(A) shall be entitled to all relief necessary to make the employee whole.

“(B) COMPENSATORY DAMAGES.—Relief for any action under subparagraph (A) shall include—

“(i) reinstatement with the same seniority status that the employee would have had, but for the reprisal,

“(ii) the sum of 200 percent of the amount of back pay and 100 percent of all lost benefits, with interest, and

“(iii) compensation for any special damages sustained as a result of the reprisal, including litigation costs, expert witness fees, and reasonable attorney fees.

“(4) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law, or under any collective bargaining agreement.

“(5) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

“(A) WAIVER OF RIGHTS AND REMEDIES.—The rights and remedies provided for in this subsection may not be waived by any agreement, policy form, or condition of employment, including by a predispute arbitration agreement.

“(B) PREDISPUTE ARBITRATION AGREEMENTS.—No predispute arbitration agreement shall be valid or enforceable, if the agreement requires arbitration of a dispute arising under this subsection.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to disclosures made after the date of the enactment of this Act.

(2) CIVIL PROTECTION.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

26 USC 6103
note.26 USC 7623
note.26 USC 7801
note.

SEC. 1406. CUSTOMER SERVICE INFORMATION.

The Secretary of the Treasury (or the Secretary’s delegate) shall provide helpful information to taxpayers placed on hold during a telephone call to any Internal Revenue Service help line, including the following:

(1) Information about common tax scams.

(2) Information on where and how to report tax scams.

(3) Additional advice on how taxpayers can protect themselves from identity theft and tax scams.

SEC. 1407. MISDIRECTED TAX REFUND DEPOSITS.

Section 6402 is amended by adding at the end the following new subsection: 26 USC 6402.

“(n) MISDIRECTED DIRECT DEPOSIT REFUND.—Not later than the date which is 6 months after the date of the enactment of the Taxpayer First Act, the Secretary shall prescribe regulations to establish procedures to allow for— Deadline. Regulations. Procedures.

“(1) taxpayers to report instances in which a refund made by the Secretary by electronic funds transfer was not transferred to the account of the taxpayer;

“(2) coordination with financial institutions for the purpose of— Coordination.

“(A) identifying the accounts to which transfers described in paragraph (1) were made; and

“(B) recovery of the amounts so transferred; and

“(3) the refund to be delivered to the correct account of the taxpayer.”.

TITLE II—21ST CENTURY IRS**Subtitle A—Cybersecurity and Identity Protection****SEC. 2001. PUBLIC-PRIVATE PARTNERSHIP TO ADDRESS IDENTITY THEFT REFUND FRAUD.**

26 USC 7529 note.

The Secretary of the Treasury (or the Secretary’s delegate) shall work collaboratively with the public and private sectors to protect taxpayers from identity theft refund fraud.

SEC. 2002. RECOMMENDATIONS OF ELECTRONIC TAX ADMINISTRATION ADVISORY COMMITTEE REGARDING IDENTITY THEFT REFUND FRAUD.

The Secretary of the Treasury shall ensure that the advisory group convened by the Secretary pursuant to section 2001(b)(2) of the Internal Revenue Service Restructuring and Reform Act of 1998 (commonly known as the Electronic Tax Administration Advisory Committee) studies (including by providing organized public forums) and makes recommendations to the Secretary regarding methods to prevent identity theft and refund fraud.

SEC. 2003. INFORMATION SHARING AND ANALYSIS CENTER.

(a) IN GENERAL.—The Secretary of the Treasury (or the Secretary’s delegate) may participate in an information sharing and analysis center to centralize, standardize, and enhance data compilation and analysis to facilitate sharing actionable data and information with respect to identity theft tax refund fraud. 26 USC 7529 note.

(b) DEVELOPMENT OF PERFORMANCE METRICS.—The Secretary of the Treasury (or the Secretary’s delegate) shall develop metrics for measuring the success of such center in detecting and preventing identity theft tax refund fraud. 26 USC 7529 note.

(c) DISCLOSURE.—

(1) IN GENERAL.—Section 6103(k), as amended by this Act, is amended by adding at the end the following new paragraph:

“(14) DISCLOSURE OF RETURN INFORMATION FOR PURPOSES OF CYBERSECURITY AND THE PREVENTION OF IDENTITY THEFT TAX REFUND FRAUD.—

“(A) IN GENERAL.—Under such procedures and subject to such conditions as the Secretary may prescribe, the Secretary may disclose specified return information to specified ISAC participants to the extent that the Secretary determines such disclosure is in furtherance of effective Federal tax administration relating to the detection or prevention of identity theft tax refund fraud, validation of taxpayer identity, authentication of taxpayer returns, or detection or prevention of cybersecurity threats.

Definition.

“(B) SPECIFIED ISAC PARTICIPANTS.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘specified ISAC participant’ means—

“(I) any person designated by the Secretary as having primary responsibility for a function performed with respect to the information sharing and analysis center described in section 2003(a) of the Taxpayer First Act, and

“(II) any person subject to the requirements of section 7216 and which is a participant in such information sharing and analysis center.

“(ii) INFORMATION SHARING AGREEMENT.—Such term shall not include any person unless such person has entered into a written agreement with the Secretary setting forth the terms and conditions for the disclosure of information to such person under this paragraph, including requirements regarding the protection and safeguarding of such information by such person.

Definition.

“(C) SPECIFIED RETURN INFORMATION.—For purposes of this paragraph, the term ‘specified return information’ means—

“(i) in the case of a return which is in connection with a case of potential identity theft refund fraud—

“(I) in the case of such return filed electronically, the internet protocol address, device identification, email domain name, speed of completion, method of authentication, refund method, and such other return information related to the electronic filing characteristics of such return as the Secretary may identify for purposes of this subclause, and

“(II) in the case of such return prepared by a tax return preparer, identifying information with respect to such tax return preparer, including the preparer taxpayer identification number and electronic filer identification number of such preparer,

“(ii) in the case of a return which is in connection with a case of a identity theft refund fraud which has been confirmed by the Secretary (pursuant to such procedures as the Secretary may provide), the information referred to in subclauses (I) and (II) of clause (i), the name and taxpayer identification number of the taxpayer as it appears on the return, and any bank account and routing information provided for making a refund in connection with such return, and

“(iii) in the case of any cybersecurity threat to the Internal Revenue Service, information similar to the information described in subclauses (I) and (II) of clause (i) with respect to such threat.

“(D) RESTRICTION ON USE OF DISCLOSED INFORMATION.—

“(i) DESIGNATED THIRD PARTIES.—Any return information received by a person described in subparagraph (B)(i)(I) shall be used only for the purposes of and to the extent necessary in—

“(I) performing the function such person is designated to perform under such subparagraph,

“(II) facilitating disclosures authorized under subparagraph (A) to persons described in subparagraph (B)(i)(II), and

“(III) facilitating disclosures authorized under subsection (d) to participants in such information sharing and analysis center.

“(ii) RETURN PREPARERS.—Any return information received by a person described in subparagraph (B)(i)(II) shall be treated for purposes of section 7216 as information furnished to such person for, or in connection with, the preparation of a return of the tax imposed under chapter 1.

“(E) DATA PROTECTION AND SAFEGUARDS.—Return information disclosed under this paragraph shall be subject to such protections and safeguards as the Secretary may require in regulations or other guidance or in the written agreement referred to in subparagraph (B)(ii). Such written agreement shall include a requirement that any unauthorized access to information disclosed under this paragraph, and any breach of any system in which such information is held, be reported to the Treasury Inspector General for Tax Administration.”.

(2) APPLICATION OF CIVIL AND CRIMINAL PENALTIES.—

(A) Section 6103(a)(3), as amended by this Act, is amended by striking “or (13)” and inserting “, (13), or (14)”. 26 USC 6103.

(B) Section 7213(a)(2), as amended by this Act, is amended by striking “or (13)” and inserting “, (13), or (14)”.

SEC. 2004. COMPLIANCE BY CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.

(a) IN GENERAL.—Section 6103(p) is amended by adding at the end the following new paragraph:

“(9) DISCLOSURE TO CONTRACTORS AND OTHER AGENTS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor or other agent of a Federal, State, or local agency unless such agency, to the satisfaction of the Secretary—

“(A) has requirements in effect which require each such contractor or other agent which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

Review.
Time period.

“(B) agrees to conduct an on-site review every 3 years (or a mid-point review in the case of contracts or agreements of less than 3 years in duration) of each contractor or other agent to determine compliance with such requirements,

“(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

Certification.

“(D) certifies to the Secretary for the most recent annual period that such contractor or other agent is in compliance with all such requirements.

The certification required by subparagraph (D) shall include the name and address of each contractor or other agent, a description of the contract or agreement with such contractor or other agent, and the duration of such contract or agreement. The requirements of this paragraph shall not apply to disclosures pursuant to subsection (n) for purposes of Federal tax administration.”.

26 USC 6103.

(b) CONFORMING AMENDMENT.—Section 6103(p)(8)(B) is amended by inserting “or paragraph (9)” after “subparagraph (A)”.

26 USC 6103
note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made after December 31, 2022.

26 USC 6109
note.

SEC. 2005. IDENTITY PROTECTION PERSONAL IDENTIFICATION NUMBERS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Treasury or the Secretary’s delegate (hereafter referred to in this section as the “Secretary”) shall establish a program to issue, upon the request of any individual, a number which may be used in connection with such individual’s social security number (or other identifying information with respect to such individual as determined by the Secretary) to assist the Secretary in verifying such individual’s identity.

(b) REQUIREMENTS.—

(1) ANNUAL EXPANSION.—For each calendar year beginning after the date of the enactment of this Act, the Secretary shall provide numbers through the program described in subsection (a) to individuals residing in such States as the Secretary deems appropriate, provided that the total number of States served by such program during such year is greater than the total number of States served by such program during the preceding year.

Deadline.

(2) NATIONWIDE AVAILABILITY.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall ensure that the program described in subsection (a) is made available to any individual residing in the United States.

26 USC 7529
note.

SEC. 2006. SINGLE POINT OF CONTACT FOR TAX-RELATED IDENTITY THEFT VICTIMS.

Procedures.

(a) IN GENERAL.—The Secretary of the Treasury (or the Secretary’s delegate) shall establish and implement procedures to ensure that any taxpayer whose return has been delayed or otherwise adversely affected due to tax-related identity theft has a single point of contact at the Internal Revenue Service throughout the processing of the taxpayer’s case. The single point of contact shall track the taxpayer’s case to completion and coordinate with other Internal Revenue Service employees to resolve case issues as quickly as possible.

Coordination.

(b) SINGLE POINT OF CONTACT.—

(1) IN GENERAL.—For purposes of subsection (a), the single point of contact shall consist of a team or subset of specially trained employees who—

(A) have the ability to work across functions to resolve the issues involved in the taxpayer’s case; and

(B) shall be accountable for handling the case until its resolution.

(2) TEAM OR SUBSET.—The employees included within the team or subset described in paragraph (1) may change as required to meet the needs of the Internal Revenue Service, provided that procedures have been established to—

Procedures.

(A) ensure continuity of records and case history; and

(B) notify the taxpayer when appropriate.

Notification.

SEC. 2007. NOTIFICATION OF SUSPECTED IDENTITY THEFT.

(a) IN GENERAL.—Chapter 77 is amended by adding at the end the following new section:

“SEC. 7529. NOTIFICATION OF SUSPECTED IDENTITY THEFT.

26 USC 7529.

“(a) IN GENERAL.—If the Secretary determines that there has been or may have been an unauthorized use of the identity of any individual, the Secretary shall, without jeopardizing an investigation relating to tax administration—

Determination.

“(1) as soon as practicable—

“(A) notify the individual of such determination,

“(B) provide instructions on how to file a report with law enforcement regarding the unauthorized use,

“(C) identify any steps to be taken by the individual to permit law enforcement to access personal information of the individual during the investigation,

“(D) provide information regarding actions the individual may take in order to protect the individual from harm relating to the unauthorized use, and

“(E) offer identity protection measures to the individual, such as the use of an identity protection personal identification number, and

“(2) at the time the information described in paragraph (1) is provided (or, if not available at such time, as soon as practicable thereafter), issue additional notifications to such individual (or such individual’s designee) regarding—

“(A) whether an investigation has been initiated in regards to such unauthorized use,

“(B) whether the investigation substantiated an unauthorized use of the identity of the individual, and

“(C) whether—

“(i) any action has been taken against a person relating to such unauthorized use, or

“(ii) any referral has been made for criminal prosecution of such person and, to the extent such information is available, whether such person has been criminally charged by indictment or information.

“(b) EMPLOYMENT-RELATED IDENTITY THEFT.—

“(1) IN GENERAL.—For purposes of this section, the unauthorized use of the identity of an individual includes the unauthorized use of the identity of the individual to obtain employment.

Review.	<p>“(2) DETERMINATION OF EMPLOYMENT-RELATED IDENTITY THEFT.—For purposes of this section, in making a determination as to whether there has been or may have been an unauthorized use of the identity of an individual to obtain employment, the Secretary shall review any information—</p> <p>“(A) obtained from a statement described in section 6051 or an information return relating to compensation for services rendered other than as an employee, or</p> <p>“(B) provided to the Internal Revenue Service by the Social Security Administration regarding any statement described in section 6051,</p> <p>which indicates that the social security account number provided on such statement or information return does not correspond with the name provided on such statement or information return or the name on the tax return reporting the income which is included on such statement or information return.”.</p> <p>(b) ADDITIONAL MEASURES.—</p>
26 USC 7529 note.	<p>(1) EXAMINATION OF BOTH PAPER AND ELECTRONIC STATEMENTS AND RETURNS.—The Secretary of the Treasury (or the Secretary’s delegate) shall examine the statements, information returns, and tax returns described in section 7529(b)(2) of the Internal Revenue Code of 1986 (as added by subsection (a)) for any evidence of employment-related identity theft, regardless of whether such statements or returns are submitted electronically or on paper.</p> <p>(2) IMPROVEMENT OF EFFECTIVE RETURN PROCESSING PROGRAM WITH SOCIAL SECURITY ADMINISTRATION.—Section 232 of the Social Security Act (42 U.S.C. 432) is amended by inserting after the third sentence the following: “For purposes of carrying out the return processing program described in the preceding sentence, the Commissioner of Social Security shall request, not less than annually, such information described in section 7529(b)(2) of the Internal Revenue Code of 1986 as may be necessary to ensure the accuracy of the records maintained by the Commissioner of Social Security related to the amounts of wages paid to, and the amounts of self-employment income derived by, individuals.”.</p>
Procedures. 26 USC 7529 note.	<p>(3) UNDERREPORTING OF INCOME.—The Secretary of the Treasury (or the Secretary’s delegate) shall establish procedures to ensure that income reported in connection with the unauthorized use of a taxpayer’s identity is not taken into account in determining any penalty for underreporting of income by the victim of identity theft.</p>
26 USC prec. 7501.	<p>(c) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new item:</p> <p>“Sec. 7529. Notification of suspected identity theft.”.</p>
Applicability. Determinations. Time period. 26 USC 7529 note. 26 USC 7529 note. Deadline. Consultation. Public information.	<p>(d) EFFECTIVE DATE.—The amendments made by this section shall apply to determinations made after the date that is 6 months after the date of the enactment of this Act.</p> <p>SEC. 2008. GUIDELINES FOR STOLEN IDENTITY REFUND FRAUD CASES.</p> <p>(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury (or the Secretary’s delegate), in consultation with the National Taxpayer Advocate, shall develop and implement publicly available guidelines for management of cases involving stolen identity refund fraud</p>

in a manner that reduces the administrative burden on taxpayers who are victims of such fraud.

(b) **STANDARDS AND PROCEDURES TO BE CONSIDERED.**—The guidelines described in subsection (a) may include—

(1) standards for—

(A) the average length of time in which a case involving stolen identity refund fraud should be resolved;

(B) the maximum length of time, on average, a taxpayer who is a victim of stolen identity refund fraud and is entitled to a tax refund which has been stolen should have to wait to receive such refund; and

(C) the maximum number of offices and employees within the Internal Revenue Service with whom a taxpayer who is a victim of stolen identity refund fraud should be required to interact in order to resolve a case;

(2) standards for opening, assigning, reassigning, or closing a case involving stolen identity refund fraud; and

(3) procedures for implementing and accomplishing the standards described in paragraphs (1) and (2), and measures for evaluating such procedures and determining whether such standards have been successfully implemented.

SEC. 2009. INCREASED PENALTY FOR IMPROPER DISCLOSURE OR USE OF INFORMATION BY PREPARERS OF RETURNS.

(a) **IN GENERAL.**—Section 6713 is amended—

26 USC 6713.

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection:

“(b) **ENHANCED PENALTY FOR IMPROPER USE OR DISCLOSURE RELATING TO IDENTITY THEFT.**—

“(1) **IN GENERAL.**—In the case of a disclosure or use described in subsection (a) that is made in connection with a crime relating to the misappropriation of another person’s taxpayer identity (as defined in section 6103(b)(6)), whether or not such crime involves any tax filing, subsection (a) shall be applied—

“(A) by substituting ‘\$1,000’ for ‘\$250’, and

“(B) by substituting ‘\$50,000’ for ‘\$10,000’.

“(2) **SEPARATE APPLICATION OF TOTAL PENALTY LIMITATION.**—The limitation on the total amount of the penalty under subsection (a) shall be applied separately with respect to disclosures or uses to which this subsection applies and to which it does not apply.”.

(b) **CRIMINAL PENALTY.**—Section 7216(a) is amended by striking “\$1,000” and inserting “\$1,000 (\$100,000 in the case of a disclosure or use to which section 6713(b) applies)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to disclosures or uses on or after the date of the enactment of this Act.

26 USC 6713
note.

Subtitle B—Development of Information Technology

SEC. 2101. MANAGEMENT OF INTERNAL REVENUE SERVICE INFORMATION TECHNOLOGY.

26 USC 7803. (a) DUTIES AND RESPONSIBILITIES OF INTERNAL REVENUE SERVICE CHIEF INFORMATION OFFICER.—Section 7803, as amended by section 1001, is amended by adding at the end the following new subsection:

“(f) INTERNAL REVENUE SERVICE CHIEF INFORMATION OFFICER.—

Appointment. “(1) IN GENERAL.—There shall be in the Internal Revenue Service an Internal Revenue Service Chief Information Officer (hereafter referred to in this subsection as the ‘IRS CIO’) who shall be appointed by the Commissioner of Internal Revenue.

“(2) CENTRALIZED RESPONSIBILITY FOR INTERNAL REVENUE SERVICE INFORMATION TECHNOLOGY.—The Commissioner of Internal Revenue (and the Secretary) shall act through the IRS CIO with respect to all development, implementation, and maintenance of information technology for the Internal Revenue Service. Any reference in this subsection to the IRS CIO which directs the IRS CIO to take any action, or to assume any responsibility, shall be treated as a reference to the Commissioner of Internal Revenue acting through the IRS CIO.

“(3) GENERAL DUTIES AND RESPONSIBILITIES.—The IRS CIO shall—

“(A) be responsible for the development, implementation, and maintenance of information technology for the Internal Revenue Service,

“(B) ensure that the information technology of the Internal Revenue Service is secure and integrated,

“(C) maintain operational control of all information technology for the Internal Revenue Service,

“(D) be the principal advocate for the information technology needs of the Internal Revenue Service, and

Consultation. “(E) consult with the Chief Procurement Officer of the Internal Revenue Service to ensure that the information technology acquired for the Internal Revenue Service is consistent with—

“(i) the goals and requirements specified in subparagraphs (A) through (D), and

“(ii) the strategic plan developed under paragraph

(4).

“(4) STRATEGIC PLAN.—

“(A) IN GENERAL.—The IRS CIO shall develop and implement a multiyear strategic plan for the information technology needs of the Internal Revenue Service. Such plan shall—

“(i) include performance measurements of such technology and of the implementation of such plan,

“(ii) include a plan for an integrated enterprise architecture of the information technology of the Internal Revenue Service,

“(iii) include and take into account the resources needed to accomplish such plan,

“(iv) take into account planned major acquisitions of information technology by the Internal Revenue Service, and

“(v) align with the needs and strategic plan of the Internal Revenue Service.

“(B) PLAN UPDATES.—The IRS CIO shall, not less frequently than annually, review and update the strategic plan under subparagraph (A) (including the plan for an integrated enterprise architecture described in subparagraph (A)(ii)) to take into account the development of new information technology and the needs of the Internal Revenue Service.

Time period.
Review.

“(5) SCOPE OF AUTHORITY.—

“(A) INFORMATION TECHNOLOGY.—For purposes of this subsection, the term ‘information technology’ has the meaning given such term by section 11101 of title 40, United States Code.

Definition.

“(B) INTERNAL REVENUE SERVICE.—Any reference in this subsection to the Internal Revenue Service includes a reference to all components of the Internal Revenue Service, including—

“(i) the Office of the Taxpayer Advocate,

“(ii) the Criminal Investigation Division of the Internal Revenue Service, and

“(iii) except as otherwise provided by the Secretary with respect to information technology related to matters described in subsection (b)(3)(B), the Office of the Chief Counsel.”.

(b) INDEPENDENT VERIFICATION AND VALIDATION OF THE CUSTOMER ACCOUNT DATA ENGINE 2 AND ENTERPRISE CASE MANAGEMENT SYSTEM.—

(1) IN GENERAL.—The Commissioner of Internal Revenue shall enter into a contract with an independent reviewer to verify and validate the implementation plans (including the performance milestones and cost estimates included in such plans) developed for the Customer Account Data Engine 2 and the Enterprise Case Management System.

Contracts.

(2) DEADLINE FOR COMPLETION.—Such contract shall require that such verification and validation be completed not later than the date which is 1 year after the date of the enactment of this Act.

(3) APPLICATION TO PHASES OF CADE 2.—

(A) IN GENERAL.—Paragraphs (1) and (2) shall not apply to phase 1 of the Customer Account Data Engine 2 and shall apply separately to each other phase.

(B) DEADLINE FOR COMPLETING PLANS.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Internal Revenue shall complete the development of plans for all phases of the Customer Account Data Engine 2.

(C) DEADLINE FOR COMPLETION OF VERIFICATION AND VALIDATION OF PLANS.—In the case of any phase after phase 2 of the Customer Account Data Engine 2, paragraph (2) shall be applied by substituting “the date on which the plan for such phase was completed” for “the date of the enactment of this Act”.

26 USC 7803 note.	(c) COORDINATION OF IRS CIO AND CHIEF PROCUREMENT OFFICER OF THE INTERNAL REVENUE SERVICE.—
	(1) IN GENERAL.—The Chief Procurement Officer of the Internal Revenue Service shall—
Notification.	(A) identify all significant IRS information technology acquisitions and provide written notification to the Internal Revenue Service Chief Information Officer (hereafter referred to in this subsection as the “IRS CIO”) of each such acquisition in advance of such acquisition, and
Consultation.	(B) regularly consult with the IRS CIO regarding acquisitions of information technology for the Internal Revenue Service, including meeting with the IRS CIO regarding such acquisitions upon request.
Definition.	(2) SIGNIFICANT IRS INFORMATION TECHNOLOGY ACQUISITIONS.—For purposes of this subsection, the term “significant IRS information technology acquisitions” means—
	(A) any acquisition of information technology for the Internal Revenue Service in excess of \$1 million; and
	(B) such other acquisitions of information technology for the Internal Revenue Service (or categories of such acquisitions) as the IRS CIO, in consultation with the Chief Procurement Officer of the Internal Revenue Service, may identify.
	(3) SCOPE.—Terms used in this subsection which are also used in section 7803(f) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall have the same meaning as when used in such section.
26 USC 6011 note. Deadline.	SEC. 2102. INTERNET PLATFORM FOR FORM 1099 FILINGS.
	(a) IN GENERAL.—Not later than January 1, 2023, the Secretary of the Treasury or the Secretary’s delegate (hereafter referred to in this section as the “Secretary”) shall make available an internet website or other electronic media, with a user interface and functionality similar to the Business Services Online Suite of Services provided by the Social Security Administration, that provides access to resources and guidance provided by the Internal Revenue Service and allows persons to—
	(1) prepare and file Forms 1099;
	(2) prepare Forms 1099 for distribution to recipients other than the Internal Revenue Service; and
	(3) maintain a record of completed, filed, and distributed Forms 1099.
	(b) ELECTRONIC SERVICES TREATED AS SUPPLEMENTAL; APPLICATION OF SECURITY STANDARDS.—The Secretary shall ensure that the services described in subsection (a)—
	(1) are a supplement to, and not a replacement for, other services provided by the Internal Revenue Service to taxpayers; and
Compliance.	(2) comply with applicable security standards and guidelines.
	SEC. 2103. STREAMLINED CRITICAL PAY AUTHORITY FOR INFORMATION TECHNOLOGY POSITIONS.
	(a) IN GENERAL.—Subchapter A of chapter 80 is amended by adding at the end the following new section:

“SEC. 7812. STREAMLINED CRITICAL PAY AUTHORITY FOR INFORMATION TECHNOLOGY POSITIONS.Applicability.
26 USC 7812.

“In the case of any position which is critical to the functionality of the information technology operations of the Internal Revenue Service—

“(1) section 9503 of title 5, United States Code, shall be applied—

“(A) by substituting ‘during the period beginning on the date of the enactment of section 7812 of the Internal Revenue Code of 1986, and ending on September 30, 2025’ for ‘Before September 30, 2013 in subsection (a)’,

“(B) without regard to subparagraph (B) of subsection (a)(1), and

“(C) by substituting ‘the date of the enactment of the Taxpayer First Act’ for ‘June 1, 1998’ in subsection (a)(6),

“(2) section 9504 of such title 5 shall be applied by substituting ‘During the period beginning on the date of the enactment of section 7812 of the Internal Revenue Code of 1986, and ending on September 30, 2025’ for ‘Before September 30, 2013’ each place it appears in subsections (a) and (b), and

“(3) section 9505 of such title shall be applied—

“(A) by substituting ‘During the period beginning on the date of the enactment of section 7812 of the Internal Revenue Code of 1986, and ending on September 30, 2025’ for ‘Before September 30, 2013’ in subsection (a), and

“(B) by substituting ‘the information technology operations’ for ‘significant functions’ in subsection (a).”.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 80 is amended by adding at the end the following new item:

26 USC
prec. 7801.

“Sec. 7812. Streamlined critical pay authority for information technology positions.”.

Subtitle C—Modernization of Consent-Based Income Verification System

SEC. 2201. DISCLOSURE OF TAXPAYER INFORMATION FOR THIRD-PARTY INCOME VERIFICATION.26 USC 6103
note.

(a) IN GENERAL.—Not later than 1 year after the close of the 2-year period described in subsection (d)(1), the Secretary of the Treasury or the Secretary’s delegate (hereafter referred to in this section as the “Secretary”) shall implement a program to ensure that any qualified disclosure—

Deadline.

(1) is fully automated and accomplished through the internet; and

(2) is accomplished in as close to real-time as is practicable.

(b) QUALIFIED DISCLOSURE.—For purposes of this section, the term “qualified disclosure” means a disclosure under section 6103(c) of the Internal Revenue Code of 1986 of returns or return information by the Secretary to a person seeking to verify the income or creditworthiness of a taxpayer who is a borrower in the process of a loan application.

Definition.

(c) APPLICATION OF SECURITY STANDARDS.—The Secretary shall ensure that the program described in subsection (a) complies with applicable security standards and guidelines.

Compliance.

Time period.	<p>(d) USER FEE.—</p> <p>(1) IN GENERAL.—During the 2-year period beginning on the first day of the sixth calendar month beginning after the date of the enactment of this Act, the Secretary shall assess and collect a fee for qualified disclosures (in addition to any other fee assessed and collected for such disclosures) at such rates as the Secretary determines are sufficient to cover the costs related to implementing the program described in subsection (a), including the costs of any necessary infrastructure or technology.</p> <p>(2) DEPOSIT OF COLLECTIONS.—Amounts received from fees assessed and collected under paragraph (1) shall be deposited in, and credited to, an account solely for the purpose of carrying out the activities described in subsection (a). Such amounts shall be available to carry out such activities without need of further appropriation and without fiscal year limitation.</p>
26 USC 6103.	<p>SEC. 2202. LIMIT REDISCLOSURES AND USES OF CONSENT-BASED DISCLOSURES OF TAX RETURN INFORMATION.</p> <p>(a) IN GENERAL.—Section 6103(c) is amended by adding at the end the following: “Persons designated by the taxpayer under this subsection to receive return information shall not use the information for any purpose other than the express purpose for which consent was granted and shall not disclose return information to any other person without the express permission of, or request by, the taxpayer.”.</p>
Applicability. Time period. 26 USC 6103 note.	<p>(b) APPLICATION OF PENALTIES.—Section 6103(a)(3) is amended by inserting “subsection (c),” after “return information under”.</p> <p>(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made after the date which is 180 days after the date of the enactment of this Act.</p>

Subtitle D—Expanded Use of Electronic Systems

SEC. 2301. ELECTRONIC FILING OF RETURNS.

- (a) **IN GENERAL.**—Section 6011(e)(2)(A) is amended by striking “250” and inserting “the applicable number of”.
- (b) **APPLICABLE NUMBER.**—Section 6011(e) is amended by striking paragraph (5) and inserting the following new paragraphs:
- “(5) **APPLICABLE NUMBER.**—
- “(A) **IN GENERAL.**—For purposes of paragraph (2)(A), the applicable number shall be—
- “(i) except as provided in subparagraph (B), in the case of calendar years before 2021, 250,
- “(ii) in the case of calendar year 2021, 100, and
- “(iii) in the case of calendar years after 2021, 10.
- “(B) **SPECIAL RULE FOR PARTNERSHIPS FOR 2018, 2019, 2020, AND 2021.**—In the case of a partnership, for any calendar year before 2022, the applicable number shall be—
- “(i) in the case of calendar year 2018, 200,
- “(ii) in the case of calendar year 2019, 150,
- “(iii) in the case of calendar year 2020, 100, and
- “(iv) in the case of calendar year 2021, 50.
- “(6) **PARTNERSHIPS REQUIRED TO FILE ON MAGNETIC MEDIA.**—Notwithstanding paragraph (2)(A), the Secretary shall

require partnerships having more than 100 partners to file returns on magnetic media.”.

(c) RETURNS FILED BY A TAX RETURN PREPARER.—Section 6011(e)(3) is amended by adding at the end the following new subparagraph:

“(D) EXCEPTION FOR CERTAIN PREPARERS LOCATED IN AREAS WITHOUT INTERNET ACCESS.—The Secretary may waive the requirement of subparagraph (A) if the Secretary determines, on the basis of an application by the tax return preparer, that the preparer cannot meet such requirement by reason of being located in a geographic area which does not have access to internet service (other than dial-up or satellite service).”.

Waiver authority.
Determination.

(d) CONFORMING AMENDMENT.—Section 6724(c) is amended by striking “250 information returns (more than 100 information returns in the case of a partnership having more than 100 partners)” and inserting “the applicable number (determined under section 6011(e)(5) with respect to the calendar year to which such returns relate) of information returns”.

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

26 USC 6011
note.

SEC. 2302. UNIFORM STANDARDS FOR THE USE OF ELECTRONIC SIGNATURES FOR DISCLOSURE AUTHORIZATIONS TO, AND OTHER AUTHORIZATIONS OF, PRACTITIONERS.

Section 6061(b)(3) is amended to read as follows:

“(3) PUBLISHED GUIDANCE.—

“(A) IN GENERAL.—The Secretary shall publish guidance as appropriate to define and implement any waiver of the signature requirements or any method adopted under paragraph (1).

“(B) ELECTRONIC SIGNATURES FOR DISCLOSURE AUTHORIZATIONS TO, AND OTHER AUTHORIZATIONS OF, PRACTITIONERS.—Not later than 6 months after the date of the enactment of this subparagraph, the Secretary shall publish guidance to establish uniform standards and procedures for the acceptance of taxpayers’ signatures appearing in electronic form with respect to any request for disclosure of a taxpayer’s return or return information under section 6103(c) to a practitioner or any power of attorney granted by a taxpayer to a practitioner.

Deadline.
Procedures.

“(C) PRACTITIONER.—For purposes of subparagraph (B), the term ‘practitioner’ means any individual in good standing who is regulated under section 330 of title 31, United States Code.”.

Definition.

SEC. 2303. PAYMENT OF TAXES BY DEBIT AND CREDIT CARDS.

Section 6311(d)(2) is amended by adding at the end the following: “The preceding sentence shall not apply to the extent that the Secretary ensures that any such fee or other consideration is fully recouped by the Secretary in the form of fees paid to the Secretary by persons paying taxes imposed under subtitle A with credit, debit, or charge cards pursuant to such contract. Notwithstanding the preceding sentence, the Secretary shall seek to minimize the amount of any fee or other consideration that the Secretary pays under any such contract.”.

26 USC 6011
note.

SEC. 2304. AUTHENTICATION OF USERS OF ELECTRONIC SERVICES ACCOUNTS.

Effective date.
Time period.

Beginning 180 days after the date of the enactment of this Act, the Secretary of the Treasury (or the Secretary's delegate) shall verify the identity of any individual opening an e-Services account with the Internal Revenue Service before such individual is able to use the e-Services tools.

Subtitle E—Other Provisions

SEC. 2401. REPEAL OF PROVISION REGARDING CERTAIN TAX COMPLIANCE PROCEDURES AND REPORTS.

Section 2004 of the Internal Revenue Service Restructuring and Reform Act of 1998 (26 U.S.C. 6012 note) is repealed.

SEC. 2402. COMPREHENSIVE TRAINING STRATEGY.

Deadline.
Reports.
Plans.

Not later than 1 year after the date of the enactment of this Act, the Commissioner of Internal Revenue shall submit to Congress a written report providing a comprehensive training strategy for employees of the Internal Revenue Service, including—

Assessment.

(1) a plan to streamline current training processes, including an assessment of the utility of further consolidating internal training programs, technology, and funding;

(2) a plan to develop annual training regarding taxpayer rights, including the role of the Office of the Taxpayer Advocate, for employees that interface with taxpayers and the direct managers of such employees;

Proposals.

(3) a plan to improve technology-based training;

(4) proposals to—

(A) focus employee training on early, fair, and efficient resolution of taxpayer disputes for employees that interface with taxpayers and the direct managers of such employees; and

(B) ensure consistency of skill development and employee evaluation throughout the Internal Revenue Service; and

Assessment.

(5) a thorough assessment of the funding necessary to implement such strategy.

TITLE III—MISCELLANEOUS PROVISIONS

Subtitle A—Reform of Laws Governing Internal Revenue Service Employees

SEC. 3001. PROHIBITION ON REHIRING ANY EMPLOYEE OF THE INTERNAL REVENUE SERVICE WHO WAS INVOLUNTARILY SEPARATED FROM SERVICE FOR MISCONDUCT.

26 USC 7804.

(a) IN GENERAL.—Section 7804 is amended by adding at the end the following new subsection:

“(d) PROHIBITION ON REHIRING EMPLOYEES INVOLUNTARILY SEPARATED.—The Commissioner may not hire any individual previously employed by the Commissioner who was removed for misconduct under this subchapter or chapter 43 or chapter 75 of

title 5, United States Code, or whose employment was terminated under section 1203 of the Internal Revenue Service Restructuring and Reform Act of 1998 (26 U.S.C. 7804 note).”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to the hiring of employees after the date of the enactment of this Act.

26 USC 7804
note.

SEC. 3002. NOTIFICATION OF UNAUTHORIZED INSPECTION OR DISCLOSURE OF RETURNS AND RETURN INFORMATION.

Determinations.

(a) **IN GENERAL.**—Subsection (e) of section 7431 is amended by adding at the end the following new sentences: “The Secretary shall also notify such taxpayer if the Internal Revenue Service or a Federal or State agency (upon notice to the Secretary by such Federal or State agency) proposes an administrative determination as to disciplinary or adverse action against an employee arising from the employee’s unauthorized inspection or disclosure of the taxpayer’s return or return information. The notice described in this subsection shall include the date of the unauthorized inspection or disclosure and the rights of the taxpayer under such administrative determination.”.

26 USC 7431.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to determinations proposed after the date which is 180 days after the date of the enactment of this Act.

Applicability.
Time period.
26 USC 7431
note.

Subtitle B—Provisions Relating to Exempt Organizations

SEC. 3101. MANDATORY E-FILING BY EXEMPT ORGANIZATIONS.

(a) **IN GENERAL.**—Section 6033 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) **MANDATORY ELECTRONIC FILING.**—Any organization required to file a return under this section shall file such return in electronic form.”.

(b) **OTHER REPORTS AND RETURNS.**—

(1) **POLITICAL ORGANIZATIONS.**—Section 527(j)(7) is amended by striking “if the organization has” and all that follows through “such calendar year”.

(2) **UNRELATED BUSINESS INCOME TAX RETURNS.**—Section 6011 is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

“(h) **MANDATORY E-FILING OF UNRELATED BUSINESS INCOME TAX RETURN.**—Any organization required to file an annual return under this section which relates to any tax imposed by section 511 shall file such return in electronic form.”.

(c) **INSPECTION OF ELECTRONICALLY FILED ANNUAL RETURNS.**—Section 6104(b) is amended by adding at the end the following: “Any annual return required to be filed electronically under section 6033(n) shall be made available by the Secretary to the public as soon as practicable in a machine readable format.”.

(d) **EFFECTIVE DATE.**—

26 USC 527 note.

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) **TRANSITIONAL RELIEF.**—

Determination. Time period.	<p>(A) SMALL ORGANIZATIONS.—</p> <p>(i) IN GENERAL.—In the case of any small organizations, or any other organizations for which the Secretary of the Treasury or the Secretary’s delegate (hereafter referred to in this paragraph as the “Secretary”) determines the application of the amendments made by this section would cause undue burden without a delay, the Secretary may delay the application of such amendments, but such delay shall not apply to any taxable year beginning on or after the date that is 2 years after the enactment of this Act.</p>
Definition.	<p>(ii) SMALL ORGANIZATION.—For purposes of clause (i), the term “small organization” means any organization—</p> <p>(I) the gross receipts of which for the taxable year are less than \$200,000; and</p> <p>(II) the aggregate gross assets of which at the end of the taxable year are less than \$500,000.</p>
Time period.	<p>(B) ORGANIZATIONS FILING FORM 990–T.—In the case of any organization described in section 511(a)(2) of the Internal Revenue Code of 1986 which is subject to the tax imposed by section 511(a)(1) of such Code on its unrelated business taxable income, or any organization required to file a return under section 6033 of such Code and include information under subsection (e) thereof, the Secretary may delay the application of the amendments made by this section, but such delay shall not apply to any taxable year beginning on or after the date that is 2 years after the enactment of this Act.</p>
	<p>SEC. 3102. NOTICE REQUIRED BEFORE REVOCATION OF TAX-EXEMPT STATUS FOR FAILURE TO FILE RETURN.</p>
26 USC 6033.	<p>(a) IN GENERAL.—Section 6033(j)(1) is amended by striking “If an organization” and inserting the following:</p>
Time period.	<p>“(A) NOTICE.—If an organization described in subsection (a)(1) or (i) fails to file the annual return or notice required under either subsection for 2 consecutive years, the Secretary shall notify the organization—</p> <p>“(i) that the Internal Revenue Service has no record of such a return or notice from such organization for 2 consecutive years, and</p> <p>“(ii) about the revocation that will occur under subparagraph (B) if the organization fails to file such a return or notice by the due date for the next such return or notice required to be filed.</p> <p>The notification under the preceding sentence shall include information about how to comply with the filing requirements under subsections (a)(1) and (i).</p>
Applicability. Time period. 26 USC 6033 note.	<p>“(B) REVOCATION.—If an organization”.</p> <p>(b) EFFECTIVE DATE.—The amendment made by this section shall apply to failures to file returns or notices for 2 consecutive years if the return or notice for the second year is required to be filed after December 31, 2019.</p>

Subtitle C—Revenue Provision

SEC. 3201. INCREASE IN PENALTY FOR FAILURE TO FILE.

- (a) IN GENERAL.—The second sentence of subsection (a) of section 6651 is amended by striking “\$205” and inserting “\$330”. 26 USC 6651.
- (b) INFLATION ADJUSTMENT.—Section 6651(j)(1) is amended—
- (1) by striking “2014” and inserting “2020”,
 - (2) by striking “\$205” and inserting “\$330”, and
 - (3) by striking “2013” and inserting “2019”.
- (c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after December 31, 2019. 26 USC 6651 note.

TITLE IV—BUDGETARY EFFECTS

SEC. 4001. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved July 1, 2019.

LEGISLATIVE HISTORY—H.R. 3151:

CONGRESSIONAL RECORD, Vol. 165 (2019):

June 10, considered and passed House.

June 13, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2019):

July 1, Presidential statement.

Public Law 116–26
116th Congress

An Act

July 1, 2019
[H.R. 3401]

Making emergency supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes.

Emergency
Supplemental
Appropriations
for Humanitarian
Assistance and
Security at the
Southern Border
Act, 2019.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2019, and for other purposes, namely:

TITLE I

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

For an additional amount for “Executive Office for Immigration Review”, \$65,000,000, of which \$45,000,000 shall be for the hiring of 30 additional Immigration Judge Teams, of which \$10,000,000 shall be used for the purchase or lease of immigration judge courtroom space and equipment, and of which \$10,000,000 shall be used only for services and activities provided by the Legal Orientation Program: *Provided*, That Immigration Judge Teams shall include appropriate attorneys, law clerks, paralegals, court administrators, and other support staff: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES MARSHALS SERVICE

FEDERAL PRISONER DETENTION

For an additional amount for “Federal Prisoner Detention”, for necessary expenses related to United States prisoners in the custody of the United States Marshals Service, to be used only as authorized by section 4013 of title 18, United States Code, \$155,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$92,800,000, for necessary expenses to respond to the significant rise in unaccompanied minors and family unit aliens at the southwest border and related activities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, \$13,025,000, for necessary expenses to respond to the significant rise in unaccompanied minors and family unit aliens at the southwest border and related activities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$18,000,000, for necessary expenses to respond to the significant rise in unaccompanied minors and family unit aliens at the southwest border and related activities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, \$21,024,000, for necessary expenses to respond to the significant rise in unaccompanied minors and family unit aliens at the southwest border and related activities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses to respond to the significant rise in aliens at the southwest border and related activities, \$1,015,431,000; of which \$819,950,000 shall be available until September 30, 2020:

Provided, That of the amounts provided under this heading, \$708,000,000 is for establishing and operating migrant care and processing facilities, \$111,950,000 is for consumables and medical care, \$35,000,000 is for transportation, \$110,481,000 is for temporary duty and overtime costs including reimbursements, and \$50,000,000 is for mission support data systems and analysis: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Procurement, Construction, and Improvements” for migrant care and processing facilities, \$85,000,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses to respond to the significant rise in aliens at the southwest border and related activities, \$208,945,000: *Provided*, That of the amounts provided under this heading, \$35,943,000 is for transportation of unaccompanied alien children, \$11,981,000 is for detainee transportation for medical needs, court proceedings, or relocation from U.S. Customs and Border Protection custody, \$20,000,000 is for alternatives to detention, \$45,000,000 is for detainee medical care, \$69,735,000 is for temporary duty, overtime, and other on-board personnel costs including reimbursements, \$5,000,000 is for the Office of Professional Responsibility for background investigations and facility inspections, and \$21,286,000 is for Homeland Security Investigations human trafficking investigations: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL EMERGENCY MANAGEMENT AGENCY

FEDERAL ASSISTANCE

For an additional amount for “Federal Assistance”, \$30,000,000, to remain available until September 30, 2020, for the emergency food and shelter program under title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.) for the purposes of providing assistance to aliens released from the custody of the Department of Homeland Security: *Provided*, That notwithstanding sections 315 and 316(b) of such Act, funds made available under this section shall be disbursed by the Emergency Food and Shelter Program National Board not later than 30 days after the date on which such funds become available: *Provided further*, That the

Deadline.

Emergency Food and Shelter Program National Board shall distribute such funds only to jurisdictions or local recipient organizations serving communities that have experienced a significant influx of such aliens: *Provided further*, That such funds may be used to reimburse such jurisdictions or local recipient organizations for costs incurred in providing services to such aliens on or after January 1, 2019: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Reimbursement.
Effective date.

GENERAL PROVISIONS—THIS TITLE

SEC. 301. Notwithstanding any other provision of law, funds made available under each heading in this title shall only be used for the purposes specifically described under that heading.

SEC. 302. Division A of the Consolidated Appropriations Act, 2019 (Public Law 116–6) is amended by adding after section 540 the following:

Ante, p. 44.

“SEC. 541. (a) Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall be applied—

6 USC 391 note.

“(1) In subsection (a), by substituting ‘September 30, 2019,’ for ‘September 30, 2017,’; and

“(2) In subsection (c)(1), by substituting ‘September 30, 2019,’ for ‘September 30, 2017’.

“(b) The Secretary of Homeland Security, under the authority of section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(a)), may carry out prototype projects under section 2371b of title 10, United States Code, and the Secretary shall perform the functions of the Secretary of Defense as prescribed.

“(c) The Secretary of Homeland Security under section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(d)) may use the definition of nontraditional government contractor as defined in section 2371b(e) of title 10, United States Code.”.

SEC. 303. None of the funds provided in this Act under “U.S. Customs and Border Protection—Operations and Support” for facilities shall be available until U.S. Customs and Border Protection establishes policies (via directive, procedures, guidance, and/or memorandum) and training programs to ensure that such facilities adhere to the National Standards on Transport, Escort, Detention, and Search, published in October of 2015: *Provided*, That not later than 90 days after the date of enactment of this Act, U.S. Customs and Border Protection shall provide a detailed report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on the Judiciary of the Senate, and the House Judiciary Committee regarding the establishment and implementation of such policies and training programs.

Policies.

Reports.

SEC. 304. No later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall provide a report on the number of U.S. Customs and Border Protection Officers assigned to northern border land ports of entry and temporarily assigned to the ongoing humanitarian crisis: *Provided*, That the report shall outline what resources and conditions would allow a return to northern border staffing levels that are no less than the number committed in the June 12, 2018 Department of Homeland Security Northern Border Strategy: *Provided further*, That the report shall include the number of officers temporarily assigned

Reports.

to the southwest border in response to the ongoing humanitarian crisis, the number of days the officers will be away from their northern border assignment, the northern border ports from which officers are being assigned to the southwest border, and efforts being made to limit the impact on operations at each northern border land port of entry where officers have been temporarily assigned to the southwest border.

SEC. 305. None of the funds appropriated or otherwise made available by this Act or division A of the Consolidated Appropriations Act, 2019 (Public Law 116–6) for the Department of Homeland Security may be used to relocate to the National Targeting Center the vetting of Trusted Traveler Program applications and operations currently carried out at existing locations unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 306. The personnel, supplies, or equipment of any component of the Department of Homeland Security may be deployed to support activities of the Department of Homeland Security related to the significant rise in aliens at the southwest border and related activities, and for the enforcement of immigration and customs laws, detention and removals of aliens crossing the border unlawfully, and investigations without reimbursement as jointly agreed by the detailing components.

TITLE IV

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for “Refugee and Entrant Assistance”, \$2,881,552,000, to be merged with and available for the same period as funds appropriated in Public Law 115–245 “for carrying out such sections 414, 501, 462, and 235”, which shall be available for any purpose funded under such heading in such law: *Provided*, That if any part of the reprogramming described in the notification submitted by the Secretary of Health and Human Services (the “Secretary”) to the Committees on Appropriations of the House of Representatives and the Senate on May 16, 2019 has been executed, such amounts provided by this Act as are necessary shall be used to reverse such reprogramming: *Provided further*, That amounts allocated by the Secretary for costs of leases of property that include facilities to be used as hard-sided dormitories for which the Secretary intends to seek State licensure for the care of unaccompanied alien children, and that are executed under authorities transferred to the Director of the Office of Refugee Resettlement (ORR) under section 462 of the Homeland Security Act of 2002, shall remain available until expended: *Provided further*, That ORR shall notify the Committees on Appropriations of the House of Representatives and the Senate within 72 hours of conducting a formal assessment of a facility for possible lease or acquisition and within 7 days of any acquisition or lease of real property: *Provided further*, That not less than \$866,000,000 of amounts provided under this heading shall be used for the provision of care in licensed shelters and for expanding the supply of shelters for which State licensure will be sought, of which not less than \$27,000,000 shall be available for the purposes of adding shelter

Notification.
Deadlines.
Assessment.

beds in State-licensed facilities in response to funding opportunity HHS–2017–ACF–ORR–ZU–1132, and of which not less than \$185,000,000 shall be available for expansion grants to add beds in State-licensed facilities and open new State-licensed facilities, and for contract costs to acquire, activate, and operate facilities that will include small- and medium-scale hard-sided facilities for which the Secretary intends to seek State licensure in an effort to phase out the need for shelter beds in unlicensed facilities: *Provided further*, That not less than \$100,000,000 of amounts provided under this heading shall be used for post-release services, child advocates, and legal services: *Provided further*, That not less than \$8,000,000 of amounts provided under this heading shall be used for the purposes of hiring additional Federal Field Specialists and for increasing case management and case coordination services, with the goal of more expeditiously placing unaccompanied alien children with sponsors and reducing the length of stay in ORR custody: *Provided further*, That not less than \$1,000,000 of amounts provided under this heading shall be used for the purposes of hiring project officers and program monitor staff dedicated to pursuing strategic improvements to the Unaccompanied Alien Children program and for the development of a discharge rate improvement plan which shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate within 120 days of enactment of this Act: *Provided further*, That of the amounts provided under this heading, \$5,000,000 shall be transferred to “Office of the Secretary—Office of Inspector General” and shall remain available until expended for oversight of activities supported with funds appropriated under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 401. The Secretary of Health and Human Services (the “Secretary”) shall prioritize use of community-based residential care (including long-term and transitional foster care and small group homes) and shelter care other than large-scale institutional shelter facilities to house unaccompanied alien children in its custody. The Secretary shall prioritize State-licensed and hard-sided dormitories.

SEC. 402. The Office of Refugee Resettlement shall ensure that its grantees and, to the greatest extent practicable, potential sponsors of unaccompanied alien children are aware of current law regarding the use of information collected as part of the sponsor suitability determination process.

SEC. 403. (a) None of the funds provided by this or any prior appropriations Act may be used to reverse changes in procedures made by operational directives issued to providers by the Office of Refugee Resettlement on December 18, 2018, March 23, 2019, and June 10, 2019 regarding the Memorandum of Agreement on Information Sharing executed April 13, 2018.

(b) Notwithstanding subsection (a), the Secretary may make changes to such operational directives upon making a determination that such changes are necessary to prevent unaccompanied alien children from being placed in danger, and the Secretary shall provide a written justification to Congress and the Inspector General

Determination.

	of the Department of Health and Human Services in advance of implementing such changes.
Deadline. Assessment.	(c) Within 15 days of the Secretary's communication of the justification, the Inspector General of the Department of Health and Human Services shall provide an assessment, in writing, to the Secretary and to Committees on Appropriations of the House of Representatives and the Senate of whether such changes to operational directives are necessary to prevent unaccompanied children from being placed in danger.
Determination.	SEC. 404. None of the funds made available in this Act under the heading "Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance" may be obligated to a grantee or contractor to house unaccompanied alien children (as such term is defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))) in any facility that is not State-licensed for the care of unaccompanied alien children, except in the case that the Secretary determines that housing unaccompanied alien children in such a facility is necessary on a temporary basis due to an influx of such children or an emergency, provided that—
Compliance.	(1) the terms of the grant or contract for the operations of any such facility that remains in operation for more than six consecutive months shall require compliance with— (A) the same requirements as licensed placements, as listed in Exhibit 1 of the Flores Settlement Agreement that the Secretary determines are applicable to non-State licensed facilities; and (B) staffing ratios of one (1) on-duty Youth Care Worker for every eight (8) children or youth during waking hours, one (1) on-duty Youth Care Worker for every sixteen (16) children or youth during sleeping hours, and clinician ratios to children (including mental health providers) as required in grantee cooperative agreements;
Waiver authority. Certification. Reports.	(2) the Secretary may grant a 60-day waiver for a contractor's or grantee's non-compliance with paragraph (1) if the Secretary certifies and provides a report to Congress on the contractor's or grantee's good-faith efforts and progress towards compliance; (3) not more than four consecutive waivers under paragraph (2) may be granted to a contractor or grantee with respect to a specific facility; (4) ORR shall ensure full adherence to the monitoring requirements set forth in section 5.5 of its Policies and Procedures Guide as of May 15, 2019;
Time period.	(5) for any such unlicensed facility in operation for more than three consecutive months, ORR shall conduct a minimum of one comprehensive monitoring visit during the first three months of operation, with quarterly monitoring visits thereafter; and
Deadline. Briefing.	(6) not later than 60 days after the date of enactment of this Act, ORR shall brief the Committees on Appropriations of the House of Representatives and the Senate outlining the requirements of ORR for influx facilities including any requirement listed in paragraph (1)(A) that the Secretary has determined are not applicable to non-State licensed facilities.

SEC. 405. In addition to the existing Congressional notification for formal site assessments of potential influx facilities, the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 15 days before operationalizing an unlicensed facility, and shall (1) specify whether the facility is hard-sided or soft-sided, and (2) provide analysis that indicates that, in the absence of the influx facility, the likely outcome is that unaccompanied alien children will remain in the custody of the Department of Homeland Security for longer than 72 hours or that unaccompanied alien children will be otherwise placed in danger. Within 60 days of bringing such a facility online, and monthly thereafter, the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report detailing the total number of children in care at the facility, the average length of stay and average length of care of children at the facility, and, for any child that has been at the facility for more than 60 days, their length of stay and reason for delay in release.

Notification.
Time periods.
Analysis.

Reports.

SEC. 406. (a) The Secretary shall ensure that, when feasible, no unaccompanied alien child is at an unlicensed facility if the child—

- (1) is not expected to be placed with a sponsor within 30 days;
- (2) is under the age of 13;
- (3) does not speak English or Spanish as his or her preferred language;
- (4) has known special needs, behavioral health issues, or medical issues that would be better served at an alternative facility;
- (5) is a pregnant or parenting teen; or
- (6) would have a diminution of legal services as a result of the transfer to such an unlicensed facility.

Time period.

(b) ORR shall notify a child's attorney of record in advance of any transfer, where applicable.

Notification.

SEC. 407. None of the funds made available in this Act may be used to prevent a United States Senator or Member of the House of Representatives from entering, for the purpose of conducting oversight, any facility in the United States used for the purpose of maintaining custody of, or otherwise housing, unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))), provided that such Senator or Member has coordinated the oversight visit with the Office of Refugee Resettlement not less than two business days in advance to ensure that such visit would not interfere with the operations (including child welfare and child safety operations) of such facility.

Time period.

SEC. 408. Not later than 14 days after the date of enactment of this Act, and monthly thereafter, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate, and make publicly available online, a report with respect to children who were separated from their parents or legal guardians by the Department of Homeland Security (DHS) (regardless of whether or not such separation was pursuant to an option selected by the children, parents, or guardians), subsequently classified as unaccompanied alien children, and transferred to the care and custody of ORR during the previous month. Each report shall contain the following information:

Public
information.
Reports.

(1) the number and ages of children so separated subsequent to apprehension at or between ports of entry, to be reported by sector where separation occurred; and

(2) the documented cause of separation, as reported by DHS when each child was referred.

SEC. 409. Funds made available in this Act under the heading “Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance” shall be subject to the authorities and conditions of section 224 of division A of the Consolidated Appropriations Act, 2019 (Public Law 116–6).

Deadline. Spend plan.	SEC. 410. Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed spend plan of anticipated uses of funds made available in this account, including the following: a list of existing grants and contracts for both permanent and influx facilities, including their costs, capacity, and timelines; costs for expanding capacity through the use of community-based residential care placements (including long-term and transitional foster care and small group homes) through new or modified grants and contracts; current and planned efforts to expand small-scale shelters and available foster care placements, including collaboration with state child welfare providers; influx facilities being assessed for possible use, costs and services to be provided for legal services, child advocates, and post release services; program administration; and the average number of weekly referrals and discharge rate assumed in the spend plan: <i>Provided</i> , That such plan shall be updated to reflect changes and expenditures and submitted to the Committees on Appropriations of the House of Representatives and the Senate every 60 days until all funds are expended or expired.
Lists.	
Costs.	
Time period.	

TITLE V

GENERAL PROVISIONS—THIS ACT

SEC. 501. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2019.

SEC. 504. Each amount designated in this Act by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 505. Any amount appropriated by this Act, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President,

and transferred pursuant to transfer authorities provided by this Act shall retain such designation.

SEC. 506. Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate on the number of asylum officers and immigration judges, including temporary immigration judges, and the corresponding number of support staff necessary—

Reports.

(1) to fairly and effectively make credible fear determinations with respect to individuals within family units and unaccompanied alien children;

(2) to ensure that the credible fear determination and asylum interview is completed not later than 20 days after the date on which a family unit is apprehended; and

(3) to fairly and effectively review appeals of credible fear determinations with respect to individuals within family units and unaccompanied alien children.

In addition, the report shall determine if there is any physical infrastructure such as hearing or courtroom space needed to achieve these goals.

Determination.

This Act may be cited as the “Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019”.

Approved July 1, 2019.

LEGISLATIVE HISTORY—H.R. 3401:

CONGRESSIONAL RECORD, Vol. 165 (2019):

June 25, considered and passed House.

June 26, considered and passed Senate, amended.

June 27, House concurred in Senate amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2019):

July 1, Presidential remarks.

Public Law 116–27
116th Congress

An Act

July 5, 2019
[H.R. 2940]

To extend the program of block grants to States for temporary assistance for needy families and related programs through September 30, 2019.

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

SECTION 1. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM AND RELATED PROGRAMS THROUGH SEPTEMBER 30, 2019.

Activities authorized by part A of title IV and section 1108(b) of the Social Security Act shall continue through September 30, 2019, in the manner authorized for fiscal year 2018, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

Approved July 5, 2019.

LEGISLATIVE HISTORY—H.R. 2940:

CONGRESSIONAL RECORD, Vol. 165 (2019):

June 3, considered and passed House.

June 27, considered and passed Senate.

Public Law 116–28
116th Congress

Joint Resolution

Requesting the Secretary of the Interior to authorize unique and one-time arrangements for displays on the National Mall and the Washington Monument during the period beginning on July 16, 2019 and ending on July 20, 2019.

July 5, 2019
[H.J. Res. 60]

Whereas Congress enacted the Act of August 12, 1946 (60 Stat. 997; ch. 955, 1), to establish a National Air Museum, later known as the Smithsonian’s National Air and Space Museum (NASM), to commemorate and memorialize the American story of human flight in the atmosphere and in outer space;

Whereas Congress enacted the Act of July 29, 1958 (commonly known as the National Aeronautics and Space Act) (72 Stat. 426–438; 42 U.S.C. 2451 et seq.), to declare a policy of peaceful space activities designed for the benefit of humankind and to establish the National Aeronautics and Space Administration (NASA);

Whereas in July of 1960, NASA announced the creation of the Apollo Program, the Nation’s first orchestrated initiative to ferry humankind out of Earth’s orbit and to the Moon;

Whereas on July 20, 1969, the Apollo 11 Mission succeeded in landing the spacecraft Eagle on the surface of the Moon, piloted by two American astronauts, the first humans to ever make landfall on another celestial body;

Whereas on July 20 and 21, 1969, those brave Americans became the first humans to set foot on the surface of the Moon, forever changing Earth’s relationship with the heavens;

Whereas this momentous event was watched in wonder by hundreds of millions of people back on Earth, including the hundreds of thousands of NASA civilian and military staff and partners who made the Apollo Program possible;

Whereas the Apollo Program continued through December of 1972 and spurred the greatest development of human scientific and technological understanding of any decade to that point, leading to advances in rocketry, spaceflight, avionics, telecommunications, and computers, on which the American public still relies today;

Whereas the National Air and Space Museum opened on the American Bicentennial in July 1976 as a birthday gift to the country in celebration of the Nation’s highest achievements, under the leadership and vision of Museum Director, NASA astronaut, and Apollo 11 Command Module Pilot Michael Collins;

Whereas NASA continues to pursue space exploration on behalf of the American people to increase humankind’s understanding of the heavens; and

Whereas the National Air and Space Museum continues to memorialize the history of American discovery and invention, and seeks to educate and inspire new generations of innovators and explorers to ensure that our future achievements in space are fully empowered by the achievements of the past: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

Time period.

(1) requests the Secretary of the Interior to authorize unique and one-time arrangements for the display of NASA and Smithsonian artifacts, digital content, film footage, and associated historic audio and imagery, in and around the vicinity of the National Mall, including projected onto the surface of the Washington Monument for five nights of public display during the period beginning on July 16, 2019 and ending on July 20, 2019; and

(2) respectfully requests that the Clerk of the House of Representatives transmit an enrolled copy of this resolution to the Secretary of the Smithsonian Institution and Director of the National Air and Space Museum.

Approved July 5, 2019.

LEGISLATIVE HISTORY—H.J. Res. 60:

CONGRESSIONAL RECORD, Vol. 165 (2019):

June 10, considered and passed House.

June 18, considered and passed Senate.

Public Law 116–29
116th Congress

An Act

To provide for a 2-week extension of the Medicaid community mental health services demonstration program, and for other purposes.

July 5, 2019

[S. 2047]

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

SECTION 1. EXTENSION OF THE MEDICAID COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.

Section 223(d)(3) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note) is amended by striking “June 30, 2019” and inserting “July 14, 2019”.

SEC. 2. MEDICAID IMPROVEMENT FUND.

Section 1941(b)(1) of the Social Security Act (42 U.S.C. 1396w–1(b)(1)) is amended by striking “\$6,000,000” and inserting “\$1,000,000”.

Approved July 5, 2019.

LEGISLATIVE HISTORY—S. 2047:

CONGRESSIONAL RECORD, Vol. 165 (2019):

June 27, considered and passed Senate.

June 28, considered and passed House.

Public Law 116–30
116th Congress

An Act

July 25, 2019

[H.R. 866]

Fairness For
Breastfeeding
Mothers Act
of 2019.
40 USC 101 note.

To provide a lactation room in public buildings.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fairness For Breastfeeding Mothers Act of 2019”.

SEC. 2. LACTATION ROOM IN PUBLIC BUILDINGS.

(a) LACTATION ROOM IN PUBLIC BUILDINGS.—Chapter 33 of title 40, United States Code, is amended by adding at the end the following new section:

40 USC 3318.

“§ 3318. Lactation room in public buildings

“(a) DEFINITIONS.—In this section:

“(1) APPROPRIATE AUTHORITY.—The term ‘appropriate authority’ means the head of a Federal agency, the Architect of the Capitol, or other official authority responsible for the operation of a public building.

“(2) COVERED PUBLIC BUILDING.—The term ‘covered public building’ means a public building (as defined in section 3301) that is open to the public and contains a public restroom, and includes a building listed in section 6301 or 5101.

“(3) LACTATION ROOM.—The term ‘lactation room’ means a hygienic place, other than a bathroom, that—

“(A) is shielded from view;

“(B) is free from intrusion; and

“(C) contains a chair, a working surface, and, if the public building is otherwise supplied with electricity, an electrical outlet.

“(b) LACTATION ROOM REQUIRED.—Except as provided in subsection (c), the appropriate authority of a covered public building shall ensure that the building contains a lactation room that is made available for use by members of the public to express breast milk.

“(c) EXCEPTIONS.—A covered public building may be excluded from the requirement in subsection (b) at the discretion of the appropriate authority if—

“(1) the public building—

“(A) does not contain a lactation room for employees who work in the building; and

“(B) does not have a room that could be repurposed as a lactation room or a space that could be made private using portable materials, at a reasonable cost; or

“(2) new construction would be required to create a lactation room in the public building and the cost of such construction is unfeasible.

“(d) NO UNAUTHORIZED ENTRY.—Nothing in this section shall be construed to authorize an individual to enter a public building or portion thereof that the individual is not otherwise authorized to enter.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 40, United States Code, is amended by inserting after the item related to section 3316 the following new item:

40 USC
prec. 3301.

“3318. Lactation room in public buildings.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

40 USC 3318
note.

Approved July 25, 2019.

LEGISLATIVE HISTORY—H.R. 866 (S. 528):

CONGRESSIONAL RECORD, Vol. 165 (2019):

Feb. 6, considered and passed House.

June 26, considered and passed Senate.

Public Law 116–31
116th Congress

An Act

July 25, 2019
[S. 744]

To amend section 175b of title 18, United States Code, to correct a scrivener’s error.

Effective
Prosecution of
Possession of
Biological Toxins
and Agents Act
of 2019.
18 USC 1 note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Effective Prosecution of Possession of Biological Toxins and Agents Act of 2019”.

SEC. 2. PROHIBITION ON THE POSSESSION OF BIOLOGICAL TOXINS AND AGENTS.

Section 175b of title 18, United States Code, is amended—
(1) in subsection (a)—

(A) by striking “(a)(1) No restricted” and all that follows through the end of paragraph (1) and inserting the following:

“(a) OFFENSE.—

“(1) IN GENERAL.—It shall be unlawful for a restricted person to—

“(A) ship, transport, or possess in or affecting interstate or foreign commerce any biological agent or toxin described in paragraph (2); or

“(B) receive any biological agent or toxin described in paragraph (2) that has been shipped or transported in interstate or foreign commerce.

“(2) AGENTS AND TOXINS COVERED.—A biological agent or toxin described in this paragraph is a biological agent or toxin that—

“(A) is listed as a non-overlap or overlap select biological agent or toxin under part 73 of title 42, Code of Federal Regulations, pursuant to section 351A of the Public Health Service Act (42 U.S.C. 262a); and

“(B) is not excluded or exempted under part 73 of title 42, Code of Federal Regulations.”; and

(B) by striking “(2) Whoever” and inserting “(3) PENALTY.—Whoever” and adjusting the margin accordingly; and

(2) in subsection (d), in the matter preceding paragraph (1), by inserting “DEFINITIONS.—” before “In this section:”.

Approved July 25, 2019.

LEGISLATIVE HISTORY—S. 744 (H.R. 1986):

HOUSE REPORTS: No. 116–141 (Comm. on the Judiciary) accompanying H.R. 1986.
CONGRESSIONAL RECORD, Vol. 165 (2019):

May 16, considered and passed Senate.
July 10, considered and passed House.

Public Law 116–32
116th Congress

An Act

July 25, 2019
[S. 998]

Supporting and
Treating Officers
In Crisis Act
of 2019.
34 USC 10101
note.

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand support for police officer family services, stress reduction, and suicide prevention, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Supporting and Treating Officers In Crisis Act of 2019”.

SEC. 2. EXPANDING SUPPORT FOR POLICE OFFICER FAMILY SERVICES, STRESS REDUCTION, AND SUICIDE PREVENTION.

Part W of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10491 et seq.) is amended—

(1) in the part heading, by striking “**FAMILY SUPPORT**” and inserting “**SUPPORT FOR LAW ENFORCEMENT OFFICERS AND FAMILIES**”;

(2) in section 2301 (34 U.S.C. 10491)—

(A) in paragraph (2), by inserting “, including any research and reports developed under the Law Enforcement Mental Health and Wellness Act of 2017 (Public Law 115–113; 131 Stat. 2276)” after “interested parties”; and

(B) in paragraph (4), by inserting “, psychological services, suicide prevention,” after “stress reduction”;

(3) in section 2302 (34 U.S.C. 10492), by inserting “and mental health services” after “family support services”; and

(4) in section 2303 (34 U.S.C. 10493)—

(A) in subsection (b)—

(i) in paragraph (1), by inserting “officers and” after “law enforcement”; and

(ii) by amending paragraph (4) to read as follows:
“(4) Evidence-based programs to reduce stress, prevent suicide, and promote mental health.”; and

(B) in subsection (c)—

(i) in paragraph (5), by inserting “, mental health crisis, and suicide prevention” after “family crisis”;

(ii) in paragraph (6), by striking “the human immunodeficiency virus” and inserting “infectious disease”;

(iii) in paragraph (8), by inserting “, injured, or permanently disabled” after “killed”; and

(iv) by striking paragraph (10) and inserting the following:

“(10) Specialized training for identifying, reporting, and responding to officer mental health crises and suicide.

“(11) Technical assistance and training to support any or all of the services described in paragraphs (1) through (10).”.

SEC. 3. REAUTHORIZING GRANT PROGRAMS FOR SUPPORTING LAW ENFORCEMENT OFFICERS AND FAMILIES.

Section 1001(a)(21) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)(21)) is amended to read as follows:

“(21) There are authorized to be appropriated to carry out part W, \$7,500,000 for each of fiscal years 2020 through 2024.”. Appropriations authorization.

Approved July 25, 2019.

LEGISLATIVE HISTORY—S. 998 (H.R. 2368):

HOUSE REPORTS: No. 116–140 (Comm. on the Judiciary) accompanying H.R. 2368. CONGRESSIONAL RECORD, Vol. 165 (2019):

May 16, considered and passed Senate.

July 10, considered and passed House.

Public Law 116–33
116th Congress

An Act

July 25, 2019
[S. 1749]

To clarify seasoning requirements for certain refinanced mortgage loans, and for other purposes.

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

Protecting
Affordable
Mortgages for
Veterans Act
of 2019.
12 USC 1701
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Affordable Mortgages for Veterans Act of 2019”.

SEC. 2. SEASONING REQUIREMENTS FOR CERTAIN REFINANCED MORTGAGE LOANS.

(a) GINNIE MAE.—Section 306(g)(1) of the National Housing Act (12 U.S.C. 1721(g)(1)) is amended by striking the second sentence.

(b) VETERANS LOANS.—Section 3709(c) of title 38, United States Code, is amended—

(1) in the matter before paragraph (1), by striking “is refinanced” and inserting “is a refinance”; and

(2) by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) the date on which the borrower has made at least six consecutive monthly payments on the loan being refinanced; and

“(2) the date that is 210 days after the first payment due date of the loan being refinanced.”.

(c) RULE OF CONSTRUCTION.—Nothing in this Act may be construed to restrict or otherwise modify the authorities of the Government National Mortgage Association. 12 USC 1721 note.

Approved July 25, 2019.

LEGISLATIVE HISTORY—S. 1749 (H.R. 1988):

HOUSE REPORTS: No. 116–138, Pt. 1 (Comm. on Veterans' Affairs) accompanying H.R. 1988.

CONGRESSIONAL RECORD, Vol. 165 (2019):

June 5, considered and passed Senate.

July 9, considered and passed House.

Public Law 116–34
116th Congress

An Act

July 29, 2019
[H.R. 1327]

To extend authorization for the September 11th Victim Compensation Fund of 2001 through fiscal year 2092, and for other purposes.

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

Never Forget
the Heroes:
James Zadroga,
Ray Pfeifer, and
Luis Alvarez
Permanent
Authorization of
the September
11th Victim
Compensation
Fund Act.
49 USC 40101
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act”.

SEC. 2. SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001.

(a) **AUTHORIZATION AND FUNDING.**—Section 410 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in subsection (c), by striking “\$4,600,000,000” and all that follows through “expended” and inserting “such sums as may be necessary for fiscal year 2019 and each fiscal year thereafter through fiscal year 2092, to remain available until expended”; and

(2) in subsection (e), by striking “Upon completion of all payments under this title” and inserting “On October 1, 2092, or at such time thereafter as all funds are expended”.

49 USC 40101
note.

(b) **EXTENSION OF LIMITATION ON CLAIM FILING.**—Section 405(a)(3)(B) of the Air Transportation Safety and System Stabilization Act (40 U.S.C. 40101 note) is amended by striking “the date that is 5 years after the date of enactment of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act” and inserting “October 1, 2090”.

(c) **COMPENSATION REDUCED BY SPECIAL MASTER DUE TO LACK OF FUNDING.**—Section 406(d)(2) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by adding at the end the following:

“(D) **COMPENSATION REDUCED BY SPECIAL MASTER DUE TO INSUFFICIENT FUNDING.**—

Effective date.
Determination.

“(i) **IN GENERAL.**—In any claim in Group B as described in section 405(a)(3)(C)(iii) in which, prior to the enactment of the Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act, the Special Master had advised the claimant that the amount of compensation has been reduced on the basis of insufficient funding, the Special Master shall, in the first fiscal year beginning after sufficient funding becomes available under such

Act, pay to the claimant an amount that is, as determined by the Special Master, equal to the difference between—

“(I) the amount the claimant would have been paid under this title if sufficient funding was available to the Special Master at the time the Special Master determined the amount due the claimant under this title; and

“(II) the amount the claimant was paid under this title.

“(ii) DEFINITIONS.—For purposes of this subparagraph:

“(I) INSUFFICIENT FUNDING.—The term ‘insufficient funding’ means funding—

“(aa) that is available to the Special Master under section 410(c) on the day before the date of enactment of the Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act for purposes of compensating claims in Group B as described in section 405(a)(3)(C)(iii); and

“(bb) that the Special Master determines is insufficient for purposes of compensating all such claims and complying with subparagraph (A).

“(II) SUFFICIENT FUNDING.—The term ‘sufficient funding’ means funding—

“(aa) made available to the Special Master for purposes of compensating claims in Group B as described in section 405(a)(3)(C)(iii) through an Act of Congress that is enacted after the date on which the amount of the claim described in clause (i) has been reduced; and

“(bb) that the Special Master determines is sufficient for purposes of compensating all claims in such Group B.”.

(d) LIMITATIONS ON NONECONOMIC LOSS.—Section 405(b)(7)(A) of the of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II) respectively, and adjusting the margins accordingly;

(2) by striking “With respect to” and inserting the following:

“(i) IN GENERAL.—Except as provided in clause (ii), with respect to”; and

(3) by adding at the end the following:

“(ii) EXCEPTION.—The Special Master may exceed the applicable limitation in clause (i) for a claim in Group B as described in subsection (a)(3)(C)(iii) if the Special Master determines that the claim presents special circumstances.”.

Determination.

(e) ADJUSTMENT OF ANNUAL GROSS INCOME LIMITATION.—Section 405(b)(7)(B)(ii) of the Air Transportation Safety and System Stabilization Act (40 U.S.C. 40101 note) is amended by striking “\$200,000.” and inserting “the annual gross income limitation. The

49 USC 40101 note.

annual gross income limitation in effect on the date of enactment of the Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act is \$200,000. The Special Master shall periodically adjust that annual gross income limitation to account for inflation.”.

SEC. 3. APPOINTMENT OF SPECIAL MASTER AND DEPUTY SPECIAL MASTERS.

Section 404 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

- (1) by redesignating subsection (b) as subsection (c); and
- (2) by inserting after subsection (a) the following:

“(b) **APPOINTMENT OF SPECIAL MASTER AND DEPUTY SPECIAL MASTERS.**—The Attorney General may appoint a Special Master and no more than two Deputy Special Masters without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Any such employee shall serve at the pleasure of the Attorney General. The Attorney General shall fix the annual salary of the Special Master and the Deputy Special Masters.”.

SEC. 4. BUDGETARY EFFECTS.

(a) **STATUTORY PAYGO SCORECARDS.**—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) **SENATE PAYGO SCORECARDS.**—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of House Concurrent Resolution 71 (115th Congress).

Approved July 29, 2019.

LEGISLATIVE HISTORY—H.R. 1327:

HOUSE REPORTS: No. 116–152 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 165 (2019):

July 12, considered and passed House.

July 23, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2019):

July 29, Presidential remarks.

Public Law 116–35
116th Congress

An Act

To amend title 36, United States Code, to authorize The American Legion to determine the requirements for membership in The American Legion, and for other purposes.

July 30, 2019
[S. 504]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Let Everyone Get Involved in Opportunities for National Service Act” or the “LEGION Act”.

Let Everyone
Get Involved
in Opportunities
for National
Service Act.
36 USC 101 note.

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

36 USC 21703
note.

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

(1) Since the end of World War II, the Federal Government has designated specific periods of war, the dates of which are important for qualification for certain benefits or membership in veterans organizations established by Congress.

(2) In between those recognized periods of war, during so-called peacetime eras, the United States military has been involved in not fewer than 12 known eras, which are unrecognized by the United States Government as periods of war, resulting in numerous United States personnel combat casualties.

(3) Those 12 unrecognized war eras occurred at the direction of the then President of the United States, with full knowledge and consent of the then Congress.

(4) The first of those 12 unrecognized war eras involving active United States military personnel was the Greek Civil War, fought in Greece from 1946 to 1949 between the army of the Government of Greece, supported by active military personnel of the United States and the United Kingdom, and the Democratic Army of Greece, the military branch of the Communist Party of Greece.

(5) During the Greek Civil War, one member of the Armed Forces of the United States sacrificed his life in service to the United States, and five others suffered non-combat deaths.

(6) The second of those unrecognized war eras involving active United States military personnel was the Chinese Civil War, which occurred during the aftermath of World War II.

(7) During the Chinese Civil War, the United States military equipped, trained, transported, and supplied the Kuomintang-led Government of the Republic of China with approximately \$4,430,000,000 in its resistance to the Communist Party of China.

(8) During the Chinese Civil War, 14 members of the Armed Forces of the United States sacrificed their lives in service to the United States, 150 non-combatants of the United States lost their lives in the war, and 51 were wounded, resulting in 215 United States military casualties.

(9) The third unrecognized war era involving active United States military personnel is known as the Cold War.

(10) The Cold War was a period spanning from approximately 1947 until 1991 when the Soviet Union collapsed.

(11) Although no direct large-scale military fighting occurred between the militaries of the United States and the Soviet Union, active United States military personnel served in multiple regional conflicts during the Cold War, resulting in the deaths of not fewer than 32 members of the Armed Forces who sacrificed their lives in service to the United States and not fewer than 12 additional casualties.

(12) The fourth unrecognized war era involving active United States military personnel is known as the China Cold War.

(13) The China Cold War started when the Kuomintang-led Government of the Republic of China retreated to the island of Taiwan and lasted until 1972, after President Richard Nixon conducted a landmark state visit to China.

(14) During the military operations of the China Cold War, not fewer than 16 members of the Armed Forces of the United States sacrificed their lives in service to the United States.

(15) The fifth unrecognized war era involving active United States military personnel was the Lebanon Crisis of 1958, which involved more than 14,000 United States personnel and resulted in the death of one member of the Armed Forces who sacrificed his life in service to the United States and five non-combat deaths.

(16) The sixth unrecognized war era involving active United States military personnel was the Bay of Pigs invasion in April 1961.

(17) The Bay of Pigs invasion was a failed military invasion of Cuba undertaken by a United States military group sponsored by the Central Intelligence Agency that resulted in not fewer than one death of a member of the Armed Forces who sacrificed his life in service to the United States and 19 non-combat deaths.

(18) The seventh unrecognized war era involving active United States military personnel was the Cuban Missile Crisis, which took place between October 16 and October 28, 1962.

(19) The Cuban Missile Crisis directly related to homeland protection against the deployment of a Soviet ballistic missile in Cuba.

(20) During the Cuban Missile Crisis, one member of the Armed Forces sacrificed his life in service to the United States and 19 others died as non-combatants.

(21) The eighth unrecognized war era involving active United States military personnel was the Dominican Civil War in 1965.

(22) Operations during the Dominican Civil War resulted in the deaths of 27 members of the Armed Forces who sacrificed their lives in service to the United States, 20 non-combat-related deaths, and 283 wounded.

(23) The ninth unrecognized war era involving active United States military personnel was the Iran Hostage Crisis, which lasted from November 4, 1979, through January 20, 1981.

(24) The Iran Hostage Crisis involved military intervention by the United States which resulted in the deaths of 8 members of the Armed Forces who sacrificed their lives in service to the United States.

(25) The tenth unrecognized war era involving active United States military personnel was the Salvadoran Civil War.

(26) The Salvadoran Civil War lasted more than 12 years, through the terms of two Presidential administrations of the United States, and resulted in the deaths of 22 members of the Armed Forces who sacrificed their lives in service to the United States, 15 non-combat deaths, and 35 other casualties.

(27) The 11th unrecognized war era involving active United States military personnel started on April 5, 1986, when the La Belle discotheque in West Berlin, Germany, was bombed, killing two United States soldiers and wounding 79 other members of the Armed Forces, which triggered what became known as the Libyan Conflict.

(28) The military operations of the Libyan Conflict included numerous air strikes by United States military forces and resulted in the deaths of two members of the Armed Forces who sacrificed their lives in service to the United States.

(29) The Libyan Conflict led to the 12th unrecognized war era involving active United States military personnel, known collectively as the Persian Gulf Conflicts, which lasted from July 24, 1987, through September 26, 1988.

(30) The Persian Gulf Conflicts involved United States military missions to protect Kuwaiti-owned oil tankers which represented the largest United States naval convoy operation since World War II.

(31) The Persian Gulf Conflicts resulted in numerous military operations and the deaths of not fewer than 39 members of the Armed Forces who sacrificed their lives in service to the United States and 31 wounded.

(32) Since the armistice that ended the hostilities of the Korean War on January 31, 1955, nearly 100 active United States military personnel have sacrificed their lives in service to the United States in South Korea, and more than 132 people of the United States have been wounded in-country.

(33) Since January 1, 1947, through all of the unrecognized war eras involving active United States military personnel, not fewer than 778 combat and non-combat members of the Armed Forces have sacrificed their lives in service to the United States and not fewer than 797 have been wounded.

(34) Since January 1, 1947, the unrecognized war eras involving active United States military personnel who were wounded and killed serving their country were administered under orders from the commander in chief and with the consent of Congress, proving that the United States has been conducting deadly wartime service to protect the country consistently since December 7, 1941.

(35) Eligibility for membership in The American Legion is determined by Congress through the establishment of specific

dates of declared and officially recognized hostilities in which United States military personnel are on active service.

(36) The American Legion provides invaluable services to its members and supports the community of veterans who sacrificed in service of the United States.

(37) Membership in The American Legion allows veterans to engage in public service activities, such as supporting Boys and Girls State and Nation, youth mentorship programs, and benefit assistance, career fairs, and employment assistance for veterans.

(38) The American Legion has gone on record as supporting the 12 unrecognized war eras involving active United States military personnel since the beginning of World War II.

(39) The American Legion has aided, assisted, and comforted the families of the men and women who were called to serve or volunteered to serve during all of the unrecognized war eras and continues to provide support to veterans of those eras.

(40) The American Legion has commended the heroic actions of all military personnel who risked their lives in defense of freedom during each of the unrecognized war eras involving active United States military personnel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in accordance with the history, tradition, and purposes of The American Legion, it is fair, proper, and reasonable that the privilege of membership in The American Legion should be extended to all military personnel who served on active military duty during all of the unrecognized war eras involving active United States military personnel.

SEC. 3. ELIGIBILITY FOR MEMBERSHIP IN THE AMERICAN LEGION.

Section 21703 of title 36, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “during any period from—” and all that follows through the end of clause (vii) and inserting the following: “during—

“(i) the period from April 6, 1917, through November 11, 1918; or

“(ii) any time after December 7, 1941; or”; and

(B) in subparagraph (B), by inserting “or time” after “a period”; and

(2) in paragraph (2), by inserting “or time” after “that period”.

SEC. 4. NONDISCRIMINATION WITH RESPECT TO THE REQUIREMENTS FOR HOLDING A STAFF POSITION IN THE AMERICAN LEGION.

(a) IN GENERAL.—Chapter 217 of title 36, United States Code, is amended by inserting after section 21704 the following new section:

36 USC 21704A.

“§ 21704A. Nondiscrimination

“The requirements for holding a staff position in the corporation may not discriminate on the basis of race, color, religion, sex, or national origin.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 21704 the following new item:

36 USC 21701
prec.

“21704A. Nondiscrimination.”.

Approved July 30, 2019.

LEGISLATIVE HISTORY—S. 504:

CONGRESSIONAL RECORD, Vol. 165 (2019):

June 11, considered and passed Senate.

July 23, considered and passed House.

Public Law 116–36
116th Congress

An Act

July 31, 2019
[H.R. 2196]

To amend title 38, United States Code, to reduce the credit hour requirement for the Edith Nourse Rogers STEM Scholarship program of the Department of Veterans Affairs.

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

SECTION 1. REDUCTION IN CREDIT HOUR REQUIREMENT FOR EDITH NOURSE ROGERS STEM SCHOLARSHIP.

Section 3320(b)(4)(A)(i) of title 38, United States Code, is amended by striking “more than the standard 128 semester (or 192 quarter) credit hours” and inserting “at least the standard 120 semester (or 180 quarter) credit hours”.

Approved July 31, 2019.

LEGISLATIVE HISTORY—H.R. 2196:

HOUSE REPORTS: No. 116–118 (Comm. on Veterans’ Affairs).

CONGRESSIONAL RECORD, Vol. 165 (2019):

June 24, considered and passed House.

July 25, considered and passed Senate.

Public Law 116–37
116th Congress

An Act

To amend the Balanced Budget and Emergency Deficit Control Act of 1985, to establish a congressional budget for fiscal years 2020 and 2021, to temporarily suspend the debt limit, and for other purposes.

Aug. 2, 2019
[H.R. 3877]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Bipartisan Budget Act of 2019”.

Bipartisan
Budget Act
of 2019.
2 USC 900 note.

TITLE I—BUDGET ENFORCEMENT

SEC. 101. AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.

(a) REVISED DISCRETIONARY SPENDING LIMITS.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraphs (7) and (8) and inserting the following:

“(7) for fiscal year 2020—

“(A) for the revised security category, \$666,500,000,000 in new budget authority; and

“(B) for the revised nonsecurity category, \$621,500,000,000 in new budget authority; and

“(8) for fiscal year 2021—

“(A) for the revised security category, \$671,500,000,000 in new budget authority; and

“(B) for the revised nonsecurity category, \$626,500,000,000 in new budget authority;”.

(b) OVERSEAS CONTINGENCY OPERATIONS AMOUNTS.—In fiscal years 2020 and 2021, the adjustments under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)) for Overseas Contingency Operations/Global War on Terrorism appropriations will be as follows:

(1) For the revised nonsecurity category—

(A) for fiscal year 2020, \$8,000,000,000; and

(B) for fiscal year 2021, \$8,000,000,000.

(2) For the revised security category—

(A) for fiscal year 2020, \$71,500,000,000; and

(B) for fiscal year 2021, \$69,000,000,000.

This subsection shall not affect the applicability of section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) NEW ADJUSTMENT FOR THE U.S. CENSUS FOR 2020.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control

Act of 1985 (2 U.S.C. 901(b)(2)) is amended by adding at the end the following new subparagraph:

“(G) THE 2020 CENSUS.—If, for fiscal year 2020, appropriations for the Periodic Censuses and Programs account of the Bureau of the Census of the Department of Commerce are enacted that the Congress designates in statute as being for the 2020 Census, then the adjustment for that fiscal year shall be the total of such appropriations for that fiscal year designated as being for the 2020 Census, but shall not exceed \$2,500,000,000.”.

(d) DIRECT SPENDING ADJUSTMENTS FOR FISCAL YEARS 2020 AND 2021.—Section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), is amended—

(1) in paragraph (5)(B), in the matter preceding clause (i), by striking “and (12)” and inserting “(12), and (13)”; and
(2) by adding at the end the following:

“(13) IMPLEMENTING DIRECT SPENDING REDUCTIONS FOR FISCAL YEARS 2020 AND 2021.—(A) OMB shall make the calculations necessary to implement the direct spending reductions calculated pursuant to paragraphs (3) and (4) without regard to the amendment made to section 251(c) revising the discretionary spending limits for fiscal years 2020 and 2021 by the Bipartisan Budget Act of 2019.

“(B) Paragraph (5)(B) shall not be implemented for fiscal years 2020 and 2021.”.

SEC. 102. BALANCES ON THE PAYGO SCORECARDS.

Effective date.

Effective on the date of the enactment of this Act, the balances on the PAYGO scorecards established pursuant to paragraphs (4) and (5) of section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)) shall be zero.

TITLE II—ESTABLISHING A CONGRESSIONAL BUDGET

SEC. 201. ADJUSTMENT AUTHORITY FOR FISCAL YEAR 2020 BUDGET RESOLUTION IN THE HOUSE OF REPRESENTATIVES.

Effective date.

Upon the date of the enactment of this Act—

(1) the Chair of the Committee on the Budget of the House of Representatives may adjust the allocations, aggregates, and other budgetary levels included in the statement referred to in section 1(b) of House Resolution 293 (116th Congress) consistent with this Act; and

(2) subsections (e), (f), and (g) of section 1 of House Resolution 293 (116th Congress) shall have no force or effect through the remainder of the One Hundred Sixteenth Congress.

SEC. 202. AUTHORITY FOR FISCAL YEAR 2021 BUDGET RESOLUTION IN THE HOUSE OF REPRESENTATIVES.

Deadline.
Applicability.
Effective date.

(a) FISCAL YEAR 2021.—If a concurrent resolution on the budget for fiscal year 2021 has not been adopted by April 15, 2020, for the purpose of enforcing the Congressional Budget Act of 1974 for fiscal year 2021, the allocations, aggregates, and levels provided for in subsection (b) shall apply in the House of Representatives after April 15, 2020, in the same manner as for a concurrent resolution on the budget for fiscal year 2021 with appropriate

budgetary levels for fiscal year 2021 and for fiscal years 2022 through 2030.

(b) COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.—In the House of Representatives, the Chair of the Committee on the Budget shall submit a statement for publication in the Congressional Record after April 15, 2020, but not later than May 15, 2020, containing—

Time periods.
Congressional
Record,
publication.
Deadline.

(1) for the Committee on Appropriations, committee allocations for fiscal year 2021 consistent with discretionary spending limits set forth in section 251(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by this Act, and the outlays flowing therefrom, and committee allocations for fiscal year 2021 for current law mandatory budget authority and outlays, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

(2) for all committees of the House of Representatives other than the Committee on Appropriations, committee allocations for fiscal year 2021 and for the period of fiscal years 2021 through 2030 consistent with the most recent baseline of the Congressional Budget Office, as adjusted, to the extent practicable, for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

(3) aggregate spending levels for fiscal year 2021 in accordance with the allocations established under paragraphs (1) and (2), for the purpose of enforcing section 311 of the Congressional Budget Act of 1974; and

(4) aggregate revenue levels for fiscal year 2021 and for the period of fiscal years 2021 through 2030 consistent with the most recent baseline of the Congressional Budget Office, as adjusted, to the extent practicable, for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 311 of the Congressional Budget Act of 1974.

(c) ADDITIONAL MATTER.—The statement referred to in subsection (b) may also include for fiscal year 2021 the matter contained in the provisions referred to in subsection (e).

(d) ADJUSTMENTS.—The Chair of the Committee on the Budget of the House of Representatives may adjust the allocations, aggregates, and other budgetary levels included in the statement referred to in subsection (b)—

(1) to reflect changes resulting from the Congressional Budget Office's updates to its baseline for fiscal years 2021 through 2030; or

(2) for any bill, joint resolution, amendment, or conference report by the amounts provided in such measure if such measure would not increase the deficit for either of the following time periods: fiscal year 2021 to fiscal year 2025 or fiscal year 2021 to fiscal year 2030.

(e) APPLICATION.—

(1) Upon submission of the statement referred to in subsection (b), all references to allocations, aggregates, or other appropriate levels in “this concurrent resolution” in sections 5201, 5202, and 5203 of the House Concurrent Resolution 71

(115th Congress), specified in section 30104(f)(1) of the Bipartisan Budget Act of 2018, and continued in effect by section 103(m) of House Resolution 6 (116th Congress) and section 1(h)(1) of House Resolution 293 (116th Congress), shall be treated for all purposes in the House of Representatives as references to the allocations, aggregates, or other appropriate levels contained in the statement referred to in subsection (b), as adjusted in accordance with this or any other Act.

(2) The provisions of House Concurrent Resolution 71 (115th Congress), specified in section 30104(f)(1) of the Bipartisan Budget Act of 2018, shall have no force or effect in the House of Representatives except for the sections of such concurrent resolution identified in paragraph (1).

(f) EXPIRATION.—Subsections (a) through (e) shall no longer apply if a concurrent resolution on the budget for fiscal year 2021 is agreed to by the Senate and House of Representatives.

SEC. 203. LIMITATION ON ADVANCE APPROPRIATIONS IN THE HOUSE OF REPRESENTATIVES.

(a) IN GENERAL.—In the House of Representatives, except as provided in subsection (b), any general appropriation bill or bill or joint resolution continuing appropriations, or amendment thereto or conference report thereon, may not provide an advance appropriation.

Lists.
Congressional
Record,
publication.

(b) EXCEPTIONS.—An advance appropriation may be provided for programs, activities or accounts identified in lists submitted for printing in the Congressional Record by the Chair of the Committee on the Budget—

(1) for fiscal year 2022, under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$28,852,000,000 in new budget authority, and for fiscal year 2023, accounts separately identified under the same heading; and

(2) for fiscal year 2022, under the heading “Veterans Accounts Identified for Advance Appropriations”.

(c) DEFINITION.—The term “advance appropriation” means any new discretionary budget authority provided in a general appropriation bill or bill or joint resolution continuing appropriations for fiscal year 2021, or any amendment thereto or conference report thereon, that first becomes available following fiscal year 2021.

(d) EXPIRATION.—The preceding subsections of this section shall expire if a concurrent resolution on the budget for fiscal year 2021 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

SEC. 204. AUTHORITY FOR FISCAL YEAR 2020 BUDGET RESOLUTION IN THE SENATE.

Applicability.

(a) FISCAL YEAR 2020.—For the purpose of enforcing the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) and enforcing budgetary points of order in prior concurrent resolutions on the budget, the allocations, aggregates, and levels provided for in subsection (b) shall apply in the Senate in the same manner as for a concurrent resolution on the budget for fiscal year 2020 with appropriate budgetary levels for fiscal year 2020 and for fiscal years 2021 through 2029.

Time periods.
Congressional
Record,
publication.

(b) COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.—The Chairman of the Committee on the Budget of the Senate shall submit a statement for publication in the Congressional Record

as soon as practicable after the date of enactment of this Act that includes—

(1) for the Committee on Appropriations of the Senate, committee allocations for fiscal year 2020 consistent with the discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by this Act, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633);

(2) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2020, 2020 through 2024, and 2020 through 2029 consistent with the May 2019 baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline was issued and ending on the date of submission of such statement, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633);

(3) aggregate spending levels for fiscal year 2020 in accordance with the allocations established under paragraphs (1) and (2), for the purpose of enforcing section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642);

(4) aggregate revenue levels for fiscal years 2020, 2020 through 2024, and 2020 through 2029 consistent with the May 2019 baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline was issued and ending on the date of submission of such statement, for the purpose of enforcing section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642); and

(5) levels of Social Security revenues and outlays for fiscal years 2020, 2020 through 2024, and 2020 through 2029 consistent with the May 2019 baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline was issued and ending on the date of submission of such statement, for the purpose of enforcing sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633, 642).

(c) **ADDITIONAL MATTER.**—The filing referred to in subsection (b) may also include for fiscal year 2020 the deficit-neutral reserve funds in title III of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, updated by two fiscal years.

(d) **EXPIRATION.**—This section shall expire if a concurrent resolution on the budget for fiscal year 2020 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

SEC. 205. AUTHORITY FOR FISCAL YEAR 2021 BUDGET RESOLUTION IN THE SENATE.

(a) **FISCAL YEAR 2021.**—For the purpose of enforcing the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), after April 15, 2020, and enforcing budgetary points of order in prior concurrent resolutions on the budget, the allocations, aggregates, and levels provided for in subsection (b) shall apply in the Senate in the same manner as for a concurrent resolution on the budget

Effective date.
Applicability.

Time periods.
Deadline.

for fiscal year 2021 with appropriate budgetary levels for fiscal year 2021 and for fiscal years 2022 through 2030.

(b) COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.—After April 15, 2020, but not later than May 15, 2020, the Chairman of the Committee on the Budget of the Senate shall file—

(1) for the Committee on Appropriations of the Senate, committee allocations for fiscal year 2021 consistent with the discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by this Act, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633);

(2) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2021, 2021 through 2025, and 2021 through 2030 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 642);

(3) aggregate spending levels for fiscal year 2021 in accordance with the allocations established under paragraphs (1) and (2), for the purpose of enforcing section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642);

(4) aggregate revenue levels for fiscal years 2021, 2021 through 2025, and 2021 through 2030 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642); and

(5) levels of Social Security revenues and outlays for fiscal years 2021, 2021 through 2025, and 2021 through 2030 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633, 642).

(c) ADDITIONAL MATTER.—The filing referred to in subsection (b) may also include for fiscal year 2021 the deficit-neutral reserve funds in title III of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, updated by three fiscal years.

(d) EXPIRATION.—This section shall expire if a concurrent resolution on the budget for fiscal year 2021 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

SEC. 206. LIMITATION ON ADVANCE APPROPRIATIONS IN THE SENATE.

(a) POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS IN THE SENATE.—

(1) IN GENERAL.—

(A) POINT OF ORDER.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider

any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would provide an advance appropriation for a discretionary account.

(B) DEFINITION.—In this subsection, the term “advance appropriation” means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2020 that first becomes available for any fiscal year after 2020 or any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2021 that first becomes available for any fiscal year after 2021.

(2) EXCEPTIONS.—Advance appropriations may be provided—

(A) for fiscal years 2021 and 2022 for programs, projects, activities, or accounts identified in a statement submitted to the Congressional Record by the Chairman of the Committee on the Budget of the Senate under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$28,852,000,000 in new budget authority in each fiscal year;

(B) for the Corporation for Public Broadcasting; and

(C) for the Department of Veterans Affairs for the Medical Services, Medical Support and Compliance, Veterans Medical Community Care, and Medical Facilities accounts of the Veterans Health Administration.

(3) SUPERMAJORITY WAIVER AND APPEAL.—

(A) WAIVER.—In the Senate, paragraph (1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(4) FORM OF POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974 (2 U.S.C. 644(e)).

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to this subsection, and such point of order being sustained, such material contained in such conference report or amendment between the Houses shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this paragraph), no further amendment shall be in order.

(b) SUNSET.—Subsection (a) shall terminate on the date on which a concurrent resolution on the budget for fiscal year 2021 is agreed to by the Senate and House of Representatives pursuant

Congressional
Record,
publication.

to section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

SEC. 207. POINT OF ORDER AGAINST CERTAIN CHANGES IN MANDATORY PROGRAMS IN THE SENATE.

(a) **DEFINITION.**—In this section, the term “CHIMP” means a provision that—

(1) would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) (as in effect prior to September 30, 2002) if the provision was included in legislation other than appropriation Acts; and

(2) results in a net decrease in budget authority in the budget year, but does not result in a net decrease in outlays over the period of the total of the current year, the budget year, and all fiscal years covered under the most recently adopted concurrent resolution on the budget.

(b) **POINT OF ORDER IN THE SENATE.**—

(1) **IN GENERAL.**—It shall not be in order in the Senate to consider a bill or joint resolution making appropriations for a full fiscal year, or an amendment thereto, amendment between the Houses in relation thereto, conference report thereon, or motion thereon, that includes a CHIMP that, if enacted, would cause the absolute value of the total budget authority of all such CHIMPs enacted in relation to a full fiscal year to be more than the amount specified in paragraph (2).

(2) **AMOUNT.**—The amount specified in this paragraph is, for fiscal year 2021, \$15,000,000,000.

Estimates.

(c) **DETERMINATION.**—For purposes of this section, budgetary levels shall be determined on the basis of estimates provided by the Chairman of the Committee on the Budget of the Senate.

(d) **SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.**—In the Senate, subsection (b) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (b).

SEC. 208. POINT OF ORDER AGAINST DESIGNATION OF FUNDS FOR OVERSEAS CONTINGENCY OPERATIONS IN THE SENATE.

(a) **POINT OF ORDER.**—When the Senate is considering a bill, joint resolution, motion, amendment, amendment between the Houses, or conference report, if a point of order is made by a Senator against a provision that designates funds for fiscal years 2020 or 2021 for overseas contingency operations, in accordance with section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)), and the point of order is sustained by the Chair, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

(b) **FORM OF THE POINT OF ORDER.**—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974 (2 U.S.C. 644(e)).

(c) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order

being made by any Senator pursuant to subsection (a), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(d) **SUPERMAJORITY WAIVER AND APPEAL.**—In the Senate, this section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of Members of the Senate, duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) **SUSPENSION OF POINT OF ORDER.**—This section shall not apply if a declaration of war by Congress is in effect.

SEC. 209. EXERCISE OF RULEMAKING POWERS.

The sections of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

TITLE III—TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT

SEC. 301. TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT.

(a) **IN GENERAL.**—Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act and ending on July 31, 2021.

(b) **SPECIAL RULE RELATING TO OBLIGATIONS ISSUED DURING EXTENSION PERIOD.**—Effective on August 1, 2021, the limitation in effect under section 3101(b) of title 31, United States Code, shall be increased to the extent that—

(1) the face amount of obligations issued under chapter 31 of such title and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) outstanding on August 1, 2021, exceeds

(2) the face amount of such obligations outstanding on the date of the enactment of this Act.

(c) **EXTENSION LIMITED TO NECESSARY OBLIGATIONS.**—An obligation shall not be taken into account under subsection (b)(1) unless the issuance of such obligation was necessary to fund a

31 USC 3101
note.
Time period.

Effective date.

commitment incurred pursuant to law by the Federal Government that required payment before August 1, 2021.

TITLE IV—OFFSETS

SEC. 401. CUSTOMS USER FEES.

(a) **IN GENERAL.**—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking “October 20, 2027” and inserting “September 30, 2029”; and

(2) in subparagraph (B)(i), by striking “September 30, 2027” and inserting “September 30, 2029”.

(b) **RATE FOR MERCHANDISE PROCESSING FEES.**—Section 503 of the United States–Korea Free Trade Agreement Implementation Act (Public Law 112–41; 19 U.S.C. 3805 note) is amended by striking “May 26, 2027” and inserting “September 30, 2029”.

SEC. 402. EXTENSION OF DIRECT SPENDING REDUCTIONS THROUGH FISCAL YEAR 2029.

Section 251A(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking “fiscal years 2022 through 2027” and inserting “fiscal years 2022 through 2029”; and

(2) in subparagraph (C), in the matter preceding clause (i), by striking “fiscal year 2027” and inserting “fiscal year 2029”.

TITLE V—BUDGETARY EFFECTS

SEC. 501. BUDGETARY EFFECTS.

(a) **IN GENERAL.**—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)).

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

Approved August 2, 2019.

LEGISLATIVE HISTORY—H.R. 3877:

CONGRESSIONAL RECORD, Vol. 165 (2019):

July 25, considered and passed House.

Aug. 1, considered and passed Senate.

Public Law 116–38
116th Congress

An Act

Aug. 2, 2019
[S. 2249]

To allow the Deputy Administrator of the Federal Aviation Administration on the date of enactment of this Act to continue to serve as such Deputy Administrator.

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

**SECTION 1. AUTHORITY FOR CONTINUATION OF SERVICE OF THE
DEPUTY ADMINISTRATOR OF THE FEDERAL AVIATION
ADMINISTRATION.**

(a) **IN GENERAL.**—An individual serving as Deputy Administrator of the Federal Aviation Administration on the date of enactment of this Act may continue to serve as such Deputy Administrator, without regard to the restrictions specified in the 5th sentence of section 106(d)(1) of title 49, United States Code.

(b) **RULE OF CONSTRUCTION.**—Nothing in this Act shall be construed as approval by Congress of any future appointments of military persons to the Offices of Administrator and Deputy Administrator of the Federal Aviation Administration.

Approved August 2, 2019.

LEGISLATIVE HISTORY—S. 2249:

CONGRESSIONAL RECORD, Vol. 165 (2019):
July 24, considered and passed Senate.
July 25, considered and passed House.

Public Law 116–39
116th Congress

An Act

To provide for certain extensions with respect to the Medicaid program under title XIX of the Social Security Act, and for other purposes.

Aug. 6, 2019
[H.R. 3253]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sustaining Excellence in Medicaid Act of 2019”.

Sustaining
Excellence in
Medicaid Act of
2019.
42 USC 1305
note.

SEC. 2. EXTENSION OF THE COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.

Section 223(d)(3) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note), as amended by Public Law 116–29, is amended by striking “July 14, 2019” and inserting “September 13, 2019”.

SEC. 3. EXTENSION OF PROTECTION FOR MEDICAID RECIPIENTS OF HOME AND COMMUNITY-BASED SERVICES AGAINST SPOUSAL IMPOVERISHMENT.

(a) IN GENERAL.—Section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) is amended by striking “September 30, 2019” and inserting “December 31, 2019”.

(b) RULE OF CONSTRUCTION.—Nothing in section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) or section 1902(a)(17) or 1924 of the Social Security Act (42 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as prohibiting a State from applying an income or resource disregard under a methodology authorized under section 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

42 USC 1396a
note.

(1) to the income or resources of an individual described in section 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(VI)) (including a disregard of the income or resources of such individual’s spouse); or

(2) on the basis of an individual’s need for home and community-based services authorized under subsection (c), (d), (i), or (k) of section 1915 of such Act (42 U.S.C. 1396n) or under section 1115 of such Act (42 U.S.C. 1315).

SEC. 4. EXTENSION OF MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION.

Section 6071(h)(1)(F) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended by striking “\$132,000,000” and inserting “\$254,500,000”.

SEC. 5. EXTENSION FOR FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501(c) of the Social Security Act (42 U.S.C. 701(c)) is amended—

(1) in paragraph (1)(A)(vii), by striking “and 2019” and inserting “through 2024”; and

(2) in paragraph (3)(C), by striking “fiscal years 2018 and 2019” and inserting “fiscal year 2018 and each fiscal year thereafter”.

SEC. 6. REDUCED WHOLESALE ACQUISITION COST (WAC)-BASED PAYMENTS FOR NEW DRUGS AND BIOLOGICALS.

Section 1847A(c)(4) of the Social Security Act (42 U.S.C. 1395w–3a(c)(4)) is amended by striking “payable under this section for the drug or biological based on—” and all that follows through the period at the end and inserting the following: “payable under this section—

“(A) in the case of a drug or biological furnished prior to January 1, 2019, based on—

“(i) the wholesale acquisition cost; or

“(ii) the methodologies in effect under this part on November 1, 2003, to determine payment amounts for drugs or biologicals; and

“(B) in the case of a drug or biological furnished on or after January 1, 2019—

“(i) at an amount not to exceed 103 percent of the wholesale acquisition cost; or

“(ii) based on the methodologies in effect under this part on November 1, 2003, to determine payment amounts for drugs or biologicals.”.

Approved August 6, 2019.

LEGISLATIVE HISTORY—H.R. 3253:

CONGRESSIONAL RECORD, Vol. 165 (2019):

June 18, considered and passed House.

July 25, considered and passed Senate, amended.

July 30, House concurred in Senate amendment.

Public Law 116–40
116th Congress

An Act

To amend title 28, United States Code, to add Flagstaff and Yuma to the list of locations in which court shall be held in the judicial district for the State of Arizona.

Aug. 9, 2019
[H.R. 1569]

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

SECTION 1. DISTRICT COURTS IN THE JUDICIAL DISTRICT FOR THE STATE OF ARIZONA.

Section 82 of title 28, United States Code, is amended by striking “Globe, Phoenix, Prescott, and Tucson” and inserting “Flagstaff, Globe, Phoenix, Prescott, Tucson, and Yuma”.

Approved August 9, 2019.

LEGISLATIVE HISTORY—H.R. 1569:

HOUSE REPORTS: No. 116–142 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 165 (2019):

July 10, considered and passed House.

July 25, considered and passed Senate.

Public Law 116–41
116th Congress

An Act

Aug. 9, 2019
[H.R. 2695]

To rename the Success Dam in Tulare County, California, as the Richard L. Schafer Dam.

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

SECTION 1. RENAMING OF DAM.

(a) RENAMING.—The Success Dam in Tulare County, California, shall hereafter be known and designated as the “Richard L. Schafer Dam”.

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the dam referred to in subsection (a) shall be considered to be a reference to the Richard L. Schafer Dam.

Approved August 9, 2019.

LEGISLATIVE HISTORY—H.R. 2695:

CONGRESSIONAL RECORD, Vol. 165 (2019):

June 10, considered and passed House.

July 29, considered and passed Senate.

Public Law 116–42
116th Congress

An Act

To designate the facility of the United States Postal Service located at 770 Ayrault Road in Fairport, New York, as the “Louise and Bob Slaughter Post Office”.

Aug. 21, 2019
[H.R. 540]

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

SECTION 1. LOUISE AND BOB SLAUGHTER POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 770 Ayrault Road in Fairport, New York, shall be known and designated as the “Louise and Bob Slaughter Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Louise and Bob Slaughter Post Office”.

Approved August 21, 2019.

LEGISLATIVE HISTORY—H.R. 540:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Apr. 2, considered and passed House.

July 30, considered and passed Senate.

Public Law 116–43
116th Congress

An Act

Aug. 21, 2019
[H.R. 828]

To designate the facility of the United States Postal Service located at 25 Route 111 in Smithtown, New York, as the “Congressman Bill Carney Post Office”.

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

SECTION 1. CONGRESSMAN BILL CARNEY POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 25 Route 111 in Smithtown, New York, shall be known and designated as the “Congressman Bill Carney Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Congressman Bill Carney Post Office”.

Approved August 21, 2019.

LEGISLATIVE HISTORY—H.R. 828:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Apr. 30, considered and passed House.

July 30, considered and passed Senate.

Public Law 116–44
116th Congress

An Act

To designate the facility of the United States Postal Service located at 1450 Montauk Highway in Mastic, New York, as the “Army Specialist Thomas J. Wilwerth Post Office Building”.

Aug. 21, 2019
[H.R. 829]

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

SECTION 1. ARMY SPECIALIST THOMAS J. WILWERTH POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1450 Montauk Highway in Mastic, New York, shall be known and designated as the “Army Specialist Thomas J. Wilwerth Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Army Specialist Thomas J. Wilwerth Post Office Building”.

Approved August 21, 2019.

LEGISLATIVE HISTORY—H.R. 829:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Apr. 2, 4, considered and passed House.

July 30, considered and passed Senate.

Public Law 116–45
116th Congress

An Act

Aug. 21, 2019
[H.R. 1198]

To designate the facility of the United States Postal Service located at 404 South Boulder Highway in Henderson, Nevada, as the “Henderson Veterans Memorial Post Office Building”.

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

SECTION 1. HENDERSON VETERANS MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 404 South Boulder Highway in Henderson, Nevada, shall be known and designated as the “Henderson Veterans Memorial Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Henderson Veterans Memorial Post Office Building”.

Approved August 21, 2019.

LEGISLATIVE HISTORY—H.R. 1198:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Apr. 30, considered and passed House.

July 30, considered and passed Senate.

Public Law 116–46
116th Congress

An Act

To designate the facility of the United States Postal Service located at 3033 203rd Street in Olympia Fields, Illinois, as the “Captain Robert L. Martin Post Office”.

Aug. 21, 2019
[H.R. 1449]

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

SECTION 1. CAPTAIN ROBERT L. MARTIN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3033 203rd Street in Olympia Fields, Illinois, shall be known and designated as the “Captain Robert L. Martin Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Captain Robert L. Martin Post Office”.

Approved August 21, 2019.

LEGISLATIVE HISTORY—H.R. 1449:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Apr. 30, considered and passed House.

July 30, considered and passed Senate.

Public Law 116–47
116th Congress

An Act

Aug. 21, 2019
[H.R. 3305]

To designate the facility of the United States Postal Service located at 2509 George Mason Drive in Virginia Beach, Virginia, as the “Ryan Keith Cox Post Office Building”.

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

SECTION 1. RYAN KEITH COX POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2509 George Mason Drive in Virginia Beach, Virginia, shall be known and designated as the “Ryan Keith Cox Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Ryan Keith Cox Post Office Building”.

Approved August 21, 2019.

LEGISLATIVE HISTORY—H.R. 3305:

CONGRESSIONAL RECORD, Vol. 165 (2019):
July 17, considered and passed House.
July 30, considered and passed Senate.

Public Law 116–48
116th Congress

An Act

To amend section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that National Urban Search and Rescue Response System task forces may include Federal employees.

Aug. 22, 2019
[H.R. 639]

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

SECTION 1. FEDERAL EMPLOYEES AND NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM TASK FORCES.

Section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165f) is amended by adding at the end the following:

“(p) **FEDERAL EMPLOYEES.**—Nothing in this section shall be construed to mean that a task force may not include Federal employees. In the case of a Federal employee detailed to a task force, the sponsoring agency shall enter into an agreement with the relevant employing Federal agency.”.

Approved August 22, 2019.

LEGISLATIVE HISTORY—H.R. 639 (S. 1521):

HOUSE REPORTS: No. 116–29 (Comm. on Transportation and Infrastructure).

SENATE REPORTS: No. 116–60 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 1521.

CONGRESSIONAL RECORD, Vol. 165 (2019):

Apr. 8, considered and passed House.

July 31, considered and passed Senate.

Public Law 116–49
116th Congress

An Act

Aug. 22, 2019
[H.R. 776]

To amend the Public Health Service Act to reauthorize the Emergency Medical Services for Children program.

Emergency
Medical Services
for Children
Program
Reauthorization
Act of 2019.
42 USC 201 note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Emergency Medical Services
for Children Program Reauthorization Act of 2019”.

**SEC. 2. REAUTHORIZATION OF THE EMERGENCY MEDICAL SERVICES
FOR CHILDREN PROGRAM.**

Section 1910(d) of the Public Health Service Act (42 U.S.C.
300w–9(d)) is amended—

(1) by striking “2014, and” and inserting “2014,”; and

(2) by inserting before the period the following: “, and
\$22,334,000 for each of fiscal years 2020 through 2024”.

Approved August 22, 2019.

LEGISLATIVE HISTORY—H.R. 776 (S. 1173):

HOUSE REPORTS: No. 116–176 (Comm. on Energy and Commerce).

CONGRESSIONAL RECORD, Vol. 165 (2019):

July 24, considered and passed House.

July 31, considered and passed Senate.

Public Law 116–50
116th Congress

An Act

To require the Director of the Office of Management and Budget to issue guidance on electronic consent forms, and for other purposes.

Aug. 22, 2019
[H.R. 1079]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Creating Advanced Streamlined Electronic Services for Constituents Act of 2019” or the “CASES Act”.

Creating
Advanced
Streamlined
Electronic
Services for
Constituents
Act of 2019.
5 USC 101 note.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) congressional offices provide crucial services to constituents by acting as a liaison between the constituents and the respective agencies;

(2) this includes assisting constituents by making inquiries and working toward resolutions on behalf of the constituent with the respective agencies; and

(3) this process should be simplified through the creation of electronic forms that may be submitted under section 552a of title 5, United States Code (commonly referred to as the Privacy Act), thus modernizing the process for constituents and improving access and efficiency of Government services and agencies in order to expedite the resolution of the problem for which constituents sought help.

SEC. 3. OMB GUIDANCE ON ELECTRONIC CONSENT AND ACCESS FORMS.

5 USC 552a note.

(a) GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Director shall issue guidance that does the following:

Deadline.

(1) Requires each agency to accept electronic identity proofing and authentication processes for the purposes of allowing an individual to provide prior written consent for the disclosure of the individual’s records under section 552a(b) of title 5, United States Code, or for individual access to records under section 552a(d) of such title.

(2) Creates a template for electronic consent and access forms and requires each agency to post the template on the agency website and to accept the forms from any individual properly identity proofed and authenticated in accordance with paragraph (1) for the purpose of authorizing disclosure of the individual’s records under section 552a(b) of title 5, United

Web posting.

States Code, or for individual access to records under section 552a(d) of such title.

(3) Requires each agency to accept the electronic consent and access forms described in paragraph (2) from any individual properly identity proofed and authenticated in accordance with paragraph (1) for the purpose of authorizing disclosure of the individual's records to another entity, including a congressional office, in accordance with section 552a(b) of title 5, United States Code, or for individual access to records under section 552a(d).

Deadline.

(b) AGENCY COMPLIANCE.—Each agency shall comply with the guidance issued pursuant to subsection (a) not later than 1 year after the date on which such guidance is issued.

(c) DEFINITIONS.—In this section:

(1) AGENCY; INDIVIDUAL; RECORD.—The terms “agency”, “individual”, and “record” have the meanings given those terms in section 552a(a) of title 5, United States Code.

(2) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

SEC. 4. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act. Such requirements shall be carried out using amounts otherwise authorized.

SEC. 5. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved August 22, 2019.

LEGISLATIVE HISTORY—H.R. 1079:

SENATE REPORTS: No. 116–50 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 165 (2019):

Feb. 11, considered and passed House.

July 31, considered and passed Senate.

Public Law 116–51
116th Congress

An Act

To amend title 11, United States Code, with respect to the definition of “family farmer”.

Aug. 23, 2019
[H.R. 2336]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Family Farmer Relief Act of 2019”.

Family Farmer
Relief Act
of 2019.
11 USC 101 note.

SEC. 2. DEFINITION OF FAMILY FARMER.

Section 101(18) of title 11, United States Code, is amended by striking “\$3,237,000” each place that term appears and inserting “\$10,000,000”.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved August 23, 2019.

LEGISLATIVE HISTORY—H.R. 2336:

HOUSE REPORTS: No. 116–182 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 165 (2019):

July 25, considered and passed House.

Aug. 1, considered and passed Senate.

Public Law 116–52
116th Congress

An Act

Aug. 23, 2019
[H.R. 2938]

To exempt from the calculation of monthly income certain benefits paid by the Department of Veterans Affairs and the Department of Defense.

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

Honoring
American
Veterans in
Extreme Need
Act of 2019.
11 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Honoring American Veterans in Extreme Need Act of 2019” or the “HAVEN Act”.

SEC. 2. DEFINITION OF CURRENT MONTHLY INCOME.

Section 101(10A) of title 11, United States Code, is amended by striking subparagraph (B) and inserting the following:

“(B)(i) includes any amount paid by any entity other than the debtor (or in a joint case the debtor and the debtor’s spouse), on a regular basis for the household expenses of the debtor or the debtor’s dependents (and in a joint case the debtor’s spouse if not otherwise a dependent); and

“(ii) excludes—

“(I) benefits received under the Social Security Act (42 U.S.C. 301 et seq.);

“(II) payments to victims of war crimes or crimes against humanity on account of their status as victims of such crimes;

“(III) payments to victims of international terrorism or domestic terrorism, as those terms are defined in section 2331 of title 18, on account of their status as victims of such terrorism; and

“(IV) any monthly compensation, pension, pay, annuity, or allowance paid under title 10, 37, or 38 in connection with a disability, combat-related injury or disability, or death of a member of the uniformed services, except that any retired pay excluded under this subclause shall include retired pay paid under chapter 61 of title 10 only to the extent that such retired pay exceeds the amount of retired pay to which the debtor would otherwise be entitled if retired under any provision of title 10 other than chapter 61 of that title.”.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of

PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved August 23, 2019.

LEGISLATIVE HISTORY—H.R. 2938:

HOUSE REPORTS: No. 116–169 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 165 (2019):

July 23, considered and passed House.

Aug. 1, considered and passed Senate.

Public Law 116–53
116th Congress

An Act

Aug. 23, 2019
[H.R. 3304]

National Guard
and Reservists
Debt Relief
Extension Act
of 2019.
11 USC 101 note.
11 USC 707 note.

To exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Guard and Reservists Debt Relief Extension Act of 2019”.

SEC. 2. NATIONAL GUARD AND RESERVISTS DEBT RELIEF AMENDMENT.

Section 4(b) of the National Guard and Reservists Debt Relief Act of 2008 (Public Law 110–438; 122 Stat. 5000) is amended by striking “11-year” and inserting “15-year”.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved August 23, 2019.

LEGISLATIVE HISTORY—H.R. 3304:

HOUSE REPORTS: No. 116–170 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 165 (2019):

July 23, considered and passed House.

Aug. 1, considered and passed Senate.

Public Law 116–54
116th Congress

An Act

To amend chapter 11 of title 11, United States Code, to address reorganization of small businesses, and for other purposes.

Aug. 23, 2019
[H.R. 3311]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Reorganization Act of 2019”.

Small Business
Reorganization
Act of 2019.
11 USC 101 note.

SEC. 2. REORGANIZATION OF SMALL BUSINESS DEBTORS.

(a) IN GENERAL.—Chapter 11 of title 11, United States Code, is amended by adding at the end the following:

11 USC
prec. 1181.

“SUBCHAPTER V—SMALL BUSINESS DEBTOR
REORGANIZATION

“§ 1181. Inapplicability of other sections

11 USC 1181.

“(a) IN GENERAL.—Sections 105(d), 1101(1), 1104, 1105, 1106, 1107, 1108, 1115, 1116, 1121, 1123(a)(8), 1123(c), 1127, 1129(a)(15), 1129(b), 1129(c), 1129(e), and 1141(d)(5) of this title do not apply in a case under this subchapter.

“(b) COURT AUTHORITY.—Unless the court for cause orders otherwise, paragraphs (1), (2), and (4) of section 1102(a) and sections 1102(b), 1103, and 1125 of this title do not apply in a case under this subchapter.

“(c) SPECIAL RULE FOR DISCHARGE.—If a plan is confirmed under section 1191(b) of this title, section 1141(d) of this title shall not apply, except as provided in section 1192 of this title.

“§ 1182. Definitions

11 USC 1182.

“In this subchapter:

“(1) DEBTOR.—The term ‘debtor’ means a small business debtor.

“(2) DEBTOR IN POSSESSION.—The term ‘debtor in possession’ means the debtor, unless removed as debtor in possession under section 1185(a) of this title.

“§ 1183. Trustee

11 USC 1183.

“(a) IN GENERAL.—If the United States trustee has appointed an individual under section 586(b) of title 28 to serve as standing trustee in cases under this subchapter, and if such individual qualifies as a trustee under section 322 of this title, then that individual shall serve as trustee in any case under this subchapter. Otherwise, the United States trustee shall appoint one disinterested person

to serve as trustee in the case or the United States trustee may serve as trustee in the case, as necessary.

“(b) DUTIES.—The trustee shall—

“(1) perform the duties specified in paragraphs (2), (5), (6), (7), and (9) of section 704(a) of this title;

“(2) perform the duties specified in paragraphs (3), (4), and (7) of section 1106(a) of this title, if the court, for cause and on request of a party in interest, the trustee, or the United States trustee, so orders;

“(3) appear and be heard at the status conference under section 1188 of this title and any hearing that concerns—

“(A) the value of property subject to a lien;

“(B) confirmation of a plan filed under this subchapter;

“(C) modification of the plan after confirmation; or

“(D) the sale of property of the estate;

“(4) ensure that the debtor commences making timely payments required by a plan confirmed under this subchapter;

“(5) if the debtor ceases to be a debtor in possession, perform the duties specified in section 704(a)(8) and paragraphs (1), (2), and (6) of section 1106(a) of this title, including operating the business of the debtor;

“(6) if there is a claim for a domestic support obligation with respect to the debtor, perform the duties specified in section 704(c) of this title; and

“(7) facilitate the development of a consensual plan of reorganization.

“(c) TERMINATION OF TRUSTEE SERVICE.—

“(1) IN GENERAL.—If the plan of the debtor is confirmed under section 1191(a) of this title, the service of the trustee in the case shall terminate when the plan has been substantially consummated, except that the United States trustee may reappoint a trustee as needed for performance of duties under subsection (b)(3)(C) of this section and section 1185(a) of this title.

Deadline.

“(2) SERVICE OF NOTICE OF SUBSTANTIAL CONSUMMATION.—Not later than 14 days after the plan of the debtor is substantially consummated, the debtor shall file with the court and serve on the trustee, the United States trustee, and all parties in interest notice of such substantial consummation.

11 USC 1184.

“§ 1184. Rights and powers of a debtor in possession

“Subject to such limitations or conditions as the court may prescribe, a debtor in possession shall have all the rights, other than the right to compensation under section 330 of this title, and powers, and shall perform all functions and duties, except the duties specified in paragraphs (2), (3), and (4) of section 1106(a) of this title, of a trustee serving in a case under this chapter, including operating the business of the debtor.

11 USC 1185.

“§ 1185. Removal of debtor in possession

“(a) IN GENERAL.—On request of a party in interest, and after notice and a hearing, the court shall order that the debtor shall not be a debtor in possession for cause, including fraud, dishonesty, incompetence, or gross mismanagement of the affairs of the debtor, either before or after the date of commencement of the case, or for failure to perform the obligations of the debtor under a plan confirmed under this subchapter.

“(b) REINSTATEMENT.—On request of a party in interest, and after notice and a hearing, the court may reinstate the debtor in possession.

“§ 1186. Property of the estate

11 USC 1186.

“(a) INCLUSIONS.—If a plan is confirmed under section 1191(b) of this title, property of the estate includes, in addition to the property specified in section 541 of this title—

“(1) all property of the kind specified in that section that the debtor acquires after the date of commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13 of this title, whichever occurs first; and

“(2) earnings from services performed by the debtor after the date of commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13 of this title, whichever occurs first.

“(b) DEBTOR REMAINING IN POSSESSION.—Except as provided in section 1185 of this title, a plan confirmed under this subchapter, or an order confirming a plan under this subchapter, the debtor shall remain in possession of all property of the estate.

“§ 1187. Duties and reporting requirements of debtors

11 USC 1187.

“(a) FILING REQUIREMENTS.—Upon electing to be a debtor under this subchapter, the debtor shall file the documents required by subparagraphs (A) and (B) of section 1116(1) of this title.

“(b) OTHER APPLICABLE PROVISIONS.—A debtor, in addition to the duties provided in this title and as otherwise required by law, shall comply with the requirements of section 308 and paragraphs (2), (3), (4), (5), (6), and (7) of section 1116 of this title.

“(c) SEPARATE DISCLOSURE STATEMENT EXEMPTION.—If the court orders under section 1181(b) of this title that section 1125 of this title applies, section 1125(f) of this title shall apply.

Applicability.

“§ 1188. Status conference

11 USC 1188.

“(a) IN GENERAL.—Except as provided in subsection (b), not later than 60 days after the entry of the order for relief under this chapter, the court shall hold a status conference to further the expeditious and economical resolution of a case under this subchapter.

Deadline.

“(b) EXCEPTION.—The court may extend the period of time for holding a status conference under subsection (a) if the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable.

“(c) REPORT.—Not later than 14 days before the date of the status conference under subsection (a), the debtor shall file with the court and serve on the trustee and all parties in interest a report that details the efforts the debtor has undertaken and will undertake to attain a consensual plan of reorganization.

“§ 1189. Filing of the plan

11 USC 1189.

“(a) WHO MAY FILE A PLAN.—Only the debtor may file a plan under this subchapter.

“(b) DEADLINE.—The debtor shall file a plan not later than 90 days after the order for relief under this chapter, except that the court may extend the period if the need for the extension

Extension.

is attributable to circumstances for which the debtor should not justly be held accountable.

11 USC 1190.

“§ 1190. Contents of plan

“A plan filed under this subchapter—

“(1) shall include—

“(A) a brief history of the business operations of the debtor;

Analysis.

“(B) a liquidation analysis; and

“(C) projections with respect to the ability of the debtor to make payments under the proposed plan of reorganization;

“(2) shall provide for the submission of all or such portion of the future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan; and

“(3) notwithstanding section 1123(b)(5) of this title, may modify the rights of the holder of a claim secured only by a security interest in real property that is the principal residence of the debtor if the new value received in connection with the granting of the security interest was—

“(A) not used primarily to acquire the real property; and

“(B) used primarily in connection with the small business of the debtor.

11 USC 1191.

“§ 1191. Confirmation of plan

“(a) TERMS.—The court shall confirm a plan under this subchapter only if all of the requirements of section 1129(a), other than paragraph (15) of that section, of this title are met.

“(b) EXCEPTION.—Notwithstanding section 510(a) of this title, if all of the applicable requirements of section 1129(a) of this title, other than paragraphs (8), (10), and (15) of that section, are met with respect to a plan, the court, on request of the debtor, shall confirm the plan notwithstanding the requirements of such paragraphs if the plan does not discriminate unfairly, and is fair and equitable, with respect to each class of claims or interests that is impaired under, and has not accepted, the plan.

“(c) RULE OF CONSTRUCTION.—For purposes of this section, the condition that a plan be fair and equitable with respect to each class of claims or interests includes the following requirements:

“(1) With respect to a class of secured claims, the plan meets the requirements of section 1129(b)(2)(A) of this title.

Time periods.

“(2) As of the effective date of the plan—

“(A) the plan provides that all of the projected disposable income of the debtor to be received in the 3-year period, or such longer period not to exceed 5 years as the court may fix, beginning on the date that the first payment is due under the plan will be applied to make payments under the plan; or

“(B) the value of the property to be distributed under the plan in the 3-year period, or such longer period not to exceed 5 years as the court may fix, beginning on the date on which the first distribution is due under the plan is not less than the projected disposable income of the debtor.

“(3)(A)(i) The debtor will be able to make all payments under the plan; or

“(ii) there is a reasonable likelihood that the debtor will be able to make all payments under the plan; and

“(B) the plan provides appropriate remedies, which may include the liquidation of nonexempt assets, to protect the holders of claims or interests in the event that the payments are not made.

“(d) DISPOSABLE INCOME.—For purposes of this section, the term ‘disposable income’ means the income that is received by the debtor and that is not reasonably necessary to be expended—

Definition.

“(1) for—

“(A) the maintenance or support of the debtor or a dependent of the debtor; or

“(B) a domestic support obligation that first becomes payable after the date of the filing of the petition; or

“(2) for the payment of expenditures necessary for the continuation, preservation, or operation of the business of the debtor.

“(e) SPECIAL RULE.—Notwithstanding section 1129(a)(9)(A) of this title, a plan that provides for the payment through the plan of a claim of a kind specified in paragraph (2) or (3) of section 507(a) of this title may be confirmed under subsection (b) of this section.

“§ 1192. Discharge

11 USC 1192.

“If the plan of the debtor is confirmed under section 1191(b) of this title, as soon as practicable after completion by the debtor of all payments due within the first 3 years of the plan, or such longer period not to exceed 5 years as the court may fix, unless the court approves a written waiver of discharge executed by the debtor after the order for relief under this chapter, the court shall grant the debtor a discharge of all debts provided in section 1141(d)(1)(A) of this title, and all other debts allowed under section 503 of this title and provided for in the plan, except any debt—

“(1) on which the last payment is due after the first 3 years of the plan, or such other time not to exceed 5 years fixed by the court; or

“(2) of the kind specified in section 523(a) of this title.

“§ 1193. Modification of plan

11 USC 1193.

“(a) MODIFICATION BEFORE CONFIRMATION.—The debtor may modify a plan at any time before confirmation, but may not modify the plan so that the plan as modified fails to meet the requirements of sections 1122 and 1123 of this title, with the exception of subsection (a)(8) of such section 1123. After the modification is filed with the court, the plan as modified becomes the plan.

“(b) MODIFICATION AFTER CONFIRMATION.—If a plan has been confirmed under section 1191(a) of this title, the debtor may modify the plan at any time after confirmation of the plan and before substantial consummation of the plan, but may not modify the plan so that the plan as modified fails to meet the requirements of sections 1122 and 1123 of this title, with the exception of subsection (a)(8) of such section 1123. The plan, as modified under this subsection, becomes the plan only if circumstances warrant the modification and the court, after notice and a hearing, confirms the plan as modified under section 1191(a) of this title.

“(c) CERTAIN OTHER MODIFICATIONS.—If a plan has been confirmed under section 1191(b) of this title, the debtor may modify the plan at any time within 3 years, or such longer time not to exceed 5 years, as fixed by the court, but may not modify the plan so that the plan as modified fails to meet the requirements of section 1191(b) of this title. The plan as modified under this subsection becomes the plan only if circumstances warrant such modification and the court, after notice and a hearing, confirms such plan, as modified, under section 1191(b) of this title.

“(d) HOLDERS OF A CLAIM OR INTEREST.—If a plan has been confirmed under section 1191(a) of this title, any holder of a claim or interest that has accepted or rejected the plan is deemed to have accepted or rejected, as the case may be, the plan as modified, unless, within the time fixed by the court, such holder changes the previous acceptance or rejection of the holder.

11 USC 1194.

“§ 1194. Payments

“(a) RETENTION AND DISTRIBUTION BY TRUSTEE.—Payments and funds received by the trustee shall be retained by the trustee until confirmation or denial of confirmation of a plan. If a plan is confirmed, the trustee shall distribute any such payment in accordance with the plan. If a plan is not confirmed, the trustee shall return any such payments to the debtor after deducting—

“(1) any unpaid claim allowed under section 503(b) of this title;

“(2) any payment made for the purpose of providing adequate protection of an interest in property due to the holder of a secured claim; and

“(3) any fee owing to the trustee.

“(b) OTHER PLANS.—If a plan is confirmed under section 1191(b) of this title, except as otherwise provided in the plan or in the order confirming the plan, the trustee shall make payments to creditors under the plan.

“(c) PAYMENTS PRIOR TO CONFIRMATION.—Prior to confirmation of a plan, the court, after notice and a hearing, may authorize the trustee to make payments to the holder of a secured claim for the purpose of providing adequate protection of an interest in property.

11 USC 1195.

“§ 1195. Transactions with professionals

“Notwithstanding section 327(a) of this title, a person is not disqualified for employment under section 327 of this title, by a debtor solely because that person holds a claim of less than \$10,000 that arose prior to commencement of the case.”.

11 USC
prec. 1101.

(b) CLERICAL AMENDMENT.—The table of subchapters at the beginning of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

“SUBCHAPTER V—SMALL BUSINESS DEBTOR REORGANIZATION

“1181. Inapplicability of other sections.

“1182. Definitions.

“1183. Trustee.

“1184. Rights and powers of a debtor in possession.

“1185. Removal of debtor in possession.

“1186. Property of the estate.

“1187. Duties and reporting requirements of debtors.

“1188. Status conference.

“1189. Filing of the plan.

“1190. Contents of plan.

“1191. Confirmation of plan.

“1192. Discharge.

“1193. Modification of plan.

“1194. Payments.

“1195. Transactions with professionals.”.

SEC. 3. PREFERENCES; VENUE OF CERTAIN PROCEEDINGS.

(a) PREFERENCES.—Section 547(b) of title 11, United States Code, is amended by inserting “, based on reasonable due diligence in the circumstances of the case and taking into account a party’s known or reasonably knowable affirmative defenses under subsection (c),” after “may”.

(b) VENUE OF CERTAIN PROCEEDINGS.—Section 1409(b) of title 28, United States Code, is amended by striking “\$10,000” and inserting “\$25,000”.

SEC. 4. CONFORMING AMENDMENTS.

(a) TITLE 11.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (51C), by inserting “and has not elected that subchapter V of chapter 11 of this title shall apply” after “is a small business debtor”; and

(B) in paragraph (51D)—

(i) in subparagraph (A)—

(I) by striking “or operating real property or activities incidental thereto” and inserting “single asset real estate”; and

(II) by striking “for a case in which” and all that follows and inserting “not less than 50 percent of which arose from the commercial or business activities of the debtor; and”; and

(ii) in subparagraph (B)—

(I) by striking the period at the end and inserting a semicolon;

(II) by striking “does not include any member” and inserting the following: “does not include—
“(i) any member”; and

(III) by adding at the end the following:

“(ii) any debtor that is a corporation subject to the reporting requirements under section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d)); or

“(iii) any corporation that—

“(I) is subject to the reporting requirements under section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d)); and

“(II) is an affiliate of a debtor.”;

(2) in section 103—

(A) by redesignating subsections (i) through (k) as subsections (j) through (l), respectively; and

(B) by inserting after subsection (h) the following:

“(i) Subchapter V of chapter 11 of this title applies only in a case under chapter 11 in which a small business debtor elects that subchapter V of chapter 11 shall apply.”;

(3) in section 322(a), by inserting “1183,” after “1163,”;

(4) in section 326—

(A) in subsection (a), by inserting “, other than a case under subchapter V of chapter 11” after “7 or 11”; and

(B) in subsection (b), by inserting “subchapter V of chapter 11 or” after “In a case under”;

(5) in section 347—

(A) in subsection (a)—

(i) by inserting “1194,” after “726,”; and

(ii) by inserting “subchapter V of chapter 11,” after “chapter 7,”; and

(B) in subsection (b), by inserting “1194,” after “1173,”;

(6) in section 363(c)(1), by inserting “1183, 1184,” after “1108,”;

(7) in section 364(a), by inserting “1183, 1184,” after “1108,”;

(8) in section 523(a), in the matter preceding paragraph (1), by inserting “1192” after “1141,”;

(9) in section 524—

(A) in subsection (a)—

(i) in paragraph (1), by inserting “1192,” after “1141,”; and

(ii) in paragraph (3), by inserting “1192,” after “523,”;

(B) in subsection (c)(1), by inserting “1192,” after “1141,”; and

(C) in subsection (d), by inserting “1192,” after “1141,”;

(10) in section 557(d)(3), by inserting “1183,” after “1104,”;

(11) in section 1102(a), by striking paragraph (3) and inserting the following:

“(3) Unless the court for cause orders otherwise, a committee of creditors may not be appointed in a small business case or a case under subchapter V of this chapter.”; and

(12) in section 1146(a), by inserting “or 1191” after “1129”.

(b) TITLE 28.—Title 28 United States Code, is amended—

(1) in section 586—

(A) in subsection (a)(3), by inserting “(including subchapter V of chapter 11)” after “7, 11”;

(B) in subsection (b), by inserting “subchapter V of chapter 11 or” after “cases under” the first place it appears;

(C) in subsection (d)(1), by inserting “subchapter V of chapter 11 or” after “cases under” each place that term appears; and

(D) in subsection (e)—

(i) in paragraph (1), by inserting “subchapter V of chapter 11 or” after “cases under”;

(ii) in paragraph (2), by inserting “subchapter V of chapter 11 or” after “cases under” each place that term appears; and

(iii) by adding at the end the following:

“(5) In the event that the services of the trustee in a case under subchapter V of chapter 11 of title 11 are terminated by dismissal or conversion of the case, or upon substantial consummation of a plan under section 1183(c)(1) of that title, the court shall award compensation to the trustee consistent with services performed by the trustee and the limits on the compensation of the trustee established pursuant to paragraph (1) of this subsection.”;

(2) in section 589b—

(A) in subsection (a)(1), by inserting “subchapter V of chapter 11 and” after “cases under”; and

(B) in subsection (d)—

(i) in the matter preceding paragraph (1), by inserting “subchapter V of chapter 11 and” after “trustees under”; and

(ii) in the undesignated matter following paragraph (8), by inserting “subchapter V of chapter 11 and” after “cases under”; and

(3) in section 1930(a)(6)(A), by inserting “, other than under subchapter V,” after “chapter 11 of title 11”.

SEC. 5. EFFECTIVE DATE.

11 USC 101 note.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

SEC. 6. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved August 23, 2019.

LEGISLATIVE HISTORY—H.R. 3311:

HOUSE REPORTS: No. 116–171 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 165 (2019):

July 23, considered and passed House.

Aug. 1, considered and passed Senate.

Public Law 116–55
116th Congress

An Act

Aug. 23, 2019
[H.R. 1250]

To designate the facility of the United States Postal Service located at 11158 Highway 146 North in Hardin, Texas, as the “Lucas Lowe Memorial Post Office”.

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

SECTION 1. LUCAS LOWE MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 11158 Highway 146 North in Hardin, Texas, shall be known and designated as the “Lucas Lowe Memorial Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Lucas Lowe Memorial Post Office”.

Approved August 23, 2019.

LEGISLATIVE HISTORY—H.R. 1250:

CONGRESSIONAL RECORD, Vol. 165 (2019):

July 17, considered and passed House.

July 30, considered and passed Senate.

Public Law 116–56
116th Congress

An Act

To transfer a bridge over the Wabash River to the New Harmony River Bridge Authority and the New Harmony and Wabash River Bridge Authority, and for other purposes.

Aug. 23, 2019
[H.R. 3245]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Restore the Harmony Way Bridge Act”.

Restore the
Harmony Way
Bridge Act.

SEC. 2. TRANSFER OF BRIDGE AND LAND.

Notwithstanding any provision of the Act of April 12, 1941 (55 Stat. 140, chapter 71), not later than 180 days after the date of enactment of this Act, the White County Bridge Commission shall convey, without consideration, to the New Harmony River Bridge Authority and the New Harmony and Wabash River Bridge Authority, any and all right, title, and interest of such Commission in and to the bridge across the Wabash River at or near New Harmony, Indiana, in the approaches thereto, and in land underneath or adjacent to such bridge and its approaches.

Deadline.

SEC. 3. REPEAL.

The Act of April 12, 1941 (55 Stat. 140, chapter 71) is repealed effective on the date that the White County Bridge Commission completes the conveyance described in section 2.

Approved August 23, 2019.

LEGISLATIVE HISTORY—H.R. 3245 (S. 1833):

SENATE REPORTS: No. 116–64 (Comm. on Environment and Public Works) accompanying S. 1833.

CONGRESSIONAL RECORD, Vol. 165 (2019):

July 24, considered and passed House.

July 31, considered and passed Senate.

Public Law 116–57
116th Congress

An Act

Sept. 22, 2019
[H.R. 831]

To direct the Secretary of Transportation to request nominations for and make determinations regarding roads to be designated under the national scenic byways program, and for other purposes.

Reviving
America’s Scenic
Byways Act
of 2019.
23 USC 162 note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Reviving America’s Scenic Byways Act of 2019”.

Deadlines.
Web postings.

SEC. 2. NATIONAL SCENIC BYWAYS PROGRAM.

(a) REQUEST FOR NOMINATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall issue a request for nominations with respect to roads to be designated under the national scenic byways program, as described in section 162(a) of title 23, United States Code. The Secretary shall make the request for nominations available on the appropriate website of the Department of Transportation.

Public
information.
List.

(b) DESIGNATION DETERMINATIONS.—Not later than 1 year after the date on which the request for nominations required under subsection (a) is issued, the Secretary shall make publicly available on the appropriate website of the Department of Transportation a list specifying the roads, nominated pursuant to such request, to be designated under the national scenic byways program.

Approved September 22, 2019.

LEGISLATIVE HISTORY—H.R. 831 (S. 349):

SENATE REPORTS: No. 116–61 (Comm. on Environment and Public Works) accompanying S. 349.

CONGRESSIONAL RECORD, Vol. 165 (2019):

Feb. 6, considered and passed House.

Sept. 9, considered and passed Senate.

Public Law 116–58
116th Congress

An Act

To increase, effective as of December 1, 2019, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

Sept. 26, 2019
[H.R. 1200]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans’ Compensation Cost-of-Living Adjustment Act of 2019”.

Veterans’
Compensation
Cost-of-Living
Adjustment Act
of 2019.
38 USC 101 note.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

38 USC 1114
note.

(a) **RATE ADJUSTMENT.**—Effective on December 1, 2019, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2019, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

Effective date.

(b) **AMOUNTS TO BE INCREASED.**—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) **WARTIME DISABILITY COMPENSATION.**—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) **ADDITIONAL COMPENSATION FOR DEPENDENTS.**—Each of the dollar amounts under section 1115(1) of such title.

(3) **CLOTHING ALLOWANCE.**—The dollar amount under section 1162 of such title.

(4) **DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.**—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) **DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.**—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) **DETERMINATION OF INCREASE.**—Each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2019, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(d) **SPECIAL RULE.**—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

Federal Register,
publication.
38 USC 1114
note.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2020.

Approved September 26, 2019.

LEGISLATIVE HISTORY—H.R. 1200:

HOUSE REPORTS: No. 116–68 (Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD, Vol. 165 (2019):

May 21, considered and passed House.

Sept. 12, considered and passed Senate.

Public Law 116–59
116th Congress

An Act

Making continuing appropriations for fiscal year 2020, and for other purposes.

Sept. 27, 2019
[H.R. 4378]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Continuing Appropriations Act, 2020, and Health Extenders Act of 2019”.

Continuing
Appropriations
Act, 2020, and
Health Extenders
Act of 2019.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of Contents.
Sec. 3. References.

DIVISION A—CONTINUING APPROPRIATIONS ACT, 2020

DIVISION B—HEALTH AND HUMAN SERVICES EXTENDERS AND OTHER
MATTERS

TITLE I—PUBLIC HEALTH EXTENDERS

TITLE II—OTHER HEALTH EXTENDERS

TITLE III—MEDICAID EXTENDERS

TITLE IV—MEDICARE EXTENDERS

TITLE V—HUMAN SERVICES EXTENDERS

TITLE VI—MISCELLANEOUS POLICIES

TITLE VII—BUDGETARY EFFECTS

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—CONTINUING APPROPRIATIONS ACT, 2020

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2020, and for other purposes, namely:

Continuing
Appropriations
Act, 2020.

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2019 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise

specifically provided for in this Act, that were conducted in fiscal year 2019, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

Applicability.

Ante, p. 64.

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2019 (division B of Public Law 116–6), except that the language under the heading “Rural Utilities Service—Rural Water and Waste Disposal Program Account” in title III shall be applied by inserting “the cost of direct loans,” before “loan guarantees” at the beginning of the second sentence in the matter preceding the first proviso.

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2019 (division C of Public Law 116–6), except section 523(b)(6).

(3) The Department of Defense Appropriations Act, 2019 (division A of Public Law 115–245).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2019 (division A of Public Law 115–244), except section 505.

(5) The Financial Services and General Government Appropriations Act, 2019 (division D of Public Law 116–6).

(6) The Department of Homeland Security Appropriations Act, 2019 (division A of Public Law 116–6) as amended, and title I of division H of Public Law 116–6.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2019 (division E of Public Law 116–6).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2019 (division B of Public Law 115–245).

(9) The Legislative Branch Appropriations Act, 2019 (division B of Public Law 115–244).

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2019 (division C of Public Law 115–244).

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6), except section 7058(d).

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2019 (division G of Public Law 116–6).

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2019 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2019 funds; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2019.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later. Contracts.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2019.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2020, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2020 without any provision for such project or activity.

(3) November 21, 2019.

Expiration date.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2020 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

Continuation.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2019, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2019, to be continued through the date specified in section 106(3).

Time period.

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2019 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2019, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to section 251(b)(2)(A) of such Act or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

Applicability.

(b) Section 5 of Public Law 116–6 shall apply to amounts designated in subsection (a) and section 124 of this Act for Overseas Contingency Operations/Global War on Terrorism.

Effective date.

(c) This section shall become effective immediately upon enactment of this Act, and shall remain in effect through the date in section 106(3).

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act,

may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

Continuation.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2019, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than November 11, 2019, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided*, That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2019, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.

Deadline.
Lists.

Effective date.

SEC. 116. Title I of the Additional Supplemental Appropriations for Disaster Relief Act, 2019 (Public Law 116–20) is amended in the matter under the heading “Department of Agriculture—Office of the Secretary” by inserting “to cooperative processors for reduced quantity and quality sugar beets,” after “planting in 2019,”: *Provided*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

Ante, p. 871.

SEC. 117. The Secretary of Agriculture may waive the matching funds requirement under Section 412(g) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632(g)).

Waiver authority.

SEC. 118. Amounts made available by section 101 for “Department of Agriculture—Food and Nutrition Service—Child Nutrition Programs” to carry out section 749(g) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80) may be apportioned up to the rate for operations necessary to ensure that the program can be fully operational by May 2020.

SEC. 119. Amounts provided by section 111 to the Department of Agriculture for “Corporations—Commodity Credit Corporation Fund—Reimbursement for Net Realized Losses” may be used, prior to the completion of the report described in section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11), to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, as of September 17, 2019: *Provided*, That the Secretary of Agriculture shall submit a report, no later than October 31, 2019, to the Committees on Appropriations and Agriculture of both Houses of Congress, including estimates for all Market Facilitation Program payments, in calendar year 2018 and 2019 and projected payments in calendar year 2020 resulting from the calendar year 2019 program that include State-by-State, commodity-by-commodity, including specialty crops, analysis of the trade damage caused by retaliatory tariffs and separately by non-tariff trade barriers, including dumping, on U.S. agricultural producers, and an accounting of any commodity purchases made from substantially foreign-owned companies or their subsidiaries.

Reports.
Deadline.
Estimates.
Analysis.

SEC. 120. In addition to amounts provided by section 101, amounts are provided for “Department of Agriculture—Agricultural Marketing Service—Marketing Services” at a rate for operations

of \$16,496,000 to continue the implementation of the Hemp Production Program (section 10113 of Public Law 115–334).

SEC. 121. Amounts made available by section 101 for “International Trade Commission—Salaries and Expenses” may be apportioned up to the rate for operations necessary to carry out responsibilities under the American Manufacturing Competitiveness Act of 2016 (Public Law 114–159).

SEC. 122. Amounts made available by section 101 to the Department of Commerce for “Bureau of the Census—Periodic Censuses and Programs” may be apportioned up to the rate for operations necessary to maintain the schedule and deliver the required data according to the statutory deadlines in the 2020 Decennial Census Program.

Definition. SEC. 123. Notwithstanding section 2208(l)(3) of title 10, United States Code, during the period covered by this Act, any advanced billing for background investigation services and related services purchased from activities financed using Defense Working Capital Funds shall be excluded from the calculation of cumulative advance billings under section 2208(l)(3) of such title. In the preceding sentence, the term “advance billing” has the meaning given the term in section 2208(l)(4) of such title.

Rescissions. SEC. 124. (a) The remaining unobligated balances of funds as of September 30, 2019, from amounts provided by section 9013 of division A of Public Law 115–245 are hereby rescinded: *Provided*, That such amounts that were previously designated by the Congress as being for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as being for Overseas Contingency Operations/Global War on Terrorism pursuant to that section of that Act.

Expiration date. (b) In addition to the amount otherwise provided by section 101 for the “Ukraine Security Assistance Initiative”, there is appropriated on September 30, 2019, for an additional amount for fiscal year 2019, an amount equal to the unobligated balances rescinded pursuant to subsection (a) of this section: *Provided*, That amounts made available pursuant to this subsection shall remain available until September 30, 2020, and shall be available for the same purposes and under the same authorities for which they were originally provided in Public Law 115–245: *Provided further*, That such amount is designated by the Congress as being for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Effective date. (c) This section shall become effective immediately upon enactment of this Act.

Applicability. (d) If this Act is enacted after September 30, 2019, or if the designation in subsection 114(b) occurs after September 30, 2019, this section shall be applied as if it were in effect on September 30, 2019.

SEC. 125. (a) No funds shall be transferred directly from “Department of Energy—Power Marketing Administration—Colorado River Basins Power Marketing Fund, Western Area Power Administration” to the general fund of the Treasury in fiscal year 2019.

Effective date. (b) This section shall become effective immediately upon enactment of this Act.

SEC. 126. During the period covered by this Act, title I of Public Law 108–361, as amended (the Calfed Bay-Delta Authorization Act) (118 Stat. 1681), shall be applied by substituting “2020” for “2019” each place it appears. Applicability.

SEC. 127. Notwithstanding section 101, title I of division D of Public Law 116–6 shall be applied by adding the following new heading and appropriation language under the heading “Department of the Treasury—Departmental Offices”: Applicability.
Ante, p. 139.

“COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES FUND

“For necessary expenses of the Committee on Foreign Investment in the United States, \$15,000,000, to remain available until expended: *Provided*, That the chairperson of the Committee may transfer such amounts to any department or agency represented on the Committee (including the Department of the Treasury) subject to advance notification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts so transferred shall remain available until expended for expenses of implementing section 721 of the Defense Production Act of 1950, as amended (50 U.S.C. 4565), and shall be available in addition to any other funds available to any department or agency: *Provided further*, That fees authorized by section 721(p) of such Act shall be credited to this appropriation as offsetting collections: *Provided further*, That the total amount appropriated pursuant to this section from the general fund shall be reduced as such offsetting collections are received during this fiscal year, so as to result in a total appropriation from the general fund estimated at not more than \$5,000,000.” Transfer
authority.
Notification.

SEC. 128. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading “District of Columbia—District of Columbia Funds” for such programs and activities under the District of Columbia Appropriations Act, 2019 (title IV of division D of Public Law 116–6) at the rate set forth in the Fiscal Year 2020 Local Budget Act of 2019 (D.C. Act 23–78), as modified as of the date of enactment of this Act.

SEC. 129. In addition to amounts provided by section 101, amounts are provided to the Office of Personnel Management for “Salaries and Expenses” at a rate for operations of \$48,000,000, for an additional amount for administrative expenses: *Provided*, That of such amounts, \$29,760,000 shall be transferred from the appropriate trust funds of the Office without regard to any other provision of law: *Provided further*, That such amounts may be apportioned up to the rate for operations necessary to maintain agency operations. Transfer
authority.

SEC. 130. Notwithstanding section 101, the matter preceding the first proviso under the heading “Small Business Administration—Business Loans Program Account” in title V of division D of Public Law 116–6 shall be applied as if the following were inserted before the colon: “, and for the cost of guaranteed loans as authorized by section 7(a) of the Small Business Act (Public Law 83–163), \$99,000,000, to remain available until expended”: *Provided*, That amounts made available under such heading by this Act may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general Applicability.

Ante, p. 179.

business loans authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

SEC. 131. Notwithstanding section 101, amounts are provided for “Small Business Administration—Disaster Loans Program Account” at a rate for operations of \$177,136,000: *Provided*, That amounts made available under such heading by this Act may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for disaster administrative expenses authorized under section 20(a) of the Small Business Act (15 U.S.C. 631): *Provided further*, That the language under such heading in title V of division D of Public Law 116–6 shall be applied by—

(1) substituting “\$1,600,000” for “\$1,000,000”;

(2) substituting “\$8,400,000” for “\$9,000,000”; and

(3) inserting the following before the period: “; and of which \$167,136,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses: *Provided*, That, of the funds provided under this heading, \$150,888,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)): *Provided further*, That the amount for major disasters under this heading is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177)”.

SEC. 132. Amounts made available by section 101 to the Department of Homeland Security for “United States Secret Service—Operations and Support” may be apportioned up to the rate for operations necessary to support hiring and operations required for protective activities associated with the 2020 presidential election campaign.

SEC. 133. Amounts made available by section 101 to the Department of Homeland Security for “Federal Emergency Management Agency—Disaster Relief Fund” may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 134. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2019”.

(b) If this Act is enacted after September 30, 2019, this section shall be applied as if it were in effect on September 30, 2019.

SEC. 135. Amounts made available by section 101 to the Department of Homeland Security for “Office of the Secretary and Executive Management—Operations and Support”, “Management Directorate—Operations and Support”, and “Intelligence, Analysis, and Operations Coordination—Operations and Support” may be apportioned up to the rate for operations necessary to carry out activities previously funded by the Working Capital Fund of the Department of Homeland Security, consistent with the fiscal year 2020 President’s Budget.

SEC. 136. (a) In addition to amounts provided by section 101, amounts are provided to the “Department of Health and Human Services—Indian Health Service—Indian Health Services” at a rate for operations of \$18,397,500, for an additional amount for costs

Applicability.
Ante, p. 179.

Applicability.

of staffing and operating facilities that were opened, renovated, or expanded in fiscal years 2019 and 2020, and such amounts may be apportioned up to the rate for operations necessary to staff and operate such facilities.

(b) In addition to amounts provided by section 101, amounts are provided for “Department of Health and Human Services—Indian Health Service—Indian Health Facilities” at a rate for operations of \$631,000, for an additional amount for costs of staffing and operating facilities that were opened, renovated, or expanded in fiscal years 2019 and 2020, and such amounts may be apportioned up to the rate for operations necessary to staff and operate such facilities.

SEC. 137. Amounts made available by section 101 to the Department of Health and Human Services for “Centers for Disease Control and Prevention—Public Health Preparedness and Response” and “Office of the Secretary—Public Health and Social Services Emergency Fund” may be obligated in the account and budget structure, and under the authorities and conditions, set forth in H.R. 2740, as passed by the U.S. House of Representatives on June 19, 2019.

SEC. 138. During the period covered by this Act, up to \$20,000,000 of the unobligated amounts in the Infectious Diseases Rapid Response Reserve Fund established by section 231 of division B of Public Law 115–245 may be transferred to “Department of Health and Human Services—Centers for Disease Control and Prevention—CDC—Wide Activities and Program Support” and shall be available until expended for Ebola preparedness and response activities without regard to the limitations in the third proviso in such section 231: *Provided*, That the Director of the Centers for Disease Control and Prevention may transfer such amounts to any of the appropriations accounts under the heading “Centers for Disease Control and Prevention” for Ebola response activities: *Provided further*, That such transfer authority shall be in addition to any other transfer authority provided to the Department of Health and Human Services.

Transfer
authority.

SEC. 139. Section 114(f) of the Higher Education Act of 1965 (20 U.S.C. 1011c(f)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2019”.

Applicability.

SEC. 140. Amounts made available by section 101 for “Department of Veterans Affairs—Veterans Benefits Administration—General Operating Expenses, Veterans Benefits Administration” and “Department of Veterans Affairs—Departmental Administration—Information Technology Systems” may be apportioned up to the rate for operations necessary to support projects and activities created by the Blue Water Navy Vietnam Veterans Act of 2019 (Public Law 116–23).

SEC. 141. Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2019”.

Applicability.

SEC. 142. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2019”.

Applicability.

SEC. 143. Title I of division L of Public Law 115–141 and title I of division G of Public Law 116–6 shall be amended in the first provisos in each Act under the headings “Department

132 Stat. 997;
Ante, p. 422.

Contracts.
Time period.

of Transportation—Federal Transit Administration—Capital Investment Grants” by striking “obligated” and inserting “allocated”.

SEC. 144. Section 9503(e)(4) of the Internal Revenue Code of 1986 shall not apply during the period covered by this Act.

SEC. 145. Amounts made available by section 101 to the Department of Housing and Urban Development for “Housing Programs—Housing for the Elderly” may be apportioned up to the rate for operations necessary to maintain project rental assistance for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2)), including making amendments to contracts for such assistance and renewing expiring contracts for such assistance for up to a 1-year term.

This division may be cited as the “Continuing Appropriations Act, 2020”.

DIVISION B—HEALTH AND HUMAN SERVICES EXTENDERS AND OTHER MATTERS

TITLE I—PUBLIC HEALTH EXTENDERS

SEC. 1101. EXTENSION FOR COMMUNITY HEALTH CENTERS, THE NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTERS THAT OPERATE GME PROGRAMS.

(a) **COMMUNITY HEALTH CENTERS.**—Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by striking “2018 and \$4,000,000,000 for fiscal year 2019.” and inserting “2018, \$4,000,000,000 for fiscal year 2019, and \$569,863,014 for the period beginning on October 1, 2019, and ending on November 21, 2019; and”.

(b) **NATIONAL HEALTH SERVICE CORPS.**—Section 10503(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(2)) is amended—

(1) in subparagraph (E), by striking “; and” and inserting a semicolon;

(2) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(G) \$44,164,384 for the period beginning on October 1, 2019, and ending on November 21, 2019.”.

(c) **TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.**—Section 340H(g)(1) of the Public Health Service Act (42 U.S.C. 256h(g)(1)) is amended—

(1) by striking “and \$126,500,000” and inserting “\$126,500,000”; and

(2) by inserting “and \$18,021,918 for the period beginning on October 1, 2019, and ending on November 21, 2019,” before “to remain available”.

(d) **APPLICATION OF PROVISIONS.**—Amounts appropriated pursuant to this section for the period beginning on October 1, 2019, and ending on November 21, 2019, shall be subject to the requirements contained in Public Law 115–245 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254 through 256).

Time period.

(e) CONFORMING AMENDMENT.—Paragraph (4) of section 3014(h) of title 18, United States Code, as amended by section 50901 of Public Law 115–123, is amended by striking “and section 50901(e) of the Advancing Chronic Care, Extenders, and Social Services Act” and inserting “, section 50901(e) of the Advancing Chronic Care, Extenders, and Social Services Act, and section 1101(d) of division B of the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019”.

SEC. 1102. DIABETES PROGRAMS.

(a) TYPE I.—Section 330B(b)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is amended by inserting “and \$21,369,863 for the period beginning on October 1, 2019, and ending on November 21, 2019,” before “to remain available”.

(b) INDIANS.—Section 330C(c)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is amended by inserting “and \$21,369,863 for the period beginning on October 1, 2019, and ending on November 21, 2019,” before “to remain available”.

TITLE II—OTHER HEALTH EXTENDERS

SEC. 1201. EXTENSION OF SEXUAL RISK AVOIDANCE EDUCATION PROGRAM.

Section 510 of the Social Security Act (42 U.S.C. 710) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting after “for each of fiscal years 2018 and 2019” the following: “and for the period beginning October 1, 2019, and ending November 21, 2019”; and

(II) by inserting after “for the fiscal year” the following: “(or, with respect to such period, for fiscal year 2020)”; and

(ii) in subparagraph (A), by striking “for the fiscal year” each place it appears and inserting “for the fiscal year or period” in each such place; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting after “for each of fiscal years 2018 and 2019” the following: “and for the period beginning October 1, 2019, and ending November 21, 2019”; and

(II) by inserting after “for the fiscal year” the following: “(or, with respect to such period, for fiscal year 2020)”; and

(ii) in subparagraph (B)(i), by inserting after “for the fiscal year” the following: “(or, with respect to such period, for fiscal year 2020)”; and

(2) in subsection (f)—

(A) in paragraph (1), by inserting after “for each of fiscal years 2018 and 2019” the following: “and \$10,684,931 for the period beginning October 1, 2019, and ending November 21, 2019”; and

(B) in paragraph (2), by inserting after “for each of fiscal years 2018 and 2019” the following: “and for the period described in paragraph (1)”.

SEC. 1202. EXTENSION OF PERSONAL RESPONSIBILITY EDUCATION PROGRAM.

Section 513 of the Social Security Act (42 U.S.C. 713) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting after “for each of fiscal years 2010 through 2019” the following: “and for the period beginning October 1, 2019, and ending November 21, 2019”; and

(II) in clause (i), by inserting after “for the fiscal year” the following: “or period”;

(ii) in subparagraph (B)(i), by adding at the end the following new sentence: “The previous sentence shall not apply with respect to State allotments under this paragraph for the period beginning October 1, 2019, and ending November 21, 2019.”; and

(iii) in subparagraph (C)(i)—

(I) by inserting after “for a fiscal year” the following: “or the period described in subparagraph (A)”;

(II) by inserting after “for the fiscal year” the following: “or period”;

(B) in paragraph (3)—

(i) by inserting after “for a fiscal year” the following: “or the period described in paragraph (1)(A)”;

(ii) by striking “the end of the second succeeding fiscal year” and inserting “the end of the second fiscal year following such fiscal year or period”; and

(C) in paragraph (4)—

(i) in subparagraph (A)—

(I) by inserting after “for each of fiscal years 2010 through 2019” the following: “and for the period described in paragraph (1)(A)”;

(II) by inserting after “for each of fiscal years 2012 through 2019” the following: “and for the period so described”; and

(III) by inserting after “for a fiscal year” the following: “or the period so described”; and

(ii) in subparagraph (B)(i), by striking “continue through fiscal year 2019” and inserting “continue through the period described in paragraph (1)(A)”;

(2) in subsection (c)—

(A) in paragraph (1), by striking “From the amount” and inserting “Subject to paragraph (3), from the amount”;

(B) in paragraph (2), by striking “From the amount” and inserting “Subject to paragraph (3), from the amount”;

and

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

“(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply with respect to any amount appropriated under subsection (f) for the period described in subsection (a)(1)(A).”; and

(3) in subsection (f), by inserting after “for each of fiscal years 2010 through 2019” the following: “and \$10,684,931 for the period beginning October 1, 2019, and ending November 21, 2019”.

TITLE III—MEDICAID EXTENDERS

SEC. 1301. EXTENSION OF COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.

Section 223(d)(3) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note) is amended by striking “September 13, 2019” and inserting “November 21, 2019”.

SEC. 1302. TEMPORARY INCREASE IN FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR TERRITORIES UNDER MEDICAID PROGRAM.

Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (b), by striking “and (aa)” and inserting “(aa), and (ff)”; and

(2) by adding at the end the following new subsection: “(ff) TEMPORARY INCREASE IN FMAP FOR TERRITORIES.—Notwithstanding subsection (b) or (z)(2), the Federal medical assistance percentage for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa shall be equal to 100 percent for the period beginning October 1, 2019, and ending November 21, 2019.”.

Time period.

SEC. 1303. DELAY OF REDUCTIONS IN MEDICAID DSH ALLOTMENTS.

Section 1923(f)(7)(A) of the Social Security Act (42 U.S.C. 1396r–4(f)(7)(A)) is amended—

(1) in clause (i), in the matter preceding subclause (I), by striking “For each of fiscal years 2020 through 2025” and inserting “For the period beginning November 22, 2019, and ending September 30, 2020, and for each of fiscal years 2021 through 2025”; and

(2) in clause (ii)(I), by striking “for fiscal year 2020” and inserting “for the period beginning November 22, 2019, and ending September 30, 2020”.

TITLE IV—MEDICARE EXTENDERS

SEC. 1401. EXTENSION OF FUNDING FOR QUALITY MEASURE ENDORSEMENT, INPUT, AND SELECTION.

Section 1890(d)(2) of the Social Security Act (42 U.S.C. 1395aaa(d)(2)) is amended—

(1) in the first sentence—

(A) by striking “and \$7,500,000” and inserting “\$7,500,000”; and

(B) by inserting before the period at the end the following: “, and \$1,069,000 for the period beginning on October 1, 2019, and ending on November 21, 2019”; and

(2) in the third sentence, by inserting “and for the period beginning on October 1, 2019, and ending on November 21, 2019,” after “2019”.

SEC. 1402. EXTENSION OF FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.

(a) **ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.**—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note), as amended by section 3306 of the Patient Protection and Affordable Care Act (Public Law 111–148), section 610 of the American Taxpayer Relief Act of 2012 (Public Law 112–240), section 1110 of the Pathway for SGR Reform Act of 2013 (Public Law 113–67), section 110 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93), section 208 of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10), and section 50207 of division E of the Bipartisan Budget Act of 2018 (Public Law 115–123), is amended—

- (1) in clause (vii), by striking “and” at the end;
- (2) in clause (viii), by striking “and” at the end;
- (3) in clause (ix), by striking the period at the end and inserting “; and”; and
- (4) by inserting after clause (ix) the following new clause:
“(x) for the period beginning on October 1, 2019, and ending on November 21, 2019, of \$1,852,000.”.

(b) **ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.**—Subsection (b)(1)(B) of such section 119, as so amended, is amended—

- (1) in clause (vii), by striking “and” at the end;
- (2) in clause (viii), by striking “and” at the end;
- (3) in clause (ix), by striking the period at the end and inserting “; and”; and
- (4) by inserting after clause (ix) the following new clause:
“(x) for the period beginning on October 1, 2019, and ending on November 21, 2019, of \$1,069,000.”.

(c) **ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.**—Subsection (c)(1)(B) of such section 119, as so amended, is amended—

- (1) in clause (vii), by striking “and” at the end;
- (2) in clause (viii), by striking “and” at the end;
- (3) in clause (ix), by striking the period at the end and inserting “; and”; and
- (4) by inserting after clause (ix) the following new clause:
“(x) for the period beginning on October 1, 2019, and ending on November 21, 2019, of \$712,000.”.

(d) **ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.**—Subsection (d)(2) of such section 119, as so amended, is amended—

- (1) in clause (vii), by striking “and” at the end;
- (2) in clause (viii), by striking “and” at the end;
- (3) in clause (ix), by striking the period at the end and inserting “; and”; and
- (4) by inserting after clause (ix) the following new clause:
“(x) for the period beginning on October 1, 2019, and ending on November 21, 2019, of \$1,710,000.”.

SEC. 1403. EXTENSION OF TERMINATION DATE OF PATIENT-CENTERED OUTCOMES RESEARCH TRUST FUND.

Section 9511(f) of the Internal Revenue Code of 1986 is amended by striking “September 30” and inserting “November 21”. 26 USC 9511.

TITLE V—HUMAN SERVICES EXTENDERS

SEC. 1501. EXTENSION OF DEMONSTRATION PROJECTS TO ADDRESS HEALTH PROFESSIONS WORKFORCE NEEDS.

Activities authorized by section 2008 of the Social Security Act shall continue through November 21, 2019, in the manner authorized for fiscal year 2019, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the date so specified at the pro rata portion of the total amount authorized for such activities in fiscal year 2019.

SEC. 1502. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM AND RELATED PROGRAMS.

Activities authorized by part A of title IV and section 1108(b) of the Social Security Act shall continue through November 21, 2019, in the manner authorized for fiscal year 2019, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

TITLE VI—MISCELLANEOUS POLICIES

SEC. 1601. ALASKA NATIVE REGIONAL HEALTH ENTITIES.

Section 424(a) of the Consolidated Appropriations Act, 2014 (Public Law 113–76), as amended by section 428 of the Consolidated Appropriations Act, 2018 (Public Law 115–141), shall be applied by substituting “November 21, 2019” for “October 1, 2019”. Applicability. 128 Stat. 343.

SEC. 1602. INCREASING NUMERICAL LIMITATIONS OF THE WORLD TRADE CENTER HEALTH PROGRAM.

(a) **WORLD TRADE CENTER RESPONDERS.**—Section 3311(a)(4)(A) of the Public Health Service Act (42 U.S.C. 300mm–21(a)(4)(A)) is amended by striking “25,000” and inserting “75,000”.

(b) **WORLD TRADE CENTER SURVIVORS.**—Section 3321(a)(3)(A) of the Public Health Service Act (42 U.S.C. 300mm–31(a)(3)(A)) is amended by striking “25,000” and inserting “75,000”.

(c) **RULE OF CONSTRUCTION REGARDING ANNUAL FUNDING LIMITATIONS.**—Nothing in this section, or the amendments made by this section, shall alter the annual limitations on amounts appropriated to the World Trade Center Health Program Fund under section 3351(a)(2) of the Public Health Service Act (42 U.S.C. 300mm–61(a)(2)). 42 USC 300mm–21 note.

SEC. 1603. EXCLUDING AUTHORIZED GENERIC DRUGS FROM CALCULATION OF AVERAGE MANUFACTURER PRICE FOR PURPOSES OF THE MEDICAID DRUG REBATE PROGRAM; EXCLUDING MANUFACTURERS FROM DEFINITION OF WHOLESALER.

(a) **IN GENERAL.**—Subparagraph (C) of section 1927(k)(1) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)) is amended—

(1) in the subparagraph heading, by striking “INCLUSION” and inserting “EXCLUSION”;

(2) by striking “a new drug application” and inserting “the manufacturer’s new drug application”; and

(3) by striking “inclusive” and inserting “exclusive”.

(b) **EXCLUDING MANUFACTURERS FROM DEFINITION OF WHOLESALER.**—Section 1927(k)(11) of the Social Security Act (42 U.S.C. 1396r–8(k)(11)) is amended—

(1) by striking “manufacturers,”; and

(2) by striking “manufacturer’s and”.

42 USC 1396r–8
note.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the first day of the first fiscal quarter that begins after the date of enactment of this Act.

SEC. 1604. MEDICAID IMPROVEMENT FUND.

Section 1941(b) of the Social Security Act (42 U.S.C. 1396w–1(b)), as amended by section 2 of Public Law 116–29, is amended—

(1) in paragraph (1), by striking “\$1,000,000” and inserting “\$0”; and

(2) in paragraph (3)—

(A) by striking “2023” each place it appears and inserting “2025”; and

(B) in subparagraph (A), by striking “\$0” and inserting “\$2,387,000,000”.

TITLE VII—BUDGETARY EFFECTS

SEC. 1701. BUDGETARY EFFECTS.

(a) **STATUTORY PAYGO SCORECARDS.**—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

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

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

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

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

Approved September 27, 2019.

LEGISLATIVE HISTORY—H.R. 4378:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Sept. 19, considered and passed House.

Sept. 26, considered and passed Senate.

Public Law 116–60
116th Congress

An Act

Sept. 30, 2019
[H.R. 1058]

Autism
Collaboration,
Accountability,
Research,
Education, and
Support Act
of 2019.
42 USC 201 note.

To amend the Public Health Service Act to enhance activities of the National Institutes of Health with respect to research on autism spectrum disorder and enhance programs relating to autism, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Autism Collaboration, Accountability, Research, Education, and Support Act of 2019” or the “Autism CARES Act of 2019”.

SEC. 2. EXPANSION, INTENSIFICATION, AND COORDINATION OF ACTIVITIES OF THE NIH WITH RESPECT TO RESEARCH ON AUTISM SPECTRUM DISORDER.

Section 409C of the Public Health Service Act (42 U.S.C. 284g) is amended—

(1) in subsection (a)(1)—

(A) in the first sentence, by striking “and toxicology” and inserting “toxicology, and interventions to maximize outcomes for individuals with autism spectrum disorder”; and

(B) by striking the second sentence and inserting the following: “Such research shall investigate the causes (including possible environmental causes), diagnosis or ruling out, early and ongoing detection, prevention, services across the lifespan, supports, intervention, and treatment of autism spectrum disorder, including dissemination and implementation of clinical care, supports, interventions, and treatments.”;

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in the second sentence, by striking “cause” and all that follows through “disorder” and inserting “causes, diagnosis, early and ongoing detection, prevention, and treatment of autism spectrum disorder across the lifespan”; and

(ii) in the third sentence, by striking “neurobiology” and all that follows through the period and inserting “neurobiology, genetics, genomics, psychopharmacology, developmental psychology, behavioral psychology, and clinical psychology.”; and

(B) in paragraph (3), by adding at the end the following:

“(D) REDUCING DISPARITIES.—The Director may consider, as appropriate, the extent to which a center can

demonstrate availability and access to clinical services for youth and adults from diverse racial, ethnic, geographic, or linguistic backgrounds in decisions about awarding grants to applicants which meet the scientific criteria for funding under this section.”.

SEC. 3. PROGRAMS RELATING TO AUTISM.

(a) DEVELOPMENTAL DISABILITIES SURVEILLANCE AND RESEARCH PROGRAM.—Section 399AA of the Public Health Service Act (42 U.S.C. 280i) is amended—

(1) in subsection (a)(1), by striking “adults on autism spectrum disorder” and inserting “adults with autism spectrum disorder”;

(2) in subsection (a)(2)—

(A) by striking “State and local public health officials” and inserting “State, local, and Tribal public health officials”;

(B) by striking “or other developmental disabilities” and inserting “and other developmental disabilities”;

(3) in subsection (a)(3), by striking “a university, or any other educational institution” and inserting “a university, any other educational institution, an Indian tribe, or a tribal organization”;

(4) in subsection (b)(2)(A), by striking “relevant State and local public health officials, private sector developmental disability researchers, and advocates for individuals with developmental disabilities” and inserting “State, local, and Tribal public health officials, private sector developmental disability researchers, advocates for individuals with autism spectrum disorder, and advocates for individuals with other developmental disabilities”;

(5) in subsection (d)—

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

(B) by inserting before paragraph (2), as so redesignated, the following new paragraph:

“(1) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms ‘Indian tribe’ and ‘tribal organization’ have the meanings given such terms in section 4 of the Indian Health Care Improvement Act.”; and

(6) in subsection (e), by striking “2019” and inserting “2024”.

(b) AUTISM EDUCATION, EARLY DETECTION, AND INTERVENTION.—Section 399BB of the Public Health Service Act (42 U.S.C. 280i–1) is amended—

(1) in subsection (a)(1)—

(A) by striking “individuals with autism spectrum disorder or other developmental disabilities” and inserting “individuals with autism spectrum disorder and other developmental disabilities”; and

(B) by striking “children with autism spectrum disorder” and all that follows through “disabilities,” and inserting “individuals with autism spectrum disorder and other developmental disabilities across their lifespan.”;

(2) in subsection (b)—

(A) in paragraph (2), by inserting “individuals with” before “autism spectrum disorder”;

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

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

“(4) promote evidence-based screening techniques and interventions for individuals with autism spectrum disorder and other developmental disabilities across their lifespan;”;

(3) in subsection (c)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “the needs of individuals with autism spectrum disorder or other developmental disabilities and their families” and inserting “the needs of individuals with autism spectrum disorder and other developmental disabilities across their lifespan and the needs of their families”; and

(B) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking “caregivers of individuals with an autism spectrum disorder” and inserting “caregivers of individuals with autism spectrum disorder or other developmental disabilities”; and

(ii) in subparagraph (B)(i)(II), by inserting “autism spectrum disorder and” after “individuals with”; and

(iii) in subparagraph (B)(ii), by inserting “autism spectrum disorder and” after “individuals with”; and

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “across their lifespan” before “and ensure”; and

(ii) in subparagraph (B)(iv), by inserting “across their lifespan” after “other developmental disabilities”; and

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

(C) by inserting after paragraph (1) the following:

“(2) DEVELOPMENTAL-BEHAVIORAL PEDIATRICIAN TRAINING PROGRAMS.—

“(A) IN GENERAL.—In making awards under this subsection, the Secretary may prioritize awards to applicants that are developmental-behavioral pediatrician training programs located in rural or underserved areas.

“(B) DEFINITION OF UNDERSERVED AREA.—In this paragraph, the term ‘underserved area’ means—

“(i) a health professional shortage area (as defined in section 332(a)(1)(A)); and

“(ii) an urban or rural area designated by the Secretary as an area with a shortage of personal health services (as described in section 330(b)(3)(A)).”;

(5) in subsection (f), by inserting “across the lifespan of such individuals” after “other developmental disabilities”; and

(6) in subsection (g), by striking “2019” and inserting “2024”.

(c) INTERAGENCY AUTISM COORDINATING COMMITTEE.—Section 399CC of the Public Health Service Act (42 U.S.C. 280i–2) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by inserting “across the lifespan of such individuals” before the semicolon; and

(B) in paragraph (5), by inserting “across the lifespan of such individuals” before “and the families”;

(2) in subsection (c)—

(A) in paragraph (1)(D), by inserting “, the Department of Labor, the Department of Justice, the Department of Veterans Affairs, the Department of Housing and Urban Development,” after “Department of Education”;

(B) in subparagraphs (A), (B), and (C) of paragraph (2), by striking “at least two such members” each place it appears and inserting “at least three such members”;

(C) in paragraph (3)(A), by striking “one or more additional 4-year terms” and inserting “one additional 4-year term”; and

(3) in subsection (f), by striking “2019” and inserting “2024”.

(d) REPORTS TO CONGRESS.—Section 399DD of the Public Health Service Act (42 U.S.C. 280i–3) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “Autism CARES Act of 2014” and inserting “Autism CARES Act of 2019”; and

(B) in paragraph (2)—

(i) in subparagraphs (A), (B), (D), and (E), by striking “Autism CARES Act of 2014” each place it appears and inserting “Autism CARES Act of 2019”;

(ii) in subparagraph (G), by striking “age of the child” and inserting “age of the individual”;

(iii) in subparagraph (H), by striking “; and” and inserting “;”;

(iv) in subparagraph (I), by striking the period and inserting “; and”; and

(v) by adding at the end the following:

“(J) information on how States use home- and community-based services and other supports to ensure that individuals with autism spectrum disorder and other developmental disabilities are living, working, and participating in their community.”; and

(2) in subsection (b)—

(A) in the heading, by striking “YOUNG ADULTS AND TRANSITIONING YOUTH” and inserting “THE HEALTH AND WELL-BEING OF INDIVIDUALS WITH AUTISM SPECTRUM DISORDER ACROSS THEIR LIFESPAN”;

(B) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Autism CARES Act of 2019, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the health and well-being of individuals with autism spectrum disorder.”; and

(C) in paragraph (2)—

(i) by amending subparagraph (A) to read as follows:

“(A) demographic factors associated with the health and well-being of individuals with autism spectrum disorder.”;

(ii) in subparagraph (B), by striking “young adults” and all that follows through the semicolon and inserting “the health and well-being of individuals with

autism spectrum disorder, including an identification of existing Federal laws, regulations, policies, research, and programs;” and

(iii) by amending subparagraphs (C), (D), and (E) to read as follows:

Recommendations.

“(C) recommendations on establishing best practices guidelines to ensure interdisciplinary coordination between all relevant service providers receiving Federal funding;

“(D) comprehensive approaches to improving health outcomes and well-being for individuals with autism spectrum disorder, including—

“(i) community-based behavioral supports and interventions;

“(ii) nutrition, recreational, and social activities; and

“(iii) personal safety services related to public safety agencies or the criminal justice system for such individuals; and

Recommendations.

“(E) recommendations that seek to improve health outcomes for such individuals, including across their lifespan, by addressing—

“(i) screening and diagnosis of children and adults;

“(ii) behavioral and other therapeutic approaches;

“(iii) primary and preventative care;

“(iv) communication challenges;

“(v) aggression, self-injury, elopement, and other behavioral issues;

“(vi) emergency room visits and acute care hospitalization;

“(vii) treatment for co-occurring physical and mental health conditions;

“(viii) premature mortality;

“(ix) medical practitioner training; and

“(x) caregiver mental health.”

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 399EE of the Public Health Service Act (42 U.S.C. 280i–4) is amended—

(1) in subsection (a), by striking “\$22,000,000 for each of fiscal years 2015 through 2019” and inserting “\$23,100,000 for each of fiscal years 2020 through 2024”;

(2) in subsection (b), by striking “\$48,000,000 for each of fiscal years 2015 through 2019” and inserting “\$50,599,000 for each of fiscal years 2020 through 2024”; and

(3) in subsection (c), by striking “there is authorized to be appropriated \$190,000,000 for each of fiscal years 2015

through 2019” and inserting “there are authorized to be appropriated \$296,000,000 for each of fiscal years 2020 through 2024”.

Approved September 30, 2019.

LEGISLATIVE HISTORY—H.R. 1058:

HOUSE REPORTS: No. 116–177 (Comm. on Energy and Commerce).

CONGRESSIONAL RECORD, Vol. 165 (2019):

July 24, considered and passed House.

Sept. 19, considered and passed Senate.

Public Law 116–61
116th Congress

An Act

Sept. 30, 2019
[H.R. 4285]

Department of
Veterans Affairs
Expiring
Authorities Act
of 2019.
38 USC 101 note.

To amend title 38, United States Code, to extend and modify certain authorities and requirements relating to the Department of Veterans Affairs, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Department of Veterans Affairs Expiring Authorities Act of 2019”.

SEC. 2. EXTENSION OF AUTHORITY RELATING TO VENDEE LOANS.

Section 3733(a)(7) of title 38, United States Code, is amended—
(1) in the matter preceding subparagraph (A), by striking “September 30, 2019” and inserting “September 30, 2020”; and
(2) in subparagraph (C), by striking “September 30, 2019,” and inserting “September 30, 2020.”

SEC. 3. EXTENSION OF AUTHORITY FOR OPERATION OF DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE IN MANILA, THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) of title 38, United States Code, is amended by striking “September 30, 2019” and inserting “September 30, 2020”.

SEC. 4. EXTENSION OF AUTHORITY FOR FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

Section 2044(e)(1)(G) of title 38, United States Code, is amended by striking “fiscal year 2019” and inserting “each of fiscal years 2019 through 2021”.

SEC. 5. EXTENSION OF TEMPORARY EXPANSION OF PAYMENTS AND ALLOWANCES FOR BENEFICIARY TRAVEL IN CONNECTION WITH VETERANS RECEIVING CARE FROM VET CENTERS.

Section 104(a) of the Honoring America’s Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 126 Stat. 1169), as most recently amended by section 109 of the Department of Veterans Affairs Expiring Authorities Act of 2018 (Public Law 115–251; 132 Stat. 3169), is amended by striking “September 30, 2019” and inserting “September 30, 2020”.

SEC. 6. TECHNICAL AMENDMENTS.

Title 38, United States Code, is amended as follows:

(1) In section 714(e)(2)(B), by striking “to the refer” and inserting “to refer”.

(2) In section 1725A(c), by inserting a comma after “a contract”.

(3) In section 3313(g)(3)(B)(ii), by inserting a comma after “for books”.

(4) In section 3321(a)(1), by striking “January,” and inserting “January”.

(5) In section 3683—

(A) by striking “(b) (b)” and inserting “(b)”;

(B) by striking “(c) (c)” and inserting “(c)”;

(C) by striking “(d) (d)” and inserting “(d)”.

(6) In section 3699(b), by striking “this paragraph” and inserting “this subsection”.

(7) In section 7462(b)(4)(A), by inserting “notice” after “written”.

(8) In section 7696(c)(1), by striking “.” and inserting a period.

(9) In section 8104(a), by striking paragraph (3) and inserting the following new paragraph (3):

“(3) For purposes of this subsection:

Definitions.

“(A) The term ‘major medical facility project’ means a project for the construction, alteration, or acquisition of a medical facility involving a total expenditure of more than \$20,000,000, but such term does not include an acquisition by exchange, nonrecurring maintenance projects of the Department, or the construction, alteration, or acquisition of a shared Federal medical facility for which the Department’s estimated share of the project costs does not exceed \$20,000,000.

“(B) The term ‘major medical facility lease’ means a lease for space for use as a new medical facility at an average annual rent of more than \$1,000,000.”.

Approved September 30, 2019.

LEGISLATIVE HISTORY—H.R. 4285:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Sept. 17, 18, considered and passed House.

Sept. 23, considered and passed Senate.

Public Law 116–62
116th Congress

An Act

Oct. 4, 2019
[S. 163]

To prevent catastrophic failure or shutdown of remote diesel power engines due to emission control devices, and for other purposes.

Alaska Remote
Generator
Reliability and
Protection Act.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Alaska Remote Generator Reliability and Protection Act”.

SEC. 2. REVISION OF REGULATIONS REQUIRED.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall revise section 60.4216(c) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), by striking “that was not certified” and all that follows through “compared to engine-out emissions” and inserting “must have that engine certified as meeting at least Tier 3 PM standards”.

Consultation.
Reports.

(b) EMISSIONS AND ENERGY RELIABILITY STUDY.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report assessing options for the Federal Government to assist remote areas in the State of Alaska in meeting the energy needs of those areas in an affordable and reliable manner using—

(1) existing emissions control technology; or

(2) other technology that achieves emissions reductions similar to the technology described in paragraph (1).

Approved October 4, 2019.

LEGISLATIVE HISTORY—S. 163:

SENATE REPORTS: No. 116–2 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 165 (2019):

May 20, considered and passed Senate.

Sept. 17, considered and passed House.

Public Law 116–63
116th Congress

An Act

Oct. 4, 2019
[S. 1689]

To permit States to transfer certain funds from the clean water revolving fund of a State to the drinking water revolving fund of the State in certain circumstances, and for other purposes.

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

SECTION 1. TRANSFER AUTHORITY.

(a) FINDINGS.—Congress finds that—

(1) lead is a toxic chemical that—

(A) is particularly harmful to young children; and

(B) can cause reduced intelligence quotients, attention disorders, and other serious health problems;

(2) excessive and harmful levels of lead have been found in water systems across all 50 States and those water systems serve drinking water to millions of people in the United States;

(3) hundreds of the water systems described in paragraph (2) are water systems that provide drinking water to schools or day care centers;

(4) not all States have sufficient funds in the drinking water revolving fund of that State to address the threat to public health from heightened exposure to lead in drinking water; and

(5) some States have available funds in the clean water revolving fund of that State that could be used to provide additional resources to help address lead in drinking water.

(b) DEFINITIONS.—In this section:

(1) CLEAN WATER REVOLVING FUND.—The term “clean water revolving fund” means a State water pollution control revolving fund established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.).

(2) DRINKING WATER REVOLVING FUND.—The term “drinking water revolving fund” means a State drinking water treatment revolving loan fund established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

Time period.
Consultation.
Determination.

(c) AUTHORITY.—In addition to the transfer authority in section 302(a) of the Safe Drinking Water Act Amendments of 1996 (42 U.S.C. 300j–12 note; Public Law 104–182), and notwithstanding section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)), during the 1-year period beginning on the date of enactment of this Act, if a State, in consultation with the Administrator of the Environmental Protection Agency, determines that available funds in the clean water revolving fund of the State are necessary to address a threat to public health as a result of heightened exposure to lead in drinking water, the State may transfer an

amount equal to not more than 5 percent of the cumulative clean water revolving fund Federal grant dollars to the State to the drinking water revolving fund of the State. Funds transferred pursuant to this subsection shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these).

Approved October 4, 2019.

LEGISLATIVE HISTORY—S. 1689:

SENATE REPORTS: No. 116–63 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 165 (2019):

Sept. 9, considered and passed Senate.

Sept. 17, considered and passed House.

Public Law 116–64
116th Congress

An Act

Oct. 9, 2019
[H.R. 1590]

To require an exercise related to terrorist and foreign fighter travel, and for other purposes.

Terrorist and
Foreign Fighter
Travel Exercise
Act of 2019.
6 USC 701 note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Terrorist and Foreign Fighter Travel Exercise Act of 2019”.

Coordination.

SEC. 2. EXERCISE ON TERRORIST AND FOREIGN FIGHTER TRAVEL.

(a) **IN GENERAL.**—In addition to, or as part of exercise programs currently carried out by the Department of Homeland Security, to enhance domestic preparedness for and collective response to terrorism, promote the dissemination of homeland security information, and test the security posture of the United States, the Secretary of Homeland Security, through appropriate offices and components of the Department and in coordination with the heads of appropriate Federal departments and agencies, shall develop and conduct an exercise related to the detection and prevention of terrorist and foreign fighter travel.

(b) **EXERCISE REQUIREMENTS.**—The exercise required under subsection (a) shall include—

(1) a scenario involving—

(A) persons traveling from the United States to join or provide material support or resources to a terrorist organization abroad; and

(B) terrorist infiltration into the United States, including by United States citizens and foreign nationals;

(2) coordination with appropriate Federal departments and agencies, foreign governments, and State, local, Tribal, and territorial agencies, including law enforcement agencies and representatives from the National Network of Fusion Centers; and

(3) coordination with appropriate private sector and community stakeholders.

Plans.
Proposals.

(c) **REPORT.**—Not later than 60 days after the completion of the exercise required under subsection (a), the Secretary of Homeland Security shall, consistent with the protection of classified information, submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an after-action report presenting the initial findings of such exercise, plans for quickly incorporating lessons learned into future operations of the

Department of Homeland Security, and any proposed legislative changes informed by such exercise.

(d) DEFINITION.—In this section, the term “material support or resources” has the meaning given such term in section 2339A of title 18, United States Code.

SEC. 3. EMERGING THREATS IN THE NATIONAL EXERCISE PROGRAM.

Clause (i) of section 648(b)(2)(A) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(2)) is amended by inserting “and emerging” after “credible”.

Approved October 9, 2019.

LEGISLATIVE HISTORY—H.R. 1590:

HOUSE REPORTS: No. 116–27 (Comm. on Homeland Security).

SENATE REPORTS: No. 116–44 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 165 (2019):

Apr. 1, considered and passed House.

Sept. 24, considered and passed Senate.

Public Law 116–65
116th Congress

An Act

Oct. 9, 2019
[S. 239]

To require the Secretary of the Treasury to mint coins in recognition of Christa McAuliffe.

Christa
McAuliffe
Commemorative
Coin Act of 2019.
31 USC 5112
note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Christa McAuliffe Commemorative Coin Act of 2019”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Christa McAuliffe was a social studies teacher at Concord High School in Concord, New Hampshire.

(2) In 1985, Christa McAuliffe was selected to be the first participant in the Teacher in Space program of the National Aeronautics and Space Administration.

(3) On January 28, 1986, Christa McAuliffe and 6 other astronauts were tragically killed during the Space Shuttle Challenger disaster.

(4) In 1989, For Inspiration and Recognition of Science and Technology (in this Act referred to as “FIRST”) was founded to inspire young people’s interest and participation in science and technology.

(5) The mission of FIRST “is to inspire young people to be science and technology leaders, by engaging them in exciting mentor-based programs that build science, engineering, and technology skills, that inspire innovation, and that foster well-rounded life capabilities including self-confidence, communication, and leadership”.

(6) 2019 marks the 30th anniversary of the founding of FIRST.

(7) Each year, more than 1,000,000 children from the United States and more than 86 countries participate in a FIRST program.

(8) Studies have shown that alumni of FIRST programs are more likely to become scientists and engineers and to volunteer in their communities.

(9) FIRST is dedicated to carrying on the mission of Christa McAuliffe of inspiring students and creating a new generation of dreamers and innovators.

(10) 2016 marked the 30th anniversary of the Space Shuttle Challenger tragedy.

SEC. 3. COIN SPECIFICATIONS.

(a) **DENOMINATIONS.**—In commemoration of Christa McAuliffe, the Secretary of the Treasury (hereafter referred to in this Act as the “Secretary”) shall mint and issue not more than 350,000 \$1 coins, each of which shall—

- (1) weigh 26.73 grams;
- (2) have a diameter of 1.500 inches; and
- (3) contain at least 90 percent silver.

(b) **LEGAL TENDER.**—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) **NUMISMATIC ITEMS.**—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) **DESIGN REQUIREMENTS.**—

(1) **IN GENERAL.**—The design of the coins minted under this Act shall bear—

- (A) an image of and the name of Christa McAuliffe on the obverse side; and
- (B) a design on the reverse side that depicts the legacy of Christa McAuliffe as a teacher.

(2) **DESIGNATION AND INSCRIPTIONS.**—On each coin minted under this Act, there shall be—

- (A) a designation of the value of the coin;
- (B) an inscription of the year “2021”; and
- (C) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(b) **SELECTION.**—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the family of Christa McAuliffe, FIRST, and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) **QUALITY OF COINS.**—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) **MINT FACILITY.**—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) **PERIOD FOR ISSUANCE.**—The Secretary may issue coins under this Act only during the period beginning on January 1, 2021, and ending on December 31, 2021.

SEC. 6. SALE OF COINS.

(a) **SALE PRICE.**—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

- (1) the face value of the coins;
- (2) the surcharge provided under section 7(a) with respect to the coins; and
- (3) the cost of designing and issuing the coins, including—
 - (A) labor;
 - (B) materials;
 - (C) dies;
 - (D) use of machinery;

- (E) overhead expenses;
- (F) marketing; and
- (G) shipping.

(b) **BULK SALES.**—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) **PREPAID ORDERS.**—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of the coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) **IN GENERAL.**—All sales of coins issued under this Act shall include a surcharge of \$10 per coin.

(b) **DISTRIBUTION.**—Subject to section 5134(f) of title 31, United States Code, and section 8(2), all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the FIRST robotics program for the purpose of engaging and inspiring young people, through mentor-based programs, to become leaders in the fields of science, technology, engineering, and mathematics.

(c) **AUDITS.**—The FIRST robotics program shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with respect to the amounts received under subsection (b).

SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act result in no net cost to the Federal Government; and

(2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 7(b) until the total cost of designing and issuing all of the coins authorized by this Act, including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping, is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

Approved October 9, 2019.

LEGISLATIVE HISTORY—S. 239:

CONGRESSIONAL RECORD, Vol. 165 (2019):

July 9, considered and passed Senate.

Sept. 19, considered and passed House.

Public Law 116–66
116th Congress

An Act

To designate the facility of the United States Postal Service located at 1715 Linnerud Drive in Sun Prairie, Wisconsin, as the “Fire Captain Cory Barr Post Office Building”.

Oct. 31, 2019

[S. 1196]

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

SECTION 1. FIRE CAPTAIN CORY BARR POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1715 Linnerud Drive in Sun Prairie, Wisconsin, shall be known and designated as the “Fire Captain Cory Barr Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Fire Captain Cory Barr Post Office Building”.

Approved October 31, 2019.

LEGISLATIVE HISTORY—S. 1196:

CONGRESSIONAL RECORD, Vol. 165 (2019):
July 30, considered and passed Senate.
Oct. 16, considered and passed House.

Public Law 116–67
116th Congress

An Act

Nov. 7, 2019
[S. 693]

To amend title 36, United States Code, to require that the POW/MIA flag be displayed on all days that the flag of the United States is displayed on certain Federal property.

National
POW/MIA
Flag Act.
36 USC 101 note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National POW/MIA Flag Act”.

SEC. 2. DAYS ON WHICH THE POW/MIA FLAG IS DISPLAYED ON CERTAIN FEDERAL PROPERTY.

Section 902 of title 36, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) DAYS FOR FLAG DISPLAY.—For the purposes of this section, POW/MIA flag display days are all days on which the flag of the United States is displayed.”.

Approved November 7, 2019.

LEGISLATIVE HISTORY—S. 693:

CONGRESSIONAL RECORD, Vol. 165 (2019):

May 2, considered and passed Senate.

Oct. 22, considered and passed House.

Public Law 116–68
116th Congress

An Act

To award Congressional Gold Medals to Katherine Johnson and Dr. Christine Darden, to posthumously award Congressional Gold Medals to Dorothy Vaughan and Mary Jackson, and to award a Congressional Gold Medal to honor all of the women who contributed to the success of the National Aeronautics and Space Administration during the Space Race.

Nov. 8, 2019

[H.R. 1396]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hidden Figures Congressional Gold Medal Act”.

Hidden Figures
Congressional
Gold Medal Act.
31 USC 5111
note.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 1935, the National Advisory Committee for Aeronautics (referred to in this section as “NACA”) hired five women to serve as the first “computer pool” at the Langley Memorial Aeronautical Laboratory where those women took on work making calculations that male engineers had made previously.

(2) During the 1940s, NACA began recruiting African-American women to work as computers and initially separated those women from their White counterparts in a group known as the “West Area Computers” where the women were restricted to segregated dining and bathroom facilities.

(3) Katherine Johnson was born on August 26, 1918, in White Sulphur Springs, West Virginia.

(4) In 1953, Katherine Johnson began her career in aeronautics as a computer in the segregated West Area Computing unit described in paragraph (2).

(5) As a member of the Flight Research Division, Katherine Johnson analyzed data from flight tests. After NACA was reformulated into the National Aeronautics and Space Administration (referred to in this section as “NASA”), Katherine Johnson—

(A) calculated the trajectory for Alan Shepard’s Freedom 7 mission in 1961, which was the first human spaceflight by an individual from the United States;

(B) coauthored a report that provided the equations for describing orbital spaceflight with a specified landing point, which made her the first woman to be recognized as an author of a report from the Flight Research Division;

(C) was asked to verify the calculations when electronic computers at NASA were used to calculate the orbit for John Glenn’s Friendship 7 mission; and

(D) provided calculations for NASA throughout her career, including for the Apollo missions.

(6) Katherine Johnson retired from NASA in 1986.

(7) Dr. Christine Darden was born on September 10, 1942, in Monroe, North Carolina.

(8) In 1962, Dr. Christine Darden graduated from Hampton Institute with a B.S. in Mathematics and a teaching credential.

(9) Dr. Christine Darden attended Virginia State University where she studied aerosol physics and earned an M.S. in Applied Mathematics.

(10) Dr. Christine Darden began her career in aeronautics in 1967 as a data analyst at NASA's Langley Research Center (referred to in this section as “Langley”) before being promoted to aerospace engineer in 1973. Her work in this position resulted in the production of low-boom sonic effects, which revolutionized aerodynamics design.

(11) Dr. Christine Darden completed her education by earning a Ph.D. in Mechanical Engineering from George Washington University in 1983.

(12) While working at NASA, Dr. Christine Darden—

(A) was appointed to be the leader of the Sonic Boom Team, which worked on designs to minimize the effects of sonic booms by testing wing and nose designs for supersonic aircraft;

(B) wrote more than 50 articles on aeronautics design; and

(C) became the first African American to be promoted to a position in the Senior Executive Service at Langley.

(13) Dorothy Vaughan was born on September 20, 1910, in Kansas City, Missouri.

(14) Dorothy Vaughan began working for NACA in 1943. Dorothy Vaughan—

(A) started at NACA as a member of the West Area Computing unit;

(B) was promoted to be the head of the West Area Computing unit, becoming NACA's first African-American supervisor, a position that she held for 9 years; and

(C) became an expert programmer in FORTRAN as a member of NASA's Analysis and Computation Division.

(15) Dorothy Vaughan retired from NASA in 1971 and died on November 10, 2008.

(16) Mary Jackson was born on April 9, 1921, in Hampton, Virginia.

(17) Mary Jackson started her career at NACA in 1951, working as a computer as a member of the West Area Computing unit.

(18) After petitioning the City of Hampton to allow her to take graduate-level courses in math and physics at night at the all-White Hampton High School, Mary Jackson was able to complete the required training to become an engineer, making her NASA's first female African-American engineer.

(19) Mary Jackson—

(A) while at NACA and NASA—

(i) worked in the Theoretical Aerodynamics Branch of the Subsonic-Transonic Aerodynamics Division at Langley where she analyzed wind tunnel and aircraft flight data; and

(ii) published a dozen technical papers that focused on the boundary layer of air around airplanes; and

(B) after 21 years working as an engineer at NASA, transitioned to a new job as Langley’s Federal Women’s Program Manager where she worked to improve the prospects of NASA’s female mathematicians, engineers, and scientists.

(20) Mary Jackson retired from NASA in 1985 and died in 2005.

(21) These four women, along with the other African-American women in NASA’s West Area Computing unit, were integral to the success of the early space program. The stories of these four women exemplify the experiences of hundreds of women who worked as computers, mathematicians, and engineers at NACA beginning in the 1930s and their handmade calculations played an integral role in—

(A) aircraft testing during World War II;

(B) supersonic flight research;

(C) sending the Voyager probes to explore the solar system; and

(D) the United States landing the first man on the lunar surface.

SEC. 3. CONGRESSIONAL GOLD MEDALS.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of five gold medals of appropriate design as follows:

(1) One gold medal to Katherine Johnson in recognition of her service to the United States as a mathematician.

(2) One gold medal to Dr. Christine Darden for her service to the United States as an aeronautical engineer.

(3) In recognition of their service to the United States during the Space Race—

(A) one gold medal commemorating the life of Dorothy Vaughan; and

(B) one gold medal commemorating the life of Mary Jackson.

(4) One gold medal in recognition of all women who served as computers, mathematicians, and engineers at the National Advisory Committee for Aeronautics and the National Aeronautics and Space Administration between the 1930s and the 1970s (referred to in this section as “recognized women”).

(b) DESIGN AND STRIKING.—For the purpose of the awards under subsection (a), the Secretary of the Treasury (referred to in this Act as the “Secretary”) shall strike each gold medal described in that subsection with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

Determination.

(c) TRANSFER OF CERTAIN MEDALS AFTER PRESENTATION.—

(1) SMITHSONIAN INSTITUTION.—

(A) IN GENERAL.—After the award of the gold medal commemorating the life of Dorothy Vaughan under subsection (a)(3)(A) and the award of the gold medal in recognition of recognized women under subsection (a)(4), those medals shall be given to the Smithsonian Institution where the medals shall be—

- (i) available for display, as appropriate; and
- (ii) made available for research.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the Smithsonian Institution should make the gold medals received under subparagraph (A) available for—

- (i) display, particularly at the National Museum of African American History and Culture; or
- (ii) loan, as appropriate, so that the medals may be displayed elsewhere.

Wanda Jackson.

(2) TRANSFER TO FAMILY.—After the award of the gold medal in honor of Mary Jackson under subsection (a)(3)(B), the medal shall be given to her granddaughter, Wanda Jackson.

SEC. 4. DUPLICATE MEDALS.

Under regulations that the Secretary may promulgate, the Secretary may strike and sell duplicates in bronze of the gold medals struck under this Act, at a price sufficient to cover the cost of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck under this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 4 shall be deposited into the United States Mint Public Enterprise Fund.

SEC. 7. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the

Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved November 8, 2019.

LEGISLATIVE HISTORY—H.R. 1396 (S. 590):

CONGRESSIONAL RECORD, Vol. 165 (2019):

Sept. 19, considered and passed House.

Oct. 17, considered and passed Senate.

Public Law 116–69
116th Congress

An Act

Nov. 21, 2019
[H.R. 3055]

Making further continuing appropriations for fiscal year 2020, and for other purposes.

Further
Continuing
Appropriations
Act, 2020, and
Further Health
Extenders Act
of 2019.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019”.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

DIVISION A—FURTHER CONTINUING APPROPRIATIONS ACT, 2020

DIVISION B—HEALTH AND HUMAN SERVICES EXTENDERS AND OTHER MATTERS

Title I—Public Health Extenders
Title II—Other Health Extenders
Title III—Medicaid Extenders
Title IV—Medicare Extenders
Title V—Human Services Extenders
Title VI—Miscellaneous Policies
Title VII—Other Matters
Title VIII—Budgetary Effects

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

Further
Continuing
Appropriations
Act, 2020.

Ante, p. 1093.

Ante, p. 1098.

DIVISION A—FURTHER CONTINUING APPROPRIATIONS ACT, 2020

SEC. 101. The Continuing Appropriations Act, 2020 (division A of Public Law 116–59) is amended—

(1) by striking the date specified in section 106(3) and inserting “December 20, 2019”;

(2) by striking section 122 and inserting the following:

“SEC. 122. Notwithstanding sections 101 and 104, amounts are provided for ‘Department of Commerce—Bureau of the Census—Periodic Censuses and Programs’ at a rate for operations of \$7,284,319,000, of which not less than \$90,000,000 is for the delivery of Mobile Questionnaire Assistance Centers: *Provided*, That such amounts may be apportioned up to the rate for operations necessary to maintain the schedule and deliver the required data according to statutory deadlines in the 2020 Decennial Census Program: *Provided further*, That the third proviso under such heading in

title I of Division C of Public Law 116–6 shall not apply during the period covered by this Act.”;

(3) in section 136, by striking “\$18,397,500” and inserting “\$26,574,167” and by striking “\$631,000” and inserting “\$1,209,111”;

Ante, p. 1100.

(4) in section 138, by striking “\$20,000,000” and inserting “\$30,000,000”; and

Ante, p. 1101.

(5) by inserting after section 145 the following new sections:

“SEC. 146. Amounts made available by section 101 for ‘Department of Agriculture—Domestic Food Programs—Food and Nutrition Service—Commodity Assistance Program’ may be apportioned up to the rate for operations necessary to maintain the current program caseload for the Commodity Supplemental Food Program.

“SEC. 147. ADJUSTMENTS FOR CERTAIN RATES OF PAY FOR THE UNIFORMED SERVICES.—

“Amounts made available in applicable accounts by section 101—

“(1) for monthly basic pay for members of the uniformed services under section 203(a) of title 37, United States Code, may be apportioned up to the rate for operations necessary to provide monthly pay consistent with section 4 of Executive Order 13866 of March 28, 2019; and

“(2) for monthly cadet or midshipmen pay for cadets or midshipmen under section 203(c) of title 37, United States Code, may be apportioned up to the rate for operations necessary to provide monthly pay consistent with section 4 of Executive Order 13866 of March 28, 2019.

“SEC. 148. In addition to amounts provided in section 101, amounts are provided for the Payments in Lieu of Taxes program authorized by chapter 69 of title 31, United States Code, at a rate for operations of \$400,000, to be used solely for administrative expenses.

“SEC. 149. Notwithstanding any other provision of this Act, there is hereby appropriated for fiscal year 2020 for payment to Maya M. Rokeymoore, widow of Elijah E. Cummings, late a Representative from the State of Maryland, \$174,000.

Maya
M. Rokeymoore.

“SEC. 150. Notwithstanding section 251(a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 and the timetable in section 254(a) of such Act, the final sequestration report for fiscal year 2020 pursuant to section 254(f)(1) of such Act and any order for fiscal year 2020 pursuant to section 254(f)(5) of such Act shall be issued, for the Congressional Budget Office, 10 days after the date specified in section 106(3), and for the Office of Management and Budget, 15 days after the date specified in section 106(3).”.

Reports.
Time periods.

This division may be cited as the “Further Continuing Appropriations Act, 2020”.

DIVISION B—HEALTH AND HUMAN SERVICES EXTENDERS AND OTHER MATTERS

TITLE I—PUBLIC HEALTH EXTENDERS

SEC. 1101. EXTENSION FOR COMMUNITY HEALTH CENTERS, THE NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTERS THAT OPERATE GME PROGRAMS.

(a) COMMUNITY HEALTH CENTERS.—Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by—

(1) striking “\$569,863,014” and inserting “\$887,671,223”;
and

(2) striking “November 21, 2019” and inserting “December 20, 2019”.

(b) NATIONAL HEALTH SERVICE CORPS.—Section 10503(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(2)(G)) is amended—

(1) by striking “\$44,164,384” and inserting “\$68,794,521”;
and

(2) by striking “November 21, 2019” and inserting
“December 20, 2019”.

(c) TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.—Section 340H(g)(1) of the Public Health Service Act (42 U.S.C. 256h(g)(1)) is amended—

(1) by striking “\$18,021,918” and inserting “\$28,072,603”;
and

(2) by striking “November 21, 2019” and inserting
“December 20, 2019”.

Time period.

(d) APPLICATION OF PROVISIONS.—Amounts appropriated pursuant to the amendments made by this section for the period beginning on October 1, 2019, and ending on December 20, 2019, shall be subject to the requirements contained in Public Law 115–245 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254 through 256).

(e) CONFORMING AMENDMENT.—Paragraph (4) of section 3014(h) of title 18, United States Code, as amended by section 1101(e) of division B of Public Law 116–59, is amended by striking “and section 1101(d) of division B of the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019” and inserting “, section 1101(d) of division B of the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019, and section 1101(d) of the Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019”.

SEC. 1102. DIABETES PROGRAMS.

(a) TYPE I.—Section 330B(b)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is amended—

(1) by striking “\$21,369,863” and inserting “\$33,287,671”;
and

(2) by striking “November 21, 2019” and inserting
“December 20, 2019”.

(b) INDIANS.—Section 330C(c)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is amended—

- (1) by striking “\$21,369,863” and inserting “\$33,287,671”; and
- (2) by striking “November 21, 2019” and inserting “December 20, 2019”.

TITLE II—OTHER HEALTH EXTENDERS

SEC. 1201. EXTENSION OF SEXUAL RISK AVOIDANCE EDUCATION PROGRAM.

Section 510 of the Social Security Act (42 U.S.C. 710) is amended—

- (1) in subsection (a)—
 - (A) in paragraph (1), in the matter preceding subparagraph (A), by striking “November 21, 2019” and inserting “December 20, 2019”; and
 - (B) in paragraph (2)(A), by striking “November 21, 2019” and inserting “December 20, 2019”; and
- (2) in subsection (f)(1), by striking “\$10,684,931 for the period beginning October 1, 2019, and ending November 21, 2019” and inserting “\$16,643,836 for the period beginning October 1, 2019, and ending December 20, 2019”.

SEC. 1202. EXTENSION OF PERSONAL RESPONSIBILITY EDUCATION PROGRAM.

Section 513 of the Social Security Act (42 U.S.C. 713) is amended—

- (1) in subsection (a)(1)—
 - (A) in subparagraph (A), in the matter preceding clause (i), by striking “November 21, 2019” and inserting “December 20, 2019”; and
 - (B) in subparagraph (B)(i), by striking “November 21, 2019” and inserting “December 20, 2019”; and
- (2) in subsection (f), by striking “\$10,684,931 for the period beginning October 1, 2019, and ending November 21, 2019” and inserting “\$16,643,836 for the period beginning October 1, 2019, and ending December 20, 2019”.

TITLE III—MEDICAID EXTENDERS

SEC. 1301. EXTENSION OF COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.

Section 223(d)(3) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note) is amended by striking “November 21, 2019” and inserting “December 20, 2019”.

SEC. 1302. TEMPORARY INCREASE IN FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR TERRITORIES UNDER MEDICAID PROGRAM.

Subsection (ff) of section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by striking “November 21, 2019” and inserting “December 20, 2019”.

SEC. 1303. DELAY OF REDUCTIONS IN MEDICAID DSH ALLOTMENTS.

Section 1923(f)(7)(A) of the Social Security Act (42 U.S.C. 1396r–4(f)(7)(A)) is amended by striking “November 22, 2019” each place it appears and inserting “December 21, 2019”.

TITLE IV—MEDICARE EXTENDERS

SEC. 1401. EXTENSION OF FUNDING FOR QUALITY MEASURE ENDORSEMENT, INPUT, AND SELECTION.

(a) IN GENERAL.—Section 1890(d)(2) of the Social Security Act (42 U.S.C. 1395aaa(d)(2)) is amended—

(1) in the first sentence, by striking “\$1,069,000 for the period beginning on October 1, 2019, and ending on November 21, 2019” and inserting “\$1,665,000 for the period beginning on October 1, 2019, and ending on December 20, 2019”; and

(2) in the third sentence, by striking “November 21, 2019” and inserting “December 20, 2019”.

42 USC 1395aaa
note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019 (Public Law 116–59).

SEC. 1402. EXTENSION OF FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.

(a) ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note), as amended by section 3306 of the Patient Protection and Affordable Care Act (Public Law 111–148), section 610 of the American Taxpayer Relief Act of 2012 (Public Law 112–240), section 1110 of the Pathway for SGR Reform Act of 2013 (Public Law 113–67), section 110 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93), section 208 of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10), section 50207 of division E of the Bipartisan Budget Act of 2018 (Public Law 115–123), and section 1402 of the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019 (Public Law 116–59), is amended—

(1) in clause (ix), by striking “and” at the end;

(2) in clause (x), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (x) the following new clause:
“(xi) for the period beginning on November 22, 2019, and ending on December 20, 2019, of \$1,033,000.”.

(b) ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.—Subsection (b)(1)(B) of such section 119, as so amended, is amended—

(1) in clause (ix), by striking “and” at the end;

(2) in clause (x), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (x) the following new clause:
“(xi) for the period beginning on November 22, 2019, and ending on December 20, 2019, of \$597,000.”.

(c) ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.—Subsection (c)(1)(B) of such section 119, as so amended, is amended—

(1) in clause (ix), by striking “and” at the end;

(2) in clause (x), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (x) the following new clause:

- “(xi) for the period beginning on November 22, 2019, and ending on December 20, 2019, of \$397,000.”.
- (d) ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.—Subsection (d)(2) of such section 119, as so amended, is amended—
- (1) in clause (ix), by striking “and” at the end;
 - (2) in clause (x), by striking the period at the end and inserting “; and”; and
 - (3) by inserting after clause (x) the following new clause:
“(xi) for the period beginning on November 22, 2019, and ending on December 20, 2019, of \$953,000.”.

SEC. 1403. EXTENSION OF TERMINATION DATE OF PATIENT-CENTERED OUTCOMES RESEARCH TRUST FUND.

Section 9511(f) of the Internal Revenue Code of 1986 is amended by striking “November 21” and inserting “December 20”. 26 USC 9511.

TITLE V—HUMAN SERVICES EXTENDERS

SEC. 1501. EXTENSION OF DEMONSTRATION PROJECTS TO ADDRESS HEALTH PROFESSIONS WORKFORCE NEEDS.

Activities authorized by section 2008 of the Social Security Act shall continue through December 20, 2019, in the manner authorized for fiscal year 2019, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the date so specified at the pro rata portion of the total amount authorized for such activities in fiscal year 2019.

SEC. 1502. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM AND RELATED PROGRAMS.

Activities authorized by part A of title IV and section 1108(b) of the Social Security Act shall continue through December 20, 2019, in the manner authorized for fiscal year 2019, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

TITLE VI—MISCELLANEOUS POLICIES

SEC. 1601. ALASKA NATIVE REGIONAL HEALTH ENTITIES.

Section 424(a) of the Consolidated Appropriations Act, 2014 (Public Law 113–76), as amended by section 428 of the Consolidated Appropriations Act, 2018 (Public Law 115–141), shall be applied by substituting “December 20, 2019” for “October 1, 2019”. Applicability. 128 Stat. 343.

SEC. 1602. MEDICAID IMPROVEMENT FUND.

Section 1941(b) of the Social Security Act (42 U.S.C. 1396w–1(b)) is amended in paragraph (3)(A) by striking “\$2,387,000,000” and inserting “\$1,960,000,000”.

TITLE VII—OTHER MATTERS

United States
Victims of
State Sponsored
Terrorism Fund
Clarification Act.
34 USC 10101
note.

SEC. 1701. UNITED STATES VICTIMS OF STATE SPONSORED TERRORISM FUND CLARIFICATION ACT.

(a) **SHORT TITLE.**—This section may be cited as the “United States Victims of State Sponsored Terrorism Fund Clarification Act”.

(b) **TECHNICAL CORRECTIONS TO THE USVSST FUND.**—

(1) **IN GENERAL.**—The Justice for United States Victims of State Sponsored Terrorism Act (34 U.S.C. 20144) is amended—

(A) in subsection (b)—

(i) in paragraph (1)(B), by striking “section.” and inserting “section, except that, during the 1-year period beginning on the date of enactment of the United States Victims of State Sponsored Terrorism Fund Clarification Act, the Special Master may utilize an additional 5 full-time equivalent Department of Justice personnel.”; and

(ii) in paragraph (2)(A), by striking “Such notice is” and inserting the following: “Not later than 30 days after the date of enactment of the United States Victims of State Sponsored Terrorism Fund Clarification Act, the Special Master shall update, as necessary as a result of the enactment of such Act, such procedures and other guidance previously issued by the Special Master. Such notice and any updates to that notice or other guidance are”;

(B) in subsection (c)—

(i) in paragraph (2)(B), by striking “January 20, 1981” and all that follows through “Columbia” and inserting “January 20, 1981”; and

(ii) in paragraph (3)(A)—

(I) in clause (i)(II), by striking the period at the end and inserting the following: “, except that any United States person with an eligible claim described in paragraph (2)(B) who did not have an eligible claim before the date of enactment of the United States Victims of State Sponsored Terrorism Fund Clarification Act shall have 90 days from the date of enactment of such Act to submit an application for payment.”; and

(II) in clause (ii), by striking the period at the end and inserting the following: “, unless the final judgment was awarded to a 9/11 victim, 9/11 spouse, or 9/11 dependent before the date of enactment of the United States Victims of State Sponsored Terrorism Fund Clarification Act, in which case such United States person shall have 90 days from the date of enactment of such Act to submit an application for payment.”;

(C) in subsection (d)—

(i) in paragraph (3)(A), by striking clauses (i) and (ii) and inserting the following:

“(i) **PRO RATA BASIS.**—Except as provided in subparagraph (B) and subject to the limitations

Time period.
Effective date.

Deadline.
Procedures.
Guidance.

Time periods.

described in clause (ii), the Special Master shall carry out paragraph (1), by—

“(I) dividing all available funds in half and allocating 50 percent of the available funds to non-9/11 related victims of state sponsored terrorism and the remaining 50 percent of the available funds to 9/11 related victims of state sponsored terrorism;

“(II) further dividing the funds allocated to non-9/11 related victims of state sponsored terrorism on a pro rata basis, based on the amounts outstanding and unpaid on eligible claims, until such amounts have been paid in full or the Fund is closed; and

“(III) further dividing the funds allocated to 9/11 related victims of state sponsored terrorism on a pro rata basis, based on the amounts outstanding and unpaid on eligible claims, until such amounts have been paid in full or the Fund is closed.

“(ii) LIMITATIONS.—The limitations described in this clause are as follows:

“(I) In the event that a United States person has an eligible claim that exceeds \$20,000,000, the Special Master shall treat that claim as if it were for \$20,000,000 for purposes of this section.

“(II) In the event that a non-9/11 related victim of state sponsored terrorism and the immediate family members of such person have claims that if aggregated would exceed \$35,000,000, the Special Master shall, for purposes of this section, reduce such claims on a pro rata basis such that in the aggregate such claims do not exceed \$35,000,000.

“(III) In the event that a 9/11 victim, 9/11 spouse, or 9/11 dependent and the immediate family members of such person (who are also 9/11 victims, 9/11 spouses, or 9/11 dependents) have claims that if aggregated would exceed \$35,000,000, the Special Master shall, for purposes of this section, reduce such claims on a pro rata basis such that in the aggregate such claims do not exceed \$35,000,000.

“(IV) In the event that a 9/11 family member and the family members of such person (who are also 9/11 family members) have claims that if aggregated would exceed \$20,000,000, the Special Master shall, for purposes of this section, reduce such claims on a pro rata basis such that in the aggregate such claims do not exceed \$20,000,000.”; and

(ii) in paragraph (4)—

(I) by striking “On” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), on”; and

(II) by adding at the end the following:

Time period.
Deadline.

“(B) **THIRD ROUND PAYMENTS.**—The Special Master shall authorize third-round payments to satisfy eligible claims under this section not earlier than 90 days, and not later than 180 days, after the date of enactment of the United States Victims of State Sponsored Terrorism Fund Clarification Act. The Special Master shall accept applications from eligible applicants (consistent with the deadlines for application submission prescribed in subsection (c)(3)) until the date that is 90 days after the date of enactment of the United States Victims of State Sponsored Terrorism Fund Clarification Act.”;

(D) in subsection (e)—

(i) in paragraph (2)(A)(ii)—

(I) by striking “One-half” and inserting “Seventy-five percent”; and

(II) by striking “one-half” and inserting “seventy-five percent”; and

(ii) in paragraph (6), by striking “2026” each place the term appears and inserting “2030”;

(E) in subsection (f)(1)—

(i) by inserting “representing a non-9/11 related victim of state sponsored terrorism” after “No attorney”; and

(ii) by adding at the end the following: “After the date of enactment of the United States Victims of State Sponsored Terrorism Fund Clarification Act, no attorney representing a 9/11 related victim of state sponsored terrorism shall charge, receive, or collect, and the Special Master shall not approve, any payment of fees and costs that in the aggregate exceeds 15 percent of any payment made under this section after the date of enactment of such Act.”; and

(F) in subsection (j)—

(i) in paragraph (6), by striking “(including payments from the September 11th Victim Compensation Fund (49 U.S.C. 40101 note))”; and

(ii) by adding at the end the following:

“(9) **NON-9/11 RELATED VICTIM OF STATE SPONSORED TERRORISM.**—The term ‘non-9/11 victim of state sponsored terrorism’ means a United States person who has an eligible claim under subsection (c) that is unrelated to the acts of international terrorism carried out on September 11, 2001.

“(10) **9/11 RELATED VICTIM OF STATE SPONSORED TERRORISM.**—The term ‘9/11 related victim of state sponsored terrorism’ means a 9/11 victim, 9/11 spouse, 9/11 dependent, or 9/11 family member.

“(11) **9/11 DEPENDENT.**—The term ‘9/11 dependent’ means a United States person who has an eligible claim under subsection (c) who at the time of a 9/11 victim’s death was—

“(A) a dependent, as defined in section 104.3 of title 28, Code of Federal Regulations, or any successor thereto, of the 9/11 victim; or

“(B) the child of the 9/11 victim who has not, before the date of enactment of the United States Victims of State Sponsored Terrorism Fund Clarification Act, received payment from the Fund.

Effective date.

Definitions.

“(12) 9/11 FAMILY MEMBER.—The term ‘9/11 family member’ means the immediate family member of an individual described in section 405(c) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) who is not a 9/11 dependent or a 9/11 spouse.

“(13) 9/11 SPOUSE.—The term ‘9/11 spouse’ means a United States person who has an eligible claim under subsection (c) who is a spouse, as defined in section 104.3 of title 28, Code of Federal Regulations, or any successor thereto, of an individual described in section 405(c) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note).

“(14) 9/11 VICTIM.—The term ‘9/11 victim’ means a United States person who has an eligible claim under subsection (c) who is an individual described in section 405(c)(2) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note).”.

(c) RULE OF CONSTRUCTION.—A determination by the Special Master before the date of enactment of the United States Victims of State Sponsored Terrorism Fund Clarification Act that an award or award determination under section 405 of the Air Transportation Safety and Stabilization Act (49 U.S.C. 40101 note) was controlling for purposes of the Fund (pursuant to subsection (d)(3)(A)(ii)(III) of the Justice for United States Victims of State Sponsored Terrorism Act (34 U.S.C. 20144(d)(3)(A)(ii)(III)), as such section was in effect on the day before the date of enactment of this Act) shall not prejudice a claim of a 9/11 victim, 9/11 spouse, or 9/11 dependent.

34 USC 20144
note.

(d) APPLICABILITY.—This section and the amendments made by this section shall take effect on the date of enactment of this Act.

34 USC 20144
note.

SEC. 1702. REPEAL OF RESCISSION.

(a) IN GENERAL.—Section 1438 of the FAST Act (Public Law 114–94; 129 Stat. 1432) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the FAST Act (Public Law 114–94; 129 Stat. 1312) is amended by striking the item relating to section 1438.

SEC. 1703. SUNSETS.

(a) Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (50 U.S.C. 1805 note) is amended by striking “December 15, 2019” and inserting “March 15, 2020”.

50 USC 1805 and
note, 1861–1863.

(b) Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking “December 15, 2019” and inserting “March 15, 2020”.

TITLE VIII—BUDGETARY EFFECTS

SEC. 1801. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

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

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

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

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

(d) PAYGO ANNUAL REPORT.—For the purposes of the annual report issued pursuant to section 5 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 934) after adjournment of the first session of the 116th Congress, and for determining whether a sequestration order is necessary under such section, the debit for the budget year on the 5-year scorecard, if any, and the 10-year scorecard, if any, shall be deducted from such scorecard in 2020 and added to such scorecard in 2021.

Approved November 21, 2019.

LEGISLATIVE HISTORY—H.R. 3055 (S. 2584):

HOUSE REPORTS: No. 116–101 (Comm. on Appropriations).

SENATE REPORTS: No. 116–127 (Comm. on Appropriations) accompanying S. 2584.
CONGRESSIONAL RECORD, Vol. 165 (2019):

June 19–21, 24, 25, considered and passed House.

Oct. 22, 23, 28–31, considered and passed Senate, amended.

Nov. 19, House concurred in Senate amendment with an amendment.

Nov. 21, Senate concurred in House amendment.

Public Law 116–70
116th Congress

An Act

To extend the sunset for collateral requirements for Small Business Administration disaster loans.

Nov. 22, 2019

[S. 862]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rebuilding Small Businesses After Disasters Act”.

Rebuilding Small
Businesses After
Disasters Act.
15 USC 631 note.

SEC. 2. EXTENSION OF SUNSET FOR COLLATERAL REQUIREMENTS FOR SBA DISASTER LOANS.

Section 2102(b) of the RISE After Disaster Act of 2015 (15 U.S.C. 636 note) is amended, in the matter preceding paragraph (1), by striking “4 years” and inserting “7 years”.

SEC. 3. GAO REPORT ON DEFAULT RATES.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report comparing—

(1) the performance, including the default rate, of loans made under section 7(b)(1) of the Small Business Act (15 U.S.C. 636(b)(1)) during the period—

Time period.

(A) beginning on January 1, 2000; and

(B) ending on the date on which the Small Business Administration began making loans in accordance with the amendment made by section 2102(a) of the RISE After Disaster Act of 2015 (Public Law 114–88; 129 Stat. 690); and

(2) the performance, including the default rate, of loans made under 7(b)(1) of the Small Business Act (15 U.S.C. 636(b)(1)) in accordance with the amendment made by section

133 STAT. 1146

PUBLIC LAW 116–70—NOV. 22, 2019

2102(a) of the RISE After Disaster Act of 2015 (Public Law 114–88; 129 Stat. 690).

Approved November 22, 2019.

LEGISLATIVE HISTORY—S. 862:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Aug. 1, considered and passed Senate.

Nov. 20, considered and passed House.

Public Law 116–71
116th Congress

An Act

To require the Secretary of the Treasury to mint coins in commemoration of ratification of the 19th Amendment to the Constitution of the United States, giving women in the United States the right to vote.

Nov. 25, 2019
[H.R. 2423]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Women’s Suffrage Centennial Commemorative Coin Act”.

Women’s
Suffrage
Centennial
Commemorative
Coin Act.
31 USC 5112
note.

SEC. 2. FINDINGS; PURPOSE.

(a) **FINDINGS.**—Congress finds the following:

(1) Elizabeth Cady Stanton and Lucretia Mott organized the first Women’s Rights Convention in Seneca Falls, New York. 68 women and 32 men signed the Declaration of Sentiments at the Convention in July 1848.

(2) The Declaration of Sentiments was modeled after the Declaration of Independence and declared that “all men and women are created equal”, linking women’s rights directly to the founding ideals of the United States.

(3) Suffrage activists, including Elizabeth Cady Stanton, Susan B. Anthony, Harriet Tubman, Sojourner Truth, Ida B. Wells, Jovita Idar, Inez Millholland, Mary Church Terrell, Anne Dallas Dudley, Carrie Chapman Catt, Alice Paul, Lucy Burns, Esther Hobart Morris, and many others, conducted over 900 local, State, and Federal campaigns over a 72-year time span to win women the right to vote.

(4) On November 6, 1917, New York granted women the right to vote, which was an act that created momentum for the national movement that culminated in the ratification of the 19th Amendment to the Constitution of the United States 3 years later.

(5) The 19th Amendment to the Constitution of the United States (“The Susan B. Anthony Amendment”) guarantees all United States women the right to vote and was passed by the 66th Congress of the United States on June 4, 1919.

(6) On August 9, 1920, right before the ratification period was set to expire, Governor Albert H. Roberts called a special session of the Tennessee General Assembly to consider the amendment. Pro-suffrage and anti-suffrage activists from around the country descended on Nashville, Tennessee, intent on influencing the legislature.

(7) After the amendment was defeated in a 48–48 tie vote, Tennessee State Representative Harry T. Burn from McMinn

County cast the deciding favorable vote after receiving a note from his mother, Phoebe Ensminger Burn, imploring him to vote yes for ratification.

(8) On August 18, 1920, Tennessee became the 36th and final State needed to pass the 19th Amendment, ensuring its ratification pursuant to Article V of the Constitution of the United States.

(9) The 19th Amendment was ratified on August 26, 1920, when Secretary of State Bainbridge Colby issued a proclamation announcing it has become part of the Constitution of the United States.

(10) The ratification of the 19th Amendment marked the single largest extension of voting rights in United States history, enfranchising 27,000,000 American women in the United States.

(b) PURPOSE.—The purpose of this Act is—

(1) to honor and commemorate the work of women suffrage activists in the late 19th and early 20th centuries;

(2) to increase public awareness and appreciation for the history of the women’s suffrage movement; and

(3) to encourage all women in the United States to exercise their hard-won franchise and to become involved in civic life if they so choose.

SEC. 3. COIN SPECIFICATIONS.

(a) \$1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue not more than 400,000 \$1 coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain at least 90 percent silver.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COIN.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the women who played a vital role in rallying support for the 19th Amendment to the Constitution of the United States.

(2) DESIGNATIONS AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year “2020”; and

(C) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(b) SELECTION.—The design for the coins minted under this Act shall—

(1) contain motifs that honor Susan B. Anthony, Elizabeth Cady Stanton, Carrie Chapman Catt, Harriet Tubman, Mary Church Terrell, Alice Paul, Lide Meriwether, Ida B. Wells, and other suffrage activists of the late 19th century and early 20th centuries;

(2) be selected by the Secretary, after consultation with the Smithsonian Institution’s American Women’s History Initiative, and the Commission of Fine Arts; and

Consultation.

(3) be reviewed by the Citizens Coinage Advisory Committee.

Review.

SEC. 5. ISSUANCE OF COINS.

(a) **QUALITY OF COINS.**—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) **MINT FACILITIES.**—Only one facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) **PERIOD FOR ISSUANCE.**—The Secretary may issue coins under this Act only during the period beginning on January 1, 2020, and ending on December 31, 2020.

SEC. 6. SALE OF COINS.

(a) **SALE PRICE.**—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) **BULK SALES.**—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) **PREPAID ORDERS.**—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) **IN GENERAL.**—All sales of coins issued under this Act shall include a surcharge of \$10 per coin for the \$1 coin described under section 3(a).

(b) **DISTRIBUTION.**—Subject to section 5134(f) of title 31, United States Code, and section 8(2), all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Smithsonian Institution’s American Women’s History Initiative for the purpose of—

(1) collecting, studying, and establishing programs relating to women’s contributions to various fields and throughout different periods of history that have influenced the direction of the United States; and

(2) creating exhibitions and programs that recognize diverse perspectives on women’s history and contributions.

(c) **AUDITS.**—The Smithsonian Institution’s American Women’s History Initiative shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, shall be disbursed to any recipient designated in section 7(b) until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

SEC. 9. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved November 25, 2019.

LEGISLATIVE HISTORY—H.R. 2423:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Oct. 28, considered and passed House.

Oct. 31, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2019):

Nov. 25, Presidential remarks.

Public Law 116–72
116th Congress

An Act

To revise section 48 of title 18, United States Code, and for other purposes.

Nov. 25, 2019

[H.R. 724]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Preventing Animal Cruelty and Torture Act” or the “PACT Act”.

Preventing
Animal Cruelty
and Torture Act.
18 USC 1 note.

SEC. 2. REVISION OF SECTION 48.

(a) IN GENERAL.—Section 48 of title 18, United States Code, is amended to read as follows:

“§ 48. Animal crushing

“(a) OFFENSES.—

“(1) CRUSHING.—It shall be unlawful for any person to purposely engage in animal crushing in or affecting interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States.

“(2) CREATION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly create an animal crush video, if—

“(A) the person intends or has reason to know that the animal crush video will be distributed in, or using a means or facility of, interstate or foreign commerce; or

“(B) the animal crush video is distributed in, or using a means or facility of, interstate or foreign commerce.

“(3) DISTRIBUTION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly sell, market, advertise, exchange, or distribute an animal crush video in, or using a means or facility of, interstate or foreign commerce.

“(b) EXTRATERRITORIAL APPLICATION.—This section applies to the knowing sale, marketing, advertising, exchange, distribution, or creation of an animal crush video outside of the United States, if—

“(1) the person engaging in such conduct intends or has reason to know that the animal crush video will be transported into the United States or its territories or possessions; or

“(2) the animal crush video is transported into the United States or its territories or possessions.

“(c) PENALTIES.—Whoever violates this section shall be fined under this title, imprisoned for not more than 7 years, or both.

“(d) EXCEPTIONS.—

“(1) IN GENERAL.—This section does not apply with regard to any conduct, or a visual depiction of that conduct, that is—

“(A) a customary and normal veterinary, agricultural husbandry, or other animal management practice;

“(B) the slaughter of animals for food;

“(C) hunting, trapping, fishing, a sporting activity not otherwise prohibited by Federal law, predator control, or pest control;

“(D) medical or scientific research;

“(E) necessary to protect the life or property of a person; or

“(F) performed as part of euthanizing an animal.

“(2) GOOD-FAITH DISTRIBUTION.—This section does not apply to the good-faith distribution of an animal crush video to—

“(A) a law enforcement agency; or

“(B) a third party for the sole purpose of analysis to determine if referral to a law enforcement agency is appropriate.

“(3) UNINTENTIONAL CONDUCT.—This section does not apply to unintentional conduct that injures or kills an animal.

“(4) CONSISTENCY WITH RFRA.—This section shall be enforced in a manner that is consistent with section 3 of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb–1).

“(e) NO PREEMPTION.—Nothing in this section shall be construed to preempt the law of any State or local subdivision thereof to protect animals.

“(f) DEFINITIONS.—In this section—

“(1) the term ‘animal crushing’ means actual conduct in which one or more living non-human mammals, birds, reptiles, or amphibians is purposely crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury (as defined in section 1365 and including conduct that, if committed against a person and in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242);

“(2) the term ‘animal crush video’ means any photograph, motion-picture film, video or digital recording, or electronic image that—

“(A) depicts animal crushing; and

“(B) is obscene; and

“(3) the term ‘euthanizing an animal’ means the humane destruction of an animal accomplished by a method that—

“(A) produces rapid unconsciousness and subsequent death without evidence of pain or distress; or

“(B) uses anesthesia produced by an agent that causes painless loss of consciousness and subsequent death.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 3 of title 18, United States Code, is amended by striking the item relating to section 48 and inserting the following:

“48. Animal crushing.”.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, and the amendments made by this Act, for the purpose of complying with the Statutory Pay-

As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved November 25, 2019.

LEGISLATIVE HISTORY—H.R. 724:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Oct. 22, considered and passed House.

Nov. 5, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2019):

Nov. 25, Presidential remarks.

Public Law 116–73
116th Congress

An Act

Nov. 26, 2019
[H.R. 1123]

To amend title 28, United States Code, to modify the composition of the eastern judicial district of Arkansas, and for other purposes.

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

Divisional
Realignment for
the Eastern
District of
Arkansas Act
of 2019.
28 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Divisional Realignment for the Eastern District of Arkansas Act of 2019”.

SEC. 2. REALIGNMENT OF THE EASTERN DISTRICT OF ARKANSAS.

Section 83(a) of title 28, United States Code, is amended to read as follows:

“Eastern District

“(a) The Eastern District comprises three divisions.

“(1) The Central Division comprises the counties of Cleburne, Cleveland, Conway, Dallas, Drew, Faulkner, Grant, Jefferson, Lincoln, Lonoke, Perry, Pope, Prairie, Pulaski, Saline, Stone, Van Buren, White, and Yell.

Court for the Central Division shall be held at Little Rock.

“(2) The Delta Division comprises the counties of Arkansas, Chicot, Crittenden, Desha, Lee, Monroe, Phillips, and St. Francis.

Court for the Delta Division shall be held at Helena.

“(3) The Northern Division comprises the counties of Clay, Craighead, Cross, Fulton, Greene, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Sharp, and Woodruff.

Court for the Northern Division shall be held at Jonesboro.”.

28 USC 83 note.

SEC. 3. EFFECTIVE DATE.

This Act and the amendment made by this Act shall take effect on the date of enactment of this Act.

Approved November 26, 2019.

LEGISLATIVE HISTORY—H.R. 1123:

HOUSE REPORTS: No. 116–248 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 165 (2019):

Oct. 22, considered and passed House.

Nov. 7, considered and passed Senate.

Public Law 116–74
116th Congress

An Act

To amend the Office of National Drug Control Policy Reauthorization Act of 1998 to make technical corrections.

Nov. 27, 2019
[H.R. 3889]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “ONDCP Technical Corrections Act of 2019”.

ONDCP
Technical
Corrections Act
of 2019.
21 USC 1701
note.

SEC. 2. TECHNICAL CORRECTIONS.

(a) OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 1998 TECHNICAL CORRECTIONS.—The Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.) is amended—

(1) by striking “National Drug Control Program Agency” and inserting “National Drug Control Program agency” each place it appears; 21 USC 1701, 1703–1705, 1708.

(2) by striking “National Drug Control Program Agencies” and inserting “National Drug Control Program agencies” each place it appears; 21 USC 1702, 1703, 1705, 1708.

(3) in section 702(15), by striking “tribal” each place it appears and inserting “Tribal”;

(4) in section 703— 21 USC 1702.

(A) in subsection (a)—

(i) in paragraph (4), by striking “program,” and inserting “programs,”; and

(ii) in paragraph (6), by striking “High-Intensity” and inserting “High Intensity”; and

(B) in subsection (d), by striking “chapter” each place it appears and inserting “title”;

(5) in section 704— 21 USC 1703.

(A) in subsection (a)(1)—

(i) in subparagraph (C)—

(I) in clause (i), by striking “section 704(c)(4)” and inserting “subsection (c)(5)”; and

(II) in clause (iv), by striking “section 704(j)” and inserting “subsection (j)”; and

(ii) in subparagraph (D)—

(I) by striking “The Director shall determine whether the coordinator position is a noncareer” and inserting “For purposes of carrying out the previous sentence, the Director shall designate or appoint an”; and

(II) by striking “a career” and inserting “an”;

(B) in subsection (b)(21)(A)(iii), by striking “chapter” and inserting “title”;

(C) in subsection (c)—

(i) in paragraph (2)(A)(ii), by striking “fo” and inserting “of”;

(ii) in paragraph (3)(E)(ii)—

(I) in subclause (I), by striking “subparagraph (A)” and inserting “clause (i)”; and

(II) in subclause (II), by striking “clause (i)” and inserting “subclause (I)”; and

(iii) in paragraph (5)(B)—

(I) by striking “The Director shall determine whether the coordinator position is a noncareer” and inserting “For purposes of carrying out subparagraph (A), the Director shall designate or appoint an”; and

(II) by striking “a career” and inserting “an”;

(D) in subsection (d)—

(i) paragraph (8)—

(I) in subparagraph (E)—

(aa) in clause (iii), by moving subclauses (I) through (V) 2 ems to the left so that the left margin of such clause is aligned with the margin of clause (iii);

(bb) by moving clause (iii) 2 ems to the left so that the left margin of such clause is aligned with the margin of subparagraph (E); and

(cc) by redesignating clause (iii) as subparagraph (F); and

(II) in subparagraph (F), as so redesignated—

(aa) by redesignating subclauses (I) through (V) as clauses (i) through (v), respectively; and

(bb) in clause (v), as so redesignated, by striking the period at the end and inserting a semicolon; and

(ii) in paragraph (9), by striking “section 704(f)(5);” and inserting “subsection (f)(5); and”; and

(E) in subsection (j)—

(i) by striking “The Director shall determine whether the coordinator position is a noncareer” and inserting “For purposes of carrying out the previous sentence, the Director shall designate or appoint an”;

(ii) by striking “a career” and inserting “an”; and

(iii) by inserting “section” before “706”;

(6) in section 705—

(A) in subsection (d)(1), by striking “that every” and inserting “than every”; and

(B) in subsection (f)—

(i) in paragraph (1)—

(I) in subparagraph (A)(i), by striking the semicolon at the end and inserting “; and”; and

(II) in subparagraph (C)—

(aa) by inserting “that may impede applicants” after “barriers”; and

- (bb) by striking “impediments” and all that follows through “agencies”; and
 - (ii) in paragraph (2), in the heading, by striking “DRUG CONTROL” and inserting “DRUG CONTROL PROGRAM”;
- (7) in section 707(o)(2)(B), by striking “802(33)” and inserting “802(33))”; and 21 USC 1706.
- (8) in section 709— 21 USC 1708.
 - (A) in subsection (a)—
 - (i) in the heading, by inserting “AND CONTINUING” before “THREATS”;
 - (ii) by striking “The Director shall determine whether the coordinator position is a noncareer” and inserting “For purposes of carrying out the previous sentence, the Director shall designate or appoint an”; and
 - (iii) by striking “a career” and inserting “an”;
 - (B) in subsection (d)—
 - (i) in paragraph (3)(F), by striking “response of” and inserting “response to”; and
 - (ii) in paragraph (4)(B)(iii), by inserting “the” before “plan, where”; and
 - (C) in subsection (f)(1), by striking “subtitle” and inserting “subsection”.
- (b) REPEAL OF ANNUAL REPORT REQUIREMENT.—The Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469; 120 Stat. 3502) is amended—
 - (1) by repealing section 203; and 21 USC 1708a.
 - (2) in section 1(c), in the table of contents, by striking the item relating to section 203.
- (c) TECHNICAL CORRECTION TO THE SUBSTANCE ABUSE PREVENTION ACT OF 2018.—
 - (1) AMENDMENTS.—The Substance Abuse Prevention Act of 2018 (subtitle K of title VIII of Public Law 115–271) is amended—
 - (A) in section 8203—
 - (i) in subsection (a)—
 - (I) in the heading, by striking “NATIONAL NARCOTICS LEADERSHIP ACT OF 1988” and inserting “ANTI-DRUG ABUSE ACT OF 1988”;
 - (II) in paragraph (1), by striking “the National Narcotics Leadership Act of 1988” and inserting “subtitle A of title I of the Anti-Drug Abuse Act of 1988”; 21 USC 1521 note.
 - (III) by striking paragraph (3); 21 USC 1506.
 - (IV) by redesignating paragraph (4) as paragraph (3); and 21 USC 1524 and note, 1532 and note.
 - (V) in paragraph (3)(A), as so redesignated, by striking “National Narcotics Leadership Act of 1988” and inserting “Anti-Drug Abuse Act of 1988”; 21 USC 1524, 1532 and note.
 - (ii) in subsection (b)—
 - (I) in the heading, by striking “NATIONAL NARCOTICS LEADERSHIP ACT OF 1988” and inserting “ANTI-DRUG ABUSE ACT OF 1988”;
 - (II) in the matter preceding paragraph (1), by striking “National Narcotics Leadership Act of 21 USC 1522–1524, 1531–1533, 1535, 1541–1548.

1988” and inserting “Anti-Drug Abuse Act of 1988”; and

(III) in paragraph (4)(B), by striking “in section 1032(b)(1)(A) (21 U.S.C. 1532(b)(1)(A)), by striking clause (iii) and inserting the following” and inserting “by amending section 1032(b)(3)(D) (21 U.S.C. 1532(b)(3)(D)) to read as follows”; and (iii) in the quoted matter added by subsection (b)(4)(B)—

(I) in clause (iii), by moving subclauses (I) and (II) 2 ems to the left so that the left margins of such subclauses are aligned with the margin of clause (iii);

(II) by moving clause (iii) 2 ems to the left so that the left margin of such clause is aligned with the margin of subparagraph (B) of subsection (b)(4);

(III) by redesignating clause (iii) as subparagraph (D); and

(IV) in subparagraph (D), as so redesignated—

(aa) by redesignating subclauses (I) and

(II) as clauses (i) and (ii), respectively; and

(bb) in clause (ii), as so redesignated, by striking “tears” and inserting “years”; and

21 USC 1705.

(B) in section 8221—

(i) in the quoted matter added by subsection (a), by striking “**SEC. 706. NATIONAL DRUG CONTROL STRATEGY.**”; and

(ii) in subsection (a), by striking “amended to read as follows:” and inserting “amended—

“(1) by striking subsections (a) and (b);

“(2) by redesignating subsections (c) and (d) as subsections (h) and (i), respectively; and

“(3) by inserting before subsection (h), as so redesignated, the following:”.

21 USC 1522
note.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect as if included in the enactment of the Substance Abuse Prevention Act of 2018 (subtitle K of title VIII of Public Law 115–271).

(3) **MATCHING REQUIREMENT REVIVED AND RESTORED.**—Section 1032(b)(1)(A)(iii) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1532(b)(1)(A)) is revived and restored as if the amendment made by section 8203(b)(4) of the Substance Abuse Prevention Act of 2018 (subtitle K of title VIII of Public Law 115–271) had never been enacted.

(d) **ADDITIONAL TECHNICAL CORRECTIONS TO THE OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 1998.**—Section 706 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.) is amended—

21 USC 1705.

(1) in subsection (c)(1)(N)—

(A) in clause (ii), by striking “Programs” and inserting “Program agencies”; and

(B) in clause (iii), by striking “Agencies” and inserting “Program agencies”;

(2) in subsection (c)(2), in the matter preceding subparagraph (A), by striking “paragraph (1)” and inserting “paragraph (1)(M)”;

- (3) in subsection (f)—
 - (A) in paragraph (2), by striking “office” and inserting “Office”; and
 - (B) in paragraph (3)(A)(ii)—
 - (i) in subclause (III), by striking the semicolon at the end and inserting “; and”; and
 - (ii) in subclause (IV), by striking the semicolon at the end and inserting a period; and
- (4) in subsection (g)(3), in subparagraph (B), by striking “chapter;” and inserting “title;”.
- (e) ADMINISTRATION OF GRANT.—Section 4 of Public Law 107–82 (21 U.S.C. 1521 note) is amended—
 - (1) in subsection (a)—
 - (A) by striking “The Director” and inserting “Beginning in fiscal year 2020, the Director”; and
 - (B) by striking “, using amounts authorized to be appropriated by subsection (d),”; and
 - (2) by amending subsection (d) to read as follows:
 - “(d) ADMINISTRATION OF GRANT.—
 - “(1) DURATION.—With respect to a grant made under subsection (a) in fiscal year 2020, the term of the grant shall be 4 years.
 - “(2) DISBURSEMENT.—To the extent amounts are provided in appropriation Acts for such grant, the Director shall disburse the amount of the grant made under subsection (a) on an annual basis.”.

Approved November 27, 2019.

LEGISLATIVE HISTORY—H.R. 3889:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Oct. 16, considered and passed House.

Nov. 14, considered and passed Senate.

Public Law 116–75
116th Congress

An Act

Nov. 27, 2019
[H.R. 4258]

To authorize the Marshal of the Supreme Court and the Supreme Court Police to protect the Justices, employees, and official guests of the Supreme Court outside of the Supreme Court grounds, and for other purposes.

Reauthorizing
Security for
Supreme Court
Justices Act
of 2019.
40 USC 101 note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Reauthorizing Security for Supreme Court Justices Act of 2019”.

SEC. 2. PROTECTION AUTHORITY OF MARSHAL OF THE SUPREME COURT AND SUPREME COURT POLICE.

Section 6121 of title 40, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking “any State” and inserting “any location”; and

(B) in paragraph (3)—

(i) by striking “violation of federal or state law” and inserting “violation of Federal or State law”; and

(ii) by striking “regulation under federal or state law” and inserting “regulation under Federal or State law”; and

(2) in subsection (b)—

(A) by striking paragraph (2);

(B) by striking “ADDITIONAL REQUIREMENTS” and all that follows through “Duties under” and inserting “AUTHORIZATION TO CARRY FIREARMS—Duties under”; and

(C) by striking “any State” and inserting “any location”.

Approved November 27, 2019.

LEGISLATIVE HISTORY—H.R. 4258:

HOUSE REPORTS: No. 116–278 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 165 (2019):

Nov. 13, considered and passed House.

Nov. 19, considered and passed Senate.

Public Law 116–76
116th Congress

An Act

To amend the Hong Kong Policy Act of 1992, and for other purposes.

Nov. 27, 2019

[S. 1838]

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Hong Kong Human Rights and Democracy Act of 2019”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Statement of policy.
- Sec. 4. Amendments to the United States-Hong Kong Policy Act of 1992.
- Sec. 5. Annual report on violations of United States export control laws and United Nations sanctions occurring in Hong Kong.
- Sec. 6. Protecting United States citizens and others from rendition to the People’s Republic of China.
- Sec. 7. Sanctions relating to undermining fundamental freedoms and autonomy in Hong Kong.
- Sec. 8. Sanctions reports.
- Sec. 9. Sense of Congress on People’s Republic of China state-controlled media.
- Sec. 10. Sense of Congress on commercial exports of crowd control equipment to Hong Kong.

SEC. 2. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

- (A) the Committee on Foreign Relations of the Senate;
- (B) the Committee on Armed Services of the Senate;
- (C) the Committee on Banking, Housing, and Urban Affairs of the Senate;
- (D) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (E) the Committee on the Judiciary of the Senate;
- (F) the Committee on Foreign Affairs of the House of Representatives;
- (G) the Committee on Armed Services of the House of Representatives;
- (H) the Committee on Financial Services of the House of Representatives;
- (I) the Committee on Homeland Security of the House of Representatives; and
- (J) the Committee on the Judiciary of the House of Representatives.

(2) **SOCIAL CREDIT SYSTEM.**—The term “social credit system” means a system proposed by the Government of the People’s

Hong Kong
Human Rights
and Democracy
Act of 2019.
22 USC 5701
note.

22 USC 5701
note.

Republic of China and scheduled for implementation by 2020, which would—

(A) use existing financial credit systems, public records, online activity, and other tools of surveillance to aggregate data on every Chinese citizen and business; and

(B) use such data to monitor, shape, and rate certain financial, social, religious, or political behaviors.

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

(A) a United States citizen;

(B) a lawfully admitted permanent resident of the United States; or

(C) an entity organized under the laws of—

(i) the United States; or

(ii) any jurisdiction within the United States, including a foreign branch of such an entity.

22 USC 5701
note.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to reaffirm the principles and objectives set forth in the United States-Hong Kong Policy Act of 1992 (Public Law 102–383), namely that—

(A) the United States has “a strong interest in the continued vitality, prosperity, and stability of Hong Kong”;

(B) “[s]upport for democratization is a fundamental principle of United States foreign policy” and therefore “naturally applies to United States policy toward Hong Kong”;

(C) “the human rights of the people of Hong Kong are of great importance to the United States and are directly relevant to United States interests in Hong Kong [and] serve as a basis for Hong Kong’s continued economic prosperity”; and

(D) Hong Kong must remain sufficiently autonomous from the People’s Republic of China to “justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People’s Republic of China”;

(2) to support the high degree of autonomy and fundamental rights and freedoms of the people of Hong Kong, as enumerated by—

(A) the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People’s Republic of China on the Question of Hong Kong, done at Beijing December 19, 1984 (referred to in this Act as the “Joint Declaration”);

(B) the International Covenant on Civil and Political Rights, done at New York December 19, 1966; and

(C) the Universal Declaration of Human Rights, done at Paris December 10, 1948;

(3) to support the democratic aspirations of the people of Hong Kong, including the “ultimate aim” of the selection of the Chief Executive and all members of the Legislative Council by universal suffrage, as articulated in the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China (referred to in this Act as the “Basic Law”);

(4) to urge the Government of the People’s Republic of China to uphold its commitments to Hong Kong, including allowing the people of Hong Kong to govern Hong Kong with a high degree of autonomy and without undue interference, and ensuring that Hong Kong voters freely enjoy the right to elect the Chief Executive and all members of the Hong Kong Legislative Council by universal suffrage;

(5) to support the establishment of a genuine democratic option to freely and fairly nominate and elect the Chief Executive of Hong Kong, and the establishment by 2020 of open and direct democratic elections for all members of the Hong Kong Legislative Council;

(6) to support the robust exercise by residents of Hong Kong of the rights to free speech, the press, and other fundamental freedoms, as provided by the Basic Law, the Joint Declaration, and the International Covenant on Civil and Political Rights;

(7) to support freedom from arbitrary or unlawful arrest, detention, or imprisonment for all Hong Kong residents, as provided by the Basic Law, the Joint Declaration, and the International Covenant on Civil and Political Rights;

(8) to draw international attention to any violations by the Government of the People’s Republic of China of the fundamental rights of the people of Hong Kong, as provided by the International Covenant on Civil and Political Rights, and any encroachment upon the autonomy guaranteed to Hong Kong by the Basic Law and the Joint Declaration;

(9) to protect United States citizens and long-term permanent residents living in Hong Kong, as well as people visiting and transiting through Hong Kong;

(10) to maintain the economic and cultural ties that provide significant benefits to both the United States and Hong Kong; and

(11) to coordinate with allies, including the United Kingdom, Australia, Canada, Japan, and the Republic of Korea, to promote democracy and human rights in Hong Kong.

SEC. 4. AMENDMENTS TO THE UNITED STATES-HONG KONG POLICY ACT OF 1992.

(a) REPORT.—Title II of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5721 et seq.) is amended—

(1) in section 201(b), by striking “such date” each place such term appears and inserting “the date of the enactment of the Hong Kong Human Rights and Democracy Act of 2019”; and 22 USC 5721.

(2) adding at the end the following:

“SEC. 205. SECRETARY OF STATE REPORT REGARDING THE AUTONOMY OF HONG KONG. 22 USC 5725.

“(a) CERTIFICATION.—

“(1) IN GENERAL.—Except as provided in subsection (b), the Secretary of State, on at least an annual basis, and in conjunction with the report required under section 301, shall issue a certification to Congress that—

“(A) indicates whether Hong Kong continues to warrant treatment under United States law in the same manner as United States laws were applied to Hong Kong before July 1, 1997;

“(B) addresses—

- “(i) commercial agreements;
 - “(ii) law enforcement cooperation, including extradition requests;
 - “(iii) sanctions enforcement;
 - “(iv) export controls, and any other agreements and forms of exchange involving dual use, critical, or other sensitive technologies;
 - “(v) any formal treaties or agreements between the United States and Hong Kong;
 - “(vi) other areas of bilateral cooperation that the Secretary determines to be relevant; and
 - “(vii) decision-making within the Government of Hong Kong, including executive, legislative, and judicial structures, including—
 - “(I) freedom of assembly;
 - “(II) freedom of speech;
 - “(III) freedom of expression; and
 - “(IV) freedom of the press, including the Internet and social media;
 - “(viii) universal suffrage, including the ultimate aim of the selection of the Chief Executive and all members of the Legislative Council by universal suffrage;
 - “(ix) judicial independence;
 - “(x) police and security functions;
 - “(xi) education;
 - “(xii) laws or regulations regarding treason, secession, sedition, subversion against the Central People’s Government of the People’s Republic of China, or theft of state secrets;
 - “(xiii) laws or regulations regarding foreign political organizations or bodies;
 - “(xiv) laws or regulations regarding political organizations; and
 - “(xv) other rights enumerated in the Universal Declaration of Human Rights, done at Paris December 10, 1948, and the International Covenant on Civil and Political Rights, done at New York December 19, 1966; and
- “(C) includes—

Assessment.

“(i) an assessment of the degree of any erosions to Hong Kong’s autonomy in each category listed in subparagraph (B) resulting from actions by the Government of the People’s Republic of China that are inconsistent with its commitments under the Basic Law or the Joint Declaration;

Evaluation.

“(ii) an evaluation of the specific impacts to any areas of cooperation between the United States and Hong Kong resulting from erosions of autonomy in Hong Kong or failures of the Government of Hong Kong to fulfill obligations to the United States under international agreements within the categories listed in subparagraph (B); and

Lists.

“(iii) a list of any specific actions taken by the United States Government in response to any erosion of autonomy or failures to fulfill obligations to the

United States under international agreements identified in this certification and the report required under section 301.

“(2) FACTOR FOR CONSIDERATION.—In making each certification under paragraph (1), the Secretary of State should consider the terms, obligations, and expectations expressed in the Joint Declaration with respect to Hong Kong.

“(3) ADDITIONAL CERTIFICATIONS.—The certification under section (1) shall be issued annually, but the Secretary may issue additional certifications at any time if the Secretary determines it is warranted by circumstances in Hong Kong.

Time period.
Determination.

“(b) WAIVER AUTHORITY.—

“(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) if—

“(A) the Secretary determines that such a waiver is in the national security interests of the United States; and

Determination.

“(B) on or before the date on which the waiver takes effect, the Secretary notifies the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of the intent to waive such subsection;

Notification.

“(2) PARTIAL WAIVER.—Except for the list of actions described in subsection (a)(1)(C)(iii), the Secretary of State may waive relevant parts of the application of subsection (a) if the President issues an Executive order under section 202 that suspends the application of any particular United States law to Hong Kong.”.

President.

(b) VISA APPLICANTS.—Title II of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5721 et seq.), as amended by subsection (a), is further amended by adding at the end the following:

“SEC. 206. TREATMENT OF HONG KONG APPLICANTS FOR VISAS TO STUDY OR WORK IN THE UNITED STATES.

22 USC 5726.

“(a) VISA ELIGIBILITY FOR CERTAIN HONG KONG STUDENTS.—Notwithstanding any other provision of law, applications for visas to enter, study, or work in the United States, which are submitted by otherwise qualified applicants who resided in Hong Kong in 2014 and later, may not be denied primarily on the basis of the applicant’s subjection to politically-motivated arrest, detention, or other adverse government action.

Time period.

“(b) IMPLEMENTATION.—The Secretary of State shall take such steps as may be necessary to ensure that consular officers are aware of the policy described in subsection (a) and receive appropriate training and support to ensure that the policy is carried out so that affected individuals do not face discrimination or unnecessary delay in the processing of their visa applications, including—

“(1) providing specialized training for all consular officers posted to the United States Embassy in Beijing or to any United States consulate in the People’s Republic of China, the Hong Kong Special Administrative Region, or the Macau Special Administrative Region;

“(2) instructing the United States Consulate in Hong Kong to maintain an active list of individuals who are known to have been formally charged, detained, or convicted by the Government of Hong Kong Special Administrative Region or

Lists.

by the Government of the People’s Republic of China, or intermediaries of such governments, based on politically-motivated considerations related to their exercise of rights enumerated in the Universal Declaration of Human Rights, done at Paris December 10, 1948, or the International Covenant on Civil and Political Rights, done at New York December 19, 1966, to facilitate the cross-checking of visa applications for Hong Kong residents; and

Websites.

“(3) updating any relevant United States Government websites with information on the policy described in subsection (a).

“(c) COOPERATION WITH LIKE-MINDED COUNTRIES.—The Secretary of State shall contact appropriate representatives of other democratic countries, particularly those who receive a large number of applicants for student and employment visas from Hong Kong—

“(1) to inform them of the United States policy regarding arrests for participation in nonviolent protests in Hong Kong; and

“(2) to encourage them to take similar steps to ensure the rights of nonviolent protesters are protected from discrimination due to the actions of the Government of Hong Kong and of the Government of the People’s Republic of China.”.

22 USC 5701
note.

SEC. 5. ANNUAL REPORT ON VIOLATIONS OF UNITED STATES EXPORT CONTROL LAWS AND UNITED NATIONS SANCTIONS OCCURRING IN HONG KONG.

Time period.
Consultation.
Assessments.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter until the date that is 7 years after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of the Treasury and the Secretary of State, shall submit a report to the committees specified in subsection (b) that includes—

(1) an assessment of the nature and extent of violations of United States export control and sanctions laws occurring in Hong Kong;

(2) to the extent possible, the identification of—

(A) any items that were reexported from Hong Kong in violation of the laws referred to in paragraph (1);

(B) the countries and persons to which the items referred to in subparagraph (A) were reexported; and

(C) how such items were used;

(3) an assessment of whether sensitive dual-use items subject to the export control laws of the United States are being—

(A) transshipped through Hong Kong; and

(B) used to develop—

(i) the Sharp Eyes, Skynet, Integrated Joint Operations Platform, or other systems of mass surveillance and predictive policing; or

(ii) the “social credit system” of the People’s Republic of China;

(4) an assessment of the efforts by the Government of the People’s Republic of China to use the status of Hong Kong as a separate customs territory to import items into the People’s Republic of China from Hong Kong in violation of the export control laws of the United States, whether as part of the Greater Bay Area plan, through the assignment by Beijing of Hong Kong as a national technology and innovation center,

or through other programs that may exploit Hong Kong as a conduit for controlled sensitive technology;

(5) an assessment of whether the Government of Hong Kong has adequately enforced sanctions imposed by the United Nations;

(6) a description of the types of goods and services transshipped or reexported through Hong Kong in violation of such sanctions to—

(A) North Korea or Iran; or

(B) other countries, regimes, or persons subject to such sanctions for engaging in activities—

(i) relating to international terrorism, international narcotics trafficking, or the proliferation of weapons of mass destruction; or

(ii) that otherwise present a threat to the national security, foreign policy, or economy of the United States; and

(7) an assessment of whether shortcomings in the enforcement of export controls or sanctions by the Government of Hong Kong necessitates the assignment of additional Department of the Treasury, Department of Commerce, or Department of State personnel to the United States Consulate in Hong Kong.

(b) COMMITTEES SPECIFIED.—The committees specified in this subsection are—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(3) the Committee on Commerce, Science, and Transportation of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives; and

(5) the Committee on Energy and Commerce of the House of Representatives.

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

**SEC. 6. PROTECTING UNITED STATES CITIZENS AND OTHERS FROM
RENDITION TO THE PEOPLE'S REPUBLIC OF CHINA.**

22 USC 5701
note.

(a) POLICY STATEMENTS.—It is the policy of the United States—

(1) to safeguard United States citizens from extradition, rendition, or abduction to the People's Republic of China from Hong Kong for trial, detention, or any other purpose;

(2) to safeguard United States businesses in Hong Kong from economic coercion and intellectual property theft;

(3) pursuant to section 103(7) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5713(7)), to encourage United States businesses “to continue to operate in Hong Kong, in accordance with applicable United States and Hong Kong law”; and

(4) pursuant to section 201(b) of such Act (22 U.S.C. 5721(b)), to evaluate, not less frequently than annually and as circumstances dictate whether the Government of Hong Kong is “legally competent to carry out its obligations” under treaties and international agreements established between the United States and Hong Kong.

President. Determination. Reports.	(b) RESPONSE TO THREAT OF RENDITION.—Not later than 30 days after the President determines that legislation proposed or enacted by the Government of Hong Kong would put United States citizens at risk of extradition or rendition to the People’s Republic of China or to other countries that lack protections for the rights of defendants, the President shall submit a report to the appropriate congressional committees that—
Strategy.	(1) contains a strategy for protecting United States citizens and businesses in Hong Kong;
Assessment.	(2) assesses the potential risks of the legislation to United States citizens residing in, traveling to, or transiting through Hong Kong; and
Determination.	(3) determines whether— (A) additional resources are needed for American Citizen Services at the United States Consulate in Hong Kong; and (B) the Government of Hong Kong is “legally competent” to administer the United States-Hong Kong Agreement for the Surrender of Fugitive Offenders, done at Hong Kong December 20, 1996, or other relevant law enforcement agreements between the United States and Hong Kong.
President. 22 USC 5701 note.	SEC. 7. SANCTIONS RELATING TO UNDERMINING FUNDAMENTAL FREEDOMS AND AUTONOMY IN HONG KONG.
Reports. Determination.	(a) IDENTIFICATION OF PERSONS RESPONSIBLE FOR UNDERMINING FUNDAMENTAL FREEDOMS AND AUTONOMY IN HONG KONG.— (1) IN GENERAL.—The President shall submit a report to the appropriate congressional committees, in accordance with paragraph (2), that identifies each foreign person that the President determines is responsible for— (A) the extrajudicial rendition, arbitrary detention, or torture of any person in Hong Kong; or (B) other gross violations of internationally recognized human rights in Hong Kong. (2) TIMING OF REPORTS.—The President shall submit to the appropriate congressional committees— (A) the report required under paragraph (1)— (i) not later than 180 days after the date of the enactment of this Act; and (ii) not less frequently than annually thereafter in conjunction with the publication of the report required under section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731); and (B) an update to the report not later than 15 days after any new action is taken under subsection (b) based on the discovery of new information described in paragraph (1). (3) CONSIDERATION OF CERTAIN INFORMATION.—In preparing the report required under paragraph (1), the President shall consider— (A) information provided jointly by the chairperson and ranking member of each of the appropriate congressional committees; and (B) information obtained by other countries or reputable nongovernmental organizations that monitor violations of human rights abuses.
Time period.	

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

(b) IMPOSITION OF SANCTIONS.—The President shall impose the sanctions described in subsection (c) with respect to each foreign person identified in the report required under subsection (a)(1).

(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) ASSET BLOCKING.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person identified in the report required under subsection (a)(1) if such property and interests in property are in the United States, come within the United States, or come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a)(1) is—

- (i) inadmissible to the United States;
- (ii) ineligible to receive a visa or other documentation to enter the United States; and
- (iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described in subsection (a)(1) is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

- (I) take effect immediately; and
- (II) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(3) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a foreign person that violates, attempts to violate, conspires to violate, or causes a violation of paragraph (1) to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

Applicability.

(d) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(e) WAIVER.—The President may waive the application of sanctions under this section with respect to a person identified in the report required under subsection (a)(1) if the President determines and certifies to the appropriate congressional committees that such a waiver is in the national interest of the United States.

Determination.
Certification.

(f) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions under this section shall not apply to any activity subject to

the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.—Sanctions under subsection (c)(2) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

(B) to carry out or assist law enforcement activity in the United States.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term “good” means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

Determination.
Reports.

(g) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to a person if the President determines and reports to the appropriate congressional committees not less than 15 days before the termination takes effect that—

(1) information exists that the person did not engage in the activity for which sanctions were imposed;

(2) the person has been prosecuted appropriately for the activity for which sanctions were imposed;

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a)(1) in the future; or

(4) the termination of the sanctions is in the national security interests of the United States.

(h) SUNSET.—This section, and any sanctions imposed under this section, shall terminate on the date that is 5 years after the date of the enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) ADMISSION; ADMITTED; ALIEN.—The terms “admission”, “admitted”, and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) FOREIGN PERSON.—The term “foreign person” means a person that is not a United States person.

President.
22 USC 5701
note.

SEC. 8. SANCTIONS REPORTS.

(a) IN GENERAL.—In accordance with section 7, the President shall submit, to the appropriate congressional committees, a report that includes—

(1) a list of each foreign person with respect to which the President imposed sanctions during the year preceding the submission of the report; Lists.

(2) a description of the type of sanctions imposed with respect to each such person;

(3) the number of foreign persons with respect to which the President terminated sanctions under section 7 during that year;

(4) the dates on which such sanctions were imposed or terminated, as applicable;

(5) the reasons for imposing or terminating such sanctions; and

(6) a description of the efforts of the President to encourage the governments of other countries to impose sanctions that are similar to the sanctions authorized under section 7.

(b) **NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.**—The President shall publish the report required under subsection (a) without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States. Publication.

SEC. 9. SENSE OF CONGRESS ON PEOPLE’S REPUBLIC OF CHINA STATE-CONTROLLED MEDIA.

It is the sense of Congress that—

(1) the United States condemns the deliberate targeting and harassment of democracy activists, diplomatic personnel of the United States and other nations, and their families by media organizations controlled by the Government of the People’s Republic of China, including Wen Wei Po and Ta Kung Po;

(2) the Secretary of State should clearly inform the Government of the People’s Republic of China that the use of media outlets to spread disinformation or to intimidate and threaten its perceived enemies in Hong Kong or in other countries is unacceptable; and

(3) the Secretary of State should take any activities described in paragraph (1) or (2) into consideration when granting visas for travel and work in the United States to journalists from the People’s Republic of China who are affiliated with any such media organizations.

SEC. 10. SENSE OF CONGRESS ON COMMERCIAL EXPORTS OF CROWD CONTROL EQUIPMENT TO HONG KONG.

It is sense of Congress that the Department of Commerce, in conjunction with other relevant Federal departments and agencies, should consider appropriate adjustments to the current United States export controls with respect to Hong Kong to prevent the

supply of crowd control and surveillance equipment that could be used inappropriately in Hong Kong.

Approved November 27, 2019.

LEGISLATIVE HISTORY—S. 1838 (H.R. 3289):

CONGRESSIONAL RECORD, Vol. 165 (2019):

Nov. 19, considered and passed Senate.

Nov. 20, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2019):

Nov. 27, Presidential statement.

Public Law 116–77
116th Congress

An Act

To prohibit the commercial export of covered munitions items to the Hong Kong Police Force.

Nov. 27, 2019
[S. 2710]

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

SECTION 1. DEFINITIONS.

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

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

(B) the Committee on Foreign Affairs of the House of Representatives.

(2) **COVERED MUNITIONS ITEMS.**—The term “covered munitions items” means tear gas, pepper spray, rubber bullets, foam rounds, bean bag rounds, pepper balls, water cannons, handcuffs, shackles, stun guns, and tasers.

(3) **HONG KONG.**—The term “Hong Kong” has the meaning given such term in section 3 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5702).

(4) **HONG KONG POLICE FORCE.**—The term “Hong Kong Police Force” means—

(A) the Hong Kong Police Force; and

(B) the Hong Kong Auxiliary Police Force.

SEC. 2. PROHIBITION ON COMMERCIAL EXPORT OF COVERED MUNITIONS ITEMS TO THE HONG KONG POLICE FORCE.

President.

(a) **IN GENERAL.**—Except as provided in subsection (b), beginning on the date that is 30 days after the date of the enactment of this Act, the President shall prohibit the issuance of licenses to export covered munitions items to the Hong Kong Police Force.

Effective date.
Time period.

(b) **EXCEPTIONS.**—The prohibition set forth in subsection (a) shall not apply to the issuance of a license with respect to which the President submits to the appropriate congressional committees, not fewer than 30 days before the date of such issuance, a written notice—

Deadline.
Notice.

(1) certifying that the exports to be covered by such license are important to the national interests and foreign policy goals of the United States; and

Certification.

(2) describing the manner in which such exports will promote such interests and goals.

SEC. 3. SUNSET.

The prohibition under section 2 shall expire one year after the date of the enactment of this Act.

Approved November 27, 2019.

LEGISLATIVE HISTORY—S. 2710:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Nov. 19, considered and passed Senate.

Nov. 20, considered and passed House.

Public Law 116–78
116th Congress

An Act

To amend section 442 of title 18, United States Code, to exempt certain interests in mutual funds, unit investment trusts, employee benefit plans, and retirement plans from conflict of interest limitations for the Government Publishing Office.

Dec. 5, 2019

[H.R. 5277]

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

SECTION 1. GOVERNMENT PUBLISHING OFFICE.

(a) IN GENERAL.—Section 442 of title 18, United States Code, is amended to read as follows:

“§ 442. Government Publishing Office

“(a) DEFINITIONS.—In this section—

“(1) the terms ‘diversified’, ‘employee benefit plan’, ‘holdings’, ‘mutual fund’, and ‘unit investment trust’ have the meanings given those terms under section 2640.102 of title 5, Code of Federal Regulations, or any successor thereto; and

“(2) the term ‘printing-related interest’ means an interest, direct or indirect, in—

“(A) the publication of any newspaper or periodical;

“(B) any printing, binding, engraving, or lithographing of any kind; or

“(C) any contract for furnishing paper or other material connected with the public printing, binding, lithographing, or engraving.

“(b) OFFENSE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Director of the Government Publishing Office, Deputy Director of the Government Publishing Office, nor any of their assistants as determined by the Director of the Government Publishing Office shall not, during his or her continuance in office, have any printing-related interest.

“(2) EXCEPTION FOR MUTUAL FUNDS, UNIT INVESTMENT TRUSTS, EMPLOYEE BENEFIT PLANS, AND RETIREMENT PLANS.—It shall not be a violation of paragraph (1) for an individual who is described in such paragraph to have an interest in a diversified mutual fund, diversified unit investment trust, employee benefit plan, investment fund under the Thrift Savings Plan under subchapter III of chapter 84 of title 5, or pension plan established or maintained by a State government or any political subdivision of a State government for its employees that has 1 or more holdings that are printing-related interests if the fund, trust, or plan does not exhibit a practice of concentrating in printing-related interests.

“(3) AUTHORITY OF SUPERVISING ETHICS OFFICE.—The supervising ethics office for the Government Publishing Office under the Ethics in Government Act of 1978 (5 U.S.C. App.) shall have the authority to issue rules and promulgate regulations governing the implementation of this subsection.

“(c) PENALTY.—Whoever violates subsection (b)(1) shall be fined under this title, imprisoned for not more than 1 year, or both.”.

18 USC
prec. 431.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 18, United States Code, is amended by striking the item relating to section 442 and inserting the following:

“442. Government Publishing Office.”.

Approved December 5, 2019.

LEGISLATIVE HISTORY—H.R. 5277:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Dec. 3, considered and passed House.

Dec. 4, considered and passed Senate.

Public Law 116–79
116th Congress

An Act

To designate the facility of the United States Postal Service located at 877 East 1200 South in Orem, Utah, as the “Jerry C. Washburn Post Office Building”.

Dec. 12, 2019
[H.R. 887]

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

SECTION 1. JERRY C. WASHBURN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 877 East 1200 South in Orem, Utah, shall be known and designated as the “Jerry C. Washburn Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Jerry C. Washburn Post Office Building”.

Approved December 12, 2019.

LEGISLATIVE HISTORY—H.R. 887:

CONGRESSIONAL RECORD, Vol. 165 (2019):
Oct. 16, considered and passed House.
Nov. 21, considered and passed Senate.

Public Law 116–80
116th Congress

An Act

Dec. 12, 2019
[H.R. 1252]

To designate the facility of the United States Postal Service located at 6531 Van Nuys Boulevard in Van Nuys, California, as the “Marilyn Monroe Post Office”.

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

SECTION 1. MARILYN MONROE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6531 Van Nuys Boulevard in Van Nuys, California, shall be known and designated as the “Marilyn Monroe Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Marilyn Monroe Post Office”.

Approved December 12, 2019.

LEGISLATIVE HISTORY—H.R. 1252:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Oct. 16, considered and passed House.

Nov. 21, considered and passed Senate.

Public Law 116–81
116th Congress

An Act

To designate the facility of the United States Postal Service located at 13507 Van Nuys Boulevard in Pacoima, California, as the “Ritchie Valens Post Office Building”.

Dec. 12, 2019
[H.R. 1253]

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

SECTION 1. RITCHIE VALENS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 13507 Van Nuys Boulevard in Pacoima, California, shall be known and designated as the “Ritchie Valens Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Ritchie Valens Post Office Building”.

Approved December 12, 2019.

LEGISLATIVE HISTORY—H.R. 1253:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Oct. 16, considered and passed House.

Nov. 21, considered and passed Senate.

Public Law 116–82
116th Congress

An Act

Dec. 12, 2019
[H.R. 1526]

To designate the facility of the United States Postal Service located at 200 Israel Road Southeast in Tumwater, Washington, as the “Eva G. Hewitt Post Office”.

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

SECTION 1. EVA G. HEWITT POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 200 Israel Road Southeast in Tumwater, Washington, shall be known and designated as the “Eva G. Hewitt Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Eva G. Hewitt Post Office”.

Approved December 12, 2019.

LEGISLATIVE HISTORY—H.R. 1526:

CONGRESSIONAL RECORD, Vol. 165 (2019):
July 17, considered and passed House.
Nov. 21, considered and passed Senate.

Public Law 116–83
116th Congress

An Act

To designate the facility of the United States Postal Service located at 66 Grove Court in Elgin, Illinois, as the “Corporal Alex Martinez Memorial Post Office Building”.

Dec. 12, 2019
[H.R. 1844]

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

SECTION 1. CORPORAL ALEX MARTINEZ MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 66 Grove Court in Elgin, Illinois, shall be known and designated as the “Corporal Alex Martinez Memorial Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Corporal Alex Martinez Memorial Post Office Building”.

Approved December 12, 2019.

LEGISLATIVE HISTORY—H.R. 1844:

CONGRESSIONAL RECORD, Vol. 165 (2019):
July 17, considered and passed House.
Nov. 21, considered and passed Senate.

Public Law 116–84
116th Congress

An Act

Dec. 13, 2019
[H.R. 1972]

To designate the facility of the United States Postal Service located at 1100 West Kent Avenue in Missoula, Montana, as the “Jeannette Rankin Post Office Building”.

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

SECTION 1. JEANNETTE RANKIN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1100 West Kent Avenue in Missoula, Montana, shall be known and designated as the “Jeannette Rankin Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Jeannette Rankin Post Office Building”.

Approved December 13, 2019.

LEGISLATIVE HISTORY—H.R. 1972:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Oct. 16, considered and passed House.

Nov. 21, considered and passed Senate.

Public Law 116–85
116th Congress

An Act

To designate the facility of the United States Postal Service located at 7722 South Main Street in Pine Plains, New York, as the “Senior Chief Petty Officer Shannon M. Kent Post Office”.

Dec. 13, 2019
[H.R. 2151]

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

SECTION 1. SENIOR CHIEF PETTY OFFICER SHANNON M. KENT POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7722 South Main Street in Pine Plains, New York, shall be known and designated as the “Senior Chief Petty Officer Shannon M. Kent Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Senior Chief Petty Officer Shannon M. Kent Post Office”.

Approved December 13, 2019.

LEGISLATIVE HISTORY—H.R. 2151:

CONGRESSIONAL RECORD, Vol. 165 (2019):
Oct. 16, considered and passed House.
Nov. 21, considered and passed Senate.

Public Law 116–86
116th Congress

An Act

Dec. 13, 2019
[H.R. 2325]

To designate the facility of the United States Postal Service located at 100 Calle Alondra in San Juan, Puerto Rico, as the “65th Infantry Regiment Post Office Building”.

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

SECTION 1. 65TH INFANTRY REGIMENT POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 100 Calle Alondra in San Juan, Puerto Rico, shall be known and designated as the “65th Infantry Regiment Post Office Building”.

(b) REFERENCES.—Any reference in law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “65th Infantry Regiment Post Office Building”.

Approved December 13, 2019.

LEGISLATIVE HISTORY—H.R. 2325:

CONGRESSIONAL RECORD, Vol. 165 (2019):
July 17, considered and passed House.
Nov. 21, considered and passed Senate.

Public Law 116–87
116th Congress

An Act

To designate the Department of Veterans Affairs community-based outpatient clinic in Odessa, Texas, as the “Wilson and Young Medal of Honor VA Clinic”.

Dec. 13, 2019

[H.R. 2334]

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

SECTION 1. DESIGNATION OF WILSON AND YOUNG MEDAL OF HONOR VA CLINIC.

(a) **FINDING.**—Congress finds that Private First Class Alfred “Mac” Wilson of the Marine Corps and Staff Sergeant Marvin “Rex” Young of the Army were both posthumously awarded the Medal of Honor for their heroic actions in the Vietnam War.

(b) **DESIGNATION.**—The Department of Veterans Affairs community-based outpatient clinic in Odessa, Texas, shall after the date of the enactment of this Act be known and designated as the “Wilson and Young Medal of Honor VA Clinic”.

(c) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (b) shall be deemed to be a reference to the “Wilson and Young Medal of Honor VA Clinic”.

Approved December 13, 2019.

LEGISLATIVE HISTORY—H.R. 2334:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Oct. 15, considered and passed House.

Nov. 21, considered and passed Senate.

Public Law 116–88
116th Congress

An Act

Dec. 13, 2019
[H.R. 2451]

To designate the facility of the United States Postal Service located at 575 Dexter Street in Central Falls, Rhode Island, as the “Elizabeth Buffum Chace Post Office”.

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

SECTION 1. ELIZABETH BUFFUM CHACE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 575 Dexter Street in Central Falls, Rhode Island, shall be known and designated as the “Elizabeth Buffum Chace Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Elizabeth Buffum Chace Post Office”.

Approved December 13, 2019.

LEGISLATIVE HISTORY—H.R. 2451:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Oct. 16, considered and passed House.

Nov. 21, considered and passed Senate.

Public Law 116–89
116th Congress

An Act

To designate the facility of the United States Postal Service located at 8520 Michigan Avenue in Whittier, California, as the “Jose Ramos Post Office Building”.

Dec. 13, 2019

[H.R. 3144]

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

SECTION 1. JOSE RAMOS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 8520 Michigan Avenue in Whittier, California, shall be known and designated as the “Jose Ramos Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Jose Ramos Post Office Building”.

Approved December 13, 2019.

LEGISLATIVE HISTORY—H.R. 3144:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Oct. 16, considered and passed House.

Nov. 21, considered and passed Senate.

Public Law 116–90
116th Congress

An Act

Dec. 13, 2019
[H.R. 3314]

To designate the facility of the United States Postal Service located at 1750 McCulloch Boulevard North in Lake Havasu City, Arizona, as the “Lake Havasu City Combat Veterans Memorial Post Office Building”.

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

SECTION 1. LAKE HAVASU CITY COMBAT VETERANS MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1750 McCulloch Boulevard North in Lake Havasu City, Arizona, shall be known and designated as the “Lake Havasu City Combat Veterans Memorial Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Lake Havasu City Combat Veterans Memorial Post Office Building”.

Approved December 13, 2019.

LEGISLATIVE HISTORY—H.R. 3314:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Oct. 16, considered and passed House.

Nov. 21, considered and passed Senate.

Public Law 116–91
116th Congress

An Act

To reauthorize mandatory funding programs for historically Black colleges and universities and other minority-serving institutions, and for other purposes.

Dec. 19, 2019
[H.R. 5363]

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

SECTION 1. SHORT TITLE; REFERENCES.

This Act may be cited as the “Fostering Undergraduate Talent by Unlocking Resources for Education Act” or the “FUTURE Act”.

SEC. 2. CONTINUED SUPPORT FOR MINORITY-SERVING INSTITUTIONS.

Section 371(b)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(1)(A)) is amended by striking “for each of the fiscal years 2008 through 2019.” and all that follows through the end of the subparagraph and inserting “for fiscal year 2020 and each fiscal year thereafter.”.

SEC. 3. SECURE DISCLOSURE OF TAX-RETURN INFORMATION TO CARRY OUT THE HIGHER EDUCATION ACT OF 1965.

(a) IN GENERAL.—Paragraph (13) of section 6103(l) of the Internal Revenue Code of 1986 is amended to read as follows:

“(13) DISCLOSURE OF RETURN INFORMATION TO CARRY OUT THE HIGHER EDUCATION ACT OF 1965.—

“(A) APPLICATIONS AND RECERTIFICATIONS FOR INCOME-CONTINGENT OR INCOME-BASED REPAYMENT.—The Secretary shall, upon written request from the Secretary of Education, disclose to any authorized person, only for the purpose of (and to the extent necessary in) determining eligibility for, or repayment obligations under, income-contingent or income-based repayment plans under title IV of the Higher Education Act of 1965 with respect to loans under part D of such title, the following return information from returns (for any taxable year specified by the Secretary of Education as relevant to such purpose) of an individual certified by the Secretary of Education as having provided approval under section 494(a)(2) of such Act (as in effect on the date of enactment of this paragraph) for such disclosure:

“(i) Taxpayer identity information.

“(ii) Filing status.

“(iii) Adjusted gross income.

“(iv) Total number of exemptions claimed, if applicable.

“(v) Number of dependents taken into account in determining the credit allowed under section 24.

Fostering
Undergraduate
Talent by
Unlocking
Resources for
Education Act.
20 USC 1001
note.

26 USC 6103.

“(vi) If applicable, the fact that there was no return filed.

“(B) DISCHARGE OF LOAN BASED ON TOTAL AND PERMANENT DISABILITY.—The Secretary shall, upon written request from the Secretary of Education, disclose to any authorized person, only for the purpose of (and to the extent necessary in) monitoring and reinstating loans under title IV of the Higher Education Act of 1965 that were discharged based on a total and permanent disability (within the meaning of section 437(a) of such Act), the following return information from returns (for any taxable year specified by the Secretary of Education as relevant to such purpose) of an individual certified by the Secretary of Education as having provided approval under section 494(a)(3) of such Act (as in effect on the date of enactment of this paragraph) for such disclosure:

“(i) The return information described in clauses (i), (ii), and (vi) of subparagraph (A).

“(ii) The return information described in subparagraph (C)(ii).

“(C) FEDERAL STUDENT FINANCIAL AID.—The Secretary shall, upon written request from the Secretary of Education, disclose to any authorized person, only for the purpose of (and to the extent necessary in) determining eligibility for, and amount of, Federal student financial aid under a program authorized under subpart 1 of part A, part C, or part D of title IV of the Higher Education Act of 1965 the following return information from returns (for the taxable year used for purposes of section 480(a) of such Act) of an individual certified by the Secretary of Education as having provided approval under section 494(a)(1) of such Act (as in effect on the date of enactment of this paragraph) for such disclosure:

“(i) Return information described in clauses (i) through (vi) of subparagraph (A).

“(ii) The amount of any net earnings from self-employment (as defined in section 1402(a)), wages (as defined in section 3121(a) or 3401(a)), and taxable income from a farming business (as defined in section 236A(e)(4)).

“(iii) Amount of total income tax.

“(iv) Amount of any credit allowed under section 25A.

“(v) Amount of individual retirement account distributions not included in adjusted gross income.

“(vi) Amount of individual retirement account contributions and payments to self-employed SEP, Keogh, and other qualified plans which were deducted from income.

“(vii) Amount of tax-exempt interest received.

“(viii) Amounts from retirement pensions and annuities not included in adjusted gross income.

“(ix) If applicable, the fact that any of the following schedules (or equivalent successor schedules) were filed with the return:

“(I) Schedule A.

“(II) Schedule B.

“(III) Schedule D.

“(IV) Schedule E.

“(V) Schedule F.

“(VI) Schedule H.

“(x) If applicable, the amount reported on Schedule C (or an equivalent successor schedule) as net profit or loss.

“(D) ADDITIONAL USES OF DISCLOSED INFORMATION.—

“(i) IN GENERAL.—In addition to the purposes for which information is disclosed under subparagraphs (A), (B), and (C), return information so disclosed may be used by an authorized person, with respect to income-contingent or income-based repayment plans, awards of Federal student financial aid under a program authorized under subpart 1 of part A, part C, or part D of title IV of the Higher Education Act of 1965, and discharges of loans based on a total and permanent disability (within the meaning of section 437(a) of such Act), for purposes of—

“(I) reducing the net cost of improper payments under such plans, relating to such awards, or relating to such discharges,

“(II) oversight activities by the Office of Inspector General of the Department of Education as authorized by the Inspector General Act of 1978, and

“(III) conducting analyses and forecasts for estimating costs related to such plans, awards, or discharges.

“(ii) LIMITATION.—The purposes described in clause (i) shall not include the conduct of criminal investigations or prosecutions.

“(iii) REDISCLOSURE TO INSTITUTIONS OF HIGHER EDUCATION, STATE HIGHER EDUCATION AGENCIES, AND DESIGNATED SCHOLARSHIP ORGANIZATIONS.—Authorized persons may redisclose return information received under subparagraph (C), solely for the use in the application, award, and administration of financial aid awarded by the Federal government or awarded by a person described in subclause (I), (II), or (III), to the following persons:

“(I) An institution of higher education participating in a program under subpart 1 of part A, part C, or part D of title IV of the Higher Education Act of 1965.

“(II) A State higher education agency.

“(III) A scholarship organization which is an entity designated (prior to the date of the enactment of this clause) by the Secretary of Education under section 483(a)(3)(E) of such Act.

This clause shall only apply to the extent that the taxpayer with respect to whom the return information relates provides written consent for such redisclosure to the Secretary of Education.

Applicability.
Consent.

“(E) AUTHORIZED PERSON.—For purposes of this paragraph, the term ‘authorized person’ means, with respect

Definition.

	to information disclosed under subparagraph (A), (B), or (C), any person who—
	“(i) is an officer, employee, or contractor, of the Department of Education, and
	“(ii) is specifically authorized and designated by the Secretary of Education for purposes of such subparagraph (applied separately with respect to each such subparagraph).
Applicability.	“(F) JOINT RETURNS.—In the case of a joint return, any disclosure authorized under subparagraph (A), (B), or (C) with respect to an individual shall be treated for purposes of this paragraph as applying with respect to the taxpayer.”.
26 USC 6103.	(b) CONFIDENTIALITY OF RETURN INFORMATION.—Section 6103(a)(3) of such Code is amended by inserting “, (13)” after “(12)”.
	(c) CONFORMING AMENDMENTS.—
	(1) Section 6103(p)(3)(A) of such Code is amended by striking “(13)”.
	(2) Section 6103(p)(4) of such Code is amended by inserting “, (13)” after “(1)(10)” each place it appears.
26 USC 6103 note.	(d) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.
26 USC 6103 note.	(e) REQUIREMENT TO DESIGNATE THE INSPECTOR GENERAL OF THE DEPARTMENT OF EDUCATION AS AN AUTHORIZED PERSON.—The Secretary of Education shall authorize and designate the Inspector General of the Department of Education as an authorized person under subparagraph (E)(ii) of section 6103(l)(13) of the Internal Revenue Code of 1986 for purposes of subparagraphs (A), (B), and (C) of such section.
26 USC 6103 note.	(f) REPORT TO TREASURY.—The Secretary of Education shall annually submit a written report to the Secretary of the Treasury—
	(1) regarding redisclosures of return information under subparagraph (D)(iii) of section 6103(l)(13) of the Internal Revenue Code of 1986, including the number of such redisclosures; and
	(2) regarding any unauthorized use, access, or disclosure of return information disclosed under such section.
26 USC 6103 note.	(g) REPORT TO CONGRESS.—The Secretary of the Treasury (or the Secretary’s designee) shall annually submit a written report to Congress regarding disclosures under section 6103(l)(13) of the Internal Revenue Code of 1986, including information provided to the Secretary under subsection (f).
	SEC. 4. AUTOMATIC RECERTIFICATION OF INCOME.
	(a) INCOME-CONTINGENT REPAYMENT.—
	(1) IN GENERAL.—Section 455(e) of the Higher Education Act of 1965 (20 U.S.C. 1087e(e)) is amended by adding at the end the following:
	“(8) AUTOMATIC RECERTIFICATION.—
Procedures. Determinations.	“(A) IN GENERAL.—The Secretary shall establish and implement, with respect to any borrower described in subparagraph (B), procedures to—
	“(i) use return information disclosed under section 6103(l)(13) of the Internal Revenue Code of 1986, pursuant to approval provided under section 494, to

determine the repayment obligation of the borrower without further action by the borrower;

“(ii) allow the borrower (or the spouse of the borrower), at any time, to opt out of disclosure under such section 6103(l)(13) and instead provide such information as the Secretary may require to determine the repayment obligation of the borrower (or withdraw from the repayment plan under this subsection); and

“(iii) provide the borrower with an opportunity to update the return information so disclosed before the determination of the repayment obligation of the borrower.

“(B) APPLICABILITY.—Subparagraph (A) shall apply to each borrower of a loan made under this part who, on or after the date on which the Secretary establishes procedures under such subparagraph—

“(i) selects, or is required to repay such loan pursuant to, an income-contingent repayment plan; or

“(ii) recertifies income or family size under such plan.”.

(2) CONFORMING AMENDMENT.—Section 455(e)(6) of the Higher Education Act of 1965 (20 U.S.C. 1087e(e)(6)) is amended—

(A) by striking “including notification of such borrower” and all that follows through “that if a borrower” and inserting “including notification of such borrower, that if a borrower”; and

(B) by striking “as determined using the information described in subparagraph (A), or the alternative documentation described in paragraph (3)”.

(b) INCOME-BASED REPAYMENT.—Section 493C(c) of the Higher Education Act of 1965 (20 U.S.C. 1098e(c)) is amended—

(1) by striking “The Secretary shall establish” and inserting the following:

“(1) IN GENERAL.—The Secretary shall establish”; and

(2) by striking “The Secretary shall consider” and inserting the following:

“(2) PROCEDURES FOR ELIGIBILITY.—The Secretary shall—
“(A) consider”;

(3) by striking “428C(b)(1)(E).” and inserting the following: “428C(b)(1)(E); and

“(B) carry out, with respect to borrowers of any loan made under part D (other than an excepted PLUS loan or excepted consolidation loan), procedures for income-based repayment plans that are equivalent to the procedures carried out under section 455(e)(8) with respect to income-contingent repayment plans.”.

SEC. 5. AUTOMATIC INCOME MONITORING PROCEDURES AFTER A TOTAL AND PERMANENT DISABILITY DISCHARGE.

Section 437(a) of the Higher Education Act of 1965 (20 U.S.C. 1087(a)) is amended by adding at the end the following:

“(3) AUTOMATIC INCOME MONITORING.—

“(A) IN GENERAL.—The Secretary shall establish and implement, with respect to any borrower described in subparagraph (B), procedures to—

Determinations.

“(i) use return information disclosed under section 6103(l)(13) of the Internal Revenue Code of 1986, pursuant to approval provided under section 494, to determine the borrower’s continued eligibility for the loan discharge described in subparagraph (B);

“(ii) allow the borrower, at any time, to opt out of disclosure under such section 6103(l)(13) and instead provide such information as the Secretary may require to determine the borrower’s continued eligibility for such loan discharge; and

“(iii) provide the borrower with an opportunity to update the return information so disclosed before determination of such borrower’s continued eligibility for such loan discharge.

“(B) APPLICABILITY.—Subparagraph (A) shall apply—

“(i) to each borrower of a loan that is discharged due to the total and permanent disability (within the meaning of this subsection) of the borrower; and

“(ii) during the period beginning on the date on which such loan is so discharged and ending on the first day on which such loan may no longer be reinstated.”.

Time period.

SEC. 6. PROCEDURE AND REQUIREMENTS FOR REQUESTING TAX RETURN INFORMATION FROM THE INTERNAL REVENUE SERVICE.

(a) IN GENERAL.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

20 USC 1098h.

“SEC. 494. PROCEDURE AND REQUIREMENTS FOR REQUESTING TAX RETURN INFORMATION FROM THE INTERNAL REVENUE SERVICE.

“(a) NOTIFICATION AND APPROVAL REQUIREMENTS.—

“(1) FEDERAL STUDENT FINANCIAL AID.—In the case of any written or electronic application under section 483 by an individual for Federal student financial aid under a program authorized under subpart 1 of part A, part C, or part D, the Secretary, with respect to such individual and any parent or spouse whose financial information is required to be provided on such application, shall—

“(A) notify such individuals that—

“(i) if such individuals provide approval under subparagraph (B), the Secretary will have the authority to request that the Secretary of the Treasury disclose return information of such individuals to authorized persons (as defined in section 6103(l)(13) of the Internal Revenue Code of 1986) for the relevant purposes described in such section; and

“(ii) the failure to provide such approval for such disclosure will result in the Secretary being unable to calculate eligibility for such aid to such individual; and

“(B) require, as a condition of eligibility for such aid, that such individuals affirmatively approve the disclosure described in subparagraph (A)(i).

“(2) INCOME-CONTINGENT AND INCOME-BASED REPAYMENT.—

“(A) NEW APPLICANTS.—In the case of any written or electronic application by an individual for an income-contingent or income-based repayment plan for a loan under part D, the Secretary, with respect to such individual and any spouse of such individual, shall—

“(i) provide to such individuals the notification described in paragraph (1)(A)(i);

“(ii) require, as a condition of eligibility for such repayment plan, that such individuals—

“(I) affirmatively approve the disclosure described in paragraph (1)(A)(i) and agree that such approval shall serve as an ongoing approval of such disclosure until the date on which the individual elects to opt out of such disclosure under section 455(e)(8) or the equivalent procedures established under section 493C(c)(2)(B), as applicable; or

“(II) provide such information as the Secretary may require to confirm the eligibility of such individual for such repayment plan.

“(B) RECERTIFICATIONS.—With respect to the first written or electronic recertification (after the date of the enactment of the FUTURE Act) of an individual’s income or family size for purposes of an income-contingent or income-based repayment plan (entered into before the date of the enactment of the FUTURE Act) for a loan under part D, the Secretary, with respect to such individual and any spouse of such individual, shall meet the requirements of clauses (i) and (ii) of subparagraph (A) with respect to such recertification.

“(3) TOTAL AND PERMANENT DISABILITY.—In the case of any written or electronic application by an individual for a discharge of a loan under this title based on total and permanent disability (within the meaning of section 437(a)) that requires income monitoring, the Secretary shall—

“(A) provide to such individual the notification described in paragraph (1)(A)(i); and

“(B) require, as a condition of eligibility for such discharge, that such individual—

“(i) affirmatively approve the disclosure described in paragraph (1)(A)(i) and agree that such approval shall serve as an ongoing approval of such disclosure until the earlier of—

“(I) the date on which the individual elects to opt out of such disclosure under section 437(a)(3)(A); or

“(II) the first day on which such loan may no longer be reinstated; or

“(ii) provide such information as the Secretary may require to confirm the eligibility of such individual for such discharge.

“(b) LIMIT ON AUTHORITY.—The Secretary shall only have authority to request that the Secretary of the Treasury disclose return information under section 6103(l)(13) of the Internal Revenue Code of 1986 with respect to an individual if the Secretary of Education has obtained approval under subsection (a) for such disclosure.”.

Repeal. (b) CONFORMING AMENDMENT.—Section 484(q) of the Higher Education Act of 1965 (20 U.S.C. 1091(q)) is repealed.

SEC. 7. INCREASED FUNDING FOR FEDERAL PELL GRANTS.

Section 401(b)(7)(A)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(7)(A)(iv)) is amended—

(1) in subclause (X), by striking “\$1,430,000,000” and inserting “\$1,455,000,000”; and

(2) in subclause (XI), by striking “\$1,145,000,000” and inserting “\$1,170,000,000”.

SEC. 8. REPORTS ON IMPLEMENTATION.

(a) IN GENERAL.—Not later than each specified date, the Secretary of Education and the Secretary of the Treasury shall issue joint reports to the Committees on Health, Education, Labor, and Pensions and Finance of the Senate and the Committees on Education and Labor and Ways and Means of the House of Representatives regarding the amendments made by this Act. Each such report shall include, as applicable—

Update. (1) an update on the status of implementation of the amendments made by this Act;

Evaluation. (2) an evaluation of how such implementation had affected the processing of applications for Federal student financial aid, applications for income-based repayment and income-contingent repayment, and applications for discharge of loans under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) based on total and permanent disability; and

(3) implementation issues and suggestions for potential improvements.

Definition. (b) SPECIFIED DATE.—For purposes of subsection (a), the term
Time periods. “specified date” means—

(1) the date that is 90 days after the date of the enactment of this Act;

(2) the date that is 120 days after the first day that the disclosure process established under section 6103(l)(13) of the Internal Revenue Code of 1986, as amended by section 3(a) of this Act, is operational and accessible to officers, employees, and contractors of the Department of Education (as specifically authorized and designated by the Secretary of Education); and

(3) the date that is 1 year after the report date described in paragraph (2).

Approved December 19, 2019.

LEGISLATIVE HISTORY—H.R. 5363:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Dec. 10, considered and passed House and Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2019):

Dec. 19, Presidential statement.

Public Law 116–92
116th Congress

An Act

Dec. 20, 2019
[S. 1790]

National Defense
Authorization
Act for Fiscal
Year 2020.

To authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2020”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into four divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.
- (4) Division D—Funding Tables.
- (5) Division E—Intelligence Authorizations for Fiscal Years 2018, 2019, and 2020.
- (6) Division F—Other Matters.

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

- Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.
Sec. 4. Budgetary effects of this Act.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization Of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Authority of the Secretary of the Army to waive certain limitations related to the Distributed Common Ground System-Army Increment 1.

Subtitle C—Navy Programs

- Sec. 121. Ford-class aircraft carrier cost limitation baselines.
Sec. 122. Modification of annual report on cost targets for certain aircraft carriers.
Sec. 123. Refueling and complex overhauls of the U.S.S. John C. Stennis and U.S.S. Harry S. Truman.
Sec. 124. Ford class aircraft carrier support for F-35C aircraft.
Sec. 125. Prohibition on use of funds for reduction of aircraft carrier force structure.

- Sec. 126. Modification of prohibition on availability of funds for Navy waterborne security barriers.
- Sec. 127. LHA Replacement Amphibious Assault Ship Program.
- Sec. 128. Strategic sealift fleet vessel.
- Sec. 129. Design and construction of amphibious transport dock designated LPD–31.
- Sec. 130. Limitation on availability of funds for the Littoral Combat Ship.
- Sec. 131. Limitation on the next new class of Navy large surface combatants.
- Sec. 132. Limitation on availability of funds pending quarterly updates on the CH–53K King Stallion helicopter program.
- Sec. 133. Limitation on availability of funds for VH–92A helicopter.
- Sec. 134. Report on carrier wing and aviation combat element composition.

Subtitle D—Air Force Programs

- Sec. 141. Modification of requirement to preserve certain C–5 aircraft.
- Sec. 142. OC–135B aircraft recapitalization program.
- Sec. 143. Requirement to align Air Force aviation force structure with National Defense Strategy.
- Sec. 144. Prohibition on availability of funds for reduction in KC–10 primary mission aircraft inventory.
- Sec. 145. Limitation on availability of funds for F–15EX aircraft.
- Sec. 146. Limitation on availability of funds for VC–25B aircraft.
- Sec. 147. Limitation on availability of funds for RC–26B aircraft.
- Sec. 148. Limitation on availability of funds for retirement of RC–135 aircraft.
- Sec. 149. Air Force aggressor squadron modernization.
- Sec. 150. Air Force plan for Combat Rescue Helicopter fielding.
- Sec. 151. Report on feasibility of multiyear contract for procurement of JASSM–ER missiles.
- Sec. 152. Report on aircraft fleet of the Civil Air Patrol.
- Sec. 153. Sense of Congress on the light attack aircraft initiative of the Air Force.

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- Sec. 161. Economic order quantity contracting and buy-to-budget acquisition for F–35 aircraft program.
- Sec. 162. Relief from contractors for failure to deliver ready-for-issue spare parts for the F–35 aircraft program.
- Sec. 163. Limitation on availability of funds for reallocation of Turkish F–35A aircraft to the United States.
- Sec. 164. Requirement to establish the use of an Agile DevOps software development solution as an alternative for Joint Strike Fighter Autonomic Logistics Information System.
- Sec. 165. F–35 sustainment cost.
- Sec. 166. Reports on the progress and performance of the F–35 aircraft program.
- Sec. 167. Other reports on the F–35 aircraft program.
- Sec. 168. Limitation on availability of funds for communications systems lacking certain resiliency features.
- Sec. 169. Repeal of tactical unmanned vehicle common data link requirement.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Program on enhancement of preparation of dependents of members of Armed Forces for careers in science, technology, engineering, and mathematics.
- Sec. 212. Updates to the Department of Defense personnel management authority to attract experts in science and engineering.
- Sec. 213. Establishment of joint reserve detachment of the Defense Innovation Unit.
- Sec. 214. Research and educational programs and activities for Historically Black Colleges and Universities and Minority-Serving Institutions of Higher Education.
- Sec. 215. Modification of authority for prizes for advanced technology achievements.
- Sec. 216. Joint hypersonics transition office.
- Sec. 217. Modification of proof of concept commercialization program.
- Sec. 218. Modification of authority and addition of technology areas for expedited access to technical talent.
- Sec. 219. Expansion of coordination in support of national security innovation and entrepreneurial education.

- Sec. 220. Modification of defense quantum information science and technology research and development program.
- Sec. 221. Understanding of investments in artificial intelligence and development of capabilities by adversaries.
- Sec. 222. Advisory role of JASON scientific advisory group.
- Sec. 223. Direct Air Capture and Blue Carbon Removal Technology Program.
- Sec. 224. Requiring defense microelectronics products and services meet trusted supply chain and operational security standards.
- Sec. 225. Development and acquisition strategy to procure secure, low probability of detection data link network capability.
- Sec. 226. Establishment of secure next-generation wireless network (5G) infrastructure for the Nevada Test and Training Range and base infrastructure.
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- Sec. 228. Research program on foreign malign influence operations.
- Sec. 229. Diversification of the research and engineering workforce of the Department of Defense.
- Sec. 230. Policy on the talent management of digital expertise and software professionals.
- Sec. 231. Digital engineering capability to automate testing and evaluation.
- Sec. 232. Process to align policy formulation and emerging technology development.
- Sec. 233. Improvement of the Strategic Capabilities Office of the Department of Defense.
- Sec. 234. Pilot program on enhanced civics education.
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- Sec. 237. Sensor data integration for fifth generation aircraft.
- Sec. 238. Sense of Congress on future vertical lift technologies.
- Sec. 239. Use of funds for Strategic Environmental Research Program, Environmental Security Technical Certification Program, and Operational Energy Capability Improvement.
- Sec. 240. Limitation and report on Indirect Fire Protection Capability Increment 2 capability.

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- Sec. 251. Master plan for implementation of authorities relating to science and technology reinvention laboratories.
- Sec. 252. Infrastructure to support research, development, test, and evaluation missions.
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- Sec. 254. Strategy and implementation plan for fifth generation information and communications technologies.
- Sec. 255. Department-wide software science and technology strategy.
- Sec. 256. Artificial intelligence education strategy.
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- Sec. 258. Report on B–52 commercial engine replacement program.
- Sec. 259. Commercial edge computing technologies and best practices for Department of Defense warfighting systems.
- Sec. 260. Biannual report on the Joint Artificial Intelligence Center.
- Sec. 261. Quarterly updates on the Optionally Manned Fighting Vehicle program.
- Sec. 262. National Study on Defense Research At Historically Black Colleges and Universities and Other Minority Institutions.
- Sec. 263. Study on national security emerging biotechnologies for the Department of Defense.
- Sec. 264. Independent study on optimizing resources allocated to Combating Terrorism Technical Support Office.
- Sec. 265. Independent assessment of electronic warfare plans and programs.
- Sec. 266. Technical correction to Global Research Watch Program.

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- Sec. 301. Authorization of appropriations.

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- Sec. 311. Timeline for Clearinghouse review of applications for energy projects that may have an adverse impact on military operations and readiness.
- Sec. 312. Authority to accept contributions of funds from applicants for energy projects for mitigation of impacts on military operations and readiness.
- Sec. 313. Use of proceeds from sale of recyclable materials.
- Sec. 314. Disposal of recyclable materials.

- Sec. 315. Department of Defense improvement of previously conveyed utility systems serving military installations.
- Sec. 316. Modification of Department of Defense environmental restoration authorities to include Federal Government facilities used by National Guard.
- Sec. 317. Use of operational energy cost savings of Department of Defense.
- Sec. 318. Sale of electricity from alternate energy and cogeneration production facilities.
- Sec. 319. Energy resilience programs and activities.
- Sec. 320. Technical and grammatical corrections and repeal of obsolete provisions relating to energy.
- Sec. 321. Transfer authority for funding of study and assessment on health implications of per- and polyfluoroalkyl substances contamination in drinking water by Agency for Toxic Substances and Disease Registry.
- Sec. 322. Replacement of fluorinated aqueous film-forming foam with fluorine-free fire-fighting agent.
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- Sec. 325. Real-time sound-monitoring at Navy installations where tactical fighter aircraft operate.
- Sec. 326. Development of extreme weather vulnerability and risk assessment tool.
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- Sec. 329. Prohibition on Perfluoroalkyl Substances and Polyfluoroalkyl Substances in Meals Ready-to-Eat Food Packaging.
- Sec. 330. Disposal of materials containing per- and polyfluoroalkyl substances or aqueous film-forming foam.
- Sec. 331. Agreements to share monitoring data relating to perfluoroalkyl and polyfluoroalkyl substances and other contaminants of concern.
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- Sec. 333. Plan to phase out use of burn pits.
- Sec. 334. Information relating to locations of burn pit use.
- Sec. 335. Data quality review of radium testing conducted at certain locations of the Department of the Navy.
- Sec. 336. Reimbursement of Environmental Protection Agency for certain costs in connection with the Twin Cities Army Ammunition Plant, Minnesota.
- Sec. 337. Pilot program for availability of working-capital funds for increased combat capability through energy optimization.
- Sec. 338. Report on efforts to reduce high energy intensity at military installations.

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- Sec. 342. Definitions.
- Sec. 343. Provision of water uncontaminated with perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) for agricultural purposes.
- Sec. 344. Acquisition of real property by Air Force.
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- Sec. 351. Materiel readiness metrics and objectives.
- Sec. 352. Clarification of authority regarding use of working-capital funds for unspecified minor military construction projects related to revitalization and recapitalization of defense industrial base facilities.
- Sec. 353. Modification to limitation on length of overseas forward deployment of naval vessels.
- Sec. 354. Extension of temporary installation reutilization authority for arsenals, depots, and plants.
- Sec. 355. F–35 Joint Strike Fighter sustainment.
- Sec. 356. Report on strategic policy for prepositioned materiel and equipment.
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- Sec. 358. Requirement for military department inter-service depot maintenance.
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- Sec. 363. Report on Navy ship depot maintenance budget.
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- Sec. 365. Prohibition on subjective upgrades by commanders of unit ratings in monthly readiness reporting on military units.
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- Sec. 372. Expansion and enhancement of authorities on transfer and adoption of military animals.
- Sec. 373. Extension of authority for Secretary of Defense to use Department of Defense reimbursement rate for transportation services provided to certain non-Department of Defense entities.
- Sec. 374. Extension of authority of Secretary of Transportation to issue non-premium aviation insurance.
- Sec. 375. Defense personal property program.
- Sec. 376. Public events about Red Hill Bulk Fuel Storage Facility.
- Sec. 377. Sense of Congress regarding Innovative Readiness Training program.
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- Sec. 504. Expansion of authority for continuation on active duty of officers in certain military specialties and career tracks.
- Sec. 505. Management policies for joint qualified officers.
- Sec. 506. Modification of authorities on management of deployments of members of the Armed Forces and related unit operating and personnel tempo matters.
- Sec. 507. Personnel tempo of the Armed Forces and the United States Special Operations Command during periods of inapplicability of high-deployment limitations.
- Sec. 508. Permanent authority to defer past age 64 the retirement of chaplains in general and flag officer grades.
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- Sec. 512. Inclusion of STEM in courses of instruction for the Junior Reserve Officers' Training Corps.
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- Sec. 514. Clarification of eligibility to serve as Commander, Marine Forces Reserve.
- Sec. 515. Extension and periodic evaluation of suicide prevention and resilience program for the reserve components.
- Sec. 516. Authority to defer mandatory separation at age 68 of officers in medical specialties in the reserve components.
- Sec. 517. Modernization of inspection authorities applicable to the National Guard.
- Sec. 518. Consultation with Chief of the National Guard Bureau in the appointment or designation of National Guard property and fiscal officers.
- Sec. 519. Coast Guard Junior Reserve Officers' Training Corps.
- Sec. 520. Repeal of requirement for review of certain Army Reserve officer unit vacancy promotions by commanders of associated active duty units.
- Sec. 520A. Report on methods to enhance domestic response to large scale, complex and catastrophic disasters.
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- Sec. 522. Reduction in required number of members of discharge review boards.
- Sec. 523. Establishment of process to review a request for upgrade of discharge or dismissal.
- Sec. 524. Prohibition on reduction in the number of personnel assigned to duty with a service review agency.
- Sec. 525. Training of members of boards for correction of military records and discharge review boards on sexual trauma, intimate partner violence, spousal abuse, and related matters.
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- Sec. 528. Development of guidelines for use of unofficial sources of information to determine eligibility of members and former members of the Armed Forces for decorations when the service records are incomplete because of damage to the official record.
- Sec. 529. Strategic plan for diversity and inclusion.
- Sec. 530. Study regarding screening individuals who seek to enlist in the Armed Forces.
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- Sec. 531. Expansion of pre-referral matters reviewable by military judges and military magistrates in the interest of efficiency in military justice.
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- Sec. 537. Guidelines on sentences for offenses committed under the Uniform Code of Military Justice.
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- Sec. 540E. Recommendations on separate punitive article in the Uniform Code of Military Justice on sexual harassment.
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- Sec. 540G. Report on standardization among the military departments in collection and presentation of information on matters within the military justice system.
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- Sec. 545. Termination of leases of premises and motor vehicles of servicemembers who incur catastrophic injury or illness or die while in military service.
- Sec. 546. Military orders required for termination of leases pursuant to the Servicemembers Civil Relief Act.
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- Sec. 548. Legal counsel for victims of alleged domestic violence offenses.
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- Sec. 550. Treatment of information in Catch a Serial Offender Program for certain purposes.
- Sec. 550A. Policies and procedures on registration at military installations of civilian protective orders applicable to members of the Armed Forces assigned to such installations and certain other individuals.
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- Sec. 553. Degree granting authority for United States Army Armament Graduate School; limitation on establishment of certain educational institutions.
- Sec. 554. Prohibition on off-duty employment for cadets and midshipmen completing obligated service after graduation.
- Sec. 555. Consideration of request for transfer of a cadet or midshipman at a military service academy who is the victim of a sexual assault or related offense.
- Sec. 556. Redesignation of the Commandant of the United States Air Force Institute of Technology as the Director and Chancellor of such Institute.
- Sec. 557. Eligibility of additional enlisted members for associate degree programs of the Community College of the Air Force.
- Sec. 558. Speech disorders of cadets and midshipmen.
- Sec. 559. Requirement to continue provision of tuition assistance for members of the Armed Forces.

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- Sec. 562. Participation of other Federal agencies in the SkillBridge apprenticeship and internship program for members of the Armed Forces.
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- Sec. 565. Prohibition on gender-segregated training at Marine Corps Recruit Depots.
- Sec. 566. Assessment of deaths of recruits under the jurisdiction of the Secretaries of the military departments.
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- Sec. 568. Command matters in connection with transition assistance programs.
- Sec. 569. Machine readability and electronic transferability of Certificate of Release or Discharge from Active Duty (DD Form 214).
- Sec. 570. Records of service for Reserves.
- Sec. 570A. Limitations and requirements in connection with separations for members of the Armed Forces who suffer from mental health conditions in connection with a sex-related, intimate partner violence-related, or spousal-abuse offense.
- Sec. 570B. Prohibition on involuntary separation of certain members of the Armed Forces; consideration of military service in removal determinations.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

In this Act, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

Definition.
10 USC 101 note.

SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on the conference report or amendment between the Houses.

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- Sec. 121. Ford-class aircraft carrier cost limitation baselines.
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- Sec. 124. Ford class aircraft carrier support for F-35C aircraft.
- Sec. 125. Prohibition on use of funds for reduction of aircraft carrier force structure.
- Sec. 126. Modification of prohibition on availability of funds for Navy waterborne security barriers.
- Sec. 127. LHA Replacement Amphibious Assault Ship Program.
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- Sec. 129. Design and construction of amphibious transport dock designated LPD-31.
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Subtitle A—Authorization Of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2020 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. AUTHORITY OF THE SECRETARY OF THE ARMY TO WAIVE CERTAIN LIMITATIONS RELATED TO THE DISTRIBUTED COMMON GROUND SYSTEM-ARMY INCREMENT 1.

Section 113(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2028) is amended by striking “Secretary of Defense” both places it appears and inserting “Secretary of the Army”.

Subtitle C—Navy Programs

SEC. 121. FORD-CLASS AIRCRAFT CARRIER COST LIMITATION BASELINES.

(a) IN GENERAL.—Chapter 863 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 8692. Ford-class aircraft carriers: cost limitation baselines 10 USC 8692.

“(a) LIMITATION.—The total amounts obligated or expended from funds authorized to be appropriated or otherwise made available for Shipbuilding and Conversion, Navy, or for any other procurement account, may not exceed the following amounts for the following aircraft carriers:

“(1) \$13,224,000,000 for the construction of the aircraft carrier designated CVN–78.

“(2) \$11,398,000,000 for the construction of the aircraft carrier designated CVN–79.

“(3) \$12,202,000,000 for the construction of the aircraft carrier designated CVN–80.

“(4) \$12,451,000,000 for the construction of the aircraft carrier designated CVN–81.

“(b) EXCLUSION OF BATTLE AND INTERIM SPARES FROM COST LIMITATION.—The Secretary of the Navy shall exclude from the

determination of the amounts set forth in subsection (a) the costs of the following items:

“(1) CVN–78 class battle spares.

“(2) Interim spares.

“(3) Increases attributable to economic inflation after December 1, 2018, not otherwise included in the amounts listed in subsection (a).

Time period.

“(c) WRITTEN NOTICE AND BRIEFING ON CHANGE IN AMOUNT.—The Secretary of the Navy may adjust an amount listed in subsection (a) not fewer than 15 days after submitting written notice and providing a briefing to the congressional defense committees, each of which shall include the amount and rationale of any change and the resulting amount after such change.”.

10 USC
prec. 8661.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 863 of such title is amended by inserting after the item relating to section 8691 the following new item:

“8692. Ford-class aircraft carriers: cost limitation baselines.”.

(c) REPEAL OF SUPERSEDED PROVISION.—Section 122 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2104) is repealed.

SEC. 122. MODIFICATION OF ANNUAL REPORT ON COST TARGETS FOR CERTAIN AIRCRAFT CARRIERS.

Section 126(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2035) is amended—

(1) in the subsection heading, by striking “AND CVN–80” and inserting “, CVN–80, AND CVN–81”;

(2) in paragraph (1)—

(A) by striking “2021” and inserting “2032”; and

(B) by striking “costs described in subsection (b) for the CVN–79 and CVN–80” and inserting “cost targets for the CVN–79, the CVN–80, and the CVN–81”; and

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “ and the CVN–80” and inserting “, the CVN–80, and the CVN–81”

(B) in subparagraph (A), by striking “costs described in subsection (b)” and inserting “cost targets”;

(C) in subparagraph (F), by striking “costs specified in subsection (b)” and inserting “cost targets”; and

(D) in subparagraph (G), by striking “costs specified in subsection (b)” and inserting “cost targets”.

SEC. 123. REFUELING AND COMPLEX OVERHAULS OF THE U.S.S. JOHN C. STENNIS AND U.S.S. HARRY S. TRUMAN.

(a) REFUELING AND COMPLEX OVERHAUL.—The Secretary of the Navy shall carry out the nuclear refueling and complex overhaul of the U.S.S. John C. Stennis (CVN–74) and U.S.S. Harry S. Truman (CVN–75).

Time period.

(b) USE OF INCREMENTAL FUNDING.—With respect to any contract entered into under subsection (a) for the nuclear refueling and complex overhauls of the U.S.S. John C. Stennis (CVN–74) and U.S.S. Harry S. Truman (CVN–75), the Secretary may use incremental funding for a period not to exceed six years after advance procurement funds for such nuclear refueling and complex overhaul effort are first obligated.

(c) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—Any contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2020 is subject to the availability of appropriations for that purpose for that later fiscal year.

SEC. 124. FORD CLASS AIRCRAFT CARRIER SUPPORT FOR F-35C AIRCRAFT.

Before completing the post-shakedown availability of the Ford class aircraft carrier designated CVN–79, the Secretary of the Navy shall ensure that the aircraft carrier is capable of operating and deploying with the F–35C aircraft.

SEC. 125. PROHIBITION ON USE OF FUNDS FOR REDUCTION OF AIRCRAFT CARRIER FORCE STRUCTURE.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Department of Defense may be obligated or expended to reduce the number of operational aircraft carriers of the Navy below the number specified in section 8062(b) of title 10, United States Code.

SEC. 126. MODIFICATION OF PROHIBITION ON AVAILABILITY OF FUNDS FOR NAVY WATERBORNE SECURITY BARRIERS.

Section 130 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended—

132 Stat. 1665.

(1) in subsection (a) by striking “for fiscal year 2019 may be obligated or expended to procure legacy waterborne security barriers for Navy ports” and inserting “for fiscal year 2019 or fiscal year 2020 may be obligated or expended to procure legacy waterborne security barriers for Navy ports, including as replacements for legacy barriers”;

(2) in subsection (c)(1), by inserting “of not more than 30 percent” after “replacement”; and

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

“(d) **NOTIFICATION.**—Not later than 15 days after an exception is made pursuant to subsection (c)(2), the Secretary of the Navy shall submit a written notification to the congressional defense committees that includes—

Deadline.

“(1) the name and position of the government official who determined exigent circumstances exist;

“(2) a description of the exigent circumstances; and

“(3) a description of how waterborne security will be maintained until new waterborne security barriers are procured and installed.”.

SEC. 127. LHA REPLACEMENT AMPHIBIOUS ASSAULT SHIP PROGRAM.

(a) **AUTHORITY TO USE INCREMENTAL FUNDING.**—The Secretary of the Navy may enter into and incrementally fund a contract for detail design and construction of the LHA replacement ship designated LHA 9 and, subject to subsection (b), funds for payments under the contract may be provided from amounts authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy, for fiscal years 2019 through 2025.

(b) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for any subsequent fiscal year is subject to the availability of appropriations for that purpose for such subsequent fiscal year.

(c) **REPEAL OF OBSOLETE AUTHORITY.**—Section 125 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2106) is repealed.

SEC. 128. STRATEGIC SEALIFT FLEET VESSEL.

Contracts. (a) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary of the Navy shall seek to enter into a contract for the construction of one sealift vessel.

Deadline. (b) **DELIVERY DATE.**—The contract entered into under subsection (a) shall specify a delivery date for the sealift vessel of not later than September 30, 2026.

(c) **DESIGN AND CONSTRUCTION REQUIREMENTS.**—

(1) **USE OF EXISTING DESIGN.**—The design of the sealift vessel shall be based on a domestic or foreign design that exists as of the date of the enactment of this Act.

(2) **COMMERCIAL STANDARDS AND PRACTICES.**—Subject to paragraph (1), the sealift vessel may be constructed using commercial design standards and commercial construction practices that are consistent with the best interests of the Federal Government.

(3) **DOMESTIC SHIPYARD.**—The sealift vessel shall be constructed in a shipyard that is located in the United States.

(d) **CERTIFICATE AND ENDORSEMENT.**—The sealift vessel shall meet the requirements necessary to receive a certificate of documentation and a coastwise endorsement under chapter 121 of title 46, United States Code, and the Secretary of the Navy shall ensure that the completed vessel receives such a certificate and endorsement.

(e) **EXECUTIVE AGENT.**—

Contracts. (1) **IN GENERAL.**—The Secretary of the Navy may seek to enter into a contract or other agreement with a private-sector entity under which the entity may act as executive agent for the Secretary for purposes of the contract under subsection (a).

(2) **RESPONSIBILITIES.**—The executive agent described in paragraph (1) may be responsible for—

(A) selecting a shipyard for the construction of the sealift vessel;

(B) managing and overseeing the construction of the sealift vessel; and

(C) such other matters as the Secretary of the Navy determines to be appropriate

(f) **USE OF INCREMENTAL FUNDING.**—With respect to the contract entered into under subsection (a), the Secretary of the Navy may use incremental funding to make payments under the contract.

(g) **SEALIFT VESSEL DEFINED.**—In this section, the term “sealift vessel” means the sealift vessel constructed pursuant to the contract entered into under subsection (a).

SEC. 129. DESIGN AND CONSTRUCTION OF AMPHIBIOUS TRANSPORT DOCK DESIGNATED LPD–31.

Contracts.
Effective date. (a) **IN GENERAL.**—Using funds authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy, the Secretary of the Navy may enter into a contract, beginning with the fiscal year 2020 program year, for the design and construction of the amphibious transport dock designated LPD–31.

(b) **USE OF INCREMENTAL FUNDING.**—With respect to the contract entered into under subsection (a), the Secretary may use incremental funding to make payments under the contract.

(c) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—The contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under such contract for any fiscal year after fiscal year 2020 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 130. LIMITATION ON AVAILABILITY OF FUNDS FOR THE LITTORAL COMBAT SHIP.

(a) **LIMITATIONS.**—None of the funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense may be used to exceed, and the Department may not otherwise exceed, the total procurement quantity of thirty-five Littoral Combat Ships, unless the Under Secretary of Defense for Acquisition and Sustainment submits to the congressional defense committees the certification described in subsection (b).

(b) **CERTIFICATION.**—The certification described in this subsection is a certification by the Under Secretary that awarding a contract for the procurement of a Littoral Combat Ship that exceeds the total procurement quantity listed in revision five of the Littoral Combat Ship acquisition strategy—

(1) is in the national security interests of the United States;

(2) will not result in exceeding the low-rate initial production quantity approved in the Littoral Combat Ship acquisition strategy in effect as of the date of the certification; and

(3) is necessary to maintain a full and open competition for the Guided Missile Frigate (FFG(X)) with a single source award in fiscal year 2020.

SEC. 131. LIMITATION ON THE NEXT NEW CLASS OF NAVY LARGE SURFACE COMBATANTS.

(a) **IN GENERAL.**—Milestone B approval may not be granted for the next new class of Navy large surface combatants unless the class of Navy large surface combatants incorporates prior to such approval—

(1) design changes identified during the full duration of the combat system ship qualification trials and operational test periods of the first Arleigh Burke-class destroyer in the Flight III configuration to complete such events; and

(2) final results of test programs of engineering development models or prototypes for critical systems specified by the Senior Technical Authority pursuant to section 8669b of title 10, United States Code, as added by section 1034 of this Act, in their final form, fit, and function and in a realistic environment, which shall include a land-based engineering site for the propulsion system.

(b) **LIMITATION.**—The Secretary of the Navy may not release a detail design or construction request for proposals or obligate funds from the Shipbuilding and Conversion, Navy account for the next new class of Navy large surface combatants until the class of Navy large surface combatants receives Milestone B approval and the milestone decision authority notifies the congressional defense committees, in writing, of the actions taken to comply with the requirements under subsection (a).

(c) **DEFINITIONS.**—In this section:

Notification.

(1) The term “Milestone B approval” has the meaning given the term in section 2366(e)(7) of title 10, United States Code.

(2) The term “milestone decision authority” means the official within the Department of Defense designated with the overall responsibility and authority for acquisition decisions for the program, including authority to approve entry of the program into the next phase of the acquisition process.

(3) The term “large surface combatants” means Navy surface ships that are designed primarily to engage in attacks against airborne, surface, subsurface, and shore targets, excluding frigates and littoral combat ships.

SEC. 132. LIMITATION ON AVAILABILITY OF FUNDS PENDING QUARTERLY UPDATES ON THE CH-53K KING STALLION HELICOPTER PROGRAM.

Time period.

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for aircraft procurement, Navy, for the CH-53K King Stallion helicopter program, not more than 50 percent may be obligated or expended until a period of 30 days has elapsed following the date on which the Secretary of the Navy provides the first briefing required under subsection (b).

Deadline.

(b) **QUARTERLY BRIEFINGS REQUIRED.**—

(1) **IN GENERAL.**—Beginning not later than 30 days after the date of the enactment of this Act, and on a quarterly basis thereafter through the end of fiscal year 2022, the Secretary of the Navy shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the progress of the CH-53K King Stallion helicopter program.

(2) **ELEMENTS.**—Each briefing under paragraph (1) shall include, with respect to the CH-53K King Stallion helicopter program, the following:

(A) An overview of the program schedule.

(B) A statement of the total cost of the program as of the date of the briefing, including the costs of development, testing, and production.

(C) A comparison of the total cost of the program relative to the approved acquisition program baseline.

Assessment.

(D) An assessment of flight testing under the program, including identification of the number of test events that have been conducted on-time in accordance with the joint integrated program schedule.

Update.

(E) An update on the correction of technical deficiencies under the program, including—

(i) identification of the technical deficiencies that have been corrected as of the date of the briefing;

(ii) identification of the technical deficiencies that have been discovered, but not corrected, as of such date;

Estimate.

(iii) an estimate of the total cost of correcting technical deficiencies under the program; and

(iv) an explanation of any significant deviations from the testing and program schedule that are anticipated due to the discovery and correction of technical deficiencies.

SEC. 133. LIMITATION ON AVAILABILITY OF FUNDS FOR VH-92A HELICOPTER.

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for procurement for the VH-92A helicopter, not more than 80 percent may be obligated or expended until the date on which the Secretary of Navy submits to the Committees on Armed Services of the Senate and the House of Representatives the report required under subsection (b).

(b) **REPORT REQUIRED.**—The Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report assessing the status of the VH-92A helicopter program industrial base and the potential impact of proposed manufacturing base changes on the acquisition program. The report shall include a description of—

Assessments.

Estimates.

(1) estimated effects on the manufacturing readiness level of the VH-92 program due to potential changes to the program manufacturing base;

(2) the estimated costs and assessment of cost risk to the program due to potential changes to the program manufacturing base;

(3) any estimated schedule impacts, including impacts on delivery dates for the remaining low-rate initial production lots and full rate production, resulting from any changes to the manufacturing base;

(4) an assessment of the effect of changes to the manufacturing base on VH-92A sustainment; and

(5) the impact of such changes on production and sustainment capacity for the MH-60 and CH-53K helicopters of the Navy.

SEC. 134. REPORT ON CARRIER WING AND AVIATION COMBAT ELEMENT COMPOSITION.

(a) **IN GENERAL.**—Not later than May 1, 2020, the Secretary of the Navy shall submit to the congressional defense committees a report on the optimal composition of the carrier air wing (CVW) on aircraft carriers and aviation combat element (ACE) embarked on amphibious ships in 2030 and 2040, including alternative force design concepts.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following elements for the CVW and ACE:

Analyses.

(1) Analysis and justification for the Department of the Navy's stated goal of a 50/50 mix of 4th and 5th generation aircraft for 2030.

(2) Analysis and justification for an optimal mix of aircraft for 2040.

(3) A plan for incorporating unmanned aerial vehicles and associated communication capabilities to effectively implement the future force design.

Plan.

(4) Analysis of the support equipment requirement for each aircraft type and the space needed to accommodate such equipment.

(5) A description of existing and potential ship designs or design changes that would enable greater commonality and interoperability of embarked naval aircraft, including aircraft arresting gear and launch catapults.

Deadline.

(c) BRIEFING.—Not later than March 1, 2020, the Secretary of the Navy shall provide the congressional defense committees a briefing on the report required under subsection (a).

Subtitle D—Air Force Programs

SEC. 141. MODIFICATION OF REQUIREMENT TO PRESERVE CERTAIN C–5 AIRCRAFT.

Section 141(d) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1661) is amended—

(1) in paragraph (1), by striking “until the date that is 30 days after the date on which the briefing under section 144(b) of the National Defense Authorization Act for Fiscal Year 2018 is provided to the congressional defense committees” and inserting “until the date that is 30 days after the date on which the final report and briefing required under section 1712(c)(2) of the National Defense Authorization Act for Fiscal Year 2020 have each been provided to the congressional defense committees”; and

(2) in paragraph (2)(A), by striking “can be returned to service” and inserting “is inducted into or maintained in type 1000 recallable storage”.

SEC. 142. OC–135B AIRCRAFT RECAPITALIZATION PROGRAM.

The Secretary of the Air Force shall ensure that any request for proposals for the procurement of an OC–135B aircraft under a recapitalization program for such aircraft meets the requirements for full and open competition as set forth in section 2304 of title 10, United States Code, and includes, as part of such request for proposals, consideration of proposals for the provision of new production aircraft and recently manufactured aircraft.

SEC. 143. REQUIREMENT TO ALIGN AIR FORCE AVIATION FORCE STRUCTURE WITH NATIONAL DEFENSE STRATEGY.

Deadline.

(a) REQUIRED SUBMISSION OF STRATEGY.—Not later than March 1, 2020, the Secretary of the Air Force shall submit to the congressional defense committees an aviation force structure acquisition strategy that aligns with the stated capability and capacity requirements of the Department of the Air Force to meet the National Defense Strategy.

Waivers.

(b) ALIGNMENT WITH STRATEGY.—The Secretary of the Air Force may not deviate from the strategy submitted under subsection (a) until—

Consultation.

(1) the Secretary receives a waiver from the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff; and

Documentation.

(2) the Secretary of Defense provides the congressional defense committees with the waiver approval documentation.

SEC. 144. PROHIBITION ON AVAILABILITY OF FUNDS FOR REDUCTION IN KC–10 PRIMARY MISSION AIRCRAFT INVENTORY.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Air Force may be obligated or expended to reduce the number of KC–10 aircraft in the primary mission aircraft inventory of the Air Force.

SEC. 145. LIMITATION ON AVAILABILITY OF FUNDS FOR F-15EX AIRCRAFT.

(a) **LIMITATION.**—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Air Force may be obligated or expended to procure any F-15EX aircraft, other than the first two prototypes of such aircraft, until a period of 15 days has elapsed following the date on which the Secretary of the Air Force submits to the congressional defense committees a report on the following topics relating to the F-15EX program:

Time period.
Reports.
Strategies.

- (1) Acquisition strategy.
- (2) Cost and schedule estimates.
- (3) Test and evaluation strategy.
- (4) Logistics strategy.
- (5) Post-production fielding strategy.

Estimates.

(b) EXCEPTION FOR LONG-LEAD ITEMS.—

(1) **IN GENERAL.**—Notwithstanding subsection (a), the Secretary of the Air Force may use the funds described in paragraph (2) to procure long-lead items for up to six additional F-15EX aircraft beyond the first two prototypes of such aircraft.

(2) **FUNDS DESCRIBED.**—The funds described in this paragraph are funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Air Force for any of the following:

(A) Research and development, nonrecurring engineering.

(B) Aircraft procurement.

(c) **F-15EX PROGRAM DEFINED.**—In this section, the term “F-15EX program” means the F-15EX aircraft program of the Air Force as described in the materials submitted to Congress by the Secretary of Defense in support of the budget of the President for fiscal year 2020 (as submitted to Congress under section 1105(a) of title 21, United States Code).

SEC. 146. LIMITATION ON AVAILABILITY OF FUNDS FOR VC-25B AIRCRAFT.

(a) **LIMITATION.**—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 or any subsequent fiscal year for the Air Force may be obligated or expended to carry out over and above work on the VC-25B aircraft until a period of 30 days has elapsed following the date on which the Secretary of the Air Force notifies the congressional defense committees of the intent of the Secretary to authorize such work.

Time period.
Notification.

(b) **EXCEPTION.**—The limitation under subsection (a) shall not apply to over and above work carried out—

- (1) to repair or replace items damaged during the testing of the VC-25B aircraft; or
- (2) to make changes necessary to meet operational requirements.

(c) DEFINITIONS.—In this section:

(1) The term “operational requirements” means any of the operational requirements for the VC-25B aircraft described in the capability development document or the system requirements document for the Presidential Aircraft Recapitalization Program.

(2) The term “over and above work” means work performed pursuant to line 0012 (CLIN 0012) of the contract for Presidential Aircraft Recapitalization entered into between the Department of the Air Force and the Boeing Company (contract number FA8625–16–C–6599).

SEC. 147. LIMITATION ON AVAILABILITY OF FUNDS FOR RC-26B AIRCRAFT.

(a) **LIMITATION.**—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Air Force may be obligated or expended to retire, divest, realign, or place in storage or on backup aircraft inventory status, or prepare to retire, divest, realign, or place in storage or backup inventory status, any RC-26B aircraft until the date on which the Secretary of the Air Force submits to the congressional defense committees—

(1) the report required under subsection (c); and

(2) the certification required under subsection (d).

Determination.

(b) **EXCEPTION.**—The limitation in subsection (a) shall not apply to individual RC-26B aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable because of mishaps or other damage.

(c) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report that includes the following:

Survey.

(1) A survey of any requirements for the Air Force to provide intelligence, surveillance, and reconnaissance support to other military forces and civil authorities that the Air Force and the Air National Guard meet using the RC-26B aircraft.

Assessment.

(2) An assessment of the extent to which such requirements are appropriate for the Air Force to fulfill.

(3) The manner in which the Secretary would meet such requirements if the RC-26B aircraft were to be retired.

(4) A comparison of costs and effectiveness of alternative means of providing intelligence, surveillance, and reconnaissance support to other military forces and civil authorities.

Assessment.

(5) An assessment of the utility of entering into one or more memoranda of agreement with other military forces and civil authorities to govern the process for providing intelligence, surveillance, and reconnaissance support to those forces and authorities.

Deadline.

(d) **CERTIFICATION REQUIRED.**—Not later than 60 days after the date on which the Secretary of the Air Force submits the report required under subsection (c), the Secretary shall certify to the congressional defense committees—

(1) whether there are requirements for the Air Force to provide intelligence, surveillance, and reconnaissance support to other military forces and civil authorities that the Air Force meets using the RC-26B aircraft; and

(2) whether the Secretary has identified methods of meeting such requirements that are more effective and more efficient than meeting such requirements through the use of the RC-26B aircraft.

SEC. 148. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF RC–135 AIRCRAFT.

(a) **LIMITATION.**—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Air Force may be obligated or expended to retire, or prepare to retire, any RC–135 aircraft until a period of 60 days has elapsed following the date on which the Secretary of Defense certifies to the congressional defense committees that—

Time period.
Certification.

(1) technologies other than the RC–135 aircraft provide capacity and capabilities equivalent to the capacity and capabilities of the RC–135 aircraft; and

(2) the capacity and capabilities of such other technologies meet the requirements of combatant commanders with respect to indications and warning, intelligence preparation of the operational environment, and direct support for kinetic and non-kinetic operations.

(b) **EXCEPTION.**—The limitation in subsection (a) shall not apply to individual RC–135 aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable because of mishaps, other damage, or being uneconomical to repair.

Determination.

SEC. 149. AIR FORCE AGGRESSOR SQUADRON MODERNIZATION.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) it is critical that the Air Force has the capability to train against an advanced air adversary in order to be prepared for conflicts against a modern enemy force, and that in order to have this capability, the Air Force must have access to an advanced adversary force prior to United States adversaries fielding a 5th-generation operational capability; and

(2) the Air Force's plan to use low-rate initial production F–35As as aggressor aircraft reflects a recognition of the need to field a modernized aggressor fleet.

(b) **REPORT.**—

(1) **IN GENERAL.**—The Secretary of the Air Force may not transfer any low-rate initial production F–35 aircraft for use as aggressor aircraft until the Chief of Staff of the Air Force submits to the congressional defense committees a comprehensive plan and report on the strategy for modernizing its organic aggressor fleet.

Plan.

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

Analyses.

(A) Potential locations for F–35A aggressor aircraft, including an analysis of installations that—

(i) have the size and availability of airspace necessary to meet flying operations requirements;

(ii) have sufficient capacity and availability of range space;

(iii) are capable of hosting advanced-threat training exercises; and

(iv) meet or require minimal addition to the environmental requirements associated with the basing action.

(B) An analysis of the potential cost and benefits of expanding aggressor squadrons currently operating 18 Primary Assigned Aircraft (PAA) to a level of 24 PAA each.

(C) An analysis of the cost and timelines associated with modernizing the current Air Force aggressor squadrons to include upgrading aircraft radar, infrared search-and-track systems, radar warning receiver, tactical datalink, threat-representative jamming pods, and other upgrades necessary to provide a realistic advanced adversary threat.

SEC. 150. AIR FORCE PLAN FOR COMBAT RESCUE HELICOPTER FIELDING.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, given delays to Operational Loss Replacement (OLR) program fielding and the on-time fielding of Combat Rescue Helicopter (CRH), the Air National Guard should retain additional HH–60G helicopters at Air National Guard locations to meet their recommended primary aircraft authorized (PAA) per the Air Force’s June 2018 report on Air National Guard HH–60 requirements.

(b) REPORT ON FIELDING PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on its fielding plan for the CRH program.

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

(A) A description of the differences in capabilities between the HH–60G, OLR, and CRH helicopters.

(B) A description of the costs and risks associated with changing the CRH fielding plan to reduce or eliminate inventory shortfalls.

(C) A description of the measures for accelerating the program available within the current contract.

(D) A description of the operational risks and benefits associated with fielding the CRH to the active component first, including—

(i) how the differing fielding plan may affect deployment schedules;

(ii) what capabilities active-component units deploying with the CRH will have that reserve component units deploying with OLR will not; and

(iii) an analysis of the potential costs and benefits that could result from accelerating CRH fielding to all units through additional funding in the future years defense program.

(c) REPORT ON TRAINING PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the plan to sustain training for initial-entry reserve component HH–60G pilots once the active component of the Air Force has received all of its CRH helicopters.

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

(A) Projected reserve component aircrew initial HH–60G/OLR qualification training requirements, by year.

(B) The number of legacy HH–60G/OLR helicopters required to continue providing initial HH–60G qualification

Analysis.

training through the 150th Special Operations Wing at Kirtland Air Force Base.

(C) The number of personnel required to continue providing initial HH–60G/OLR qualification training through the 150th Special Operations Wing at Kirtland Air Force Base.

(D) The number of flying hours required per pilot to perform “differences training” at home station for initial entry HH–60 pilots receiving CRH training at Kirtland Air Force Base to become qualified in the HH–60G/OLR at their home station.

(E) The projected effect of using local flying training hours at reserve component units on overall unit training readiness and ability to meet Ready Aircrew Program requirements.

SEC. 151. REPORT ON FEASIBILITY OF MULTIYEAR CONTRACT FOR PROCUREMENT OF JASSM-ER MISSILES.

(a) IN GENERAL.—Not later than March 31, 2020, the Secretary of the Air Force shall submit a report to the congressional defense committees assessing the feasibility of entering into a multiyear contract for procurement of JASSM–ER missiles starting in fiscal year 2022.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements: Assessments.

(1) An initial assessment of cost savings to the Air Force from a multiyear contract.

(2) An analysis of at least two different multiyear contract options that vary in either duration or quantity, at least one of which assumes a maximum procurement of 550 missiles per year for 5 years. Analysis.

(3) An assessment of how a multiyear contract will impact the industrial base.

(4) An assessment of how a multiyear contract will impact the Long Range Anti-Ship Missile.

(5) An assessment of how a multiyear contract will impact the ability of the Air Force to develop additional capabilities for the JASSM–ER missile.

SEC. 152. REPORT ON AIRCRAFT FLEET OF THE CIVIL AIR PATROL.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the aircraft fleet of the Civil Air Patrol.

(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of each of the following: Assessments.

(1) Whether the number of aircraft, types of aircraft, and operating locations that comprise the Civil Air Patrol fleet are suitable for the missions and responsibilities assigned to the Civil Air Patrol, including—

(A) flight proficiency and training;

(B) operational mission training; and

(C) support for cadet orientation and cadet flight training programs in the Civil Air Patrol wing of each State.

(2) The ideal overall size of the Civil Air Patrol aircraft fleet, including a description of the factors used to determine that ideal size.

(3) The process used by the Civil Air Patrol and the Air Force to determine the number and location of aircraft operating locations and whether State Civil Air Patrol wing commanders are appropriately involved in that process.

(4) The process used by the Civil Air Patrol, the Air Force, and other relevant entities to determine the type and number of aircraft that are needed to support the emergency, operational, and training missions of the Civil Air Patrol.

SEC. 153. SENSE OF CONGRESS ON THE LIGHT ATTACK AIRCRAFT INITIATIVE OF THE AIR FORCE.

It is the sense of the Congress that—

(1) The United States Special Operations Command has a mission requirement to support foreign internal defense training and a light attack aircraft platform could potentially facilitate meeting that requirement.

(2) The Secretary of the Air Force should coordinate with the Commander of the United States Special Operations Command to assess how general purpose forces and special operations forces can leverage the light attack aircraft phase three experimentation activities of the Air Force.

(3) The Secretary of the Air Force, in coordination with the Commander of the United States Special Operations Command, should explore options for coordinating light attack aircraft experiment activities between general purpose forces and special operations forces to maximize efficiency and effectiveness and to further the mission requirements of both forces, including options to transfer a portion of funds authorized for Air Force light attack aircraft experiments to procure aircraft for supporting the combat air advisor mission of the Special Operations Command.

Subtitle E—Defense-wide, Joint, and Multiservice Matters

SEC. 161. ECONOMIC ORDER QUANTITY CONTRACTING AND BUY-TO-BUDGET ACQUISITION FOR F-35 AIRCRAFT PROGRAM.

(a) ECONOMIC ORDER QUANTITY CONTRACT AUTHORITY.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), from amounts made available for obligation under the F-35 aircraft program, the Secretary of Defense may enter into one or more contracts, beginning with the fiscal year 2020 program year, for the procurement of economic order quantities of material and equipment that has completed formal hardware qualification testing for the F-35 aircraft program for use in procurement contracts to be awarded for such program during fiscal years 2021, 2022, and 2023.

(2) LIMITATION.—The total amount obligated under all contracts entered into under paragraph (1) shall not exceed \$574,000,000.

(3) PRELIMINARY FINDINGS.—Before entering into a contract under paragraph (1), the Secretary of Defense shall make each of the following findings with respect to such contract:

(A) The use of such a contract will result in significant savings of the total anticipated costs of carrying out the program through annual contracts.

(B) The minimum need for the property to be procured is expected to remain substantially unchanged during the contemplated contract period in terms of production rate, procurement rate, and total quantities.

(C) There is a reasonable expectation that, throughout the contemplated contract period, the Secretary will request funding for the contract at the level required to avoid contract cancellation.

(D) That there is a stable, certified, and qualified design for the property to be procured and that the technical risks and redesign risks associated with such property are low.

(E) The estimates of both the cost of the contract and the anticipated cost avoidance through the use of an economic order quantity contract are realistic.

(F) Entering into the contract will promote the national security interests of the United States.

(4) **CERTIFICATION REQUIREMENT.**—The Secretary of Defense may not enter into a contract under paragraph (1) until a period of 30 days has elapsed following the date on which the Secretary certifies to the congressional defense committees, in writing, that each of the following conditions is satisfied:

Time period.

(A) A sufficient number of end items of the system being acquired under such contract have been delivered at or within the most recently available estimates of the program acquisition unit cost or procurement unit cost for such system to determine that the estimates of the unit costs are realistic.

(B) During the fiscal year in which such contract is to be awarded, sufficient funds will be available to perform the contract in such fiscal year, and the future-years defense program submitted to Congress under section 221 of title 10, United States Code, for that fiscal year will include the funding required to execute the program without cancellation.

(C) The contract is a fixed-price type contract.

(D) The proposed contract provides for production at not less than minimum economic rates given the existing tooling and facilities.

(E) The Secretary has determined that each of the conditions described in subparagraphs (A) through (F) of paragraph (3) will be met by such contract and has provided the basis for such determination to the congressional defense committees.

Determination.

(b) **BUY-TO-BUDGET ACQUISITION.**—Subject to section 2308 of title 10, United States Code, the Secretary of Defense may procure a quantity of F–35 aircraft in excess of the quantity authorized by this Act.

SEC. 162. RELIEF FROM CONTRACTORS FOR FAILURE TO DELIVER READY-FOR-ISSUE SPARE PARTS FOR THE F-35 AIRCRAFT PROGRAM.

(a) **REQUIREMENT TO SEEK RELIEF.**—Consistent with the findings and recommendations of the Inspector General of the Department of Defense in the report titled “Audit of F–35 Ready-For-Issue Spare Parts and Sustainment Performance Incentive

Fees” (DODIG–2019–094) and dated June 13, 2019, the Secretary of Defense shall seek relief, as described in subsection (b), from prime contractors that delivered noncompliant ready-for-issue spare parts pursuant a contract under the F–35 aircraft program.

(b) RELIEF DESCRIBED.—The relief sought by the Secretary of Defense under subsection (a) may include the following:

(1) Specific performance.

(2) Compensation for costs incurred by the Department of Defense as a result of the contractor’s failure to deliver compliant ready-for-issue spare parts under the contract.

(3) Any other form of remediation or compensation the Secretary determines to be appropriate.

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

(1) to alter the terms of a contract under the F–35 aircraft program; or

(2) to authorize the Secretary of Defense to seek forms of relief beyond those otherwise available under law.

SEC. 163. LIMITATION ON AVAILABILITY OF FUNDS FOR REALLOCATION OF TURKISH F–35A AIRCRAFT TO THE UNITED STATES.

Time period.
Certification.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Air Force may be obligated or expended to procure a covered F–35A aircraft for the United States Air Force until a period of 15 days has elapsed following the date on which the Secretary of Defense certifies to the congressional defense committees that—

(1) ancillary mission equipment, initial spare parts and materials, technical data, and publications will be procured for each covered F–35A aircraft delivered to the Air Force; and

(2) each such aircraft will be delivered to the Air Force in a common configuration that may be operated and integrated within the fleet of F–35A aircraft of the Air Force.

(b) COVERED F–35A AIRCRAFT DEFINED.—In this section, the term “covered F–35A aircraft” means an F–35A aircraft previously procured by or on behalf of the Government of the Republic of Turkey in F–35 production lot 12, 13, or 14.

SEC. 164. REQUIREMENT TO ESTABLISH THE USE OF AN AGILE DEVOPS SOFTWARE DEVELOPMENT SOLUTION AS AN ALTERNATIVE FOR JOINT STRIKE FIGHTER AUTONOMIC LOGISTICS INFORMATION SYSTEM.

(a) COMPETITIVE ANALYSIS.—The Secretary of Defense shall conduct a competitive analysis of the performance and design architecture enhancement efforts between the currently fielded Autonomic logistics Information System, Autonomic Logistics Information System–Next, and the Department of the Air Force Agile Development Operations Madhatter initiative efforts, including system technology transition opportunities and timelines.

Deadline.

(c) BRIEFING.—Not later than September 30, 2020, the Secretary of Defense shall provide the congressional defense committees a briefing on the findings of the competitive analysis carried out under subsection (a).

SEC. 165. F–35 SUSTAINMENT COST.

(a) **QUARTERLY UPDATE.**—The Under Secretary of Defense for Acquisition and Sustainment shall include in the quarterly report required under section 155 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232)—

(1) sustainment cost data related to the F–35 program, including a comparison in itemized format of the cost of legacy aircraft and the cost of the F–35 program, based on a standardized set of criteria; and Data.

(2) an evaluation and metrics on the extent to which the goals developed pursuant to subsection (b) are being achieved. Evaluation.

(b) **COST REDUCTION PLAN.**—

(1) **IN GENERAL.**—The Under Secretary of Defense for Acquisition and Sustainment shall develop and implement a plan for achieving significant reductions in the costs to operate, maintain, and sustain the F–35 system.

(2) **ELEMENTS.**—The plan required under paragraph (1) shall include the following elements:

(A) Specific changes in the management and execution of operation and support (O&S) cost elements to engender continuous and measurable process improvements.

(B) Specific actions the Department will implement in the near, mid, and long terms to reduce O&S costs.

(C) Firm and achievable timelines for implementing the specific actions and process changes.

(3) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to the congressional defense committees a report on the baseline plan developed pursuant to paragraph (1).

SEC. 166. REPORTS ON THE PROGRESS AND PERFORMANCE OF THE F–35 AIRCRAFT PROGRAM. Assessments.

(a) **F–35 BLOCK 4 AND CONTINUOUS CAPABILITY DEVELOPMENT AND DELIVERY PROGRAM.**—The Secretary of Defense shall include with the annual report required by section 224(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2059) an integrated master schedule and past performance assessment for each planned phase of the F–35 Block 4 Upgrade and Continuous Capability Development and Delivery Program.

(b) **COMPTROLLER GENERAL REPORTS.**—

(1) **ANNUAL REPORT REQUIRED.**—Not later than 30 days after the date on which the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, for each of fiscal years 2021 through 2025, the Comptroller General of the United States shall submit to the congressional defense committees a report on the F–35 aircraft program.

(2) **ELEMENTS.**—Each report under paragraph (1) shall include, with respect to the F–35 aircraft program, the following:

(A) An assessment of the progress of manufacturing processes improvement under the program.

(B) The progress and results of the F–35 Block 4 Upgrade and Continuous Capability Development and Delivery Program and other follow-on modernization development and testing efforts.

(C) An assessment of the Department’s schedule for delivering software upgrades in six-month, scheduled increments.

(D) The progress and results of any other significant hardware development and fielding efforts necessary for the F–35 Block 4 Upgrade and Continuous Capability Development and Delivery Program.

(E) Any other issues the Comptroller General determines to be appropriate.

(c) F–35 BLOCK 4 DEFINED.—In this section, the term “F–35 Block 4 Upgrade and Continuous Capability Development and Delivery Program” means Block 4 capability upgrades for the F–35 aircraft program as described in the Selected Acquisition Report for the program submitted to Congress in March 2019, pursuant to section 2432 of title 10, United States Code.

SEC. 167. OTHER REPORTS ON THE F–35 AIRCRAFT PROGRAM.

(a) REPORT ON F–35 RELIABILITY AND MAINTAINABILITY METRICS.—The Secretary of Defense shall submit to the congressional defense committees a report on the reliability and maintainability metrics for the F–35 aircraft. The report shall include the following:

Review.
Assessment.

(1) The results of a review and assessment, conducted by the program office for the F–35 aircraft program, of the reliability and maintainability metrics for the aircraft as set forth in the most recent operational requirements document for the program.

Determination.

(2) A determination of whether the reliability and maintainability metrics for the aircraft, as set forth in the most recent operational requirements document for the program, are feasible and attainable, and what changes, if any, will be made to update the metrics.

Certification.

(3) A certification that the program office for the F–35 aircraft program has revised the reliability and maintainability improvement plan for the aircraft—

(A) to identify specific and measurable reliability and maintainability objectives in the improvement plan guidance; and

(B) to identify and document which projects included in the improvement plan will achieve the objectives identified under subparagraph (A).

(b) REPORT ON F–35 BLOCK 4 UPGRADE AND CONTINUOUS CAPABILITY DEVELOPMENT AND DELIVERY PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees a report on the F–35 Block 4 Upgrade and Continuous Capability Development and Delivery Program. The report shall include the following:

Cost estimate.

(A) The results of the independent cost estimate for the Program conducted by the Director of Cost Assessment and Program Evaluation.

Plan.

(B) An approved test and evaluation master plan that addresses the adequacy of testing resources, testing aircraft shortfalls, and testing funding.

Review.

(C) A review of the feasibility and schedule of the continuous capability development and delivery strategy for fielding technologies under the Program as conducted

by the Under Secretary of Defense for Research and Engineering.

(2) F–35 BLOCK 4 DEFINED.—In this subsection, the term “F–35 Block 4 Upgrade and Continuous Capability Development and Delivery Program” has the meaning given that term in section 166.

(c) REPORT ON F–35 AUTONOMIC LOGISTICS INFORMATION SYSTEM.—The Secretary of Defense shall submit to the congressional defense committees a report on the autonomic logistics information system of the F–35 aircraft. The report shall include a description of each of the following:

(1) All shortfalls, capability gaps, and deficiencies in the system that have been identified as of the date of the enactment of this Act.

(2) The strategy and performance requirements that will be implemented to improve the system.

(3) The strategy, implementation plan, schedule, and estimated costs of developing and fielding—

(A) the next generation of the system; or

(B) future increments of the system.

(d) F–35 LIFE-CYCLE COST ESTIMATES.—

(1) JOINT COST ESTIMATE.—The Secretary of the Air Force and the Secretary of the Navy shall jointly develop a joint service cost estimate for the life-cycle costs of the F–35 aircraft program.

(2) INDEPENDENT COST ESTIMATE.—The Director of Cost Assessment and Program Evaluation shall develop an independent cost estimate for the life-cycle costs of the F–35 aircraft program.

(e) DEADLINE FOR SUBMITTAL.—The reports required under subsections (a) through (d) shall be submitted to the congressional defense committees not later than 180 days after the date of the enactment of this Act.

Requirements.

Implementation
plan.
Cost estimates.

SEC. 168. LIMITATION ON AVAILABILITY OF FUNDS FOR COMMUNICATIONS SYSTEMS LACKING CERTAIN RESILIENCY FEATURES.

(a) IN GENERAL.—Except as provided under subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Department of Defense may be obligated or expended for the procurement of a current or future Department of Defense communications program of record, and the Department may not otherwise procure a current or future communications program of record, unless the communications equipment—

(1) mitigates geolocation of a transmission that would allow a like echelon enemy force to target the user;

(2) securely communicates classified information in a contested communications environment that includes operationally representative jamming;

(3) reduces, within two years of continued development and upgrades, electronic signature and susceptibility to geolocation by using low probability of intercept/detect (LPI/LPD) waveforms, or other capability that would provide the same resiliency on the battlefield; and

(4) utilizes a waveform that is either made available through the Department of Defense Waveform Information

Deadline.

Repository, or is a commercial off the shelf (COTS) waveform available for government licensing with waveform analysis through the Joint Tactical Networking Center (JTNC) Tactical Communications Marketplace.

Certification.

(b) **WAIVER.**—The Secretary of a military department may waive the requirement under subsection (a) with respect to a communications system upon certifying to the congressional defense committees that the system’s intended use is not for contested environments or will meet the requirement when operated as a component of an integrated network.

SEC. 169. REPEAL OF TACTICAL UNMANNED VEHICLE COMMON DATA LINK REQUIREMENT.

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than February 1, 2020, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report on the status of the Common Data Link program and plans to meet new and emerging manned and unmanned intelligence, surveillance, and reconnaissance (ISR) vehicle secure and interoperable communication requirements.

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

(A) A description of each Common Data Link (CDL) waveform in use and which platforms or systems utilize each CDL waveform.

List.
Assessment.

(B) A list of manned and unmanned ISR platforms or systems in development requiring networked, secure, low latency communications, and an assessment of the suitability of CDL to meet the requirements of each planned program.

(C) A description of in-progress or planned technology development efforts to address networking requirements for manned and unmanned ISR systems operating in contested and denied environments.

(b) **REPEAL.**—Section 157 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1667) is hereby repealed.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Program on enhancement of preparation of dependents of members of Armed Forces for careers in science, technology, engineering, and mathematics.

Sec. 212. Updates to the Department of Defense personnel management authority to attract experts in science and engineering.

Sec. 213. Establishment of joint reserve detachment of the Defense Innovation Unit.

Sec. 214. Research and educational programs and activities for Historically Black Colleges and Universities and Minority-Serving Institutions of Higher Education.

Sec. 215. Modification of authority for prizes for advanced technology achievements.

Sec. 216. Joint hypersonics transition office.

Sec. 217. Modification of proof of concept commercialization program.

- Sec. 218. Modification of authority and addition of technology areas for expedited access to technical talent.
- Sec. 219. Expansion of coordination in support of national security innovation and entrepreneurial education.
- Sec. 220. Modification of defense quantum information science and technology research and development program.
- Sec. 221. Understanding of investments in artificial intelligence and development of capabilities by adversaries.
- Sec. 222. Advisory role of JASON scientific advisory group.
- Sec. 223. Direct Air Capture and Blue Carbon Removal Technology Program.
- Sec. 224. Requiring defense microelectronics products and services meet trusted supply chain and operational security standards.
- Sec. 225. Development and acquisition strategy to procure secure, low probability of detection data link network capability.
- Sec. 226. Establishment of secure next-generation wireless network (5G) infrastructure for the Nevada Test and Training Range and base infrastructure.
- Sec. 227. Administration of manufacturing innovation institutes funded by the Department of Defense.
- Sec. 228. Research program on foreign malign influence operations.
- Sec. 229. Diversification of the research and engineering workforce of the Department of Defense.
- Sec. 230. Policy on the talent management of digital expertise and software professionals.
- Sec. 231. Digital engineering capability to automate testing and evaluation.
- Sec. 232. Process to align policy formulation and emerging technology development.
- Sec. 233. Improvement of the Strategic Capabilities Office of the Department of Defense.
- Sec. 234. Pilot program on enhanced civics education.
- Sec. 235. Technology and national security fellowship.
- Sec. 236. Documentation relating to the Advanced Battle Management System.
- Sec. 237. Sensor data integration for fifth generation aircraft.
- Sec. 238. Sense of Congress on future vertical lift technologies.
- Sec. 239. Use of funds for Strategic Environmental Research Program, Environmental Security Technical Certification Program, and Operational Energy Capability Improvement.
- Sec. 240. Limitation and report on Indirect Fire Protection Capability Increment 2 capability.

Subtitle C—Plans, Reports, and Other Matters

- Sec. 251. Master plan for implementation of authorities relating to science and technology reinvention laboratories.
- Sec. 252. Infrastructure to support research, development, test, and evaluation missions.
- Sec. 253. Energetics plan.
- Sec. 254. Strategy and implementation plan for fifth generation information and communications technologies.
- Sec. 255. Department-wide software science and technology strategy.
- Sec. 256. Artificial intelligence education strategy.
- Sec. 257. Cyber science and technology activities roadmap and reports.
- Sec. 258. Report on B–52 commercial engine replacement program.
- Sec. 259. Commercial edge computing technologies and best practices for Department of Defense warfighting systems.
- Sec. 260. Biannual report on the Joint Artificial Intelligence Center.
- Sec. 261. Quarterly updates on the Optionally Manned Fighting Vehicle program.
- Sec. 262. National Study on Defense Research At Historically Black Colleges and Universities and Other Minority Institutions.
- Sec. 263. Study on national security emerging biotechnologies for the Department of Defense.
- Sec. 264. Independent study on optimizing resources allocated to Combating Terrorism Technical Support Office.
- Sec. 265. Independent assessment of electronic warfare plans and programs.
- Sec. 266. Technical correction to Global Research Watch Program.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. PROGRAM ON ENHANCEMENT OF PREPARATION OF DEPENDENTS OF MEMBERS OF ARMED FORCES FOR CAREERS IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

(a) PROGRAM REQUIRED.—Chapter 111 of title 10, United States Code, is amended by inserting after section 2192a the following new section:

10 USC 2192b.

“§ 2192b. Program on enhancement of preparation of dependents of members of armed forces for careers in science, technology, engineering, and mathematics

“(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to—

“(1) enhance the preparation of students at covered schools for careers in science, technology, engineering, and mathematics; and

“(2) provide assistance to teachers at covered schools to enhance preparation described in paragraph (1).

“(b) COORDINATION.—In carrying out the program, the Secretary shall coordinate with the following:

“(1) The Secretaries of the military departments.

“(2) The Secretary of Education.

“(3) The National Science Foundation.

“(4) Other organizations as the Secretary of Defense considers appropriate.

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

“(1) Establishment of targeted internships and cooperative research opportunities at defense laboratories and other technical centers for students and teachers at covered schools.

“(2) Establishment of scholarships and fellowships for students at covered schools.

“(3) Efforts and activities that improve the quality of science, technology, engineering, and mathematics educational and training opportunities for students and teachers at covered schools, including with respect to improving the development of curricula at covered schools.

“(4) Development of travel opportunities, demonstrations, mentoring programs, and informal science education for students and teachers at covered schools.

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

Assessments.
Evaluation.

“(e) **COVERED SCHOOLS DEFINED.**—In this section, the term ‘covered schools’ means elementary or secondary schools at which the Secretary determines a significant number of dependents of members of the armed forces are enrolled.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2192a the following new item:

10 USC
prec. 2191.

“2192b. Program on enhancement of preparation of dependents of members of armed forces for careers in science, technology, engineering, and mathematics.”

(c) **CONFORMING REPEAL.**—Section 233 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2193a note) is repealed.

SEC. 212. UPDATES TO THE DEPARTMENT OF DEFENSE PERSONNEL MANAGEMENT AUTHORITY TO ATTRACT EXPERTS IN SCIENCE AND ENGINEERING.

(a) **IN GENERAL.**—Subsection (a) of section 1599h of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6) **JOINT ARTIFICIAL INTELLIGENCE CENTER.**—The Director of the Joint Artificial Intelligence Center may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for the Center. The authority to carry out the program under this paragraph shall terminate on December 31, 2024.”

Termination
date.

(b) **SCOPE OF APPOINTMENT AUTHORITY.**—Subsection (b)(1) of such section is amended—

- (1) in subparagraph (D), by striking “and” at the end;
- (2) in subparagraph (E), by adding “and” at the end; and
- (3) by adding at the end the following new subparagraph:

“(F) in the case of the Joint Artificial Intelligence Center, appoint scientists and engineers to a total of not more than 5 scientific and engineering positions in the Center;”

(c) **EXTENSION OF TERMS OF APPOINTMENT.**—Subsection (c)(2) of such section is amended by striking “or the Defense Innovation Unit Experimental” and inserting “the Defense Innovation Unit, or the Joint Artificial Intelligence Center”.

(d) **UPDATE TO ORGANIZATIONAL NAME.**—Such section is further amended—

- (1) in subsection (a)(5)—
 - (A) in the subsection heading by striking “DIUX” and inserting “DIU”; and
 - (B) by striking “Experimental”; and
- (2) in subsection (b)(1)(E), by striking “Experimental”.

SEC. 213. ESTABLISHMENT OF JOINT RESERVE DETACHMENT OF THE DEFENSE INNOVATION UNIT.

(a) **IN GENERAL.**—

(1) **ESTABLISHMENT OF JOINT RESERVE DETACHMENT OF THE DEFENSE INNOVATION UNIT.**—Chapter 139 of title 10, United

States Code, is amended by inserting after section 2358a the following new section:

10 USC 2358b.

“§ 2358b. Joint reserve detachment of the Defense Innovation Unit

Consultation.

“(a) ESTABLISHMENT.—The Secretary of Defense, in consultation with the Secretaries of the military departments, may establish a joint reserve detachment (referred to in this section as the ‘Detachment’) composed of members of the reserve components described in subsection (b) to be assigned to each office of the Defense Innovation Unit to—

“(1) support engagement and collaboration with private-sector industry and the community surrounding the location of such office; and

“(2) to accelerate the use and adoption of commercially-developed technologies for national security purposes.

“(b) MEMBERS.—Each Secretary of a military department shall select for the Detachment, and make efforts to retain, members of the reserve components who possess relevant private-sector experience in the fields of business, acquisition, intelligence, engineering, technology transfer, science, mathematics, program management, logistics, cybersecurity, or such other fields as determined by the Under Secretary of Defense for Research and Engineering.

“(c) DUTIES.—The Detachment shall have the following duties:

“(1) Providing the Department of Defense with—

“(A) expertise on and analysis of commercially-developed technologies;

“(B) commercially-developed technologies to be used as alternatives for technologies in use by the Department; and

“(C) opportunities for greater engagement and collaboration between the Department and private-sector industry on innovative technologies.

“(2) On an ongoing basis—

“(A) partnering with the military departments, the combatant commands, and other Department of Defense organizations to—

“(i) identify and rapidly prototype commercially-developed technologies; and

“(ii) use alternative contracting mechanisms to procure such technologies;

“(B) increasing awareness of—

“(i) the work of the Defense Innovation Unit; and

“(ii) the technology requirements of the Department of Defense as identified in the National Defense Science and Technology Strategy developed under section 218 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1679); and

“(C) using the investment in research and development made by private-sector industry in assessing and developing dual-use technologies.

“(3) Carrying out other activities as directed by the Under Secretary of Defense for Research and Engineering.

“(d) JOINT DUTY.—Assignment to a Detachment shall not qualify as a joint duty assignment, as defined in section 668(b)(1)

of title 10, United States Code, unless approved by the Secretary of Defense.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2358a the following new item:

10 USC
prec. 2351.

“2358b. Joint reserve detachment of the Defense Innovation Unit.”.

(b) IMPLEMENTATION REPORT.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense for Research and Engineering, in consultation with the Director of the Defense Innovation Unit and the Secretaries of the military departments, shall submit to the congressional defense committees a report that includes—

Consultation.

(1) an organizational plan and the estimated costs for establishing the joint reserve detachment required under section 2358b of title 10, United States Code (as added by subsection (a)); and

Organizational
plan.
Cost estimates.

(2) a timeline specifying when such detachment will attain initial operational capability and full operational capability, respectively.

Timeline.

SEC. 214. RESEARCH AND EDUCATIONAL PROGRAMS AND ACTIVITIES FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS OF HIGHER EDUCATION.

Section 2362 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection:

“(d) INCENTIVES.—The Secretary of Defense may develop incentives to encourage research and educational collaborations between covered educational institutions and other institutions of higher education.”.

SEC. 215. MODIFICATION OF AUTHORITY FOR PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Section 2374a(a) of title 10, United States Code, is amended by striking “Assistant Secretary of Defense for Research and Engineering” and inserting “Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment,”.

SEC. 216. JOINT HYPERSONICS TRANSITION OFFICE.

Section 218 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 2358 note) is amended—

(1) in subsection (a), by striking “the program required under subsection (b), and shall” and inserting “the program and activities described in subsections (b) through (f), and shall”;

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

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

“(c) UNIVERSITY EXPERTISE.—

“(1) ARRANGEMENT WITH INSTITUTIONS OF HIGHER EDUCATION.—Using the authority specified in section 217 of the

National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2358 note) or another similar authority, the Office shall seek to enter into an arrangement with one or more institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) under which such institutions may provide the Office with—

“(A) access to research, technology development, and workforce development expertise to support the mission of the Office; and

“(B) foundational and applied hypersonic research, development, and workforce support in areas that the Office determines to be relevant for the Department of Defense.

“(2) AVAILABILITY OF INFORMATION.—The Office shall ensure that the results of any research and reports produced pursuant to an arrangement under paragraph (1) are made available to the Federal Government, the private sector, academia, and international partners consistent with appropriate security classification guidance.”;

(4) in subsection (d), as so redesignated—

(A) in paragraph (4), by striking the comma before the period; and

(B) in paragraph (5), by striking “certified under subsection (e) as being consistent with the roadmap under subsection (d)” and inserting “certified under subsection (f) as being consistent with the roadmap under subsection (e)”;

(5) in subsection (e), as so redesignated, by adding at the end the following new paragraph:

“(4) SUBMITTAL TO CONGRESS.—

“(A) INITIAL SUBMISSION.—Not later than 180 days after the date of the enactment of this paragraph, the Secretary of Defense shall submit to the congressional defense committees the most recent roadmap developed under paragraph (1).

“(B) SUBSEQUENT SUBMISSIONS.—The Secretary of Defense shall submit to the congressional defense committees each roadmap revised under paragraph (1) together with the budget submitted to Congress under section 1105 of title 31, United States Code, for the fiscal year concerned.”; and

(6) in subsection (f), as so redesignated—

(A) by striking “subsection (d)” each place it appears and inserting “subsection (e)”;

(B) in paragraph (3), by striking “2016” and inserting “2026”.

Deadline.

SEC. 217. MODIFICATION OF PROOF OF CONCEPT COMMERCIALIZATION PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 1603(g) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2359 note) is amended by striking “2019” and inserting “2024”.

(b) ADDITIONAL IMPROVEMENTS.—Section 1603 of such Act, as amended by subsection (a), is further amended—

(1) in the section heading, by inserting “OF DUAL-USE TECHNOLOGY” after “COMMERCIALIZATION”;

(2) in subsection (a)—

(A) by inserting “of Dual-Use Technology” after “Commercialization”; and

(B) by inserting “with a focus on priority defense technology areas that attract public and private sector funding, as well as private sector investment capital, including from venture capital firms in the United States,” before “in accordance”;

(3) in subsection (c)(4)(A)(iv), by inserting “, which may include access to venture capital” after “award”;

(4) by striking subsection (d);

(5) by redesignating subsection (e) as subsection (d);

(6) by inserting after subsection (d), as so redesignated, the following new subsection (e):

“(e) **AUTHORITIES.**—In carrying out this section, the Secretary may use the following authorities:

“(1) Section 1599g of title 10 of the United States Code, relating to public-private talent exchanges.

“(2) Section 2368 of such title, relating to Centers for Science, Technology, and Engineering Partnerships.

“(3) Section 2374a of such title, relating to prizes for advanced technology achievements.

“(4) Section 2474 of such title, relating to Centers of Industrial and Technical Excellence.

“(5) Section 2521 of such title, relating to the Manufacturing Technology Program.

“(6) Section 225 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2359 note).

“(7) Section 1711 of such Act (Public Law 115–91; 10 U.S.C. 2505 note), relating to a pilot program on strengthening manufacturing in the defense industrial base.

“(8) Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) and section 6305 of title 31, United States Code, relating to cooperative research and development agreements.”.

(7) by striking subsection (f); and

(8) by redesignating subsection (g) as subsection (f).

SEC. 218. MODIFICATION OF AUTHORITY AND ADDITION OF TECHNOLOGY AREAS FOR EXPEDITED ACCESS TO TECHNICAL TALENT.

(a) **MODIFICATION OF AUTHORITY.**—Subsection (a)(1) of section 217 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2358 note) is amended by striking “The Secretary of Defense shall, acting through the secretaries of the military departments, establish” and inserting “Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, the Secretary of Defense shall direct the secretaries of the military departments to establish”.

Deadline.

(b) **ADDITIONAL TECHNOLOGY AREAS.**—Subsection (e) of such section is amended—

(1) by redesignating paragraph (27) as paragraph (30); and

(2) by inserting after paragraph (26) the following new paragraph (27):

“(27) Rapid prototyping.

“(28) Infrastructure resilience.

“(29) Hypersonics.”.

SEC. 219. EXPANSION OF COORDINATION IN SUPPORT OF NATIONAL SECURITY INNOVATION AND ENTREPRENEURIAL EDUCATION.

Section 225(e) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2359 note) is amended by adding at the end the following new paragraph:

“(18) The Lab-Embedded Entrepreneurship Programs of the Department of Energy.”.

SEC. 220. MODIFICATION OF DEFENSE QUANTUM INFORMATION SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

Section 234 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking “private sector entities” and inserting “private sector and international entities”; and

(B) in paragraph (6), by striking “facilities and infrastructure” and inserting “facilities, workforce, and infrastructure”;

Consultations.

(2) in subsection (c)—

(A) in paragraph (2), by striking “quantum sciences,” and inserting “quantum information sciences, including through consultation with—

“(A) the National Quantum Coordination Office;

“(B) the subcommittee on Quantum Information Science of the National Science and Technology Council;

“(C) other organizations and elements of the Department of Defense;

“(D) other Federal agencies; and

“(E) appropriate private sector organizations.”;

(B) by redesignating paragraphs (3) and (4) as paragraphs (6) and (7), respectively;

(C) by inserting after paragraph (2), the following new paragraphs:

Plans.

“(3) in consultation with the entities listed in paragraph (2), develop plans for—

“(A) the development of the quantum information science and technology workforce;

“(B) enhancing awareness of quantum information science and technology;

“(C) reducing the risk of cybersecurity threats posed by quantum information science technology; and

“(D) development of ethical guidelines for the use of quantum information science technology;

“(4) in consultation with the National Institute of Standards and Technology and other appropriate Federal entities, develop a quantum information science taxonomy and standards and requirements for quantum information technology;

“(5) support efforts to increase the technology readiness level of quantum information science technologies under development in the United States.”;

(D) in paragraph (6), as so redesignated, by striking “quantum science” and inserting “quantum information science”; and

(E) in paragraph (7), as so redesignated, by striking “for meeting the long-term challenges and achieving the specific technical goals” and inserting “for carrying out the program under subsection (a)”;

(3) by redesignating subsection (d) as subsection (e);

(4) by inserting after subsection (c) the following new subsection (d):

“(d) **QUANTUM INFORMATION SCIENCE RESEARCH CENTERS.**—The Secretary of each military department may establish or designate a defense laboratory or establish activities to engage with appropriate public and private sector organizations, including academic organizations, to enhance and accelerate the research, development, and deployment of quantum information sciences and quantum information science-enabled technologies and systems. The Secretary of Defense shall ensure that not less than one such laboratory or center is established or designated.”; and

(5) in paragraph (2) of subsection (e), as so redesignated—

(A) in subparagraph (A), by inserting “information” before “sciences”;

(B) in subparagraph (B),

(i) by inserting “information” before “sciences”; and

(ii) by inserting “, including a discussion of likely impacts of quantum information science and technology on military capabilities” before the period at the end;

(C) in subparagraph (C), by inserting “information” before “sciences”;

(D) by redesignating subparagraph (E) as subparagraph (F); and

(E) by striking subparagraph (D) and inserting the following new subparagraphs:

“(D) A description of the activities carried out in accordance with this section, including, for each such activity—

“(i) a roadmap for the activity;

“(ii) a summary of the funding provided for the activity; and

“(iii) an estimated timeline for the development and military deployment of quantum technologies supported through the activity.

“(E) A description of the efforts of the Department of Defense to update classification and cybersecurity practices relating to quantum technology, including—

“(i) security processes and requirements for engagement with allied countries; and

“(ii) a plan for security-cleared government and contractor workforce development.”.

SEC. 221. UNDERSTANDING OF INVESTMENTS IN ARTIFICIAL INTELLIGENCE AND DEVELOPMENT OF CAPABILITIES BY ADVERSARIES.

Section 238(c)(2)(I) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended—

(1) in clause (i), by striking “; and” and inserting a semicolon;

Summary.

Timeline.

Requirements.

Plan.

10 USC 2358 note.

(2) in clause (ii), by striking the period at the end and inserting “; and”; and

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

“(iii) that appropriate entities in the Department are reviewing all open source publications from both the United States and outside the United States that contribute to, affect, or advance—

“(I) artificial intelligence research and development; or

“(II) the understanding of the Secretary concerning the investments by adversaries of the United States in artificial intelligence and the development by such adversaries of capabilities relating to artificial intelligence.”.

SEC. 222. ADVISORY ROLE OF JASON SCIENTIFIC ADVISORY GROUP.

(a) ONGOING ENGAGEMENT OF CERTAIN SCIENTIFIC ADVISORY PERSONNEL.—

(1) **IN GENERAL.**—The Secretary of Defense shall seek to engage the members of the independent, private scientific advisory group known as “JASON” as advisory personnel to provide advice, on an ongoing basis, on matters involving science, technology, and national security, including methods to defeat existential and technologically-amplified threats to national security.

(2) **AVAILABILITY TO OTHER FEDERAL AGENCIES.**—At the request of a Federal agency outside the Department of Defense, the Secretary of Defense shall seek to make personnel engaged under paragraph (1) available to such agency for the purpose of providing advice to the agency on the matters described in such subsection.

(b) ARRANGEMENT FOR CONDUCT OF NATIONAL SECURITY STUDIES AND ANALYSIS.—

(1) **IN GENERAL.**—Pursuant to subsection (a), the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall seek to enter into an arrangement under which JASON may provide national security research studies and other analyses to the Department of Defense and other Federal agencies to meet mission requirements and agency needs.

(2) **FORM OF ARRANGEMENT.**—The arrangement entered into under paragraph (1) shall be in a form the Under Secretary of Defense for Acquisition and Sustainment determines to be appropriate for the Department of Defense, which may include a contract, a grant, a cooperative agreement, the use of other transaction authority under section 2371 of title 10, United States Code, or another such arrangement.

Deadline.

(3) **TIMING OF ARRANGEMENT.**—The Secretary of Defense shall seek to enter into the arrangement under paragraph (1) not later than 120 days after the date of the enactment of this Act.

(4) **TERMS OF ARRANGEMENT.**—The arrangement entered into under paragraph (1) shall—

Reimbursement.

(A) if specifically negotiated as part of the arrangement, provide for the Department of Defense to reimburse the entity supporting JASON for all or a portion of the overhead costs incurred in support of the arrangement;

(B) allow Federal Government entities outside the Department of Defense with responsibilities relating to national security to seek to engage JASON to perform individual studies relating to national security matters as part of the arrangement; and

(C) require that a Federal agency that engages JASON to perform a study under the arrangement will fully fund such study, including a proportional percentage to the total overhead costs incurred under the arrangement.

(5) LIMITATION ON TERMINATION.—

(A) IN GENERAL.—The Secretary of Defense may not terminate the arrangement under paragraph (1) until a period of 180 days has elapsed following the date on which the Secretary—

Time period.

(i) notifies the congressional defense committees of the intent of the Secretary to terminate the arrangement; and

Notification.

(ii) submits the report required under subparagraph (B).

(B) REPORT REQUIRED.—

(i) IN GENERAL.—If the Secretary of Defense determines that the arrangement under paragraph (1) should be terminated, the Secretary shall submit to the congressional defense committees a report on the proposed termination of the arrangement.

Determination.

(ii) ELEMENTS.—The report required under clause (i) shall include the following:

Time periods.

(I) A summary of the execution of research projects conducted by JASON over the four fiscal years preceding the date of the report, including the projects requested by the Department of Defense and the projects requested by other Federal agencies.

Summary.

(II) An analysis of the costs to the Department of Defense of maintaining the arrangement under which JASON provided national security research studies, including any overhead costs incurred by the Department or shared among Federal agencies over the four fiscal years preceding the date of the report.

Cost analysis.

(III) A timeline for the potential transition or termination of the activities, functions, and expertise provided by JASON under the arrangement.

Timeline.

(IV) An assessment of the impact that the termination of the arrangement with JASON will have on defense research studies and analytical capabilities, including a mitigation plan that identifies where alternative and comparable scientific advice and expertise is available and a comparison of the costs associated with each alternative.

Assessment.
Mitigation plan.

(iii) FORM OF REPORT.—The report required under clause (i) may be submitted in unclassified or classified form.

(6) ANNUAL SUMMARY REPORT.—Not later than March 1 of each year beginning after the date of the enactment of

Summaries.

this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes—

(A) a summary of expenditures made under the arrangement with JASON under paragraph (1); and

(B) a summary of the studies and other activities carried out by JASON pursuant to such arrangement in the preceding calendar year.

10 USC 2358
note.

SEC. 223. DIRECT AIR CAPTURE AND BLUE CARBON REMOVAL TECHNOLOGY PROGRAM.

(a) PROGRAM REQUIRED.—

Coordination.

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of Homeland Security, the Secretary of Energy, and the heads of such other Federal agencies as the Secretary of Defense considers appropriate, shall carry out a program on research, development, testing, evaluation, study, and demonstration of technologies related to blue carbon capture and direct air capture.

(2) PROGRAM GOALS.—The goals of the program established under paragraph (1) are as follows:

(A) To develop technologies that capture carbon dioxide from seawater and the air to turn such carbon dioxide into clean fuels to enhance fuel and energy security.

(B) To develop and demonstrate technologies that capture carbon dioxide from seawater and the air to reuse such carbon dioxide to create products for military uses.

(C) To develop direct air capture technologies for use—

(i) at military installations or facilities of the Department of Defense; or

(ii) in modes of transportation by the Navy or the Coast Guard.

(3) PHASES.—The program established under paragraph (1) shall be carried out in two phases as follows:

(A) The first phase shall consist of research and development and shall be carried out as described in subsection (b).

Evaluation.
Determination.

(B) The second phase shall consist of testing and evaluation and shall be carried out as described in subsection (c), if the Secretary determines that the results of the research and development phase justify implementing the testing and evaluation phase.

(4) DESIGNATION.—The program established under paragraph (1) shall be known as the “Direct Air Capture and Blue Carbon Removal Technology Program” (in this section referred to as the “Program”).

(b) RESEARCH AND DEVELOPMENT PHASE.—

(1) IN GENERAL.—During the research and development phase of the Program, the Secretary of Defense shall conduct research and development in pursuit of the goals set forth in subsection (a)(2).

Study.
Evaluation.

(2) DIRECT AIR CAPTURE.—The research and development phase of the Program may include, with respect to direct air capture, a front end engineering and design study that includes an evaluation of direct air capture designs to produce fuel for use—

(A) at military installations or facilities of the Department of Defense; or

(B) in modes of transportation by the Navy or the Coast Guard.

(3) COMMENCEMENT.—The Secretary shall commence carrying out the research and development phase of the Program not later than 90 days after the date of the enactment of this Act. Deadline.

(4) GRANTS AUTHORIZED.—The Secretary may carry out the research and development phase of the Program through the award of grants to private persons and eligible laboratories.

(5) REPORT REQUIRED.—Not later than 180 days after the date of the completion of the research and development phase of the Program, the Secretary shall submit to Congress a report on the research and development carried out under the Program.

(c) TESTING AND EVALUATION PHASE.—

(1) IN GENERAL.—During the testing and evaluation phase of the Program, the Secretary shall, in pursuit of the goals set forth in subsection (a)(2), conduct tests and evaluations of the technologies researched and developed during the research and development phase of the Program.

(2) DIRECT AIR CAPTURE.—The testing and evaluation phase of the Program may include demonstration projects for direct air capture to produce fuels for use—

(A) at military installations or facilities of the Department of Defense; or

(B) in modes of transportation by the Navy or the Coast Guard.

(3) COMMENCEMENT.—Subject to subsection (a)(3)(B), the Secretary shall commence carrying out the testing and evaluation phase of the Program on the date of the completion of the research and development phase described in subsection (b), except that the testing and evaluation phase of the Program with respect to direct air capture may commence at such time after a front end engineering and design study demonstrates to the Secretary that commencement of such phase is appropriate.

(4) GRANTS AUTHORIZED.—The Secretary may carry out the testing and evaluation phase of the Program through the award of grants to private persons and eligible laboratories.

(5) LOCATIONS.—The Secretary shall carry out the testing and evaluation phase of the Program at military installations or facilities of the Department of Defense.

(6) REPORT REQUIRED.—Not later than September 30, 2026, the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the effectiveness of the technologies tested and evaluated under the Program.

(d) DEFINITIONS.—In this section:

(1) The term “blue carbon capture” means the removal of dissolved carbon dioxide from seawater through engineered or inorganic processes, including filters, membranes, or phase change systems.

(2)(A) The term “direct air capture”, with respect to a facility, technology, or system, means that the facility, technology, or system uses carbon capture equipment to capture carbon dioxide directly from the air.

(B) The term “direct air capture” does not include any facility, technology, or system that captures carbon dioxide—

(i) that is deliberately released from a naturally occurring subsurface spring; or

(ii) using natural photosynthesis.

(3) The term “eligible laboratory” means—

(A) a National Laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801));

(B) a science and technology reinvention laboratory designated under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note);

(C) the Major Range and Test Facility Base (as defined in section 2358a(f) of title 10, United States Code); or

(D) any other facility that supports the research, development, test, and evaluation activities of the Department of Defense or the Department of Energy.

10 USC 2302
note.

SEC. 224. REQUIRING DEFENSE MICROELECTRONICS PRODUCTS AND SERVICES MEET TRUSTED SUPPLY CHAIN AND OPERATIONAL SECURITY STANDARDS.

Deadline.

(a) **PURCHASES.**—To protect the United States from intellectual property theft and to ensure national security and public safety in the application of new generations of wireless network technology and microelectronics, beginning no later than January 1, 2023, the Secretary of Defense shall ensure that each microelectronics product or service that the Department of Defense purchases on or after such date meets the applicable trusted supply chain and operational security standards established pursuant to subsection (b), except in a case in which the Department seeks to purchase a microelectronics product or service but—

(1) no such product or service is available for purchase that meets such standards; or

(2) no such product or service is available for purchase that—

(A) meets such standards; and

(B) is available at a price that the Secretary does not consider prohibitively expensive.

(b) **TRUSTED SUPPLY CHAIN AND OPERATIONAL SECURITY STANDARDS.**—

Deadline.

(1) **STANDARDS REQUIRED.**—(A) Not later than January 1, 2021, the Secretary shall establish trusted supply chain and operational security standards for the purchase of microelectronics products and services by the Department.

(B) For purposes of this section, a trusted supply chain and operational security standard—

(i) is a standard that systematizes best practices relevant to—

(I) manufacturing location;

(II) company ownership;

(III) workforce composition;

(IV) access during manufacturing, suppliers’ design, sourcing, manufacturing, packaging, and distribution processes;

(V) reliability of the supply chain; and

(VI) other matters germane to supply chain and operational security; and

(ii) is not a military standard (also known as “MIL-STD”) or a military specification (also known as “MIL-SPEC”) for microelectronics that—

(I) specifies individual features for Department of Defense microelectronics; or

(II) otherwise inhibits the acquisition by the Department of securely manufactured, commercially-available products.

(2) CONSULTATION REQUIRED.—In developing standards under paragraph (1), the Secretary shall consult with the following:

(A) The Secretary of Homeland Security, the Secretary of State, the Secretary of Commerce, and the Director of the National Institute of Standards and Technology.

(B) Suppliers of microelectronics products and services from the United States and allies and partners of the United States.

(C) Representatives of major United States industry sectors that rely on a trusted supply chain and the operational security of microelectronics products and services.

(D) Representatives of the United States insurance industry.

(3) TIERS OF TRUST AND LEVELS OF SECURITY AUTHORIZED.—In carrying out paragraph (1), the Secretary may establish tiers and levels of trust and security within the supply chain and operational security standards for microelectronics products and services.

(4) GENERAL APPLICABILITY.—The standards established pursuant to paragraph (1) shall be, to the greatest extent practicable, generally applicable to the trusted supply chain and operational security needs and use cases of the United States Government and commercial industry, such that the standards could be widely adopted by government agencies, commercial industry, and allies and partners of the United States as the basis for procuring microelectronics products and services.

(5) ANNUAL REVIEW.—Not later than October 1 of each year, the Secretary shall, in consultation with persons and entities set forth under paragraph (2), review the standards established pursuant to paragraph (1) and issue updates or modifications as the Secretary considers necessary or appropriate.

Deadlines.
Consultation.
Updates.

(c) ENSURING ABILITY TO SELL COMMERCIALY.—

(1) IN GENERAL.—The Secretary shall, to the greatest extent practicable, ensure that suppliers of microelectronics products and services for the Department of Defense subject to subsection (a) are able and incentivized to sell products commercially and to governments of allies and partners of the United States that are produced on the same production lines as the microelectronics products supplied to the Department of Defense.

(2) EFFECT OF REQUIREMENTS AND ACQUISITIONS.—The Secretary shall, to the greatest extent practicable, ensure that the requirements of the Department and the acquisition by the Department of microelectronics enable the success of a dual-use microelectronics industry.

(d) MAINTAINING COMPETITION AND INNOVATION.—The Secretary shall take such actions as the Secretary considers necessary

and appropriate, within the Secretary’s authorized activities to maintain the health of the defense industrial base, to ensure that—

(1) providers of microelectronics products and services that meet the standards established under subsection (b) are exposed to competitive market pressures to achieve competitive pricing and sustained innovation; and

(2) the industrial base of microelectronics products and services that meet the standards established under subsection (b) includes providers manufacturing in the United States or in countries that are allies or partners of the United States.

SEC. 225. DEVELOPMENT AND ACQUISITION STRATEGY TO PROCURE SECURE, LOW PROBABILITY OF DETECTION DATA LINK NETWORK CAPABILITY.

Deadline.

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

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

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

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

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

(A) fifth-generation combat aircraft;

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

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

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

Time period.

(c) **LIMITATION.**—Of the funds authorized to be appropriated by this Act for fiscal year 2020 for operation and maintenance for the Office of the Secretary of the Air Force, for operation and maintenance for the Office of the Secretary of the Navy, and for operations and maintenance for the Office of the Secretary of the Army, not more than 50 percent may be obligated or expended until the date that is 15 days after the date on which the Chief of Staff of the Air Force, the Chief of Naval Operations, and the Chief of Staff of the Army, respectively, submit the development and acquisition strategy required by subsection (a).

SEC. 226. ESTABLISHMENT OF SECURE NEXT-GENERATION WIRELESS NETWORK (5G) INFRASTRUCTURE FOR THE NEVADA TEST AND TRAINING RANGE AND BASE INFRASTRUCTURE.

10 USC 2223a
note.

(a) **ESTABLISHMENT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish secure fifth-generation wireless network components and capabilities at no fewer than two Department of Defense installations in accordance with this section.

Deadline.

(b) **INSTALLATIONS.**—

(1) **LOCATIONS.**—The Secretary shall establish components and capabilities under subsection (a) at the following:

(A) The Nevada Test and Training Range, which shall serve as a Major Range and Test Facility Base (MRTFB) for fifth-generation wireless networking.

(B) Such Department installations or other installations as the Secretary considers appropriate for the purpose set forth in paragraph (2).

(2) **PURPOSE.**—The purpose of the establishment of components and capabilities under subsection (a) at the locations described in paragraph (1) of this subsection is to demonstrate the following:

(A) The potential military utility of high bandwidth, scalable, and low latency fifth-generation wireless networking technology.

(B) Advanced security technology that is applicable to fifth-generation networks as well as legacy Department command and control networks.

(C) Secure interoperability with fixed and wireless systems (legacy and future systems).

(D) Enhancements such as spectrum and waveform diversity, frequency hopping and spreading, and beam forming for military requirements.

(E) Technology for dynamic network slicing for specific use cases and applications requiring varying levels of latency, scale, and throughput.

(F) Technology for dynamic spectrum sharing and network isolation.

(G) Base infrastructure installation of high bandwidth, scalable, and low latency fifth-generation wireless networking technology.

(H) Applications for secure fifth-generation wireless network capabilities for the Department, such as the following:

(i) Interactive augmented reality or synthetic training environments.

(ii) Internet of things devices.

(iii) Autonomous systems.

(iv) Advanced manufacturing through the following:

(I) Department-sponsored centers for manufacturing innovation (as defined in section 34(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(c))).

(II) Department research and development organizations.

(III) Manufacturers in the defense industrial base of the United States.

10 USC 2521
note.

**SEC. 227. ADMINISTRATION OF MANUFACTURING INNOVATION
INSTITUTES FUNDED BY THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—The Secretary of Defense shall make such changes to the administration of covered institutes so as—

Evaluation.

Updates.
Evaluation.

(1) to encourage covered institutes to leverage existing workforce development programs across the Federal Government and State governments in order to build successful workforce development programs;

(2) to develop metrics to evaluate the workforce development performed by the covered institutes, including metrics on job quality, career pathways, wages and benefits, and efforts to support veterans, and progress in aligning workforce skillsets with the current and long-term needs of the Department of Defense and the defense industrial base;

(3) to allow metrics to vary between covered institutes and be updated and evaluated continuously in order to more accurately evaluate covered institutes with different goals and missions;

(4) to encourage covered institutes to consider developing technologies that were previously funded by Federal Government investment for early-stage research and development and expand cross-government coordination and collaboration to achieve this goal;

(5) to provide an opportunity for increased Department of Defense input and oversight from senior-level military and civilian personnel on future technology roadmaps produced by covered institutes;

(6) to reduce the barriers to collaboration between and among multiple covered institutes;

(7) to use contracting vehicles that can increase flexibility, reduce barriers for contracting with subject-matter experts and small and medium enterprises, enhance partnerships between covered institutes, and reduce the time to award contracts at covered institutes; and

(8) to overcome barriers to the adoption of manufacturing processes and technologies developed by the covered institutes by the defense and commercial industrial base, particularly small and medium enterprises, by engaging with public and private sector partnerships and appropriate government programs and activities, including the Hollings Manufacturing Extension Partnership.

(b) COORDINATION WITH OTHER ACTIVITIES.—The Secretary shall carry out this section in coordination with activities undertaken under—

(1) the Manufacturing Technology Program established under section 2521 of title 10, United States Code;

(2) the Manufacturing Engineering Education Program established under section 2196 of such title;

(3) the Defense Manufacturing Community Support Program established under section 846 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232);

(4) manufacturing initiatives of the Secretary of Commerce, the head of the National Office of the Manufacturing USA Network, the Secretary of Energy, and such other government and private sector organizations as the Secretary of Defense considers appropriate; and

(5) such other activities as the Secretary considers appropriate.

(c) **DEFINITION OF COVERED INSTITUTE.**—In this section, the term “covered institute” means a manufacturing innovation institute that is funded by the Department of Defense.

SEC. 228. RESEARCH PROGRAM ON FOREIGN MALIGN INFLUENCE OPERATIONS. 10 USC 2358 note.

(a) **PROGRAM AUTHORIZED.**—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, may carry out a research program on foreign malign influence operations as part of the university research programs of the Department of Defense.

(b) **PROGRAM OBJECTIVES.**—The objectives of a research program carried out under subsection (a) should include the following:

(1) Enhance the understanding of foreign malign influence operations, including activities conducted on social media platforms.

(2) Facilitate the analysis of publicly available or voluntarily provided indicators of foreign malign influence operations.

(3) Promote collaborative research and information exchange with relevant entities within the Department of Defense and with other agencies or nongovernmental organizations relating to foreign malign influence operations, as appropriate.

(c) **NOTICE TO CONGRESS.**—Not later than 30 days before initiating a research program under subsection (a), the Secretary of Defense shall submit to the congressional defense committees notice of the intent of the Secretary to initiate such a program, which shall include—

(1) a detailed description of the program and any related research activities;

(2) the estimated cost and duration of the program; and Cost estimate.

(3) any other matters the Secretary determines to be relevant.

SEC. 229. DIVERSIFICATION OF THE RESEARCH AND ENGINEERING WORKFORCE OF THE DEPARTMENT OF DEFENSE. 10 USC 2358 note.

(a) **ASSESSMENT REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering and in consultation with the Under Secretary of Defense for Personnel and Readiness, shall conduct an assessment of critical skillsets required across, and the diversity of, the research and engineering workforce of the Department of Defense, including the science and technology reinvention laboratories, to support emerging and future warfighter technologies. Consultation.

(2) **ELEMENTS.**—The assessment required by paragraph (1) shall include analysis of the following: Analyses.

(A) The percentage of women and minorities employed in the research and engineering workforce of the Department of Defense as of the date of the assessment.

(B) Of the individuals hired into the research and engineering workforce of the Department in the five years preceding the date of the assessment, the percentage of such individuals who are women and minorities. Time period.

(C) The effectiveness of existing hiring, recruitment, and retention incentives for women and minorities in the research and engineering workforce of the Department.

(D) The effectiveness of the Department in recruiting women and minorities into the laboratory workforce after such individuals complete work on Department-funded research, projects, grant projects, fellowships, and STEM programs.

(E) The geographical diversity of the workforce across various geographic regions.

(b) PLAN REQUIRED.—

Consultation.

(1) IN GENERAL.—Based on the results of the assessment conducted under subsection (a), the Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering and in consultation with the Secretaries of the military departments, shall develop and implement a plan to diversify and strengthen the research and engineering workforce of the Department of Defense.

(2) ELEMENTS.—The plan required by paragraph (1) shall—

(A) align with science and technology strategy priorities of the Department of Defense, including the emerging and future warfighter technology requirements identified by the Department;

(B) except as provided in subsection (c)(2), set forth steps for the implementation of each recommendation included in the 2013 report of the RAND corporation titled “First Steps Toward Improving DoD STEM Workforce Diversity”;

(C) harness the full range of the Department’s STEM programs and other Department sponsored programs to develop and attract top talent;

(D) use existing authorities to attract and retain students, academics, and other talent;

(E) establish and use contracts, agreements, or other arrangements with institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), including historically black colleges and universities and other minority-serving institutions (as described in section 371(a) of such Act (20 U.S.C. 1067q(a)) to enable easy and efficient access to research and researchers for Government sponsored basic and applied research and studies at each institution, including contracts, agreements, and other authorized arrangements such as those authorized under—

(i) section 217 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2358 note); and

(ii) such other authorities as the Secretary determines to be appropriate; and

Recommendations.

(F) include recommendations for changes in authorities, regulations, policies, or any other relevant areas that would support the achievement of the goals set forth in the plan.

Reports.

(3) SUBMITTAL TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes—

(A) the plan developed under paragraph (1); and
 (B) with respect to each recommendation described in paragraph (2)(B) that the Secretary has implemented or expects to implement—

(i) a summary of actions that have been taken to implement the recommendation; and Summary.

(ii) a schedule, with specific milestones, for completing the implementation of the recommendation. Schedule.

(c) DEADLINE FOR IMPLEMENTATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 18 months after the date of the enactment of this Act the Secretary of Defense shall carry out activities to implement the plan developed under subsection (b).

(2) EXCEPTION FOR IMPLEMENTATION OF CERTAIN RECOMMENDATIONS.—

(A) DELAYED IMPLEMENTATION.—The Secretary of Defense may commence implementation of a recommendation described in subsection (b)(2)(B) after the date specified in paragraph (1) if the Secretary provides the congressional defense committees with a specific justification for the delay in implementation of such recommendation on or before such date.

(B) NONIMPLEMENTATION.—The Secretary of Defense may opt not to implement a recommendation described in subsection (b)(2)(B) if the Secretary provides to the congressional defense committees, on or before the date specified in paragraph (1)—

(i) a specific justification for the decision not to implement the recommendation; and

(ii) a summary of the alternative actions the Secretary plans to take to address the issues underlying the recommendation. Summary.

(d) STEM DEFINED.—In this section, the term “STEM” means science, technology, engineering, and mathematics.

SEC. 230. POLICY ON THE TALENT MANAGEMENT OF DIGITAL EXPERTISE AND SOFTWARE PROFESSIONALS.

Deadlines.
 10 USC note
 prec. 501.

(a) POLICY.—

(1) IN GENERAL.—It shall be a policy of the Department of Defense to promote and maintain digital expertise and software development as core competencies of civilian and military workforces of the Department, and as a capability to support the National Defense Strategy, which policy shall be achieved by—

(A) the recruitment, development, and incentivization of retention in and to the civilian and military workforce of the Department of individuals with aptitude, experience, proficient expertise, or a combination thereof in digital expertise and software development;

(B) at the discretion of the Secretaries of the military departments, the development and maintenance of civilian and military career tracks related to digital expertise, and related digital competencies for members of the Armed Forces, including the development and maintenance of training, education, talent management, incentives, and promotion policies in support of members at all levels of such career tracks; and

(C) the development and application of appropriate readiness standards and metrics to measure and report on the overall capability, capacity, utilization, and readiness of digital engineering professionals to develop and deliver operational capabilities and employ modern business practices.

(2) **DIGITAL ENGINEERING DEFINED.**—For purposes of this section, the term “digital engineering” means the discipline and set of skills involved in the creation, processing, transmission, integration, and storage of digital data, including data science, machine learning, software engineering, software product management, and artificial intelligence product management.

(b) **IMPLEMENTATION PLAN.**—Not later than May 1, 2020, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan that describes how the Department of Defense will execute the policy described in subsection (a).

(c) **RESPONSIBILITY.**—

(1) **APPOINTMENT OF OFFICER.**—Not later than 270 days after the date of enactment of this Act, the Secretary of Defense may appoint a civilian official responsible for the development and implementation of the policy and implementation plan set forth in subsections (a) and (b), respectively. The official shall be known as the “Chief Digital Engineering Recruitment and Management Officer of the Department of Defense”.

(2) **EXPIRATION OF APPOINTMENT.**—The appointment of the Officer under paragraph (1) shall expire on September 30, 2024.

10 USC 2223a
note.

SEC. 231. DIGITAL ENGINEERING CAPABILITY TO AUTOMATE TESTING AND EVALUATION.

(a) **DIGITAL ENGINEERING CAPABILITY.**—

(1) **IN GENERAL.**—The Secretary of Defense shall establish a digital engineering capability to be used—

(A) for the development and deployment of digital engineering models for use in the defense acquisition process; and

(B) to provide testing infrastructure and software to support automated approaches for testing, evaluation, and deployment throughout the defense acquisition process.

(2) **REQUIREMENTS.**—The capability developed under subsection (a) shall meet the following requirements:

(A) The capability will be accessible to, and useable by, individuals throughout the Department of Defense who have responsibilities relating to capability design, development, testing, evaluation, and operation.

(B) The capability will provide for the development, validation, use, curation, and maintenance of technically accurate digital systems, models of systems, subsystems, and their components, at the appropriate level of fidelity to ensure that test activities adequately simulate the environment in which a system will be deployed.

(C) The capability will include software to automate testing throughout the program life cycle, including to satisfy developmental test requirements and operational test

requirements. Such software may be developed in accordance with the authorities provided under section 800, and shall support—

(i) security testing that includes vulnerability scanning and penetration testing performed by individuals, including threat-based red team exploitations and assessments with zero-trust assumptions; and

(ii) high-confidence distribution of software to the field on a time-bound, repeatable, frequent, and iterative basis.

(b) DEMONSTRATION ACTIVITIES.—

(1) IN GENERAL.—In developing the capability required under subsection (a), the Secretary of Defense shall carry out activities to demonstrate digital engineering approaches to automated testing that—

(A) enable continuous software development and delivery;

(B) satisfy developmental test requirements for the software-intensive programs of the Department of Defense; and

(C) satisfy operational test and evaluation requirements for such programs.

(2) PROGRAM SELECTION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall assess and select not fewer than four and not more than ten programs of the Department of Defense to participate in the demonstration activities under paragraph (1), including—

(A) at least one program participating in the pilot program authorized under section 873 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2223a note);

(B) at least one program participating in the pilot program authorized under section 874 of such Act (Public Law 115–91; 10 U.S.C. 2302 note);

(C) at least one major defense acquisition program (as defined in section 2430 of title 10, United States Code);

(D) at least one command and control program;

(E) at least one defense business system (as defined in section 2222(i) of title 10, United States Code); and

(F) at least one program from each military service.

(3) ADDITIONAL REQUIREMENTS.—As part of the demonstration activities under paragraph (1), the Secretary shall—

(A) conduct a comparative analysis that assesses the risks and benefits of the digital engineering supported automated testing approaches of the programs participating in the demonstration activities relative to traditional testing approaches that are not supported by digital engineering;

(B) ensure that the intellectual property strategy for each of the programs participating in the demonstration activities is best aligned to meet the goals of the program; and

(C) develop a workforce and infrastructure plan to support any new policies and guidance implemented in connection with the demonstration activities, including any policies and guidance implemented after the completion of such activities.

Deadline.
Assessment.

Analysis.

Plan.

Deadline.

(c) **POLICIES AND GUIDANCE REQUIRED.**—Not later than one year after the date of the enactment of this Act, based on the results of the demonstration activities carried out under subsection (b), the Secretary of Defense shall issue or modify policies and guidance to—

(1) promote the use of digital engineering capabilities for development and for automated testing; and

(2) address roles, responsibilities, and procedures relating to such capabilities.

(d) **STEERING COMMITTEE.**—

(1) **IN GENERAL.**—The Secretary of Defense shall establish a steering committee to assist the Secretary in carrying out subsections (a) through (c).

(2) **MEMBERSHIP.**—The steering committee shall be composed of the following members or their designees:

(A) The Under Secretary of Defense for Research and Engineering.

(B) The Under Secretary of Defense for Acquisition and Sustainment.

(C) The Chief Information Officer.

(D) The Director of Operational Test and Evaluation.

(E) The Director of Cost Assessment and Program Evaluation.

(F) The Service Acquisition Executives.

(G) The Service testing commands.

(H) The Director of the Defense Digital Service.

(e) **REPORTS REQUIRED.**—

(1) **IMPLEMENTATION.**—Not later than March 15, 2020, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of the Secretary in implementing subsections (a) through (c). The report shall include an explanation of how the results of the demonstration activities carried out under subsection (b) will be incorporated into the policy and guidance required under subsection (c), particularly the policy and guidance of the members of the steering committee established under subsection (d).

Deadline.
Briefing.

(2) **LEGISLATIVE RECOMMENDATIONS.**—Not later than October 15, 2020, the Secretary of Defense shall provide to the congressional defense committees a briefing that identifies any changes to existing law that may be necessary to facilitate the implementation of subsections (a) through (c).

Deadlines.

(f) **INDEPENDENT ASSESSMENT.**—

(1) **IN GENERAL.**—Not later than March 15, 2021, the Defense Innovation Board and the Defense Science Board shall jointly complete an independent assessment of the progress of the Secretary in implementing subsections (a) through (c). The Secretary of Defense shall ensure that the Defense Innovation Board and the Defense Science Board have access to the resources, data, and information necessary to complete the assessment.

(2) **INFORMATION TO CONGRESS.**—Not later than 30 days after the date on which the assessment under paragraph (1) is completed, the Defense Innovation Board and the Defense Science Board shall jointly provide to the congressional defense committees—

Reports.
Briefing.

(A) a report summarizing the assessment; and

(B) a briefing on the findings of the assessment.

SEC. 232. PROCESS TO ALIGN POLICY FORMULATION AND EMERGING TECHNOLOGY DEVELOPMENT. 10 USC 2358 note.

(a) **ALIGNMENT OF POLICY AND TECHNOLOGICAL DEVELOPMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a process to ensure that the policies of the Department of Defense relating to emerging technology are formulated and updated continuously as such technology is developed by the Department.

Deadline.

(b) **ELEMENTS.**—As part of the process established under subsection (a), the Secretary shall—

(1) specify the role of each covered official in ensuring that the formulation of policies relating to emerging technology is carried out concurrently with the development of such technology; and

(2) incorporate procedures for the continuous legal review of—

Procedures.

(A) weapons and other defense systems that incorporate or use emerging technology; and

(B) treaties that may be affected by such technology.

(c) **BRIEFING REQUIRED.**—Not later than 30 days after the date on which the Secretary of Defense establishes the process required under subsection (a), the Secretary shall provide to the congressional defense committees a briefing on such process.

Deadline.

(d) **DEFINITIONS.**—In this section:

(1) The term “covered official” means the following:

(A) The Chairman of the Joint Chiefs of Staff.

(B) The Under Secretary of Defense for Research and Engineering.

(C) The Under Secretary of Defense for Acquisition and Sustainment.

(D) The Under Secretary of Defense for Policy.

(E) The commanders of combatant commands with responsibilities involving the use of weapons or other defense systems that incorporate or use emerging technology, as determined by the Secretary of Defense.

(F) The Secretaries of the military departments.

(2) The term “emerging technology” means technology determined to be in an emerging phase of development by the Secretary of Defense, including quantum computing, technology for the analysis of large and diverse sets of data (commonly known as “big data analytics”), artificial intelligence, autonomous technology, robotics, directed energy, hypersonics, biotechnology, and such other technology as may be identified by the Secretary.

SEC. 233. IMPROVEMENT OF THE STRATEGIC CAPABILITIES OFFICE OF THE DEPARTMENT OF DEFENSE. 10 USC 132 note.

(a) **ORGANIZATION.**—

(1) **AUTHORITY OF DEPUTY SECRETARY OF DEFENSE.**—The Deputy Secretary of Defense shall exercise authority and direction over the Strategic Capabilities Office of the Department of Defense (referred to in this section as the “Office”).

(2) **AUTHORITY OF DIRECTOR.**—The Director of the Office shall report directly to the Deputy Secretary of Defense.

(3) **DELEGATION.**—In exercising authority and direction over the Office under subsection (a), the Deputy Secretary of Defense may delegate administrative, management, and other duties

to the Director of the Defense Advanced Research Projects Agency, as needed, to effectively and efficiently execute the mission of the Office.

(b) CROSS-FUNCTIONAL TEAMS.—

Deadline.

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Deputy Secretary of Defense shall establish the following cross-functional teams to improve the effectiveness of the Office:

(A) A transition cross-functional team to improve the efficiency and effectiveness with which the programs of the Office may be transitioned into—

(i) research and development programs of the military services and other agencies of the Department of Defense; and

(ii) programs of such services and agencies in operational use.

(B) A technical cross functional team to improve the continuous technical assessment and review of the programs of the Office during program selection and execution.

(2) MEMBERSHIP.—The Deputy Secretary of Defense shall select individuals to serve on the cross-functional teams described in paragraph (1) from among individuals in the defense research and engineering enterprise, acquisition community, Joint Staff, combatant commands, and other organizations, as determined to be appropriate by the Deputy Secretary.

10 USC 2164
note.
Consultation.

SEC. 234. PILOT PROGRAM ON ENHANCED CIVICS EDUCATION.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Education, shall carry out a pilot program under which the Secretary provides enhanced educational support and funding to eligible entities to improve civics education programs taught by such entities.

(b) PURPOSE.—The purpose of the pilot program is to provide enhanced civics education on the following topics:

(1) Critical thinking and media literacy.

(2) Voting and other forms of political and civic engagement.

(3) Interest in employment, and careers, in public service.

(4) Understanding of United States law, history, and Government.

(5) The ability of participants to collaborate and compromise with others to solve problems.

(c) CONSIDERATIONS.—In carrying out the pilot program, the Secretary of Defense shall consider innovative approaches for improving civics education.

(d) METRICS AND EVALUATIONS.—The Secretary of Defense shall establish metrics and undertake evaluations to determine the effectiveness of the pilot program, including each of the activities carried out under subsection (e).

(e) TYPES OF SUPPORT AUTHORIZED.—Under the pilot program the Secretary of Defense—

(1) shall provide support to eligible entities to address, at a minimum—

(A) the development or modification of curricula relating to civics education;

(B) classroom activities, thesis projects, individual or team projects, internships, or community service activities relating to civics;

(C) collaboration with government entities, nonprofit organizations, or consortia of such entities and organizations to provide participants with civics-related experiences;

(D) civics-related faculty development programs;

(E) recruitment of educators who are highly qualified in civics education to teach civics or to assist with the development of curricula for civics education;

(F) presentation of seminars, workshops, and training for the development of skills associated with civic engagement;

(G) activities that enable participants to interact with government officials and entities;

(H) expansion of civics education programs and outreach for members of the Armed Forces, dependents and children of such members, and employees of the Department of Defense; and

(I) opportunities for participants to obtain work experience in fields relating to civics; and

(2) may provide any other form of support the Secretary determines to be appropriate to enhance the civics education taught by eligible entities.

(f) **REPORT.**—Not later than 180 days after the conclusion of the first full academic year during which the pilot program is carried out, the Secretary of Defense shall submit to the congressional defense committees a report that includes—

(1) a description of the pilot program, including the a description of the specific activities carried out under subsection (e); and

(2) the metrics and evaluations used to assess the effectiveness of the program as required under subsection (d).

(g) **DEFINITIONS.**—In this section:

(1) The term “civics education program” means an educational program that provides participants with—

(A) knowledge of law, government, and the rights of citizens; and

(B) skills that enable participants to responsibly participate in democracy.

(2) The term “eligible entity” means any of following:

(A) A local education agency that hosts a unit of the Junior Reserve Officers’ Training Corps.

(B) A school operated by the Department of Defense Education Activity.

SEC. 235. TECHNOLOGY AND NATIONAL SECURITY FELLOWSHIP.

(a) **FELLOWSHIP PROGRAM.**—

(1) **IN GENERAL.**—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, may establish a civilian fellowship program designed to place eligible individuals within the Department of Defense and Congress to increase the number of national security professionals with science, technology, engineering, and mathematics credentials employed by the Department.

(2) **DESIGNATION.**—The fellowship program established under paragraph (1) shall be known as the “Technology and

10 USC note
prec. 1580.

- National Security Fellowship” (in this section referred to as the “fellows program”).
- Time period. (3) ASSIGNMENTS.—Each individual selected for participation in the fellows program shall be assigned to a one year position within—
- (A) the Department of Defense; or
 - (B) a congressional office with emphasis on defense and national security matters.
- (4) PAY AND BENEFITS.—To the extent practicable, each individual assigned to a position under paragraph (3)—
- (A) shall be compensated at a rate of basic pay that is equivalent to the rate of basic pay payable for a position at level 10 of the General Schedule; and
 - (B) shall be treated as an employee of the United States during the assignment.
- (b) ELIGIBLE INDIVIDUALS.—
- (1) ELIGIBILITY FOR DOD ASSIGNMENT.—Subject to subsection (e), an individual eligible for an assignment in the Department of Defense under subsection (a)(3)(A) is an individual who—
- (A) is a citizen of the United States; and
 - (B) either—
 - (i) expects to be awarded a bachelor’s degree, associate’s degree, or graduate degree that, as determined by the Secretary, focuses on science, technology, engineering, or mathematics course work not later than 180 days after the date on which the individual submits an application for participation in the fellows program;
 - (ii) possesses a bachelor’s degree, associate’s degree, or graduate degree that, as determined by the Secretary, focuses on science, technology, engineering, or mathematics course work; or
 - (iii) is an employee of the Department of Defense and possesses a bachelor’s degree, associate’s degree, or graduate degree that, as determined by the Secretary, focuses on science, technology, engineering, or mathematics course work.
- (2) ELIGIBILITY FOR CONGRESSIONAL ASSIGNMENT.—Subject to subsection (e), an individual eligible for an assignment in a congressional office under subsection (a)(3)(B) is an individual who—
- (A) meets the requirements specified in paragraph (1); and
 - (B) has not less than 3 years of relevant work experience in the field of science, technology, engineering, or mathematics.
- (c) APPLICATION.—Each individual seeking to participate in the fellows program shall submit to the Secretary an application therefor at such time and in such manner as the Secretary shall specify.
- (d) COORDINATION.—In carrying out this section, the Secretary may consider working through the following entities:
- (1) The National Security Innovation Network.
 - (2) Universities.
 - (3) Science and technology reinvention laboratories and test and evaluation centers of the Department of Defense.
- Determinations.
Deadline.

(4) Other organizations of the Department of Defense or public and private sector organizations, as determined appropriate by the Secretary.

(e) **MODIFICATIONS TO FELLOWS PROGRAM.**—The Secretary may modify the terms and procedures of the fellows program in order to better achieve the goals of the program and to support workforce needs of the Department of Defense.

(f) **CONSULTATION.**—The Secretary may consult with the heads of the agencies, components, and other elements of the Department of Defense, Members and committees of Congress, and such institutions of higher education and private entities engaged in work on national security and emerging technologies as the Secretary considers appropriate for purposes of the fellows program, including with respect to assignments in the fellows program.

SEC. 236. DOCUMENTATION RELATING TO THE ADVANCED BATTLE MANAGEMENT SYSTEM.

(a) **DOCUMENTATION REQUIRED.**—Not later than the date specified in subsection (b), the Secretary of the Air Force shall submit to the congressional defense committees the following documentation relating to the Advanced Battle Management System:

Deadline.

(1) A list that identifies each program, project, and activity that contributes to the architecture of the Advanced Battle Management System.

List.

(2) The final analysis of alternatives for the Advanced Battle Management System.

Analysis.

(3) The requirements for the networked data architecture necessary for the Advanced Battle Management System to provide multidomain command and control and battle management capabilities and a development schedule for such architecture.

Requirements.

(b) **DATE SPECIFIED.**—The date specified in this subsection is the earlier of—

(1) the date that is 180 days after the date on which the final analysis of alternatives for the Advanced Battle Management System is completed; or

(2) June 1, 2020.

(c) **ADVANCED BATTLE MANAGEMENT SYSTEM DEFINED.**—In this section, the term “Advanced Battle Management System” means the Advanced Battle Management System of Systems capability of the Air Force, including each program, project, and activity that contributes to such capability.

SEC. 237. SENSOR DATA INTEGRATION FOR FIFTH GENERATION AIRCRAFT.

(a) **F–35 SENSOR DATA.**—The Secretary of Defense shall ensure that—

(1) information collected by the passive and active on-board sensors of the F–35 Joint Strike Fighter aircraft is capable of being shared, in real time, with joint service users in cases in which the Joint Force Commander determines that sharing such information would be operationally advantageous; and

(2) the Secretary has developed achievable, effective, and suitable concepts and supporting technical architectures to collect, store, manage, and disseminate information collected by such sensors.

(b) **GAO STUDY AND REPORT.**—

- (1) **STUDY.**—The Comptroller General of the United States shall conduct a study of the sensor data collection and dissemination capability of fifth generation aircraft of the Department of Defense.
- Assessments. (2) **ELEMENTS.**—The study required by paragraph (1) shall include an assessment of the following—
- (A) the extent to which the Department has established doctrinal, organizational, or technological methods of managing the large amount of sensor data that is currently collected and which may be collected by existing and planned advanced fifth generation aircraft;
 - (B) the status of the existing sensor data collection, storage, dissemination, and management capability and capacity of fifth generation aircraft, including the F–35, the F–22, and the B–21; and
 - (C) the ability of the F–35 aircraft and other fifth generation aircraft to share information collected by the aircraft in real-time with other joint service users as described in subsection (a)(1).
- Deadline. (3) **STUDY RESULTS.**—
- (A) **INTERIM BRIEFING.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall provide to the congressional defense committees a briefing on the preliminary findings of the study conducted under this subsection.
 - (B) **FINAL RESULTS.**—The Comptroller General shall provide the final results of the study conducted under this subsection to the congressional defense committees at such time and in such format as is mutually agreed upon by the committees and the Comptroller General at the time of the briefing under subparagraph (A).
- SEC. 238. SENSE OF CONGRESS ON FUTURE VERTICAL LIFT TECHNOLOGIES.**
- It is the sense of Congress that the Army should continue to invest in research, development, test, and evaluation programs to mature future vertical lift technologies, including programs to improve pilot situational awareness, increase flight operations safety, and reduce operation and maintenance costs.
- SEC. 239. USE OF FUNDS FOR STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM, ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM, AND OPERATIONAL ENERGY CAPABILITY IMPROVEMENT.**
- Of the funds authorized to be appropriated for fiscal year 2020 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4201 for the Strategic Environmental Research Program, Operational Energy Capability Improvement, and the Environmental Security Technical Certification Program, the Secretary of Defense shall, acting through the Under Secretary of Defense for Acquisition and Sustainment, expend amounts as follows:
- (1) Not less than \$10,000,000 on the development and demonstration of long duration on-site energy battery storage for distributed energy assets.
 - (2) Not less than \$10,000,000 on the development, demonstration, and validation of non-fluorine based firefighting foams.

(3) Not less than \$10,000,000 on the development, demonstration, and validation of secure microgrids for both installations and forward operating bases.

(4) Not less than \$1,000,000 on the development, demonstration, and validation of technologies that can harvest potable water from air.

SEC. 240. LIMITATION AND REPORT ON INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2 CAPABILITY.

(a) **LIMITATION AND REPORT ON INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2.**—Not more than 50 percent of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Army may be obligated or expended for research, development, test, and evaluation for the Indirect Fire Protection Capability Increment 2 capability until the Secretary of the Army submits to the congressional defense committees a report on the Indirect Fire Protection Capability Increment 2 program that contains the following:

(1) An assessment of whether the requirements previously established for the enduring program meet the anticipated threat at the time of planned initial operating capability and fully operating capability.

(2) A list of candidate systems considered to meet the Indirect Fire Protection Capability Increment 2 enduring requirement, including those fielded or in development by the Army and other elements of the Department of Defense.

(3) An assessment of each candidate system's capability against representative threats.

(4) An assessment of other relevant specifications of each candidate system, including cost of development, cost per round if applicable, technological maturity, and logistics and sustainment.

(5) A plan for how the Army will integrate the chosen system or systems into the Integrated Air and Missile Defense Battle Command System.

(6) An assessment of the results of the performance, test, evaluation, integration, and interoperability of batteries one and two of the interim solution.

(b) **NOTIFICATION REQUIRED.**—Not later than 10 days after the date on which the President submits the annual budget request of the President for fiscal year 2021 pursuant to section 1105 of title 31, United States Code, the Secretary of the Defense shall, without delegation, submit to the congressional defense committees a notification identifying the military services or agencies that will be responsible for the conduct of air and missile defense in support of joint campaigns as it applies to defense against current and emerging missile threats. The notification shall identify the applicable programs of record to address such threats, including each class of cruise missile threat.

Subtitle C—Plans, Reports, and Other Matters

SEC. 251. MASTER PLAN FOR IMPLEMENTATION OF AUTHORITIES RELATING TO SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.

Consultation.

(a) **PLAN REQUIRED.**—The Secretary of Defense, jointly with the Secretaries of the military departments and in consultation with the Under Secretary of Defense for Research and Engineering, shall develop a master plan for using existing authorities to strengthen and modernize the workforce and capabilities of the science and technology reinvention laboratories of the Department of Defense (referred to in this section as the “laboratories”) to enhance the ability of the laboratories to execute missions in the most efficient and effective manner.

Summaries.

(b) **ELEMENTS.**—The master plan required under subsection (a) shall include, with respect to the laboratories, the following:

(1) A summary of hiring and staffing deficiencies at laboratories, by location, and the effect of such deficiencies on the ability of the laboratories—

(A) to meet existing and future requirements of the Department of Defense; and

(B) to recruit and retain qualified personnel.

(2) A summary of existing and emerging military research, development, test, and evaluation mission areas requiring the use of the laboratories.

(3) An explanation of the laboratory staffing capabilities required for each mission area identified under paragraph (2).

(4) Identification of specific projects, including hiring efforts and management reforms, that will be carried out—

(A) to address the deficiencies identified in paragraph (1); and

(B) to support the existing and emerging mission areas identified in paragraph (2).

(5) For each project identified under paragraph (4)—

(A) a summary of the plan for the project;

(B) a description of the resources that will be applied to the project; and

(C) a schedule of required investments that will be made as part of the project.

(6) A description of how the Department, including each military department concerned, will carry out the projects identified in paragraph (4) using existing authorities.

(7) Identification of any statutory, regulatory, or management-related barriers to implementing the master plan and a description of policy and legislative options that may be applied to address such barriers.

(c) **CONSULTATION.**—In developing the master plan required under subsection (a), the Secretary of Defense, the Secretaries of the military departments, and the Under Secretary of Defense for Research and Engineering shall consult with—

(1) the Service Acquisition Executives with responsibilities relevant to the laboratories;

(2) the commander of each military command with responsibilities relating to research and engineering that is affected by the master plan; and

(3) any other officials determined to be relevant by the Secretary of Defense, the Secretaries of the military departments, and the Under Secretary of Defense for Research and Engineering.

(d) **FINAL REPORT.**—Not later than October 30, 2020, the Secretary of Defense, jointly with the Secretaries of the military departments and in consultation with the Under Secretary of Defense for Research and Engineering, shall submit to the congressional defense committees—

Consultation.

(1) the master plan developed under subsection (a);

(2) a report on the activities carried out under this section;

and

(3) a report that identifies any barriers that prevent the full use and implementation of existing authorities, including any barriers presented by the policies, authorities, and activities of—

(A) organizations and elements of the Department of Defense; and

(B) organizations outside the Department.

SEC. 252. INFRASTRUCTURE TO SUPPORT RESEARCH, DEVELOPMENT, TEST, AND EVALUATION MISSIONS.

10 USC 2358
note.

(a) **MASTER PLAN REQUIRED.**—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering and in coordination with the Secretaries of the military departments, shall develop and implement a master plan that addresses the research, development, test, and evaluation infrastructure and modernization requirements of the Department of Defense, including the science and technology reinvention laboratories and the facilities of the Major Range and Test Facility Base.

Coordination.

(b) **ELEMENTS.**—The master plan required under subsection (a) shall include, with respect to the research, development, test, and evaluation infrastructure of the Department of Defense, the following:

Summaries.

(1) A summary of deficiencies in the infrastructure, by location, and the effect of the deficiencies on the ability of the Department—

(A) to meet current and future military requirements identified in the National Defense Strategy;

(B) to support science and technology development and acquisition programs; and

(C) to recruit and train qualified personnel.

(2) A summary of existing and emerging military research, development, test, and evaluation mission areas, by location, that require modernization investments in the infrastructure—

(A) to improve operations in a manner that may benefit all users;

(B) to enhance the overall capabilities of the research, development, test, and evaluation infrastructure, including facilities and resources;

(C) to improve safety for personnel and facilities; and

(D) to reduce the long-term cost of operation and maintenance.

(3) Identification of specific infrastructure projects that are required to address the infrastructure deficiencies identified under paragraph (1) or to support the existing and emerging mission areas identified under paragraph (2).

Cost estimate.

(4) For each project identified under paragraph (3)—

(A) a description of the scope of work;

(B) a cost estimate;

(C) a summary of the plan for the project;

(D) an explanation of the level of priority that will be given to the project; and

(E) a schedule of required infrastructure investments.

(5) A description of how the Department, including each military department concerned, will carry out the infrastructure projects identified in paragraph (3) using the range of authorities and methods available to the Department, including—

(A) military construction authority under section 2802 of title 10, United States Code;

(B) unspecified minor military construction authority under section 2805(a) of such title;

(C) laboratory revitalization authority under section 2805(d) of such title;

(D) the authority to carry out facility repair projects, including the conversion of existing facilities, under section 2811 of such title;

(E) the authority provided under the Defense Laboratory Modernization Pilot Program under section 2803 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2358 note);

(F) methods that leverage funding from entities outside the Department, including public-private partnerships, enhanced use leases and real property exchanges;

(G) the authority to conduct commercial test and evaluation activities at a Major Range and Test Facility Installation, under section 2681 of title 10, United States Code; and

(H) any other authorities and methods determined to be appropriate by the Secretary of Defense.

(6) Identification of any regulatory or policy barriers to the effective and efficient implementation of the master plan.

(c) CONSULTATION AND COORDINATION.—In developing and implementing the plan required under subsection (a), the Secretary of Defense shall—

(1) consult with existing and anticipated customers and users of the capabilities of the Major Range and Test Facility Base and science and technology reinvention laboratories;

(2) ensure consistency with the science and technology roadmaps and strategies of the Department of Defense and the Armed Forces; and

(3) ensure consistency with the strategic plan for test and evaluation resources required by section 196(d) of title 10, United States Code.

Deadline.

(d) SUBMITTAL TO CONGRESS.—Not later than January 1, 2021, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall submit to the congressional defense committees the master plan developed under subsection (a).

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION INFRASTRUCTURE DEFINED.—In this section, the term “research, development, test, and evaluation infrastructure” means the infrastructure of—

(1) the science and technology reinvention laboratories (as designated under section 1105 of the National Defense

Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note));

(2) the Major Range and Test Facility Base (as defined in section 2358a(f)(3) of title 10, United States Code); and

(3) other facilities that support the research development, test, and evaluation activities of the Department.

SEC. 253. ENERGETICS PLAN.

(a) **PLAN REQUIRED.**—The Under Secretary of Defense for Research and Engineering shall, in coordination with the technical directors at defense laboratories and such other officials as the Under Secretary considers appropriate, develop an energetics research and development plan to ensure a long-term multi-domain research, development, prototyping, and experimentation effort that—

(1) maintains United States technological superiority in energetics technology critical to national security;

(2) efficiently develops new energetics technologies and transitions them into operational use, as appropriate; and

(3) maintains a robust industrial base and workforce to support Department of Defense requirements for energetic materials.

(b) **BRIEFING.**—Not later than one year after the date of the enactment of this Act, the Under Secretary shall brief the congressional defense committees on the plan developed under subsection (a).

SEC. 254. STRATEGY AND IMPLEMENTATION PLAN FOR FIFTH GENERATION INFORMATION AND COMMUNICATIONS TECHNOLOGIES.

(a) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall develop—

(1) a strategy for harnessing fifth generation (commonly known as “5G”) information and communications technologies to enhance military capabilities, maintain a technological advantage on the battlefield, and accelerate the deployment of new commercial products and services enabled by 5G networks throughout the Department of Defense; and

(2) a plan for implementing the strategy developed under paragraph (1).

(b) **ELEMENTS.**—The strategy required under subsection (a) shall include the following elements:

(1) Adoption and use of secure fourth generation (commonly known as “4G”) communications technologies and the transition to advanced and secure 5G communications technologies for military applications and for military infrastructure.

(2) Science, technology, research, and development efforts to facilitate the advancement and adoption of 5G technology and new uses of 5G systems, subsystems, and components, including—

(A) 5G testbeds for developing military and dual-use applications; and

(B) spectrum-sharing technologies and frameworks.

(3) Strengthening engagement and outreach with industry, academia, international partners, and other departments and agencies of the Federal Government on issues relating to 5G technology and the deployment of such technology, including

development of a common industrial base for secure microelectronics.

(4) Defense industrial base supply chain risk, management, and opportunities.

(5) Preserving the ability of the Joint Force to achieve objectives in a contested and congested spectrum environment.

(6) Strengthening the ability of the Joint Force to conduct full spectrum operations that enhance the military advantages of the United States.

(7) Securing the information technology and weapon systems of the Department against malicious activity.

(8) Advancing the deployment of secure 5G networks nationwide.

(9) Such other matters as the Secretary of Defense determines to be relevant.

(c) CONSULTATION.—In developing the strategy and implementation plan required under subsection (a), the Secretary of Defense shall consult with the following:

(1) The Chief Information Officer of the Department of Defense.

(2) The Under Secretary of Defense for Research and Engineering.

(3) The Under Secretary of Defense for Acquisition and Sustainment.

(4) The Under Secretary of Defense for Intelligence.

(5) Service Acquisition Executives of each military service.

(d) PERIODIC BRIEFINGS.—

(1) IN GENERAL.—Not later than March 15, 2020, and not less frequently than once every three months thereafter through March 15, 2022, the Secretary of Defense shall provide to the congressional defense committees a briefing on the development and implementation of the strategy required under subsection (a), including an explanation of how the Department of Defense—

(A) is using secure 5G wireless network technology;

(B) is reshaping the Department’s policy for producing and procuring secure microelectronics; and

(C) is working in the interagency and internationally to develop common policies and approaches.

(2) ELEMENTS.—Each briefing under paragraph (1) shall include information on—

(A) efforts to ensure a secure supply chain for 5G wireless network equipment and microelectronics;

(B) the continued availability of electromagnetic spectrum for warfighting needs;

(C) planned implementation of 5G wireless network infrastructure in warfighting networks, base infrastructure, defense-related manufacturing, and logistics;

(D) steps taken to work with allied and partner countries to protect critical networks and supply chains; and

(E) such other topics as the Secretary of Defense considers relevant.

10 USC 2223a
note.

SEC. 255. DEPARTMENT-WIDE SOFTWARE SCIENCE AND TECHNOLOGY STRATEGY.

Deadline.
Consultation.

(a) DESIGNATION OF SENIOR OFFICIAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense,

acting through the Under Secretary of Defense for Research and Engineering and in consultation with the Under Secretary of Defense for Acquisition and Sustainment and appropriate public and private sector organizations, shall designate a single official or existing entity within the Department of Defense as the official or entity (as the case may be) with principal responsibility for guiding the development of science and technology activities related to next generation software and software reliant systems for the Department, including—

(1) research and development activities on new technologies for the creation of highly secure, scalable, reliable, time-sensitive, and mission-critical software;

(2) research and development activities on new approaches and tools to software development and deployment, testing, integration, and next generation software management tools to support the rapid insertion of such software into defense systems;

(3) foundational scientific research activities to support advances in software;

(4) technical workforce and infrastructure to support defense science and technology and software needs and mission requirements;

(5) providing capabilities, including technologies, systems, and technical expertise to support improved acquisition of software reliant business and warfighting systems; and

(6) providing capabilities, including technologies, systems, and technical expertise to support defense operational missions which are reliant on software.

(b) DEVELOPMENT OF STRATEGY.—The official or entity designated under subsection (a) shall develop a Department-wide strategy for the research and development of next generation software and software reliant systems for the Department of Defense, including strategies for—

(1) types of software-related activities within the science and technology portfolio of the Department;

(2) investment in new approaches to software development and deployment, and next generation management tools;

(3) ongoing research and other support of academic, commercial, and development community efforts to innovate the software development, engineering, and testing process, automated testing, assurance and certification for safety and mission critical systems, large scale deployment, and sustainment;

(4) to the extent practicable, implementing or continuing the implementation of the recommendations set forth in—

(A) the final report of the Defense Innovation Board submitted to the congressional defense committees under section 872 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1497);

(B) the final report of the Defense Science Board Task Force on the Design and Acquisition of Software for Defense Systems described in section 868 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2223 note); and

(C) other relevant studies on software research, development, and acquisition activities of the Department of Defense.

(5) supporting the acquisition, technology development, testing, assurance, and certification and operational needs of the Department through the development of capabilities, including personnel and research and production infrastructure, and programs in—

(A) the science and technology reinvention laboratories (as designated under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note));

(B) the facilities of the Major Range and Test Facility Base (as defined in section 2358a(f)(3) of title 10, United States Code);

(C) the Defense Advanced Research Projects Agency; and

(D) universities, federally funded research and development centers, and service organizations with activities in software engineering; and

(6) the transition of relevant capabilities and technologies to relevant programs of the Department, including software-reliant cyber-physical systems, tactical systems, enterprise systems, and business systems.

Deadline.

(c) **SUBMITTAL TO CONGRESS.**—Not later than one year after the date of the enactment of this Act, the official or entity designated under subsection (a) shall submit to the congressional defense committees the strategy developed under subsection (b).

SEC. 256. ARTIFICIAL INTELLIGENCE EDUCATION STRATEGY.

(a) **STRATEGY REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall develop a strategy for educating servicemembers in relevant occupational fields on matters relating to artificial intelligence.

(2) **ELEMENTS.**—The strategy developed under subsection (a) shall include a curriculum designed to give servicemembers a basic knowledge of artificial intelligence. The curriculum shall include instruction in—

(A) artificial intelligence design;

(B) software coding;

(C) potential military applications for artificial intelligence;

(D) the impact of artificial intelligence on military strategy and doctrine;

(E) artificial intelligence decisionmaking via machine learning and neural networks;

(F) ethical issues relating to artificial intelligence;

(G) the potential biases of artificial intelligence;

(H) potential weakness in artificial intelligence technology;

(I) opportunities and risks; and

(J) any other matters the Secretary of Defense determines to be relevant.

(b) **IMPLEMENTATION PLAN.**—The Secretary of Defense shall develop a plan for implementing the strategy developed under subsection (a).

Deadline.

(c) **SUBMITTAL TO CONGRESS.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees—

(1) the strategy developed under subsection (a); and

- (2) the implementation plan developed under subsection (b).

SEC. 257. CYBER SCIENCE AND TECHNOLOGY ACTIVITIES ROADMAP AND REPORTS.

(a) ROADMAP FOR SCIENCE AND TECHNOLOGY ACTIVITIES TO SUPPORT DEVELOPMENT OF CYBER CAPABILITIES.—

(1) ROADMAP REQUIRED.—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall develop a roadmap for science and technology activities of the Department of Defense to support development of cyber capabilities to meet Department needs and missions.

(2) GOAL OF CONSISTENCY.—The Secretary shall develop the roadmap required by paragraph (1) to ensure consistency with appropriate Federal interagency, industry, and academic activities.

(3) SCOPE.—The roadmap required by paragraph (1) shall—

(A) cover the development of capabilities that will likely see operational use within the next 25 years or earlier; and

(B) address cyber operations and cybersecurity.

(4) CONSULTATION.—The Secretary shall develop the roadmap required by paragraph (1) in consultation with the following:

(A) The Chief Information Officer of the Department.

(B) The secretaries and chiefs of the military departments.

(C) The Director of Operational Test and Evaluation.

(D) The Commander of the United States Cyber Command.

(E) The Director of the National Security Agency.

(F) The Director of the Defense Information Systems Agency.

(G) The Director of the Defense Advanced Research Projects Agency.

(H) The Director of the Defense Digital Service.

(I) Such interagency partners as the Secretary considers appropriate.

(5) FORM.—The Secretary shall develop the roadmap required by paragraph (1) in unclassified form, but may include a classified annex.

(6) PUBLICATION.—The Secretary shall make available to the public the unclassified form of the roadmap developed pursuant to paragraph (1).

Public
information.

(b) ANNUAL REPORT ON CYBER SCIENCE AND TECHNOLOGY ACTIVITIES.—

(1) ANNUAL REPORTS REQUIRED.—In fiscal years 2021, 2022, and 2023, the Under Secretary of Defense for Research and Engineering shall submit to the congressional defense committees a report on the science and technology activities within the Department of Defense relating to cyber matters during the previous fiscal year, the current fiscal year, and the following fiscal year.

(2) CONTENTS.—Each report submitted pursuant to paragraph (1) shall include, for the period covered by the report, a description and listing of the science and technology activities

of the Department relating to cyber matters, including the following:

- List.
- (A) Extramural science and technology activities.
 - (B) Intramural science and technology activities.
 - (C) Major and minor military construction activities.
 - (D) Major prototyping and demonstration programs.
 - (E) A list of agreements and activities to transition capabilities to acquisition activities, including—
 - (i) national security systems;
 - (ii) business systems; and
 - (iii) enterprise and network systems.
 - (F) Efforts to enhance the national technical cybersecurity workforce, including specific programs to support education, training, internships, and hiring.
 - (G) Efforts to perform cooperative activities with international partners.
 - (H) Efforts under the Small Business Innovation Research and the Small Business Technology Transfer Program, including estimated amounts to be expected in the following fiscal year.
 - (I) Efforts to encourage partnerships between the Department of Defense and universities participating in the National Centers of Academic Excellence in Cyber Operations and Cyber Defense.
- (3) **TIMING.**—Each report submitted pursuant to paragraph (1) shall be submitted concurrently with the annual budget request of the President submitted pursuant to section 1105 of title 31, United States Code.
- (4) **FORM.**—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 258. REPORT ON B-52 COMMERCIAL ENGINE REPLACEMENT PROGRAM.

- Strategies.
- (a) **DOCUMENTATION REQUIRED.**—The Secretary of the Air Force shall submit to the congressional defense committees a report on the B-52 commercial engine replacement program of the Air Force.
- (b) **CONTENTS.**—The report submitted under subsection (a) shall include the following:
- (1) The acquisition strategy of the Secretary for the program.
 - Estimates.
 - (2) The cost and schedule estimates of the Secretary for the program.
 - (3) The key performance parameters or equivalent requirements document for the program.
 - (4) The test and evaluation strategy of the Secretary for the program.
 - (5) The logistics strategy of the Secretary for the program.
 - (6) The post-production fielding strategy of the Secretary for the program.
 - Assessment.
 - (7) An assessment of the potential for the commercial engine replacement to achieve nuclear system certification.
- (c) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Air Force, not more than 75 percent may be obligated or expended until the date on which the Secretary of the Air Force

submits to the congressional defense committees the report required by subsection (a).

SEC. 259. COMMERCIAL EDGE COMPUTING TECHNOLOGIES AND BEST PRACTICES FOR DEPARTMENT OF DEFENSE WARFIGHTING SYSTEMS.

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report on commercial edge computing technologies and best practices for Department of Defense warfighting systems.

(b) **CONTENTS.**—The report submitted under subsection (a) shall include the following: Plans.

(1) Identification of initial warfighting system programs of record that will benefit most from accelerated insertion of commercial edge computing technologies and best practices, resulting in significant near-term improvement in system performance and mission capability.

(2) The plan of the Department of Defense to provide additional funding for the systems identified in paragraph (1) to achieve fielding of accelerated commercial edge computing technologies before or during fiscal year 2021.

(3) The plan of the Department to identify, manage, and provide additional funding for commercial edge computing technologies more broadly over the next four fiscal years where appropriate for—

(A) command, control, communications, and intelligence systems;

(B) logistics systems; and

(C) other mission-critical systems.

(4) A detailed description of the policies, procedures, budgets, and accelerated acquisition and contracting mechanisms of the Department for near-term insertion of commercial edge computing technologies and best practices into military mission-critical systems.

SEC. 260. BIENNIAL REPORT ON THE JOINT ARTIFICIAL INTELLIGENCE CENTER.

(a) **REPORTS REQUIRED.**—Not later than 180 days after the date of the enactment of this Act and biennially thereafter through the end of 2023, the Secretary of Defense shall submit to the congressional defense committees a report on the Joint Artificial Intelligence Center (referred to in this section as the “Center”).

(b) **ELEMENTS.**—Each report under subsection (a) shall include the following:

(1) Information relating to the mission and objectives of the Center.

(2) A description of the National Mission Initiatives, Component Mission Initiatives, and any other initiatives of the Center, including a description of—

(A) the activities carried out under the initiatives;

(B) any investments made or contracts entered into under the initiatives; and

(C) the progress of the initiatives.

(3) A description of how the Center has sought to leverage lessons learned, share best practices, avoid duplication of

efforts, and transition artificial intelligence research efforts into operational capabilities by—

(A) collaborating with other organizations and elements of the Department of Defense, including the Defense Agencies and the military departments; and

(B) deconflicting the activities of the Center with the activities of other organizations and elements of the Department.

(4) A description of any collaboration between—

(A) the Center and the private sector, national laboratories, and academia; and

(B) the Center and international allies and partners.

(5) The total number of military, contractor, and civilian personnel who are employed by the Center, assigned to the Center, and performing functions in support of the Center.

(6) A description of the organizational structure and staffing of the Center.

(7) A detailed description of the frameworks, metrics, and capabilities established to measure the effectiveness of the Center and the Center's investments in the National Mission Initiatives and Component Mission Initiatives.

(8) A description of any new policies, standards, or guidance relating to artificial intelligence that have been issued by the Chief Information Officer of the Department.

(9) Identification of any ethical guidelines applicable to the use of artificial intelligence by the Department.

(10) A description of any steps taken by the Center to protect systems that use artificial intelligence from any attempts to misrepresent or alter information used or provided by artificial intelligence.

(c) **JOINT ARTIFICIAL INTELLIGENCE CENTER DEFINED.**—In this section, the term “Joint Artificial Intelligence Center” means the Joint Artificial Intelligence Center of the Department of Defense established pursuant to section 238 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note).

SEC. 261. QUARTERLY UPDATES ON THE OPTIONALLY MANNED FIGHTING VEHICLE PROGRAM.

Effective date.
Time period.
Briefings.

(a) **IN GENERAL.**—Beginning not later than December 1, 2019, and on a quarterly basis thereafter through October 1, 2022, the Assistant Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the progress of the Optionally Manned Fighting Vehicle program of the Army.

(b) **ELEMENTS.**—Each briefing under subsection (a) shall include, with respect to the Optionally Manned Fighting Vehicle program, the following elements:

Overview.

(1) An overview of funding for the program, including identification of—

(A) any obligations and expenditures that have been made under the program; and

(B) any obligations and expenditures that are planned for the program.

Overview.
Assessment.

(2) An overview of the program schedule.

(3) An assessment of the status of the program with respect to—

- (A) the development and approval of technical requirements;
- (B) technological maturity;
- (C) testing;
- (D) delivery; and
- (E) program management.

(4) Any other matters that the Assistant Secretary considers relevant to a full understanding of the status and plans of the program.

(c) **ASSISTANT SECRETARY DEFINED.**—In this section, the term “Assistant Secretary” means the Assistant Secretary of the Army for Acquisition, Logistics, and Technology (or the designee of the Assistant Secretary), in consultation with the Commander of the Army Futures Command (or the designee of the Commander).

SEC. 262. NATIONAL STUDY ON DEFENSE RESEARCH AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY INSTITUTIONS.

10 USC 2362
note.

(a) **STUDY REQUIRED.**—The Secretary of Defense shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the “National Academies”) under which the National Academies will conduct a study on the status of defense research at covered institutions and the methods and means necessary to advance research capacity at covered institutions to comprehensively address the national security and defense needs of the United States.

(b) **DESIGNATION.**—The study conducted under subsection (a) shall be known as the “National Study on Defense Research At Historically Black Colleges and Universities and Other Minority Institutions”.

(c) **ELEMENTS.**—The study conducted under subsection (a) shall include an examination of each of the following:

(1) The degree to which covered institutions are successful in competing for and executing Department of Defense contracts and grants for defense research.

(2) Best practices for advancing the capacity of covered institutions to compete for and conduct research programs related to national security and defense.

(3) The advancements and investments necessary to elevate covered institutions to R2 status or R1 status on the Carnegie Classification of Institutions of Higher Education, consistent with the criteria of the classification system.

(4) The facilities and infrastructure for defense-related research at covered institutions as compared to the facilities and infrastructure at institutions classified as R1 status on the Carnegie Classification of Institutions of Higher Education.

(5) Incentives to attract, recruit, and retain leading research faculty to covered institutions.

(6) Best practices of institutions classified as R1 status on the Carnegie Classification of Institutions of Higher Education, including best practices with respect to—

- (A) the establishment of a distinct legal entity to—
 - (i) enter into contracts or receive grants from the Department;
 - (ii) lay the groundwork for future research opportunities;
 - (iii) develop research proposals;

(iv) engage with defense research funding organizations; and

(v) execute the administration of grants; and

(B) determining the type of legal entity, if any, to establish for the purposes described in subparagraph (A).

(7) The ability of covered institutions to develop, protect, and commercialize intellectual property created through defense-related research.

(8) The total amount of defense research funding awarded to all institutions of higher education, including covered institutions, through contracts and grants for each of fiscal years 2010 through 2019 and, with respect to each such institution—

(A) whether the institution established a distinct legal entity to enter into contracts or receive grants from the Department and, if so, the type of legal entity that was established;

(B) the total value of contracts and grants awarded to the institution of higher education for each of fiscal years 2010 through 2019;

(C) the overhead rate of the institution of higher education for fiscal year 2019;

(D) the institution's classification on the Carnegie Classification of Institutions of Higher Education; and

(E) whether the institution qualifies as a covered institution.

Recommendations.

(9) Recommendations for strengthening and enhancing the programs executed under section 2362 of title 10, United States Code.

Recommendations.

(10) Recommendations to enhance the capacity of covered institutions to transition research products into defense acquisition programs or commercialization.

(11) Previous executive or legislative actions by the Federal Government to address imbalances in Federal research funding, including such programs as the Defense Established Program to Stimulate Competitive Research (commonly known as "DEPSCoR").

(12) The effectiveness of the Department in attracting and retaining students specializing in science, technology, engineering, and mathematics fields from covered institutions for the Department's programs on emerging capabilities and technologies.

Recommendations.

(13) Recommendations for the development of incentives to encourage research and educational collaborations between covered institutions and other institutions of higher education.

(14) Any other matters the Secretary of Defense determines to be relevant to advancing the defense research capacity of covered institutions.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the President and the appropriate congressional committees an initial report that includes—

(A) the findings of the study conducted under subsection (a); and

Recommendations.

(B) any recommendations that the National Academies may have for action by the executive branch and Congress to improve the participation of covered institutions in

Department of Defense research and any actions that may be carried out to expand the research capacity of such institutions.

(2) FINAL REPORT.—Not later than December 31, 2021, the Secretary of Defense shall submit to the President and the appropriate congressional committees a comprehensive report on the results of the study required under subsection (a).

(3) FORM OF REPORTS.—Each report submitted under this subsection shall be made publicly available.

Public
information.

(e) IMPLEMENTATION REQUIRED.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than March 1, 2022, the Secretary of Defense shall commence implementation of each recommendation included in the final report submitted under subsection (d)(2).

Deadline.

(2) EXCEPTIONS.—

(A) DELAYED IMPLEMENTATION.—The Secretary of Defense may commence implementation of a recommendation described paragraph (1) later than March 1, 2022, if—

(i) the Secretary submits to the congressional defense committees written notice of the intent of the Secretary to delay implementation of the recommendation; and

Notice.

(ii) includes, as part of such notice, a specific justification for the delay in implementing the recommendation.

(B) NONIMPLEMENTATION.—The Secretary of Defense may elect not to implement a recommendation described in paragraph (1), if—

(i) the Secretary submits to the congressional defense committees written notice of the intent of the Secretary not to implement the recommendation; and

Notice.

(ii) includes, as part of such notice—

(I) the reasons for the Secretary's decision not to implement the recommendation; and

(II) a summary of alternative actions the Secretary will carry out to address the purposes underlying the recommendation.

Summary.

(3) IMPLEMENTATION PLAN.—For each recommendation that the Secretary implements under this subsection, the Secretary shall submit to the congressional defense committees an implementation plan that includes—

(A) a summary of actions that have been, or will be, carried out to implement the recommendation; and

Summary.

(B) a schedule, with specific milestones, for completing the implementation of the recommendation.

(f) LIST OF COVERED INSTITUTIONS.—The Secretary of Defense, in consultation with the Secretary of Education and the Presidents of the National Academies, shall make available a list identifying each covered institution examined as part of the study under subsection (a). The list shall be made available on a publicly accessible website and shall be updated not less frequently than once annually until the date on which the final report is submitted under subsection (d)(2).

Consultation.
Public
information.
Web posting.

(g) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

- (A) the congressional defense committees;
- (B) the Committee on Health, Education, Labor, and Pensions of the Senate; and
- (C) the Committee on Education and Labor of the House of Representatives.

(2) The term “covered institution” means—

(A) a part B institution (as that term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)); or

(B) any other institution of higher education (as that term is defined in section 101 of such Act (20 U.S.C. 1001)) at which not less than 50 percent of the total student enrollment consists of students from ethnic groups that are underrepresented in the fields of science and engineering.

SEC. 263. STUDY ON NATIONAL SECURITY EMERGING BIOTECHNOLOGIES FOR THE DEPARTMENT OF DEFENSE.

(a) STUDY REQUIRED.—

Deadline.

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall direct the Defense Science Board to carry out a study on emerging biotechnologies pertinent to national security.

(2) PARTICIPATION.—Participants in the study shall include the following:

(A) Such members of the Board as the Chairman of the Board considers appropriate for the study.

(B) Such additional temporary members or contracted support as the Secretary—

(i) selects from those recommended by the Chairman for purposes of the study; and

(ii) considers to have significant technical, policy, or military expertise.

Assessments.

(3) ELEMENTS.—The study conducted pursuant to paragraph (1) shall include the following:

Reviews.

(A) A review of the military understanding and relevancy of applications of emerging biotechnologies to national security requirements of the Department of Defense, including—

(i) a review of all research and development relating to emerging biotechnologies within the Department of Defense, including areas that demand further priority and investment;

(ii) a review of interagency cooperation and collaboration on research and development relating to emerging biotechnologies between—

(I) the Department;

(II) other departments and agencies in the Federal Government; and

(III) appropriate private sector entities that are involved in research and development relating to emerging biotechnologies;

(iii) an assessment of current biotechnology research in the commercial sector, institutions of higher education, the intelligence community, and

civilian agencies of the Federal Government relevant to critical Department of Defense applications of this research;

(iv) an assessment of the potential national security risks of emerging biotechnologies, including risks relating to foreign powers advancing their use of emerging biotechnologies for military applications and other purposes faster than the Department; and

(v) an assessment of the knowledge base of the Department with respect to emerging biotechnologies, including scientific expertise and infrastructure in the Department and the capacity of the Department to integrate emerging biotechnologies into its operational concepts, capabilities, and forces.

(B) An assessment of the technical basis within the Department used to inform the intelligence community of the Department’s collection and analysis needs relating to emerging biotechnologies.

(C) Development of a recommendation on a definition of emerging biotechnologies, as appropriate for the Department.

Recommendations.

(D) Development of such recommendations as the Board may have for legislative or administrative action relating to national security emerging biotechnologies for the Department.

Recommendations.

(4) ACCESS TO INFORMATION.—The Secretary shall provide the Board with timely access to appropriate information, data, resources, and analysis so that the Board may conduct a thorough and independent analysis as required under this section.

(5) REPORT.—(A) Not later than one year after the date on which the Secretary directs the Board to conduct the study pursuant to paragraph (1), the Board shall transmit to the Secretary a final report on the study.

(B) Not later than 30 days after the date on which the Secretary receives the final report under subparagraph (A), the Secretary shall submit to the congressional defense committees such report and such comments as the Secretary considers appropriate.

(b) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide the congressional defense committees a briefing on potential national security risks of emerging biotechnologies, including risks relating to foreign powers advancing their use of emerging biotechnologies for military applications and other purposes faster than the Department.

Deadline.

SEC. 264. INDEPENDENT STUDY ON OPTIMIZING RESOURCES ALLOCATED TO COMBATING TERRORISM TECHNICAL SUPPORT OFFICE.

Reports.

(a) INDEPENDENT STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center under which the center will conduct a study on the optimal use of resources allocated to the Combating Terrorism Technical Support Office.

Deadline.
Contracts.

(b) ELEMENTS OF STUDY.—In carrying out the study referred to in subsection (a), the federally funded research and development

center with which the Secretary enters into a contract under such subsection shall—

Evaluation.

(1) evaluate the current mission and organization of the Combating Terrorism Technical Support Office and its relation to the objectives outlined in the National Defense Strategy;

Assessment.

(2) assess the extent to which the activities of the Combating Terrorism Technical Support Office are complementary to and coordinated with other relevant activities by other Department of Defense entities, including activities of the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment, United States Special Operations Command, and the military departments; and

(3) identify opportunities to improve the efficiency and effectiveness of the Combating Terrorism Technical Support Office, including through increased coordination, realignment, or consolidation with other entities of the Department of Defense, if appropriate.

(c) SUBMISSION TO DEPARTMENT OF DEFENSE.—Not later than 180 days after the date of the enactment of this Act, the federally funded research and development center that conducts the study under subsection (a) shall submit to the Secretary of Defense a report on the results of the study in both classified and unclassified form.

Records.

(d) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Secretary of Defense receives the report under subsection (c), the Secretary shall submit to the congressional defense committees an unaltered copy of the report in both classified and unclassified form, and such comments as the Secretary may have with respect to the report.

SEC. 265. INDEPENDENT ASSESSMENT OF ELECTRONIC WARFARE PLANS AND PROGRAMS.

Deadline.

(a) ASSESSMENT.—Not later than 120 days after the date of the enactment of this Act and pursuant to the arrangement entered into under section 222, the Secretary of Defense shall seek to engage the private scientific advisory group known as “JASON” to carry out an independent assessment of electronic warfare plans and programs.

Recommendations.

(b) ELEMENTS.—In carrying out the assessment under subsection (a), JASON shall—

(1) assess the strategies, programs, order of battle, and doctrine of the Department of Defense related to the electronic warfare mission area and electromagnetic spectrum operations;

(2) assess the strategies, programs, order of battle, and doctrine of potential adversaries, such as China, Iran, and the Russian Federation, related to the such mission area and operations;

(3) develop recommendations for improvements to the strategies, programs, and doctrine of the Department of Defense in order to enable the United States to achieve and maintain superiority in the electromagnetic spectrum in future conflicts; and

(4) develop recommendations for the Secretary of Defense, Congress, and such other Federal entities as JASON considers appropriate, including recommendations for—

(A) closing technical, policy, or resource gaps;

(B) improving cooperation and appropriate integration within the Department of Defense entities;

(C) improving cooperation between the United States and other countries and international organizations as appropriate; and

(D) such other important matters identified by JASON that are directly relevant to the strategies of the Department of Defense described in paragraph (3).

(c) LIAISONS.—The Secretary of Defense shall appoint appropriate liaisons to JASON to support the timely conduct of the services covered by this section.

(d) MATERIALS.—The Secretary of Defense shall provide access to JASON to materials relevant to the services covered by this section, consistent with the protection of sources and methods and other critically sensitive information.

(e) CLEARANCES.—The Secretary of Defense shall ensure that appropriate members and staff of JASON have the necessary clearances, obtained in an expedited manner, to conduct the services covered by this section.

(f) REPORT.—Not later than October 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the assessment carried out under subsection (a), including—

(1) the results of the assessment with respect to each element described in subsection (b);

(2) the recommendations developed by JASON pursuant to such subsection.

(g) RELATIONSHIP TO OTHER LAW.—The assessment required under subsection (a) is separate and independent from the assessment described in section 255 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1705) and shall be carried out without regard to any agreement entered into under that section or the results of any assessment conducted pursuant to such agreement.

SEC. 266. TECHNICAL CORRECTION TO GLOBAL RESEARCH WATCH PROGRAM.

Section 2365 of title 10, United States Code, is amended—

(1) in subsections (a) and (d)(2), by striking “Assistant Secretary of Defense for Research and Engineering” both places it appears and inserting “Under Secretary of Defense for Research and Engineering”;

(2) in subsections (d)(3) and (e), by striking “Assistant Secretary” both places it appears and inserting “Under Secretary of Defense for Research and Engineering”; and

(3) in subsection (d), by striking “Assistant Secretary” both places it appears and inserting “Under Secretary”.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

Sec. 311. Timeline for Clearinghouse review of applications for energy projects that may have an adverse impact on military operations and readiness.

- Sec. 312. Authority to accept contributions of funds from applicants for energy projects for mitigation of impacts on military operations and readiness.
- Sec. 313. Use of proceeds from sale of recyclable materials.
- Sec. 314. Disposal of recyclable materials.
- Sec. 315. Department of Defense improvement of previously conveyed utility systems serving military installations.
- Sec. 316. Modification of Department of Defense environmental restoration authorities to include Federal Government facilities used by National Guard.
- Sec. 317. Use of operational energy cost savings of Department of Defense.
- Sec. 318. Sale of electricity from alternate energy and cogeneration production facilities.
- Sec. 319. Energy resilience programs and activities.
- Sec. 320. Technical and grammatical corrections and repeal of obsolete provisions relating to energy.
- Sec. 321. Transfer authority for funding of study and assessment on health implications of per- and polyfluoroalkyl substances contamination in drinking water by Agency for Toxic Substances and Disease Registry.
- Sec. 322. Replacement of fluorinated aqueous film-forming foam with fluorine-free fire-fighting agent.
- Sec. 323. Prohibition of uncontrolled release of fluorinated aqueous film-forming foam at military installations.
- Sec. 324. Prohibition on use of fluorinated aqueous film forming foam for training exercises.
- Sec. 325. Real-time sound-monitoring at Navy installations where tactical fighter aircraft operate.
- Sec. 326. Development of extreme weather vulnerability and risk assessment tool.
- Sec. 327. Removal of barriers that discourage investments to increase military installation resilience.
- Sec. 328. Budgeting of Department of Defense relating to extreme weather.
- Sec. 329. Prohibition on Perfluoroalkyl Substances and Polyfluoroalkyl Substances in Meals Ready-to-Eat Food Packaging.
- Sec. 330. Disposal of materials containing per- and polyfluoroalkyl substances or aqueous film-forming foam.
- Sec. 331. Agreements to share monitoring data relating to perfluoroalkyl and polyfluoroalkyl substances and other contaminants of concern.
- Sec. 332. Cooperative agreements with States to address contamination by perfluoroalkyl and polyfluoroalkyl substances.
- Sec. 333. Plan to phase out use of burn pits.
- Sec. 334. Information relating to locations of burn pit use.
- Sec. 335. Data quality review of radium testing conducted at certain locations of the Department of the Navy.
- Sec. 336. Reimbursement of Environmental Protection Agency for certain costs in connection with the Twin Cities Army Ammunition Plant, Minnesota.
- Sec. 337. Pilot program for availability of working-capital funds for increased combat capability through energy optimization.
- Sec. 338. Report on efforts to reduce high energy intensity at military installations.
- Subtitle C—Treatment of Contaminated Water Near Military Installations
- Sec. 341. Short title.
- Sec. 342. Definitions.
- Sec. 343. Provision of water uncontaminated with perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) for agricultural purposes.
- Sec. 344. Acquisition of real property by Air Force.
- Sec. 345. Remediation plan.

Subtitle D—Logistics and Sustainment

- Sec. 351. Materiel readiness metrics and objectives.
- Sec. 352. Clarification of authority regarding use of working-capital funds for unspecified minor military construction projects related to revitalization and recapitalization of defense industrial base facilities.
- Sec. 353. Modification to limitation on length of overseas forward deployment of naval vessels.
- Sec. 354. Extension of temporary installation reutilization authority for arsenals, depots, and plants.
- Sec. 355. F–35 Joint Strike Fighter sustainment.
- Sec. 356. Report on strategic policy for prepositioned materiel and equipment.
- Sec. 357. Pilot program to train skilled technicians in critical shipbuilding skills.
- Sec. 358. Requirement for military department inter-service depot maintenance.
- Sec. 359. Strategy to improve infrastructure of certain depots of the Department of Defense.

Subtitle E—Reports

- Sec. 361. Readiness reporting.

- Sec. 362. Technical correction to deadline for transition to Defense Readiness Reporting System Strategic.
- Sec. 363. Report on Navy ship depot maintenance budget.
- Sec. 364. Report on Runit Dome.
- Sec. 365. Prohibition on subjective upgrades by commanders of unit ratings in monthly readiness reporting on military units.
- Sec. 366. Requirement to include foreign language proficiency in readiness reporting systems of Department of Defense.

Subtitle F—Other Matters

- Sec. 371. Prevention of encroachment on military training routes and military operations areas.
- Sec. 372. Expansion and enhancement of authorities on transfer and adoption of military animals.
- Sec. 373. Extension of authority for Secretary of Defense to use Department of Defense reimbursement rate for transportation services provided to certain non-Department of Defense entities.
- Sec. 374. Extension of authority of Secretary of Transportation to issue non-premium aviation insurance.
- Sec. 375. Defense personal property program.
- Sec. 376. Public events about Red Hill Bulk Fuel Storage Facility.
- Sec. 377. Sense of Congress regarding Innovative Readiness Training program.
- Sec. 378. Detonation chambers for explosive ordnance disposal.

Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment

SEC. 311. TIMELINE FOR CLEARINGHOUSE REVIEW OF APPLICATIONS FOR ENERGY PROJECTS THAT MAY HAVE AN ADVERSE IMPACT ON MILITARY OPERATIONS AND READINESS.

Section 183a(c)(1) of title 10, United States Code, is amended by striking “60 days” and inserting “75 days”.

SEC. 312. AUTHORITY TO ACCEPT CONTRIBUTIONS OF FUNDS FROM APPLICANTS FOR ENERGY PROJECTS FOR MITIGATION OF IMPACTS ON MILITARY OPERATIONS AND READINESS.

Section 183a(f) of title 10, United States Code, is amended by striking “for a project filed with the Secretary of Transportation pursuant to section 44718 of title 49” and inserting “for an energy project”.

SEC. 313. USE OF PROCEEDS FROM SALE OF RECYCLABLE MATERIALS.

Section 2577(c) of title 10, United States Code, is amended by striking “\$2,000,000” and inserting “\$10,000,000”.

SEC. 314. DISPOSAL OF RECYCLABLE MATERIALS.

Section 2577(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) In this section, the term ‘recyclable materials’ may include any quality recyclable material provided to the Department by a State or local government entity, if such material is authorized

Definition.

by the Office of the Secretary of Defense and identified in the regulations prescribed under paragraph (1).”.

SEC. 315. DEPARTMENT OF DEFENSE IMPROVEMENT OF PREVIOUSLY CONVEYED UTILITY SYSTEMS SERVING MILITARY INSTALLATIONS.

Section 2688 of title 10, United States Code, is amended—

- (1) by redesignating subsection (k) as subsection (l); and
- (2) by inserting after subsection (j) the following new subsection (k):

“(k) IMPROVEMENT OF CONVEYED UTILITY SYSTEMS.—In the case of a utility system that is conveyed under this section and that only provides utility services to a military installation, the Secretary concerned may use amounts authorized to be appropriated for military construction to improve the reliability, resilience, efficiency, physical security, or cybersecurity of the utility system.”.

SEC. 316. MODIFICATION OF DEPARTMENT OF DEFENSE ENVIRONMENTAL RESTORATION AUTHORITIES TO INCLUDE FEDERAL GOVERNMENT FACILITIES USED BY NATIONAL GUARD.

(a) IN GENERAL.—Section 2707 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) AUTHORITY FOR NATIONAL GUARD PROJECTS.—Notwithstanding subsection (a) of this section and section 2701(c)(1) of this title, the Secretary concerned may use funds described in subsection (c) to carry out an environmental restoration project at a facility in response to perfluorooctanoic acid or perfluorooctane sulfonate contamination under this chapter or CERCLA.”.

(b) DEFINITION OF FACILITY.—Section 2700(2) of such title is amended—

- (1) by striking “The terms” and inserting “(A) The terms”;
- and

- (2) by adding at the end the following new subparagraph:

“(B) The term ‘facility’ includes real property that is owned by, leased to, or otherwise possessed by the United States at locations at which military activities are conducted under this title or title 32 (including real property owned or leased by the Federal Government that is licensed to and operated by a State for training for the National Guard).”.

(c) INCLUSION OF POLLUTANTS AND CONTAMINANTS IN ENVIRONMENTAL RESPONSE ACTIONS.—Section 2701(c) of such title is amended by inserting “or pollutants or contaminants” after “hazardous substances” each place it appears.

(d) SAVINGS CLAUSE.—Nothing in this section, or the amendments made by this section, shall affect any requirement or authority under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 317. USE OF OPERATIONAL ENERGY COST SAVINGS OF DEPARTMENT OF DEFENSE.

Section 2912 of title 10, United States Code, is amended—

- (1) in subsection (a), by striking “subsection (b)” and inserting “subsection (b) or (c), as the case may be,”;

- (2) in subsection (b), in the matter preceding paragraph (1), by striking “The Secretary of Defense” and inserting “Except as provided in subsection (c) with respect to operational energy cost savings, the Secretary of Defense”;

- (3) by redesignating subsection (c) as subsection (d); and
- (4) by inserting after subsection (b) the following new subsection (c):

“(c) **USE OF OPERATIONAL ENERGY COST SAVINGS.**—The amount that remains available for obligation under subsection (a) that relates to operational energy cost savings realized by the Department shall be used for the implementation of additional operational energy resilience, efficiencies, mission assurance, energy conservation, or energy security within the department, agency, or instrumentality that realized that savings.”.

SEC. 318. SALE OF ELECTRICITY FROM ALTERNATE ENERGY AND COGENERATION PRODUCTION FACILITIES.

Section 2916(b)(3)(B) of title 10, United States Code, is amended—

- (1) by striking “shall be available” and all that follows and inserting “shall be provided directly to the commander of the military installation in which the geothermal energy resource is located to be used for—”; and

- (2) by adding at the end the following new clauses:

“(i) military construction projects described in paragraph (2) that benefit the military installation where the geothermal energy resource is located; or

“(ii) energy or water security projects that—

“(I) benefit the military installation where the geothermal energy resource is located;

“(II) the commander of the military installation determines are necessary; and

“(III) are directly coordinated with local area energy or groundwater governing authorities.”.

SEC. 319. ENERGY RESILIENCE PROGRAMS AND ACTIVITIES.

(a) **MODIFICATION OF ANNUAL ENERGY MANAGEMENT AND RESILIENCE REPORT.**—Section 2925(a) of title 10, United States Code, is amended—

- (1) in the subsection heading, by inserting “AND READINESS” after “MISSION ASSURANCE”;

(2) in the matter preceding paragraph (1), by inserting “The Secretary shall ensure that mission operators of critical facilities provide to personnel of military installations any information necessary for the completion of such report.” after “by the Secretary.”;

- (3) in paragraph (4), in the matter preceding subparagraph (A), by striking “megawatts” and inserting “electric and thermal loads”; and

(4) in paragraph (5), by striking “megawatts” and inserting “electric and thermal loads”.

(b) **FUNDING FOR ENERGY PROGRAM OFFICES.**—

- (1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretaries of the military departments shall submit to the congressional defense committees a report stating whether the program offices specified in paragraph (2) are funded—

(A) at proper levels to ensure that the energy resilience requirements of the Department of Defense are met; and

(B) at levels that are not less than in any previous fiscal year.

Reports.

(2) PROGRAM OFFICES SPECIFIED.—The program offices specified in this paragraph are the following:

(A) The Power Reliability Enhancement Program of the Army.

(B) The Office of Energy Initiatives of the Army.

(C) The Office of Energy Assurance of the Air Force.

(D) The Resilient Energy Program Office of the Navy.

(3) FUNDING PLAN.—

(A) IN GENERAL.—The Secretaries of the military departments shall include in the report submitted under paragraph (1) a funding plan for the next five fiscal years beginning after the date of the enactment of this Act to ensure that funding levels are, at a minimum, maintained during that period.

(B) ELEMENTS.—The funding plan under subparagraph (A) shall include, for each fiscal year covered by the plan, an identification of the amounts to be used for the accomplishment of energy resilience goals and objectives.

Time period.
Effective date.

10 USC 2866
note.

(c) ESTABLISHMENT OF TARGETS FOR WATER USE.—The Secretary of Defense shall, where life-cycle cost-effective, improve water use efficiency and management by the Department of Defense, including storm water management, by—

(1) installing water meters and collecting and using water balance data of buildings and facilities to improve water conservation and management;

(2) reducing industrial, landscaping, and agricultural water consumption in gallons by two percent annually through fiscal year 2030 relative to a baseline of such consumption by the Department in fiscal year 2010; and

(3) installing appropriate sustainable infrastructure features on installations of the Department to help with storm water and wastewater management.

SEC. 320. TECHNICAL AND GRAMMATICAL CORRECTIONS AND REPEAL OF OBSOLETE PROVISIONS RELATING TO ENERGY.

(a) TECHNICAL AND GRAMMATICAL CORRECTIONS.—

(1) TECHNICAL CORRECTIONS.—Title 10, United States Code, is amended—

(A) in section 2913(c), by striking “government” and inserting “government or”; and

(B) in section 2926(d)(1), in the second sentence, by striking “Defense Agencies” and inserting “the Defense Agencies”.

(2) GRAMMATICAL CORRECTIONS.—Such title is further amended—

(A) in section 2922a(d), by striking “resilience are prioritized and included” and inserting “energy resilience are included as critical factors”; and

(B) in section 2925(a)(3), by striking “impacting energy” and all that follows through the period at the end and inserting “degrading energy resilience at military installations (excluding planned outages for maintenance reasons), whether caused by on- or off-installation disruptions, including the total number of outages and their locations, the duration of each outage, the financial effect of each outage, whether or not the mission was affected, the downtimes (in minutes or hours) the mission can afford

based on mission requirements and risk tolerances, the responsible authority managing the utility, and measures taken to mitigate the outage by the responsible authority.”.

(b) CLARIFICATION OF APPLICABILITY OF CONFLICTING AMENDMENTS MADE BY 2018 DEFENSE AUTHORIZATION ACT.—Section 2911(e) of such title is amended—

(1) by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) Opportunities to reduce the current rate of consumption of energy, the future demand for energy, and the requirement for the use of energy.

“(2) Opportunities to enhance energy resilience to ensure the Department of Defense has the ability to prepare for and recover from energy disruptions that affect mission assurance on military installations.”; and

(2) by striking the second paragraph (13).

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 2926 of such title is amended to read as follows:

“§ 2926. Operational energy”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 173 of such title is amended by striking the item relating to section 2926 and inserting the following new item:

10 USC
prec. 2924.

“2926. Operational energy.”.

SEC. 321. TRANSFER AUTHORITY FOR FUNDING OF STUDY AND ASSESSMENT ON HEALTH IMPLICATIONS OF PER- AND POLYFLUOROALKYL SUBSTANCES CONTAMINATION IN DRINKING WATER BY AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY.

Section 316(a)(2)(B)(ii) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1350), as amended by section 315(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking “2019 and 2020” and inserting “2019, 2020, and 2021”.

132 Stat. 1713.

SEC. 322. REPLACEMENT OF FLUORINATED AQUEOUS FILM-FORMING FOAM WITH FLUORINE-FREE FIRE-FIGHTING AGENT.

10 USC
prec. 2661.

(a) USE OF FLUORINE-FREE FOAM AT MILITARY INSTALLATIONS.—

(1) MILITARY SPECIFICATION.—Not later than January 31, 2023, the Secretary of the Navy shall publish a military specification for a fluorine-free fire-fighting agent for use at all military installations and ensure that such agent is available for use by not later than October 1, 2023.

Deadlines.
Publication.

(2) REPORT TO CONGRESS.—Concurrent with publication of the military specification under paragraph (1), the Secretary of Defense shall submit to the congressional defense committees a report containing a detailed plan for implementing the transition to a fluorine-free fire-fighting agent by not later than October 1, 2023. The report shall include—

Implementation
plan.

(A) a detailed description of the progress of the Department of Defense to identify a fluorine-free fire-fighting agent for use as a replacement fire-fighting agent at military installations;

	(B) a description of any technology and equipment required to implement the replacement fire-fighting agent;
	(C) funding requirements, by fiscal year, to implement the replacement fire-fighting agent, including funding for the procurement of a replacement fire-fighting agent, required equipment, and infrastructure improvements;
Timeline.	(D) a detailed timeline of remaining required actions to implement such replacement.
Expiration date.	(b) LIMITATION.—No amount authorized to be appropriated or otherwise made available for the Department of Defense may be obligated or expended after October 1, 2023, to procure fire-fighting foam that contains in excess of one part per billion of perfluoroalkyl substances and polyfluoroalkyl substances.
Expiration date.	(c) PROHIBITION ON USE.—Fluorinated aqueous film-forming foam may not be used at any military installation on or after the earlier of the following dates: <ol style="list-style-type: none"> (1) October 1, 2024. (2) The date on which the Secretary determines that compliance with the prohibition under this subsection is possible.
	(d) EXEMPTION FOR SHIPBOARD USE.—Subsections (b) and (c) shall not apply to firefighting foam for use solely onboard ocean-going vessels.
	(e) WAIVER.—
Deadline.	(1) IN GENERAL.—Subject to the limitations under paragraph (2), the Secretary of Defense may waive the prohibition under subsection (c) with respect to the use of fluorinated aqueous film-forming foam, if, by not later than 60 days prior to issuing the waiver, the Secretary—
Briefing.	(A) provides to the congressional defense committees a briefing on the basis for the waiver and the progress to develop and field a fluorine-free fire-fighting agent that meets the military specifications issued pursuant to subsection (a), which includes— <ol style="list-style-type: none"> (i) detailed data on the progress made to identify a replacement fluorine-free fire-fighting agent; (ii) a description of the range of technology and equipment-based solutions analyzed to implement replacement; (iii) a description of the funding, by fiscal year, applied towards research, development, test, and evaluation of replacement firefighting agents and equipment-based solutions; (iv) a description of any completed and projected infrastructure changes; (v) a description of acquisition actions made in support of developing and fielding the fluorine-free fire-fighting agent;
Timeline.	(vi) an updated timeline for the completion of the transition to use of the fluorine-free fire-fighting agent; and
List.	(vii) a list of the categories of installation infrastructure or specific mobile firefighting equipment sets that require the waiver along with the justification;
Certification.	(B) submits to the congressional defense committees certification in writing, that— <ol style="list-style-type: none"> (i) the waiver is necessary for either installation infrastructure, mobile firefighting equipment, or both;

(ii) the waiver is necessary for the protection of life and safety;

(iii) no agent or equipment solutions are available that meet the military specific issued pursuant to subsection (a);

(iv) the military specification issued pursuant to subsection (a) is still valid and does not require revision; and

(v) includes details of the measures in place to minimize the release of and exposure to fluorinated compounds in fluorinated aqueous film-forming foam; and

(C) provides for public notice of the waiver.

Public notice.

(2) LIMITATION.—The following limitations apply to a waiver issued under this subsection:

(A) Such a waiver shall apply for a period that does not exceed one year.

Applicability.
Time period.

(B) The Secretary may extend such a waiver once for an additional period that does not exceed one year, if the requirements under paragraph (1) are met as of the date of the extension of the waiver.

Extension.
Time period.

(C) The authority to grant a waiver under this subsection may not be delegated below the level of the Secretary of Defense.

(f) DEFINITIONS.—In this section:

(1) The term “perfluoroalkyl substances” means aliphatic substances for which all of the H atoms attached to C atoms in the nonfluorinated substance from which they are notionally derived have been replaced by F atoms, except those H atoms whose substitution would modify the nature of any functional groups present.

(2) The term “polyfluoroalkyl substances” means aliphatic substances for which all H atoms attached to at least one (but not all) C atoms have been replaced by F atoms, in such a manner that they contain the perfluoroalkyl moiety C_nF_{2n+1} (for example, $C_8F_{17}CH_2CH_2OH$).

SEC. 323. PROHIBITION OF UNCONTROLLED RELEASE OF FLUORINATED AQUEOUS FILM-FORMING FOAM AT MILITARY INSTALLATIONS.

10 USC
prec. 2661.

(a) PROHIBITION.—Except as provided by subsection (b), the Secretary of Defense shall prohibit the uncontrolled release of fluorinated aqueous film-forming foam (hereinafter in this section referred to as “AFFF”) at military installations.

(b) EXCEPTIONS.—Notwithstanding subsection (a), fluorinated AFFF may be released at military installations as follows:

(1) AFFF may be released for purposes of an emergency response.

(2) A non-emergency release of AFFF may be made for the purposes of testing of equipment or training of personnel, if complete containment, capture, and proper disposal mechanisms are in place to ensure no AFFF is released into the environment.

10 USC note
prec. 2661.

SEC. 324. PROHIBITION ON USE OF FLUORINATED AQUEOUS FILM FORMING FOAM FOR TRAINING EXERCISES.

The Secretary of Defense shall prohibit the use of fluorinated aqueous film forming foam for training exercises at military installations.

SEC. 325. REAL-TIME SOUND-MONITORING AT NAVY INSTALLATIONS WHERE TACTICAL FIGHTER AIRCRAFT OPERATE.

(a) **MONITORING.**—The Secretary of the Navy shall conduct real-time sound-monitoring at no fewer than two Navy installations and their associated outlying landing fields on the west coast of the United States where Navy combat coded F/A–18, E/A–18G, or F–35 aircraft are based and operate and noise contours have been developed through noise modeling. Sound monitoring under such study shall be conducted—

Time period.

(1) during times of high, medium, and low activity over the course of a 12-month period; and

(2) along and in the vicinity of flight paths used to approach and depart the selected installations and their outlying landing fields.

Deadline.

(b) **PLAN FOR ADDITIONAL MONITORING.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a plan for real-time sound monitoring described in subsection (a) in the vicinity of training areas predominantly overflown by tactical fighter aircraft from the selected installations and outlying landing fields, including training areas that consist of real property administered by the Federal Government (including Department of Defense, Department of Interior, and Department of Agriculture), State and local governments, and privately owned land with the permission of the owner.

(c) **REPORT REQUIRED.**—Not later than December 1, 2020, the Secretary of the Navy shall submit to the congressional defense committees a report on the monitoring required under subsection (a). Such report shall include—

(1) the results of such monitoring;

(2) a comparison of such monitoring and the noise contours previously developed with the analysis and modeling methods previously used;

(3) an overview of any changes to the analysis and modeling process that have been made or are being considered as a result of the findings of such monitoring; and

(4) any other matters that the Secretary determines appropriate.

Web posting.

(d) **PUBLIC AVAILABILITY OF MONITORING RESULTS.**—The Secretary shall make the results of the monitoring required under subsection (a) publicly available on a website of the Department of Defense.

SEC. 326. DEVELOPMENT OF EXTREME WEATHER VULNERABILITY AND RISK ASSESSMENT TOOL.

Determination.

(a) **IN GENERAL.**—The Secretary of Defense shall consult with the entities described in subsection (b) to determine whether an existing climate vulnerability and risk assessment tool is available or can be adapted to be used to quantify the risks associated with extreme weather events and the impact of such events on

networks, systems, installations, facilities, and other assets to inform mitigation planning and infrastructure development.

(b) **CONSULTATION.**—In determining the availability of an appropriate tool to use or adapt for use under subsection (a), the Secretary shall consult with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of the Interior, the Administrator of the National Oceanic and Atmospheric Administration, the Administrator of the Federal Emergency Management Agency, the Commander of the Army Corps of Engineers, the Administrator of the National Aeronautics and Space Administration, a federally funded research and development center, and the heads of such other relevant Federal agencies as the Secretary of Defense determines appropriate.

(c) **BEST AVAILABLE SCIENCE.**—Before choosing a tool for use or adaptation for use under subsection (a), the Secretary shall obtain from a federally funded research and development center with which the Secretary has consulted under subsection (b) a certification in writing that the tool relies on the best publicly available science for the prediction of extreme weather risk and effective mitigation of that risk.

Certification.

(d) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the implementation of this section. Such report shall include—

(1) in the case that a tool has been chosen under subsection (a) before the date of the submittal of the report, a description of the tool and how such tool will be used by the Department; or

(2) in the case that the Secretary determines that no available tool meets the requirements of the Department as described in subsection (a) or is readily adaptable for use, a plan for the development of such a tool, including the estimated cost and timeframe for development of such a tool.

Plan.
Cost estimate.
Timeframe.

SEC. 327. REMOVAL OF BARRIERS THAT DISCOURAGE INVESTMENTS TO INCREASE MILITARY INSTALLATION RESILIENCE.

10 USC 2864
note.

(a) **IN GENERAL.**—The Secretary of Defense shall—

(1) identify and seek to remove barriers that discourage investments to increase military installation resilience;

(2) reform policies and programs that unintentionally increased the vulnerability of systems to related extreme weather events; and

(3) develop, and update at least once every four years, an adaptation plan to assess how climate impacts affected the ability of the Department of Defense to accomplish its mission, and the short- and long-term actions the Department can take to ensure military installation resilience.

Time period.
Adaptation plan.
Assessment.

(b) **MILITARY INSTALLATION RESILIENCE.**—In this section, the term “military installation resilience” has the meaning given such term in section 101(e)(8) of title 10, United States Code.

Definition.

SEC. 328. BUDGETING OF DEPARTMENT OF DEFENSE RELATING TO EXTREME WEATHER.

10 USC 221 note.

(a) **IN GENERAL.**—The Secretary of Defense shall include in the annual budget submission of the President under section 1105(a) of title 31, United States Code—

(1) a dedicated budget line item for adaptation to, and mitigation of, effects of extreme weather on military networks,

	systems, installations, facilities, and other assets and capabilities of the Department of Defense; and
Estimate.	(2) an estimate of the anticipated adverse impacts to the readiness of the Department and the financial costs to the Department during the year covered by the budget of the loss of, or damage to, military networks, systems, installations, facilities, and other assets and capabilities of the Department, including loss of or obstructed access to training ranges, as a result extreme weather events.
	(b) DISAGGREGATION OF IMPACTS AND COSTS.—The estimate under subsection (a)(2) shall set forth the adverse readiness impacts and financial costs under that subsection by military department, Defense Agency, and other component or element of the Department.
	(c) EXTREME WEATHER DEFINED.—In this section, the term “extreme weather” means recurrent flooding, drought, desertification, wildfires, and thawing permafrost.
10 USC 2701 note.	SEC. 329. PROHIBITION ON PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES IN MEALS READY-TO-EAT FOOD PACKAGING.
Deadline.	(a) PROHIBITION.—Not later than October 1, 2021, the Director of the Defense Logistics Agency shall ensure that any food contact substances that are used to assemble and package meals ready-to-eat (MREs) procured by the Defense Logistics Agency do not contain any perfluoroalkyl substances or polyfluoroalkyl substances.
	(b) DEFINITIONS.—In this section:
	(1) PERFLUOROALKYL SUBSTANCE.—The term “perfluoroalkyl substance” means a man-made chemical of which all of the carbon atoms are fully fluorinated carbon atoms.
	(2) POLYFLUOROALKYL SUBSTANCE.—The term “polyfluoroalkyl substance” means a man-made chemical containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.
10 USC 2701 note.	SEC. 330. DISPOSAL OF MATERIALS CONTAINING PER- AND POLYFLUOROALKYL SUBSTANCES OR AQUEOUS FILM-FORMING FOAM.
	(a) IN GENERAL.—The Secretary of Defense shall ensure that when materials containing per- and polyfluoroalkyl substances (referred to in this section as “PFAS”) or aqueous film forming foam (referred to in this section as “AFFF”) are disposed—
	(1) all incineration is conducted at a temperature range adequate to break down PFAS chemicals while also ensuring the maximum degree of reduction in emission of PFAS, including elimination of such emissions where achievable;
	(2) all incineration is conducted in accordance with the requirements of the Clean Air Act (42 USC 7401 et seq.), including controlling hydrogen fluoride;
	(3) any materials containing PFAS that are designated for disposal are stored in accordance with the requirement under part 264 of title 40, Code of Federal Regulations; and
	(4) all incineration is conducted at a facility that has been permitted to receive waste regulated under subtitle C of the Solid Waste Disposal Act (42 USC 6921 et seq.).
	(b) SCOPE OF APPLICATION.—The requirements in subsection (a) only apply to all legacy AFFF formulations containing PFAS,

materials contaminated by AFFF release, and spent filters or other PFAS contaminated materials resulting from site remediation or water filtration that—

- (1) have been used by the Department of Defense or a military department; or
- (2) are being discarded for disposal by means of incineration by the Department of Defense or a military department; or
- (3) are being removed from sites or facilities owned or operated by the Department of Defense.

SEC. 331. AGREEMENTS TO SHARE MONITORING DATA RELATING TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AND OTHER CONTAMINANTS OF CONCERN.

10 USC 2701
note.

(a) **IN GENERAL.**—The Secretary of Defense shall seek to enter into agreements with municipalities or municipal drinking water utilities located adjacent to military installations under which both the Secretary and the municipalities and utilities would share monitoring data relating to perfluoroalkyl substances, polyfluoroalkyl substances, and other emerging contaminants of concern collected at the military installation.

(b) **PUBLICLY AVAILABLE WEBSITE.**—The Secretary of Defense shall maintain a publicly available website that provides a clearinghouse for information about the exposure of members of the Armed Forces, their families, and their communities to per- and polyfluoroalkyl substances. The information provided on the website shall include information on testing, clean-up, and recommended available treatment methodologies.

(c) **PUBLIC COMMUNICATION.**—An agreement under subsection (a) does not negate the responsibility of the Secretary to communicate with the public about drinking water contamination from perfluoroalkyl substances, polyfluoroalkyl substances, and other contaminants.

(d) **MILITARY INSTALLATION DEFINED.**—In this section, the term “military installation” has the meaning given that term in section 2801(c) of title 10, United States Code.

SEC. 332. COOPERATIVE AGREEMENTS WITH STATES TO ADDRESS CONTAMINATION BY PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

10 USC 2701
note.

(a) **COOPERATIVE AGREEMENTS.**—

(1) **IN GENERAL.**—Upon request from the Governor or chief executive of a State, the Secretary of Defense shall work expeditiously, pursuant to section 2701(d) of title 10, United States Code, to finalize a cooperative agreement, or amend an existing cooperative agreement to address testing, monitoring, removal, and remedial actions relating to the contamination or suspected contamination of drinking, surface, or ground water from PFAS originating from activities of the Department of Defense by providing the mechanism and funding for the expedited review and approval of documents of the Department related to PFAS investigations and remedial actions from an active or decommissioned military installation, including a facility of the National Guard.

(2) **MINIMUM STANDARDS.**—A cooperative agreement finalized or amended under paragraph (1) shall meet or exceed the most stringent of the following standards for PFAS in any environmental media:

(A) An enforceable State standard, in effect in that State, for drinking, surface, or ground water, as described in section 121(d)(2)(A)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)(2)(A)(ii)).

(B) An enforceable Federal standard for drinking, surface, or ground water, as described in section 121(d)(2)(A)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)(2)(A)(i)).

(C) A health advisory under section 1412(b)(1)(F) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(1)(F)).

(3) OTHER AUTHORITY.—In addition to the requirements for a cooperative agreement under paragraph (1), when otherwise authorized to expend funds for the purpose of addressing ground or surface water contaminated by a perfluorinated compound, the Secretary of Defense may, to expend those funds, enter into a grant agreement, cooperative agreement, or contract with—

(A) the local water authority with jurisdiction over the contamination site, including—

(i) a public water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)); and

(ii) a publicly owned treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)); or

(B) a State, local, or Tribal government.

Effective date.
Deadline.

(b) REPORT.—Beginning on February 1, 2020, if a cooperative agreement is not finalized or amended under subsection (a) within one year after the request from the Governor or chief executive under that subsection, and annually thereafter, the Secretary of Defense shall submit to the appropriate committees and Members of Congress a report—

(1) explaining why the agreement has not been finalized or amended, as the case may be; and

Timeline.

(2) setting forth a projected timeline for finalizing or amending the agreement.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES AND MEMBERS OF CONGRESS.—The term “appropriate committees and Members of Congress” means—

(A) the congressional defense committees;

(B) the Senators who represent a State impacted by PFAS contamination described in subsection (a)(1); and

(C) the Members of the House of Representatives who represent a district impacted by such contamination.

(2) FULLY FLUORINATED CARBON ATOM.—The term “fully fluorinated carbon atom” means a carbon atom on which all the hydrogen substituents have been replaced by fluorine.

(3) PFAS.—The term “PFAS” means perfluoroalkyl and polyfluoroalkyl substances that are man-made chemicals with at least one fully fluorinated carbon atom.

(4) STATE.—The term “State” has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

SEC. 333. PLAN TO PHASE OUT USE OF BURN PITS.

Deadline.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to phase out the use of the burn pits identified in the Department of Defense Open Burn Pit Report to Congress dated April 2019.

SEC. 334. INFORMATION RELATING TO LOCATIONS OF BURN PIT USE.

List.

The Secretary of Defense shall provide to the Secretary of Veterans Affairs and to Congress a list of all locations where open-air burn pits have been used by the Secretary of Defense, for the purposes of augmenting the research, healthcare delivery, disability compensation, and other activities of the Secretary of Veterans Affairs.

SEC. 335. DATA QUALITY REVIEW OF RADIUM TESTING CONDUCTED AT CERTAIN LOCATIONS OF THE DEPARTMENT OF THE NAVY.

(a) **REVIEW OF RADIUM TESTING.**—Except as provided in subsection (b), the Secretary of the Navy shall provide for an independent third-party data quality review of all radium testing completed by contractors of the Department of the Navy at a covered location.

(b) **EXCEPTION.**—In the case of a covered location for which an independent third-party data quality review of all radium testing completed by contractors of the Department has been conducted prior to the date of the enactment of this Act, the requirement under subsection (a) shall not apply if the Secretary of the Navy submits to the congressional defense committees a report containing—

Reports.

(1) a certification that such review has been conducted for such covered location; and

Certification.

(2) a description of the results of such review.

(c) **COVERED LOCATION DEFINED.**—In this section, the term “covered location” means any of the following:

(1) Naval Weapons Industrial Reserve Plant, Bethpage, New York.

(2) Hunter’s Point Naval Shipyard, San Francisco, California.

SEC. 336. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

Time periods.

(a) **TRANSFER AMOUNT.**—Notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer to the Administrator of the Environmental Protection Agency—

(1) in fiscal year 2020, not more than \$890,790; and

(2) in each of fiscal years 2021 through 2026, not more than \$150,000.

(b) **PURPOSE OF REIMBURSEMENT.**—The amount authorized to be transferred under subsection (a) is to reimburse the Environmental Protection Agency for costs the Agency has incurred and will incur relating to the response actions performed at the Twin Cities Army Ammunition Plant, Minnesota, through September 30, 2025.

(c) **INTERAGENCY AGREEMENT.**—The reimbursement described in subsection (b) is intended to satisfy certain terms of the interagency agreement entered into by the Department of the Army

and the Environmental Protection Agency for the Twin Cities Army Ammunition Plant that took effect in December 1987 and that provided for the recovery of expenses by the Agency from the Department of the Army.

10 USC 2911
note.

SEC. 337. PILOT PROGRAM FOR AVAILABILITY OF WORKING-CAPITAL FUNDS FOR INCREASED COMBAT CAPABILITY THROUGH ENERGY OPTIMIZATION.

(a) **IN GENERAL.**—Notwithstanding section 2208 of title 10, United States Code, the Secretary of Defense and the military departments may use a working capital fund established pursuant to that section for expenses directly related to conducting a pilot program for energy optimization initiatives described in subsection (b).

(b) **ENERGY OPTIMIZATION INITIATIVES.**—Energy optimization initiatives covered by the pilot program include the research, development, procurement, installation, and sustainment of technologies or weapons system platforms, and the manpower required to do so, that would improve the efficiency and maintainability, extend the useful life, lower maintenance costs, or provide performance enhancement of the weapon system platform or major end item.

(c) **LIMITATION ON CERTAIN PROJECTS.**—Funds may not be used pursuant to subsection (a) for—

(1) any product improvement that significantly changes the performance envelope of an end item; or

(2) any single component with an estimated total cost in excess of \$10,000,000.

(d) **LIMITATION IN FISCAL YEAR PENDING TIMELY REPORT.**—If during any fiscal year the report required by paragraph (1) of subsection (e) is not submitted by the date specified in paragraph (2) of that subsection, funds may not be used pursuant to subsection (a) during the period—

(1) beginning on the date specified in such paragraph (2); and

(2) ending on the date of the submittal of the report.

(e) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—The Secretary of Defense shall submit an annual report to the congressional defense committees on the use of the authority under subsection (a) during the preceding fiscal year.

(2) **DEADLINE FOR SUBMITTAL.**—The report required by paragraph (1) in a fiscal year shall be submitted not later than 60 days after the date of the submittal to Congress of the budget of the President for the succeeding fiscal year pursuant to section 1105 of title 31, United States Code.

(3) **RECOMMENDATION.**—In the case of the report required to be submitted under paragraph (1) during fiscal year 2020, the report shall include the recommendation of the Secretary of Defense and the military departments regarding whether the authority under subsection (a) should be made permanent.

(f) **SUNSET.**—The authority under subsection (a) shall expire on October 1, 2024.

SEC. 338. REPORT ON EFFORTS TO REDUCE HIGH ENERGY INTENSITY AT MILITARY INSTALLATIONS.

(a) **REPORT.**—

(1) **REPORT REQUIRED.**—Not later than September 1, 2020, the Under Secretary of Defense for Acquisition and Sustainment, in conjunction with the assistant secretaries responsible for installations and environment for the military departments and the Defense Logistics Agency, shall submit to the congressional defense committees a report detailing the efforts to achieve cost savings at military installations with high energy intensity.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following elements: Assessments.

(A) A comprehensive, installation-specific assessment of feasible and mission-appropriate energy initiatives supporting energy production and consumption at military installations with high energy intensity.

(B) An assessment of current sources of energy in areas with high energy intensity and potential future sources that are technologically feasible, cost-effective, and mission-appropriate for military installations.

(C) A comprehensive implementation strategy to include required investment for feasible energy efficiency options determined to be the most beneficial and cost-effective, where appropriate, and consistent with priorities of the Department of Defense. Strategy.

(D) An explanation on how the military departments are working collaboratively in order to leverage lessons learned on potential energy efficiency solutions.

(E) An assessment of the extent to which activities administered under the Federal Energy Management Program of the Department of Energy could be used to assist with the implementation strategy under subparagraph (C).

(F) An assessment of State and local partnership opportunities that could achieve efficiency and cost savings, and any legislative authorities required to carry out such partnerships or agreements.

(3) **COORDINATION WITH STATE, LOCAL, AND OTHER ENTITIES.**—In preparing the report required under paragraph (1), the Under Secretary of Defense for Acquisition and Sustainment may work in conjunction and coordinate with the States containing areas of high energy intensity, local communities, and other Federal agencies.

(b) **DEFINITION.**—In this section, the term “high energy intensity” means costs for the provision of energy by kilowatt of electricity or British Thermal Unit of heat or steam for a military installation in the United States that is in the highest 20 percent of all military installations for a military department.

Subtitle C—Treatment of Contaminated Water Near Military Installations

SEC. 341. SHORT TITLE.

This subtitle may be cited as the “Prompt and Fast Action to Stop Damages Act of 2019”.

SEC. 342. DEFINITIONS.

In this subtitle:

(1) **PFOA.**—The term “PFOA” means perfluorooctanoic acid.

Prompt and Fast
Action to Stop
Damages Act
of 2019.

10 USC 2701
note.

10 USC 2701
note.

(2) PFOS.—The term “PFOS” means perfluorooctane sulfonate.

10 USC 2701
note.

SEC. 343. PROVISION OF WATER UNCONTAMINATED WITH PERFLUOROOCTANOIC ACID (PFOA) AND PERFLUOROOCTANE SULFONATE (PFOS) FOR AGRICULTURAL PURPOSES.

(a) **AUTHORITY.**—

(1) **IN GENERAL.**—Using amounts authorized to be appropriated or otherwise made available for operation and maintenance for the military department concerned, or for operation and maintenance Defense-wide in the case of the Secretary of Defense, the Secretary concerned may provide water sources uncontaminated with perfluoroalkyl and polyfluoroalkyl substances, including PFOA and PFOS, or treatment of contaminated waters, for agricultural purposes used to produce products destined for human consumption in an area in which a water source has been determined pursuant to paragraph (2) to be contaminated with such compounds by reason of activities on a military installation under the jurisdiction of the Secretary concerned.

(2) **APPLICABLE STANDARD.**—For purposes of paragraph (1), an area is determined to be contaminated with PFOA or PFOS if—

(A) the level of contamination is above the Lifetime Health Advisory for contamination with such compounds issued by the Environmental Protection Agency and printed in the Federal Register on May 25, 2016; or

(B) on or after the date the Food and Drug Administration sets a standard for PFOA and PFOS in raw agricultural commodities and milk, the level of contamination is above such standard.

(b) **SECRETARY CONCERNED DEFINED.**—In this section, the term “Secretary concerned” means the following:

(1) The Secretary of the Army, with respect to the Army.

(2) The Secretary of the Navy, with respect to the Navy, the Marine Corps, and the Coast Guard (when it is operating as a service in the Navy).

(3) The Secretary of the Air Force, with respect to the Air Force.

(4) The Secretary of Defense, with respect to the Defense Agencies.

10 USC 2701
note.

SEC. 344. ACQUISITION OF REAL PROPERTY BY AIR FORCE.

(a) **AUTHORITY.**—

(1) **IN GENERAL.**—The Secretary of the Air Force may acquire one or more parcels of real property within the vicinity of an Air Force base that has shown signs of contamination from PFOA and PFOS due to activities on the base and which would extend the contiguous geographic footprint of the base and increase the force protection standoff near critical infrastructure and runways.

(2) **IMPROVEMENTS AND PERSONAL PROPERTY.**—The authority under paragraph (1) to acquire real property described in that paragraph shall include the authority to purchase improvements and personal property located on that real property.

(3) **RELOCATION EXPENSES.**—The authority under paragraph (1) to acquire real property described in that paragraph shall include the authority to provide Federal financial assistance for moving costs, relocation benefits, and other expenses incurred in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(b) **ENVIRONMENTAL ACTIVITIES.**—The Air Force shall conduct such activities at a parcel or parcels of real property acquired under subsection (a) as are necessary to remediate contamination from PFOA and PFOS related to activities at the Air Force base.

(c) **FUNDING.**—Funds for the land acquisitions authorized under subsection (a) shall be derived from amounts authorized to be appropriated for fiscal year 2020 for military construction or the unobligated balances of appropriations for military construction that are enacted after the date of the enactment of this Act.

(d) **RULE OF CONSTRUCTION.**—The authority under this section constitutes authority to carry out land acquisitions for purposes of section 2802 of title 10, United States Code.

SEC. 345. REMEDIATION PLAN.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a remediation plan for cleanup of all water at or adjacent to a military installation that is contaminated with PFOA or PFOS.

(b) **STUDY.**—In preparing the remediation plan under subsection (a), the Secretary shall conduct a study on the contamination of water at military installations with PFOA or PFOS.

(c) **BUDGET AMOUNT.**—The Secretary shall ensure that each budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, requests funding in amounts necessary to address remediation efforts under the remediation plan submitted under subsection (a).

10 USC 2701
note.
Deadline.

Subtitle D—Logistics and Sustainment

SEC. 351. MATERIEL READINESS METRICS AND OBJECTIVES.

(a) **ANNUAL REPORT ON MAJOR WEAPONS SYSTEMS SUSTAINMENT.**—

(1) **IN GENERAL.**—Chapter 2 of title 10, United States Code, is amended by inserting after section 117 the following new section:

“§ 118. Annual report on major weapons systems sustainment

10 USC 118.

“Not later than five days after the date on which the Secretary of Defense submits to Congress the materials in support of the budget of the President for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees an annual report on major weapons systems sustainment for the period covered by the future years defense program specified by section 221 of this title. Such report shall include—

“(1) an assessment of the materiel availability, materiel reliability, and mean down time metrics for each major weapons system;

Assessments.

“(2) a detailed explanation of any factors that could preclude the Department of Defense or any of the military departments from meeting applicable readiness goals or objectives; and

“(3) an assessment of the validity and effectiveness of the definitions used to determine defense readiness, including the terms ‘major weapons system’, ‘covered asset’, ‘total and required inventory’, ‘materiel and operational availability’, ‘materiel and operational capability’, ‘materiel and operational reliability’.”.

10 USC
prec. 111.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 117 the following new item:

“118. Annual report on major weapons systems sustainment.”.

(b) ASSESSMENT OF MATERIEL READINESS AND WEAPONS SYSTEM SUSTAINMENT.—

Deadline.

(1) ASSESSMENT REQUIRED.—Not later than March 1, 2020, the Secretary of Defense shall complete a comprehensive assessment of the materiel readiness and weapons systems sustainment of the Department of Defense across the Department organic industrial base and industry partners.

(2) CONTENTS.—The assessment required by paragraph (1) shall include—

(A) an assessment of the overall readiness strategy of the Department of Defense and the capability of such strategy to measure, track, and assess the readiness of major weapons systems;

(B) an assessment of the use of objectives and metrics;

(C) a description of applicable reporting requirements;

and

(D) applicable definitions and common usage of relevant terms, including the terms “major weapons system”, “covered asset”, “total and required inventory”, “materiel and operational availability”, “materiel and operational capability”, “materiel and operational reliability”, and “maintenance costs”.

(3) SUBMISSION TO CONGRESS.—The Secretary shall provide to the congressional defense committees—

Briefing.
Deadline.

(A) a briefing on the assessment required by paragraph (1) by not later than March 1, 2020; and

Reports.

(B) a final report on such assessment by not later than April 1, 2020.

SEC. 352. CLARIFICATION OF AUTHORITY REGARDING USE OF WORKING-CAPITAL FUNDS FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS RELATED TO REVITALIZATION AND RECAPITALIZATION OF DEFENSE INDUSTRIAL BASE FACILITIES.

Section 2208(u) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “carry out” and inserting “fund”;

(2) in paragraph (2)—

(A) by striking “Section 2805” and inserting “(A) Except as provided in subparagraph (B), section 2805”;

(B) by striking “carried out with” and inserting “funded using”; and

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

“(B) For purposes of applying subparagraph (A), the dollar limitation specified in subsection (a)(2) of section 2805 of this title, subject to adjustment as provided in subsection (f) of such section, shall apply rather than the dollar limitation specified in subsection (c) of such section.”; and

(3) in paragraph (4), by striking “carry out” and inserting “fund”.

Applicability.

SEC. 353. MODIFICATION TO LIMITATION ON LENGTH OF OVERSEAS FORWARD DEPLOYMENT OF NAVAL VESSELS.

Section 323 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended—

10 USC 8690
note.

(1) by redesignating subsection (c) as subsection (d); and
(2) by inserting after subsection (b) the following new subsection (c):

“(c) **EXTENSION OF LIMITATION ON LENGTH OF OVERSEAS FORWARD DEPLOYMENT FOR U.S.S. SHILOH (CG–67).**—Notwithstanding subsection (b), the Secretary of the Navy shall ensure that the U.S.S. Shiloh (CG–67) is assigned a homeport in the United States by not later than September 30, 2023.”.

Deadline.

SEC. 354. EXTENSION OF TEMPORARY INSTALLATION REUTILIZATION AUTHORITY FOR ARSENALS, DEPOTS, AND PLANTS.

Section 345(d) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2667 note) is amended by striking “September 30, 2020” and inserting “September 30, 2025”.

SEC. 355. F–35 JOINT STRIKE FIGHTER SUSTAINMENT.

(a) **LIMITATION ON USE OF FUNDS.**—Of the amounts authorized to be appropriated or otherwise made available in this Act for the Office of the Under Secretary of Defense for Acquisition and Sustainment for fiscal year 2020, not more than 75 percent may be obligated or expended until the date on which the Under Secretary submits the report required by subsection (b).

(b) **REPORT REQUIRED.**—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on steps being taken to improve the availability and accountability of F–35 parts within the supply chain. At a minimum, the report shall include a detailed plan for each of the following elements:

Plan.

(1) How the accountable property system of record will be updated with information from the prime contractors supplying such parts on required cost and related data with respect to the parts and how the F–35 Program Office will ensure such contractors are adhering to contractual requirements for the management, reporting, visibility, and accountability of all such parts supplied by the prime contractors.

(2) How the accountability property system of record will have interfaces that allow the F–35 Program Office and other authorized entities to have proper accountability of assets in accordance with applicable Department of Defense Instructions, Department of Defense Manuals, and other applicable regulations.

(3) How the F–35 Program Office, in coordination with the military departments, will ensure business rules for the prioritization of F–35 parts across all program participants are sufficient, effective, and responsive.

(4) Steps being taken to ensure parts within the base, afloat, and deployment spares packages are compatible for deploying F–35 aircraft and account for updated parts demand.

SEC. 356. REPORT ON STRATEGIC POLICY FOR PREPOSITIONED MATERIEL AND EQUIPMENT.

Coordination.

Not later than March 1, 2020, the Assistant Secretary of Defense for Sustainment, in coordination with the Joint Staff, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation plan for prepositioned materiel and equipment required by section 321(b) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 730; 10 U.S.C. 2229 note). Such report shall include each of the following:

List.

(1) A comprehensive list of the prepositioned materiel and equipment programs of the Department of Defense.

(2) A detailed description of how the plan will be implemented.

(3) A description of the resources required to implement the plan, including the amount of funds and personnel.

(4) A description of how the plan will be reviewed and assessed to monitor progress.

Guidance.

(5) Guidance on applying a consistent definition of prepositioning across the Department, including the military departments, the combatant commands, and the Defense Agencies.

(6) A detailed description of how the Secretary will implement a joint oversight approach of the prepositioning programs of the military departments.

10 USC 8685
note.

SEC. 357. PILOT PROGRAM TO TRAIN SKILLED TECHNICIANS IN CRITICAL SHIPBUILDING SKILLS.

(a) ESTABLISHMENT.—The Secretary of the Navy may carry out a pilot program to train individuals to become skilled technicians in critical shipbuilding skills such as welding, metrology, quality assurance, machining, and additive manufacturing.

(b) PARTNERSHIPS.—In carrying out the pilot program under this section, the Secretary may partner with existing Federal or State projects relating to investment and infrastructure in training and education or workforce development, such as the National Network for Manufacturing Innovation, the Industrial Base Analysis and Sustainment program of the Department of Defense, and the National Maritime Educational Council.

(c) TERMINATION.—The authority to carry out a pilot program under this section shall terminate on September 30, 2025.

Time periods.

(d) BRIEFINGS.—If the Secretary carries out a pilot program under this section, the Secretary shall provide briefings to the Committees on Armed Services of the Senate and the House of Representatives as follows:

(1) Not later than 30 days before beginning to implement the pilot program, the Secretary shall provide a briefing on the plan, cost estimate, and schedule for the pilot program.

(2) Not less frequently than annually during the period when the pilot program is carried out, the Secretary shall

provide briefings on the progress of the Secretary in carrying out the pilot program.

SEC. 358. REQUIREMENT FOR MILITARY DEPARTMENT INTER-SERVICE DEPOT MAINTENANCE.

10 USC 2460
note.

(a) **JOINT PROCESS FOR TECHNICAL COMPLIANCE AND QUALITY CONTROL.**—If the Secretary of a military department transfers any maintenance action on a platform to a depot under the jurisdiction of the Secretary of another military department, the two Secretaries shall develop and implement a process to ensure the technical compliance and quality control for the work performed.

(b) **REQUIREMENTS.**—A process developed under subsection (a) shall include the following requirements—

(1) The Secretary of the military department with jurisdiction over the depot to which the maintenance action is transferred shall—

(A) ensure that the technical specifications, requirements, and standards for work to be performed are provided to such action or depot; and

(B) implement procedures to ensure that completed work complies with such specifications, requirements and standards.

Procedures.

(2) The Secretary who transfers the maintenance activity or depot shall ensure that—

(A) the technical specifications and requirements are clearly understood; and

(B) the work performed is completed to the technical specifications, requirements, and standards prescribed under paragraph (1), and that the Secretary of the military department with jurisdiction over the depot is informed of any shortcoming or discrepancy.

(c) **REPORTS.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report containing a certification that sufficient policy and procedures are in place to ensure quality control when the depot or maintenance activities of one military department support another. The report shall include a description of known shortfalls in existing policies and procedures and actions the Department of Defense is taking to address such shortfalls.

Certification.

SEC. 359. STRATEGY TO IMPROVE INFRASTRUCTURE OF CERTAIN DEPOTS OF THE DEPARTMENT OF DEFENSE.

10 USC 2476
note.

(a) **STRATEGY REQUIRED.**—Not later than October 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy for improving the depot infrastructure of the military departments with the objective of ensuring that all covered depots have the capacity and capability to support the readiness and material availability goals of current and future weapon systems of the Department of Defense.

Deadline.

(b) **ELEMENTS.**—The strategy under subsection (a) shall include the following:

(1) A comprehensive review of the conditions and performance at each covered depot, including the following:

Reviews.

(A) An assessment of the current status of the following elements:

Assessment.

(i) Cost and schedule performance of the depot.

(ii) Material availability of weapon systems supported at the depot and the impact of the performance of the depot on that availability.

(iii) Work in progress and non-operational items awaiting depot maintenance.

(iv) The condition of the depot.

(v) The backlog of restoration and modernization projects at the depot.

(vi) The condition of equipment at the depot.

(vii) the vulnerability of the depot to adverse environmental conditions and, if necessary, the investment required to withstand those conditions.

(B) An identification of analytically based goals relating to the elements identified in subparagraph (A).

Analysis.
Assessments.

(2) A business-case analysis that assesses investment alternatives comparing cost, performance, risk, and readiness outcomes and recommends an optimal investment approach across the Department of Defense to ensure covered depots efficiently and effectively meet the readiness goals of the Department, including an assessment of the following alternatives:

(A) The minimum investment necessary to meet investment requirements under section 2476 of title 10, United States Code.

(B) The investment necessary to ensure the current inventory of facilities at covered depots can meet the mission-capable, readiness, and contingency goals of the Secretary of Defense.

(C) The investment necessary to execute the depot infrastructure optimization plans of each military department.

(D) Any other strategies for investment in covered depots, as identified by the Secretary.

Plan.

(3) A plan to improve conditions and performance of covered depots that identifies the following:

(A) The approach of the Secretary of Defense for achieving the goals outlined in paragraph (1)(B).

(B) The resources and investments required to implement the plan.

(C) The activities and milestones required to implement the plan.

Assessments.

(D) A results-oriented approach to assess—

(i) the progress of each military department in achieving such goals; and

(ii) the progress of the Department in implementing the plan.

(E) Organizational roles and responsibilities for implementing the plan.

Review.
Coordination.

(F) A process for conducting regular management review and coordination of the progress of each military department in implementing the plan and achieving such goals.

Time period.

(G) The extent to which the Secretary has addressed recommendations made by the Comptroller General of the United States relating to depot operations during the five-year period preceding the date of submittal of the strategy under this section.

(H) Risks to implementing the plan and mitigation strategies to address those risks.

(c) ANNUAL REPORT ON PROGRESS.—As part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report describing the progress made in—

- (1) implementing the strategy under subsection (a); and
- (2) achieving the goals outlined in subsection (b)(1)(B).

(d) COMPTROLLER GENERAL REPORTS.—

(1) ASSESSMENT OF STRATEGY.—Not later than January 1, 2021, the Comptroller General of the United States shall submit to the congressional defense committees a report assessing the extent to which the strategy under subsection (a) meets the requirements of this section.

(2) ASSESSMENT OF IMPLEMENTATION.—Not later than April 1, 2022, the Comptroller General shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the strategy under subsection (a) has been effectively implemented by each military department and the Secretary of Defense.

(e) COVERED DEPOT DEFINED.—In this section, the term “covered depot” has the meaning given that term in section 2476(e) of title 10, United States Code.

Subtitle E—Reports

SEC. 361. READINESS REPORTING.

(a) READINESS REPORTING SYSTEM.—Section 117 of title 10, United States Code, is amended—

- (1) by striking subsections (d) through (g); and
- (2) by redesignating subsection (h) as subsection (d).

(b) QUARTERLY REPORTS.—Section 482 of title 10, United States Code, is amended—

(1) in the section heading, by striking “**Quarterly reports: personnel and unit readiness**” and inserting “**Readiness reports**”;

(2) in subsection (a)—

(A) In the subsection heading, by striking “**QUARTERLY REPORTS REQUIRED**” and inserting “**REPORTS AND BRIEFINGS**”;

(B) In the first sentence—

(i) by striking “Not later” and inserting “(1) Not later”; and

(ii) by striking “each calendar-year quarter” and inserting “the second and fourth quarter of each calendar year”;

(C) by striking the second and third sentences and inserting “The Secretary of Defense shall submit each such report in writing and shall also submit a copy of each such report to the Chairman of the Joint Chiefs of Staff.”; and

(D) by adding at the end the following new paragraphs:

“(2) Not later than 30 days after the end of the first and third quarter of each calendar year, the Secretary of Defense shall

Records.

Deadline.
Briefing.

provide to Congress a briefing regarding the military readiness of the active and reserve components.

“(3) Each report under this subsection shall contain the elements required by subsection (b) for the quarter covered by the report, and each briefing shall address any changes to the elements described in subsection (b) since the submittal of the most recently submitted report.”;

(3) by striking subsection (b) and inserting the following:

“(b) REQUIRED ELEMENTS.—The elements described in this subsection are each of the following:

“(1) A description of each readiness problem or deficiency that affects the ground, sea, air, space, cyber, or special operations forces, and any other area determined appropriate by the Secretary of Defense.

“(2) The key contributing factors, indicators, and other relevant information related to each identified problem or deficiency.

Strategy. “(3) The short-term mitigation strategy the Department will employ to address each readiness problem or deficiency until a resolution is in place, as well as the timeline, cost, and any legislative remedies required to support the resolution.

Summary. “(4) A summary of combat readiness ratings for the key force elements assessed, including specific information on personnel, supply, equipment, and training problems or deficiencies that affect the combat readiness ratings for each force element.

Summary. “(5) A summary of each upgrade or downgrade of the combat readiness of a unit that was issued by the commander of the unit, together with the rationale of the commander for the issuance of such upgrade or downgrade.

Summary. “(6) A summary of the readiness of supporting capabilities, including infrastructure, prepositioned equipment and supplies, and mobility assets, and other supporting logistics capabilities.

Summary. “(7) A summary of the readiness of the combat support and related agencies, any readiness problem or deficiency affecting any mission essential tasks of any such agency, and actions recommended to address any such problem or deficiency.

List. “(8) A list of all Class A, Class B, and Class C mishaps that occurred in operations related to combat support and training events involving aviation, ground, or naval platforms, weapons, space, or Government vehicles, as defined by Department of Defense Instruction 6055.07, or a successor instruction.

“(9) Information on the extent to which units of the armed forces have removed serviceable parts, supplies, or equipment from one vehicle, vessel, or aircraft in order to render a different vehicle, vessel, or aircraft operational.

“(10) Such other information as determined necessary or appropriate by the Secretary of Defense.”;

(4) by striking subsections (d) through (h) and subsection (j);

(5) by redesignating subsection (i) as subsection (e); and

(6) by inserting after subsection (c) the following new subsections (d):

“(d) SEMI-ANNUAL JOINT FORCE READINESS REVIEW.—(1) Not later than 30 days after the last day of the first and third quarter of each calendar year, the Chairman of the Joint Chiefs of Staff shall submit to Congress a written report on the capability of

the armed forces, the combat support and related agencies, operational contract support, and the geographic and functional combatant commands to execute their wartime missions based upon their posture and readiness as of the time the review is conducted.

“(2) The Chairman shall produce the report required under this subsection using information derived from the quarterly reports required by subsection (a).

“(3) Each report required by this subsection shall include an assessment by each commander of a geographic or functional combatant command of the readiness of the command to conduct operations in a multidomain battle that integrates ground, sea, air, space, cyber, and special operations forces.

Assessment.

“(4) The Chairman shall submit to the Secretary of Defense a copy of each report under this subsection.”

Records.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 482 and inserting the following new item:

10 USC
prec. 480.

“482. Readiness reports.”.

SEC. 362. TECHNICAL CORRECTION TO DEADLINE FOR TRANSITION TO DEFENSE READINESS REPORTING SYSTEM STRATEGIC.

Section 358(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended by striking “October 1, 2019” and inserting “October 1, 2020”.

10 USC 117 note.

SEC. 363. REPORT ON NAVY SHIP DEPOT MAINTENANCE BUDGET.

(a) IN GENERAL.—Not later than March 1 of each of 2020, 2021, and 2022, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the Operation and Maintenance, Ship Depot Maintenance budget sub-activity group.

(b) ELEMENTS.—The report required under subsection (a) shall include each of the following elements:

(1) A breakdown of funding, categorized by class of ship, requested for ship and submarine maintenance.

(2) A description of how the requested funding, categorized by class of ship, compares to the identified ship maintenance requirement.

(3) The amount of funds appropriated for each class of ship for the preceding fiscal year.

(4) The amount of funds obligated and expended for each class of ship for each of the three preceding fiscal years.

(5) The cost, categorized by class of ship, of unplanned growth work for each of the three preceding fiscal years.

SEC. 364. REPORT ON RUNIT DOME.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the status of the Runit Dome in the Marshal Islands.

(b) MATTERS FOR INCLUSION.—The report required by subsection (a) shall include each of the following:

Assessments.

(1) A detailed plan to repair the dome to ensure that it does not have any harmful effects to the local population,

Plan.

environment, or wildlife, including the projected costs of implementing such plan.

(2) The effects on the environment that the dome has currently and is projected to have in 5 years, 10 years, and 20 years.

(3) An assessment of the current condition of the outer constructs of the dome.

(4) An assessment of the current and long-term safety to local humans posed by the site.

(5) An assessment of how rising sea levels might affect the dome.

Summary.

(6) A summary of interactions between the Government of the United States and the government of the Marshall Islands about the dome.

Public
information.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form and made publicly available.

10 USC 482 note.

SEC. 365. PROHIBITION ON SUBJECTIVE UPGRADES BY COMMANDERS OF UNIT RATINGS IN MONTHLY READINESS REPORTING ON MILITARY UNITS.

(a) IN GENERAL.—The Chairman of the Joint Chiefs of Staff shall modify Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 3401.02B, on Force Readiness Reporting, to prohibit the commander of a military unit who is responsible for monthly reporting of the readiness of the unit under the instruction from making any upgrade of the overall rating of the unit (commonly referred to as the “C-rating”) for such reporting purposes based in whole or in part on subjective factors.

(b) WAIVER.—

(1) IN GENERAL.—The modification required by subsection (a) shall authorize an officer in a general or flag officer grade in the chain of command of a commander described in that subsection to waive the prohibition described in that subsection in connection with readiness reporting on the unit concerned if the officer considers the waiver appropriate in the circumstances.

(2) REPORTING ON WAIVERS.—Each report on personnel and unit readiness submitted to Congress for a calendar year quarter pursuant to section 482 of title 10, United States Code, shall include information on each waiver, if any, issued pursuant to paragraph (1) during such calendar year quarter.

10 USC 117 note.

SEC. 366. REQUIREMENT TO INCLUDE FOREIGN LANGUAGE PROFICIENCY IN READINESS REPORTING SYSTEMS OF DEPARTMENT OF DEFENSE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of each military department shall include in the Global Readiness and Force Management Enterprise, for the appropriate billets with relevant foreign language requirements, measures of foreign language proficiency as a mandatory element of unit readiness reporting, to include the Defense Readiness Reporting Systems-Strategic (DRRS-S) and all other subordinate systems that report readiness data.

Subtitle F—Other Matters

SEC. 371. PREVENTION OF ENCROACHMENT ON MILITARY TRAINING ROUTES AND MILITARY OPERATIONS AREAS.

Section 183a of title 10, United States Code, is amended—

(1) in subsection (c)(6), in the second sentence—

(A) by striking “radar or airport surveillance radar operated” and inserting “radar, airport surveillance radar, or wide area surveillance over-the-horizon radar operated”; and

(B) by inserting “Any setback for a project pursuant to the previous sentence shall not be more than what is determined to be necessary by a technical analysis conducted by the Lincoln Laboratory at the Massachusetts Institute of Technology or any successor entity.” after “mitigation options.”;

(2) in subsection (d)—

(A) in paragraph (2)(E), by striking “to a Deputy Secretary of Defense, an Under Secretary of Defense, or a Principal Deputy Under Secretary of Defense” and inserting “to the Deputy Secretary of Defense, an Under Secretary of Defense, or a Deputy Under Secretary of Defense”;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following new paragraph (3):

“(3) The governor of a State may recommend to the Secretary of Defense additional geographical areas of concern within that State. Any such recommendation shall be submitted for notice and comment pursuant to paragraph (2)(C).”;

Recommendations.

(3) in subsection (e)(3), by striking “an under secretary of defense, or a deputy under secretary of defense” and inserting “an Under Secretary of Defense, or a Deputy Under Secretary of Defense”;

(4) in subsection (f), in the first sentence, by striking “from an applicant for a project filed with the Secretary of Transportation pursuant to section 44718 of title 49” and inserting “from an entity requesting a review by the Clearinghouse under this section”; and

(5) in subsection (h)—

(A) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (9), respectively;

(B) by inserting after paragraph (2) the following new paragraph (3):

“(3) The term ‘governor’, with respect to a State, means the chief executive officer of the State.”;

Definition.

(C) in paragraph (7), as redesignated by subparagraph (A), by striking “by the Federal Aviation Administration” and inserting “by the Administrator of the Federal Aviation Administration”; and

(D) by inserting after paragraph (7), as redesignated by subparagraph (A), the following new paragraph:

“(8) The term ‘State’ means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the United States Virgin Islands, and American Samoa.”.

Definition.

SEC. 372. EXPANSION AND ENHANCEMENT OF AUTHORITIES ON TRANSFER AND ADOPTION OF MILITARY ANIMALS.

(a) **TRANSFER AND ADOPTION GENERALLY.**—Section 2583 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting “TRANSFER OR” before “ADOPTION”; and

(B) by striking “adoption” each place it appears and inserting “transfer or adoption”;

(2) in subsection (b)—

(A) in the subsection heading, by inserting “TRANSFER OR” before “ADOPTION”; and

(B) in the first sentence, by striking “adoption” and inserting “transfer or adoption”; and

(C) in the second sentence, striking “adoptability” and inserting “transferability or adoptability”;

(3) in subsection (c)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting “transfer or” before “adoption”; and

(ii) by inserting “, by” after “recommended priority”;

(B) in subparagraphs (A) and (B), by inserting “adoption” before “by”;

(C) in subparagraph (B), by inserting “or organizations” after “persons”; and

(D) in subparagraph (C), by striking “by” and inserting “transfer to”; and

(4) in subsection (e)—

(A) in the subsection heading, by inserting “OR ADOPTED” after “TRANSFERRED”;

(B) in paragraphs (1) and (2), by striking “transferred” each place it appears and inserting “transferred or adopted”; and

(C) in paragraph (2), by striking “transfer” each place it appears and inserting “transfer or adoption”.

(b) **VETERINARY SCREENING AND CARE FOR MILITARY WORKING DOGS TO BE RETIRED.**—Such section is further amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) **VETERINARY SCREENING AND CARE FOR MILITARY WORKING DOGS TO BE RETIRED.**—(1)(A) If the Secretary of the military department concerned determines that a military working dog should be retired, such Secretary shall transport the dog to the Veterinary Treatment Facility at Lackland Air Force Base, Texas.

“(B) In the case of a contract working dog to be retired, transportation required by subparagraph (A) is satisfied by the transfer of the dog to the 341st Training Squadron at the end of the dog’s service life as required by section 2410r of this title and assignment of the dog to the Veterinary Treatment Facility referred to in that subparagraph.

“(2)(A) The Secretary of Defense shall ensure that each dog transported as described in paragraph (1) to the Veterinary Treatment Facility referred to in that paragraph is provided with a full veterinary screening, and necessary veterinary care (including

surgery for any mental, dental, or stress-related illness), before transportation of the dog in accordance with subsection (g).

“(B) For purposes of this paragraph, stress-related illness includes illness in connection with post-traumatic stress, anxiety that manifests in a physical ailment, obsessive compulsive behavior, and any other stress-related ailment.

“(3) Transportation is not required under paragraph (1), and screening and care is not required under paragraph (2), for a military working dog located outside the United States if the Secretary of the military department concerned determines that transportation of the dog to the United States would not be in the best interests of the dog for medical reasons.”.

(c) COORDINATION OF SCREENING AND CARE REQUIREMENTS WITH TRANSPORTATION REQUIREMENTS.—Subsection (g) of such section, as redesignated by subsection (b)(1) of this section, is amended to read as follows:

“(g) TRANSPORTATION OF RETIRING MILITARY WORKING DOGS.—Upon completion of veterinary screening and care for a military working dog to be retired pursuant to subsection (f), the Secretary of the military department concerned shall—

“(1) if the dog was at a location outside the United States immediately prior to transportation for such screening and care and a United States citizen or member of the armed forces living abroad agrees to adopt the dog, transport the dog to such location for adoption; or

“(2) for any other dog, transport the dog—

“(A) to the 341st Training Squadron;

“(B) to another location within the United States for transfer or adoption under this section.”.

(d) PRESERVATION OF POLICY ON TRANSFER OF MILITARY WORKING DOGS TO LAW ENFORCEMENT AGENCIES.—Subsection (h) of such section, as so redesignated, is amended in paragraph (3) by striking “adoption of military working dogs” and all that follows through the period at the end and inserting “transfer of military working dogs to law enforcement agencies before the end of the dogs’ useful working lives.”.

(e) CLARIFICATION OF HORSES TREATABLE AS MILITARY ANIMALS.—Subsection (i) of such section, as so redesignated, is amended by striking paragraph (2) and inserting the following new paragraph (2):

“(2) An equid (horse, mule, or donkey) owned by the Department of Defense.”.

(f) CONTRACT TERM FOR CONTRACT WORKING DOGS.—Section 2410r(a) of title 10, United States Code, is amended—

(1) by inserting “, and shall contain a contract term,” after “shall require”;

(2) by inserting “and assigned for veterinary screening and care in accordance with section 2583 of this title” after “341st Training Squadron”; and

(3) by striking “section 2583 of this title” and inserting “such section”.

SEC. 373. EXTENSION OF AUTHORITY FOR SECRETARY OF DEFENSE TO USE DEPARTMENT OF DEFENSE REIMBURSEMENT RATE FOR TRANSPORTATION SERVICES PROVIDED TO CERTAIN NON-DEPARTMENT OF DEFENSE ENTITIES.

Section 2642(b) of title 10, United States Code, is amended by striking “October 1, 2019” and inserting “October 1, 2024”.

SEC. 374. EXTENSION OF AUTHORITY OF SECRETARY OF TRANSPORTATION TO ISSUE NON-PREMIUM AVIATION INSURANCE.

Section 44310(b) of title 49, United States Code, is amended by striking “December 31, 2019” and inserting “September 30, 2023”.

SEC. 375. DEFENSE PERSONAL PROPERTY PROGRAM.

(a) REPORT ON PERSONAL PROPERTY PROGRAM IMPROVEMENT ACTION PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment and the Under Secretary of Defense for Personnel and Readiness shall jointly submit to the congressional defense committees a report on implementation of the Personal Property Program Improvement Action Plan that was developed by the Personnel Relocation/Household Goods Movement Cross-Functional Team.

(2) CONTENTS OF REPORT.—The report required under paragraph (1) shall include updated information on the efforts of the Department of Defense to—

(A) integrate permanent-change-of-station orders with transportation systems;

(B) reduce the number of report dates during peak moving season;

(C) synchronize the communication of information about orders to all parties involved, including industry;

(D) improve lead time for permanent-change-of-station orders;

(E) meet quality assurance inspection standards;

(F) improve the claims review process; and

(G) incorporate predictive analytics to anticipate potentially problematic shipments.

Deadline.

(3) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment and the Assistant Secretary of Defense for Personnel and Readiness shall jointly provide to the congressional defense committees a briefing on the report required under this subsection.

Deadline.

(b) BUSINESS CASE ANALYSIS.—Not later than 30 days after the date of the enactment of this Act, the Commander of United States Transportation Command shall submit to the congressional defense committees a business case analysis for the proposed award of a global household goods contract for the defense personal property program.

Analyses.

(c) GAO REPORT.—Not later than 30 days after the date on which the Commander of United States Transportation Command submits the business case analysis required by subsection (b), the Comptroller General of the United States shall submit to the congressional defense committees a report on a comprehensive study conducted by the Comptroller General that includes—

(1) an analysis of the effects that the outsourcing of the management and oversight of the movement of household goods to a private entity or entities would have on members of the Armed Forces and their families;

(2) a comprehensive cost-benefit analysis; and

(3) recommendations for changes to the strategy of the Department of Defense for the defense personal property program.

Recommendations.

(d) **LIMITATION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2020 may be used to enter into a global household goods contract until April 1, 2020.

Effective date.

(e) **DEFINITIONS.**—In this section:

(1) The term “global household goods contract” means the solicitation managed by United States Transportation Command to engage a private entity to manage the defense personal property program.

(2) The term “defense personal property program” means the Department of Defense program used to manage the shipment of the baggage and household effects of members of the Armed Forces under section 476 of title 37, United States Code.

SEC. 376. PUBLIC EVENTS ABOUT RED HILL BULK FUEL STORAGE FACILITY.

(a) **REQUIREMENT.**—At least once every calendar quarter, the Secretary of the Navy, or the designee of the Secretary, shall hold an event that is open to the public at which the Secretary shall provide up-to-date information about the Red Hill Bulk Fuel Storage Facility.

Time period.

(b) **TERMINATION.**—The requirement to hold events under subsection (a) shall terminate on the earlier of the following dates:

(1) September 30, 2025.

(2) The date on which the Red Hill Bulk Fuel Storage Facility ceases operation.

SEC. 377. SENSE OF CONGRESS REGARDING INNOVATIVE READINESS TRAINING PROGRAM.

It is the sense of Congress that—

(1) the Innovative Readiness Training program is an effective training program for members of the Armed Forces and is highly beneficial to civilian-military relationships with local American communities;

(2) due to the geographic complexities and realities of non-contiguous States and territories, Innovative Readiness Training has lent greater benefit to such States and territories while providing unique and realistic training opportunities and deployment readiness for members of the Armed Forces;

(3) the Department of Defense should pursue continued Innovative Readiness Training opportunities, and, where applicable, strongly encourage the use of Innovative Readiness Training in non-contiguous States and territories; and

(4) in considering whether to recommend a project, the Secretary should consider the benefits of the project to the economy of a region damaged by natural disasters.

SEC. 378. DETONATION CHAMBERS FOR EXPLOSIVE ORDNANCE DISPOSAL.

Determination.

(a) **IN GENERAL.**—The Secretary of the Navy shall purchase and operate a portable closed detonation chamber and water jet cutting system to be deployed at a former naval bombardment area located outside the continental United States that is part of an active remediation program using amounts made available for environmental restoration, Navy. Upon a determination by the Secretary of the Navy that the chamber has completed the mission of destroying appropriately sized munitions at such former naval bombardment area, the Secretary may deploy the chamber to another location.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for fiscal year 2020 \$10,000,000 to carry out subsection (a).

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Revisions in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Maximum number of reserve personnel authorized to be on active duty for operational support.

Sec. 415. Authorized strengths for Marine Corps Reserves on active duty.

Sec. 416. Modification of authorized strength of Air Force Reserve serving on full-time reserve component duty for administration of the reserves or the National Guard.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2020, as follows:

- (1) The Army, 480,000.
- (2) The Navy, 340,500.
- (3) The Marine Corps, 186,200.
- (4) The Air Force, 332,800.

SEC. 402. REVISIONS IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

- “(1) For the Army, 480,000.
- “(2) For the Navy, 340,500.
- “(3) For the Marine Corps, 186,200.
- “(4) For the Air Force, 332,800.”.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2020, as follows:

- (1) The Army National Guard of the United States, 336,000.
- (2) The Army Reserve, 189,500.
- (3) The Navy Reserve, 59,000.
- (4) The Marine Corps Reserve, 38,500.
- (5) The Air National Guard of the United States, 107,700.
- (6) The Air Force Reserve, 70,100.
- (7) The Coast Guard Reserve, 7,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

- (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and
- (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2020, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 30,595.
- (2) The Army Reserve, 16,511.
- (3) The Navy Reserve, 10,155.
- (4) The Marine Corps Reserve, 2,386.
- (5) The Air National Guard of the United States, 22,637.
- (6) The Air Force Reserve, 4,431.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

(a) IN GENERAL.—The minimum number of military technicians (dual status) as of the last day of fiscal year 2020 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

- (1) For the Army National Guard of the United States, 22,294.
- (2) For the Army Reserve, 6,492.

(3) For the Air National Guard of the United States, 13,569.

(4) For the Air Force Reserve, 8,938.

(b) LIMITATION.—Under no circumstances may a military technician (dual status) employed under the authority of this section be coerced by a State into accepting an offer of realignment or conversion to any other military status, including as a member of the Active, Guard, and Reserve program of a reserve component. If a military technician (dual status) declines to participate in such realignment or conversion, no further action will be taken against the individual or the individual's position.

(c) ADJUSTMENT OF AUTHORIZED STRENGTH.—

(1) IN GENERAL.—If, at the end of fiscal year 2019, the Air National Guard of the United States does not meet its full-time support realignment goals for such fiscal year (as presented in the justification materials of the Department of Defense in support of the budget of the President for such fiscal year under section 1105 of title 31, United States Code), the authorized number of military technicians (dual status) of the Air National Guard of the United States under subsection (a)(3) shall be increased by the number equal to the difference between—

(A) 3,190, which is the number of military technicians (dual status) positions in the Air National Guard of the United States sought to be converted to the Active, Guard, and Reserve program of the Air National Guard during fiscal year 2019; and

(B) the number of realigned positions achieved in the Air National Guard by the end of fiscal year 2019.

(2) LIMITATION.—The increase under paragraph (1) in the authorized number of military technician (dual status) positions described in that paragraph may not exceed 2,292.

(3) DECREASE IN AUTHORIZED NUMBER OF ANGUS RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.—In the event of an adjustment to the authorized number military technicians (dual status) of the Air National Guard of the United States under this subsection, the number of members of the Air National Guard of the United States authorized by section 412(5) to be on active duty as of September 30, 2020, shall be decreased by the number equal to the number of such adjustment.

Deadline.

(d) CERTIFICATION.—Not later than January 1, 2020, the Chief of the National Guard Bureau shall certify to the Committees on Armed Services of the Senate and House of Representatives the number of positions realigned from a military technician (dual status) position to a position in the Active, Guard, and Reserve program of a reserve component in fiscal year 2019.

(e) DEFINITIONS.—In subsections (b), (c), and (d):

(1) The term “realigned position” means any military technician (dual status) position which has been converted or realigned to a position in an Active, Guard, and Reserve program of a reserve component under the full time support rebalancing plan of the Armed Force concerned, regardless of whether such position is encumbered.

(2) The term “Active, Guard, and Reserve program”, in the case of a reserve component, means the program of the reserve component under which Reserves serve on full-time active duty or full-time duty, in the case of members of the

National Guard, for the purpose of organizing, administering, recruiting, instructing, or training such reserve component.

SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2020, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

- (1) The Army National Guard of the United States, 17,000.
- (2) The Army Reserve, 13,000.
- (3) The Navy Reserve, 6,200.
- (4) The Marine Corps Reserve, 3,000.
- (5) The Air National Guard of the United States, 16,000.
- (6) The Air Force Reserve, 14,000.

SEC. 415. AUTHORIZED STRENGTHS FOR MARINE CORPS RESERVES ON ACTIVE DUTY.

(a) OFFICERS.—Section 12011(a)(1) of title 10, United States Code, is amended by striking those parts of the table pertaining to the Marine Corps Reserve and inserting the following:

“Marine Corps Reserve:

1,000	99	63	20
1,200	103	67	21
1,300	107	70	22
1,400	111	73	23
1,500	114	76	24
1,600	117	79	25
1,700	120	82	26
1,800	123	85	27
1,900	126	88	28
2,000	129	91	29
2,100	132	94	30
2,200	134	97	31
2,300	136	100	32
2,400	143	105	34
2,500	149	109	35
2,600	155	113	36
2,700	161	118	37
2,800	167	122	39
2,900	173	126	41
3,000	179	130	42”.

(c) SENIOR ENLISTED MEMBERS.—Section 12012(a) of title 10, United States Code, is amended by striking those parts of the table pertaining to the Marine Corps Reserve and inserting the following:

“Marine Corps Reserve:

1,100	50	11
1,200	55	12
1,300	60	13
1,400	65	14

1,500	70	15
1,600	75	16
1,700	80	17
1,800	85	18
1,900	89	19
2,000	93	20
2,100	96	21
2,200	99	22
2,300	101	23
2,400	106	24
2,500	112	25
2,600	116	26
2,700	121	27
2,800	125	28
2,900	130	29
3,000	134	30”.

SEC. 416. MODIFICATION OF AUTHORIZED STRENGTH OF AIR FORCE RESERVE SERVING ON FULL-TIME RESERVE COMPONENT DUTY FOR ADMINISTRATION OF THE RESERVES OR THE NATIONAL GUARD.

(a) IN GENERAL.—The table in section 12011(a)(1) of title 10, United States Code, is amended by striking the matter relating to the Air Force Reserve and inserting the following new matter:

“Air Force Reserve

1,000	166	170	100
1,500	245	251	143
2,000	322	330	182
2,500	396	406	216
3,000	467	479	246
3,500	536	550	271
4,000	602	618	292
4,500	665	683	308
5,000	726	746	320
5,500	784	806	325
6,000	840	864	327
7,000	962	990	347
8,000	1,087	1,110	356
10,000	1,322	1,362	395”.

10 USC 12011
note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2019, and shall apply with respect to fiscal years beginning on or after that date.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2020.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Maker of original appointments in a regular or reserve component of commissioned officers previously subject to original appointment in other type of component.
- Sec. 502. Furnishing of adverse information on officers to promotion selection boards.
- Sec. 503. Limitation on number of officers recommendable for promotion by promotion selection boards.
- Sec. 504. Expansion of authority for continuation on active duty of officers in certain military specialties and career tracks.
- Sec. 505. Management policies for joint qualified officers.
- Sec. 506. Modification of authorities on management of deployments of members of the Armed Forces and related unit operating and personnel tempo matters.
- Sec. 507. Personnel tempo of the Armed Forces and the United States Special Operations Command during periods of inapplicability of high-deployment limitations.
- Sec. 508. Permanent authority to defer past age 64 the retirement of chaplains in general and flag officer grades.
- Sec. 509. Higher grade in retirement for officers following reopening of determination or certification of retired grade.
- Sec. 510. Authority of promotion boards to recommend that officers of particular merit be placed higher on promotion list.
- Sec. 510A. Availability on the internet of certain information about officers serving in general or flag officer grades.
- Sec. 510B. Functional badge or insignia upon commission for chaplains.

Subtitle B—Reserve Component Management

- Sec. 511. Modification of grade level threshold for Junior Reserve Officers' Training Corps.
- Sec. 512. Inclusion of STEM in courses of instruction for the Junior Reserve Officers' Training Corps.
- Sec. 513. Inclusion of homeschooled students in Junior Reserve Officers' Training Corps units.
- Sec. 514. Clarification of eligibility to serve as Commander, Marine Forces Reserve.
- Sec. 515. Extension and periodic evaluation of suicide prevention and resilience program for the reserve components.
- Sec. 516. Authority to defer mandatory separation at age 68 of officers in medical specialties in the reserve components.
- Sec. 517. Modernization of inspection authorities applicable to the National Guard.
- Sec. 518. Consultation with Chief of the National Guard Bureau in the appointment or designation of National Guard property and fiscal officers.
- Sec. 519. Coast Guard Junior Reserve Officers' Training Corps.
- Sec. 520. Repeal of requirement for review of certain Army Reserve officer unit vacancy promotions by commanders of associated active duty units.
- Sec. 520A. Report on methods to enhance domestic response to large scale, complex and catastrophic disasters.

- Sec. 520B. Report and briefing on the Senior Reserve Officers' Training Corps.
- Sec. 520C. Sense of Congress on increase in number of Junior Reserve Officers' Training Corps units.

Subtitle C—General Service Authorities and Correction of Military Records

- Sec. 521. Advice and counsel of trauma experts in review by boards for correction of military records and discharge review boards of certain claims.
- Sec. 522. Reduction in required number of members of discharge review boards.
- Sec. 523. Establishment of process to review a request for upgrade of discharge or dismissal.
- Sec. 524. Prohibition on reduction in the number of personnel assigned to duty with a service review agency.
- Sec. 525. Training of members of boards for correction of military records and discharge review boards on sexual trauma, intimate partner violence, spousal abuse, and related matters.
- Sec. 526. Time requirements for certification of honorable service.
- Sec. 527. Correction of certain discharge characterizations.
- Sec. 528. Development of guidelines for use of unofficial sources of information to determine eligibility of members and former members of the Armed Forces for decorations when the service records are incomplete because of damage to the official record.
- Sec. 529. Strategic plan for diversity and inclusion.
- Sec. 530. Study regarding screening individuals who seek to enlist in the Armed Forces.
- Sec. 530A. Feasibility study regarding notification to Secretary of Homeland Security of honorable discharges of non-citizens.
- Sec. 530B. Sense of Congress regarding accession physicals.

Subtitle D—Military Justice

- Sec. 531. Expansion of pre-referral matters reviewable by military judges and military magistrates in the interest of efficiency in military justice.
- Sec. 532. Command influence.
- Sec. 533. Statute of limitations for certain offenses.
- Sec. 534. Public access to dockets, filings, and court records of courts-martial or other records of trial of the military justice system.
- Sec. 535. Extension of Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces.
- Sec. 536. Authority for return of personal property to victims of sexual assault who file a Restricted Report before conclusion of related proceedings.
- Sec. 537. Guidelines on sentences for offenses committed under the Uniform Code of Military Justice.
- Sec. 538. Notification of significant events and documentation of preference for prosecution jurisdiction for victims of sexual assault.
- Sec. 539. Increase in number of digital forensic examiners for certain military criminal investigative organizations.
- Sec. 540. Increase in investigative personnel and Victim Witness Assistance Program liaisons.
- Sec. 540A. Training for sexual assault initial disposition authorities on exercise of disposition authority for sexual assault and collateral offenses.
- Sec. 540B. Training for commanders in the Armed Forces on their role in all stages of military justice in connection with sexual assault.
- Sec. 540C. Timely disposition of nonprosecutable sex-related offenses.
- Sec. 540D. Department of Defense-wide policy and military department-specific programs on reinvigoration of the prevention of sexual assault involving members of the Armed Forces.
- Sec. 540E. Recommendations on separate punitive article in the Uniform Code of Military Justice on sexual harassment.
- Sec. 540F. Report on military justice system involving alternative authority for determining whether to prefer or refer changes for felony offenses under the Uniform Code of Military Justice.
- Sec. 540G. Report on standardization among the military departments in collection and presentation of information on matters within the military justice system.
- Sec. 540H. Report on expansion of Air Force safe to report policy across the Armed Forces.
- Sec. 540I. Assessment of racial, ethnic, and gender disparities in the military justice system.
- Sec. 540J. Pilot programs on defense investigators in the military justice system.
- Sec. 540K. Report on preservation of recourse to restricted report on sexual assault for victims of sexual assault following certain victim or third-party communications.

- Sec. 540L. Report on establishment of guardian ad litem program for certain military dependents who are a victim or witness of an offense under the Uniform Code of Military Justice involving abuse or exploitation.
- Sec. 540M. Comptroller General of the United States report on implementation by the Armed Forces of recent statutory requirements on sexual assault prevention and response in the military.
- Sec. 540N. Sense of Congress on the Port Chicago 50.

Subtitle E—Other Legal Matters

- Sec. 541. Improvement of certain Special Victims' Counsel authorities.
- Sec. 542. Availability of Special Victims' Counsel at military installations.
- Sec. 543. Notification of issuance of military protective order to civilian law enforcement.
- Sec. 544. Copyright protection for civilian faculty of certain accredited institutions.
- Sec. 545. Termination of leases of premises and motor vehicles of servicemembers who incur catastrophic injury or illness or die while in military service.
- Sec. 546. Military orders required for termination of leases pursuant to the Servicemembers Civil Relief Act.
- Sec. 547. Preservation of right to bring class action under Servicemembers Civil Relief Act.
- Sec. 548. Legal counsel for victims of alleged domestic violence offenses.
- Sec. 549. Notice to victims of alleged sexual assault of pendency of further administrative action following a determination not to refer to trial by court-martial.
- Sec. 550. Treatment of information in Catch a Serial Offender Program for certain purposes.
- Sec. 550A. Policies and procedures on registration at military installations of civilian protective orders applicable to members of the Armed Forces assigned to such installations and certain other individuals.
- Sec. 550B. Defense Advisory Committee for the Prevention of Sexual Misconduct.
- Sec. 550C. Training for Special Victims' Counsel on civilian criminal justice matters in the States of the military installations to which assigned.
- Sec. 550D. Enhancing the capability of military criminal investigative organizations to prevent and combat child sexual exploitation.
- Sec. 550E. Feasibility study on establishment of database of military protective orders.
- Sec. 550F. GAO review of USERRA and SCRA.

Subtitle F—Member Education

- Sec. 551. Authority for detail of certain enlisted members of the Armed Forces as students at law schools.
- Sec. 552. Inclusion of Coast Guard in Department of Defense STARBASE Program.
- Sec. 553. Degree granting authority for United States Army Armament Graduate School; limitation on establishment of certain educational institutions.
- Sec. 554. Prohibition on off-duty employment for cadets and midshipmen completing obligated service after graduation.
- Sec. 555. Consideration of request for transfer of a cadet or midshipman at a military service academy who is the victim of a sexual assault or related offense.
- Sec. 556. Redesignation of the Commandant of the United States Air Force Institute of Technology as the Director and Chancellor of such Institute.
- Sec. 557. Eligibility of additional enlisted members for associate degree programs of the Community College of the Air Force.
- Sec. 558. Speech disorders of cadets and midshipmen.
- Sec. 559. Requirement to continue provision of tuition assistance for members of the Armed Forces.
- Sec. 560. Information on institutions of higher education participating in the Department of Defense Tuition Assistance Program.
- Sec. 560A. Inclusion of information on free credit monitoring in annual financial literacy briefing.
- Sec. 560B. Programs to facilitate the award of private pilot's certificates.

Subtitle G—Member Training and Transition

- Sec. 561. Requirement to provide information regarding benefits claims to members during TAP counseling.
- Sec. 562. Participation of other Federal agencies in the SkillBridge apprenticeship and internship program for members of the Armed Forces.
- Sec. 563. First modification of elements of report on the improved Transition Assistance Program.
- Sec. 564. Second modification of elements of report on the improved Transition Assistance Program.

- Sec. 565. Prohibition on gender-segregated training at Marine Corps Recruit Depots.
- Sec. 566. Assessment of deaths of recruits under the jurisdiction of the Secretaries of the military departments.
- Sec. 567. Review of Department of Defense training programs regarding disinformation campaigns.
- Sec. 568. Command matters in connection with transition assistance programs.
- Sec. 569. Machine readability and electronic transferability of Certificate of Release or Discharge from Active Duty (DD Form 214).
- Sec. 570. Records of service for Reserves.
- Sec. 570A. Limitations and requirements in connection with separations for members of the Armed Forces who suffer from mental health conditions in connection with a sex-related, intimate partner violence-related, or spousal-abuse offense.
- Sec. 570B. Prohibition on involuntary separation of certain members of the Armed Forces; consideration of military service in removal determinations.
- Sec. 570C. Inclusion of question regarding immigration status on preseparation counseling checklist (DD Form 2648).
- Sec. 570D. Counseling for members of the Armed Forces who are not citizens of the United States on naturalization in the United States.
- Sec. 570E. Pilot program on information sharing between Department of Defense and designated relatives and friends of members of the Armed Forces regarding the experiences and challenges of military service.
- Sec. 570F. Connections of members retiring or separating from the Armed Forces with community-based organizations and related entities.
- Sec. 570G. Pilot program regarding online application for the Transition Assistance Program.

Subtitle H—Military Family Readiness and Dependents' Education

- Sec. 571. Authorizing members to take leave for a birth or adoption in more than one increment.
- Sec. 572. Deferred deployment for members who give birth.
- Sec. 573. Authority of the Secretary concerned to transport remains of a covered decedent to no more than two places selected by the person designated to direct disposition of the remains.
- Sec. 574. Military funeral honors matters.
- Sec. 575. Improvement of occupational license portability for relocated spouses of members of the uniformed services.
- Sec. 576. Continued eligibility for education and training opportunities for spouses of promoted members.
- Sec. 577. Modification to authority to reimburse for State licensure and certification costs of a spouse of a servicemember arising from relocation.
- Sec. 578. Clarification regarding eligibility to transfer entitlement under Post-9/11 Educational Assistance Program.
- Sec. 579. Annual State report card.
- Sec. 580. Improvements to child care for members of the Armed Forces.
- Sec. 580A. Transportation of remains of casualties; travel expenses for next of kin.
- Sec. 580B. Meetings of officials of the Department of Defense with representative groups of survivors of deceased members of the Armed Forces.
- Sec. 580C. Information and opportunities for registration for voting and absentee ballot requests for members of the Armed Forces undergoing deployment overseas.
- Sec. 580D. Study on two-way military ballot barcode tracking.
- Sec. 580E. Assistance to schools with military dependent students.
- Sec. 580F. First expansion of the My Career Advancement Account program for military spouses.
- Sec. 580G. Second expansion of the My Career Advancement Account program for military spouses.
- Sec. 580H. Report on training and support available to military spouses.
- Sec. 580I. Ri'katak Guest Student Program at United States Army Garrison—Kwajalein Atoll.

Subtitle I—Decorations and Awards

- Sec. 581. Modification of authorities on eligibility for and replacement of gold star lapel buttons.
- Sec. 582. Standardization of honorable service requirement for award of military decorations.
- Sec. 583. Authorization for award of the Medal of Honor to John J. Duffy for acts of valor in Vietnam.
- Sec. 584. Review of World War I valor medals.

Subtitle J—Miscellaneous Reports and Other Matters

- Sec. 591. Clarification of the term “assault” for purposes of Workplace and Gender Relations Surveys.

- Sec. 592. Inclusion of certain veterans on temporary disability or permanent disabled retirement lists in military adaptive sports programs.
- Sec. 593. Questions in surveys regarding extremist activity in the workplace.
- Sec. 594. Study on best practices for providing financial literacy education for separating members of the Armed Forces.
- Sec. 595. Report on oversight of authorized strengths of certain grades of commissioned regular and reserve officers of the Armed Forces.
- Sec. 596. Report on certain waivers.
- Sec. 597. Notifications on manning of afloat naval forces.
- Sec. 598. Report regarding use of aerial systems of the Department of Defense to support agencies of States, Territories, and the Federal Government.
- Sec. 599. Information for members of the Armed Forces on availability of services of the Department of Veterans Affairs relating to sexual trauma.
- Sec. 599A. Authority to issue an honorary promotion to Colonel Charles E. McGee, United States Air Force (ret.), to the grade of brigadier general.
- Sec. 599B. Authority to issue an honorary and posthumous promotion to Lieutenant Colonel Richard Cole, United States Air Force (ret.), to the grade of colonel.
- Sec. 599C. Sense of Congress on the honorable and distinguished service of General Joseph F. Dunford, United States Marine Corps, to the United States.

Subtitle A—Officer Personnel Policy

SEC. 501. MAKER OF ORIGINAL APPOINTMENTS IN A REGULAR OR RESERVE COMPONENT OF COMMISSIONED OFFICERS PREVIOUSLY SUBJECT TO ORIGINAL APPOINTMENT IN OTHER TYPE OF COMPONENT.

(a) MAKER OF REGULAR APPOINTMENTS IN TRANSFER FROM RESERVE ACTIVE-STATUS LIST TO ACTIVE-DUTY LIST.—Section 531(c) of title 10, United States Code, is amended by striking “the Secretary concerned” and inserting “the Secretary of Defense”.

(b) MAKER OF RESERVE APPOINTMENTS IN TRANSFER FROM ACTIVE-DUTY LIST TO RESERVE ACTIVE-STATUS LIST.—Section 12203(b) of such title is amended by striking “the Secretary concerned” and inserting “the Secretary of Defense”.

(c) REPORT.—Not later than April 1, 2020, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) The average number per fiscal year, during fiscal years 2010 through 2019, of transfers of appointment from regular officer to reserve officer in the Armed Forces, set forth by each of transfers requiring and transfers not requiring appointment by and with the advice and consent of the Senate.

(2) The average amount of time required per fiscal year, during such fiscal years, for completion of a transfer of appointment from regular officer to reserve officer in situations not requiring appointment by and with the advice and consent of the Senate.

(3) An assessment of the number of officers who experience a break-in-service due to delays in transfer of appointment from regular officer to reserve officer as a result of the requirement for appointment by and with the advice and consent of the Senate.

Assessment.

(4) An assessment of the feasibility and advisability of each of the following:

Assessment.

(A) Appointment of regular officers as both a regular officer and a reserve officer immediately upon commissioning.

(B) Consolidation of the provisions of title 10, United States Code, relating to appointment as a regular or reserve

Recommendations.

officer in a manner designed to facilitate and improve officer retention.

(5) Such other recommendations for legislative or administrative action as the Secretary considers appropriate to improve the rapid transfer of appointment of an officer from regular status to reserve status.

SEC. 502. FURNISHING OF ADVERSE INFORMATION ON OFFICERS TO PROMOTION SELECTION BOARDS.

(a) **EXPANSION OF GRADES OF OFFICERS FOR WHICH INFORMATION IS FURNISHED.**—Section 615(a)(3) of title 10, United States Code, is amended—

(1) by inserting “(A)” after “(3)”;

(2) in subparagraph (A), as designated by paragraph (1), by striking “a grade above colonel or, in the case of the Navy, captain” and inserting “a grade specified in subparagraph (B)”;

and
(3) by adding at the end the following new subparagraph:
“(B) A grade specified in this subparagraph is as follows:

“(i) In the case of a regular officer, a grade above captain or, in the case of the Navy, lieutenant.

“(ii) In the case of a reserve officer, a grade above lieutenant colonel or, in the case of the Navy, commander.”.

(b) **FURNISHING AT EVERY PHASE OF CONSIDERATION.**—Such section is further amended by adding at the end the following new subparagraph:

“(C) The standards and procedures referred to in subparagraph (A) shall require the furnishing to the selection board, and to each individual member of the board, the information described in that subparagraph with regard to an officer in a grade specified in subparagraph (B) at each stage or phase of the selection board, concurrent with the screening, rating, assessment, evaluation, discussion, or other consideration by the board or member of the official military personnel file of the officer, or of the officer.”.

10 USC 615 note.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to the proceedings of promotion selection boards convened under section 611(a) of title 10, United States Code, after that date.

SEC. 503. LIMITATION ON NUMBER OF OFFICERS RECOMMENDABLE FOR PROMOTION BY PROMOTION SELECTION BOARDS.

(a) **IN GENERAL.**—Section 616 of title 10, United States Code is amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) The number of officers recommended for promotion by a selection board convened under section 611(a) of this title may not exceed the number equal to 95 percent of the number of officers included in the promotion zone established under section 623 of this title for consideration by the board.”.

10 USC 616 note.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to consideration by promotion selection boards convened under section 611(a) of title 10, United States

Code, of promotion zones that are established under section 623 of that title on or after that date.

SEC. 504. EXPANSION OF AUTHORITY FOR CONTINUATION ON ACTIVE DUTY OF OFFICERS IN CERTAIN MILITARY SPECIALTIES AND CAREER TRACKS.

Section 637a(a) of title 10, United States Code, is amended by inserting “separation or” after “provided for the”.

SEC. 505. MANAGEMENT POLICIES FOR JOINT QUALIFIED OFFICERS.

Section 661(d)(3)(B) of title 10, United States Code, is amended in the third sentence by inserting “or a designee of the Chairman who is an officer of the armed forces in grade O–9 or higher” before the period.

SEC. 506. MODIFICATION OF AUTHORITIES ON MANAGEMENT OF DEPLOYMENTS OF MEMBERS OF THE ARMED FORCES AND RELATED UNIT OPERATING AND PERSONNEL TEMPO MATTERS.

(a) **LIMITATION ON SCOPE OF DELEGATIONS OF APPROVAL OF EXCEPTIONS TO DEPLOYMENT THRESHOLDS.**—Paragraph (3) of section 991(a) of title 10, United States Code, is amended by striking “be delegated to—” and all that follows and inserting “be delegated to a civilian officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate.”.

(b) **SEPARATE POLICIES ON DWELL TIME FOR REGULAR AND RESERVE MEMBERS.**—Paragraph (4) of such section is amended—

(1) by striking “addresses the amount” and inserting “addresses each of the following:

“(A) The amount.”;

(2) in subparagraph (A), as designated by paragraph (1), by inserting “regular” before “member”; and

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

“(B) The amount of dwell time a reserve member of the armed forces remains at the member’s permanent duty station after completing a deployment of 30 days or more in length.”.

SEC. 507. PERSONNEL TEMPO OF THE ARMED FORCES AND THE UNITED STATES SPECIAL OPERATIONS COMMAND DURING PERIODS OF INAPPLICABILITY OF HIGH-DEPLOYMENT LIMITATIONS.

(a) **IN GENERAL.**—Section 991(d) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “The Secretary”; and

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

“(2)(A) Whenever a waiver is in effect under paragraph (1), the member or group of members covered by the waiver shall be subject to specific and measurable deployment thresholds established and maintained for purposes of this subsection.

“(B) Thresholds under this paragraph may be applicable—

“(i) uniformly, Department of Defense-wide; or

“(ii) separately, with respect to each armed force or the United States Special Operations Command.

“(C) If thresholds under this paragraph are applicable Department-wide, such thresholds shall be established and maintained by the Under Secretary of Defense for Personnel and Readiness. If such thresholds are applicable only to one armed force or the Under States Special Operations Command, such thresholds shall

be established and maintained respectively by the Secretary of the Army, the Secretary of the Navy (other than with respect to the Marine Corps), the Secretary of the Air Force, the Commandant of the Marine Corps (with respect to the Marine Corps), and the Commander of the United States Special Operations Command, as applicable.

“(D) In undertaking recordkeeping for purposes of subsection (c), the Under Secretary shall, in conjunction with the officials and officers referred to in subparagraph (C), collect complete and reliable personnel tempo data of members described in subparagraph (A) in order to ensure that the Department, the armed forces, and the United States Special Operations Command fully and completely monitor personnel tempo under any waiver authorized under paragraph (1) and the effect of such waiver on the armed forces.”.

10 USC 991 note.

(b) **DEADLINE FOR IMPLEMENTATION.**—Paragraph (2) of section 991(d) of title 10, United States Code, as added by subsection (a), shall be fully implemented by not later than March 1, 2020.

SEC. 508. PERMANENT AUTHORITY TO DEFER PAST AGE 64 THE RETIREMENT OF CHAPLAINS IN GENERAL AND FLAG OFFICER GRADES.

Section 1253(c) of title 10, United States Code, is amended by striking paragraph (3).

SEC. 509. HIGHER GRADE IN RETIREMENT FOR OFFICERS FOLLOWING REOPENING OF DETERMINATION OR CERTIFICATION OF RETIRED GRADE.

(a) **ADVICE AND CONSENT OF SENATE REQUIRED FOR HIGHER GRADE.**—Section 1370(f) of title 10, United States Code, is amended—

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

(2) by inserting after paragraph (4) the following new paragraph (5):

“(5) If the retired grade of an officer is proposed to be increased through the reopening of the determination or certification of officer’s retired grade, the increase in the retired grade shall be made by the Secretary of Defense, by and with the advice and consent of the Senate.”.

(b) **RECALCULATION OF RETIRED PAY.**—Paragraph (6) of such section, as redesignated by subsection (a)(1), is amended—

(1) by inserting “or increased” after “reduced”;

(2) by inserting “as a result of the reduction or increase” after “any modification of the retired pay of the officer”;

(3) by inserting “or increase” after “the reduction”; and

(4) by adding at the end the following new sentence: “An officer whose retired grade is increased as described in the preceding sentence shall not be entitled to an increase in retired pay for any period before the effective date of the increase.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to an increase in the retired grade of an officer that occurs through a reopening of the determination or certification of the officer’s retired grade on or after that date, regardless of when the officer retired.

Applicability.
10 USC 1370
note.

SEC. 510. AUTHORITY OF PROMOTION BOARDS TO RECOMMEND THAT OFFICERS OF PARTICULAR MERIT BE PLACED HIGHER ON PROMOTION LIST.

(a) IN GENERAL.—Section 14108 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) HIGHER PLACEMENT OF OFFICERS OF PARTICULAR MERIT ON PROMOTION LIST.—(1) In selecting officers to be recommended for promotion, a promotion board may, when authorized by the Secretary concerned, recommend that officers of particular merit, from among those officers selected for promotion, be placed higher on the promotion list established by the Secretary under section 14308(a) of this title.

“(2) A promotion board may make a recommendation under paragraph (1) only if an officer receives the recommendation of—

“(A) a majority of the members of the promotion board;

or

“(B) an alternative requirement established by the Secretary concerned and furnished to the promotion board as part of the guidelines under section 14107 of this title.

“(3) For officers who receive recommendations under paragraph (1), the board shall recommend the order in which those officers should be placed on the promotion list.”.

(b) REPORTS REGARDING RECOMMENDATIONS THAT OFFICERS OF PARTICULAR MERIT BE PLACED HIGHER ON PROMOTION LIST.—Section 14109 of such title is amended by adding at the end the following new subsection:

“(d) REPORT OF OFFICERS RECOMMENDED FOR HIGHER PLACEMENT ON PROMOTION LIST.—A promotion board convened under section 14101(a) of this title shall, when authorized under section 14108(f) of this title, include in its report to the Secretary concerned—

“(1) the names of those officers the promotion board recommends be placed higher on the promotion list; and

“(2) the order in which the promotion board recommends those officers should be placed on the promotion list.”.

(c) OFFICERS OF PARTICULAR MERIT APPEARING HIGHER ON PROMOTION LIST.—Section 14308(a) of such title is amended in the first sentence by inserting “or based on particular merit, as determined by the promotion board” before the period.

SEC. 510A. AVAILABILITY ON THE INTERNET OF CERTAIN INFORMATION ABOUT OFFICERS SERVING IN GENERAL OR FLAG OFFICER GRADES.

10 USC 525 note.

(a) AVAILABILITY REQUIRED.—

(1) IN GENERAL.—The Secretary of each military department shall make available on an internet website of such department available to the public information specified in paragraph (2) on each officer in a general or flag officer grade under the jurisdiction of such Secretary, including any such officer on the reserve active-status list.

(2) INFORMATION.—The information on an officer specified by this paragraph to be made available pursuant to paragraph (1) is the information as follows:

(A) The officer’s name.

(B) The officer’s current grade, duty position, command or organization, and location of assignment.

Summary list.

(C) A summary list of the officer’s past duty assignments while serving in a general or flag officer grade.

(b) **ADDITIONAL PUBLIC NOTICE ON CERTAIN OFFICERS.**—Whenever an officer in a grade of O–7 or above is assigned to a new billet or reassigned from a current billet, the Secretary of the military department having jurisdiction of such officer shall make available on an internet website of such department available to the public a notice of such assignment or reassignment.

(c) **LIMITATION ON WITHHOLDING OF CERTAIN INFORMATION OR NOTICE.**—

(1) **LIMITATION.**—The Secretary of a military department may not withhold the information or notice specified in subsections (a) and (b) from public availability pursuant to subsection (a), unless and until the Secretary notifies the Committees on Armed Services of the Senate and House of Representatives in writing of the information or notice that will be so withheld, together with justification for withholding the information or notice from public availability.

(2) **LIMITED DURATION OF WITHHOLDING.**—The Secretary concerned may withhold from the public under paragraph (1) information or notice on an officer only on the basis of individual risk or national security, and may continue to withhold such information or notice only for so long as the basis for withholding remains in force.

10 USC note
prec. 771.

SEC. 510B. FUNCTIONAL BADGE OR INSIGNIA UPON COMMISSION FOR CHAPLAINS.

A military chaplain shall receive a functional badge or insignia upon commission.

Subtitle B—Reserve Component Management

SEC. 511. MODIFICATION OF GRADE LEVEL THRESHOLD FOR JUNIOR RESERVE OFFICERS’ TRAINING CORPS.

Section 2031(b)(1) of title 10, United States Code, is amended by striking “above the 8th grade” each place it appears and inserting “above the 7th grade and physically co-located with the 9th grade participating unit”.

SEC. 512. INCLUSION OF STEM IN COURSES OF INSTRUCTION FOR THE JUNIOR RESERVE OFFICERS’ TRAINING CORPS.

(a) **IN GENERAL.**—Section 2031(b)(3) of title 10, United States Code, is amended by inserting “and which may include instruction or activities in the fields of science, technology, engineering, and mathematics” after “duration”.

10 USC 2031
note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.

SEC. 513. INCLUSION OF HOMESCHOOLED STUDENTS IN JUNIOR RESERVE OFFICERS’ TRAINING CORPS UNITS.

Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g)(1) Each public secondary educational institution that maintains a unit under this section shall permit membership in the

unit to homeschooled students residing in the area served by the institution who are qualified for membership in the unit (but for lack of enrollment in the institution).

“(2) A student who is a member of a unit pursuant to this subsection shall count toward the satisfaction by the institution concerned of the requirement in subsection (b)(1) relating to the minimum number of student members in the unit necessary for the continuing maintenance of the unit.”.

SEC. 514. CLARIFICATION OF ELIGIBILITY TO SERVE AS COMMANDER, MARINE FORCES RESERVE.

(a) **IN GENERAL.**—Section 8084(b)(1) of title 10, United States Code, is amended by striking “general officers of the Marine Corps (as defined in section 8001(2))” and inserting “general officers of the Marine Corps Reserve”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act and shall apply to appointments made after such date.

10 USC 8084
note.

SEC. 515. EXTENSION AND PERIODIC EVALUATION OF SUICIDE PREVENTION AND RESILIENCE PROGRAM FOR THE RESERVE COMPONENTS.

Section 10219 of title 10, United States Code, is amended—

- (1) by redesignating subsection (g) as subsection (h);
- (2) in subsection (h), as redesignated by paragraph (1), by striking “2020” and inserting “2025”; and
- (3) by inserting after subsection (f) the following new subsection (g):

“(g) **TRIENNIAL EVALUATION.**—The Secretary shall evaluate the program every third year beginning in 2022 until the program terminates to determine whether the program effectively—

Effective date.

- “(1) provides training and assistance under subsections (b), (c), and (d); and
- “(2) implements subsection (e).”.

SEC. 516. AUTHORITY TO DEFER MANDATORY SEPARATION AT AGE 68 OF OFFICERS IN MEDICAL SPECIALTIES IN THE RESERVE COMPONENTS.

Section 14703(b) of title 10, United States Code, is amended—

- (1) by striking “An” and inserting “(1) Subject to paragraph (2), an”; and
- (2) by adding at the end the following new paragraph (2):

“(2) The Secretary concerned may, with the consent of the officer, retain in an active status an officer in a medical specialty described in subsection (a) beyond the date described in paragraph (1) of this subsection if the Secretary concerned determines that such retention is necessary to the military department concerned. Each such retention shall be made on a case-by-case basis and for such period as the Secretary concerned determines appropriate.”.

Determinations.

SEC. 517. MODERNIZATION OF INSPECTION AUTHORITIES APPLICABLE TO THE NATIONAL GUARD.

(a) **MODERNIZATION OF INSPECTION AUTHORITIES OF SECRETARIES OF THE ARMY AND AIR FORCE.**—Subsection (a) of section 105 of title 32, United States Code, is amended—

- (1) in the matter preceding paragraph (1)—

(A) by striking “by him, the Secretary of the Army shall have” and inserting “by such Secretary, the Secretary of the Army and the Secretary of the Air Force shall each have”;

(B) by striking “, if necessary,”; and

(C) by striking “the Regular Army” and inserting “the Regular Army or the Regular Air Force”;

(2) by striking “Army National Guard” each place it appears and inserting “Army National Guard or Air National Guard”; and

(3) by striking the flush matter following paragraph (7).

(b) INSPECTION AUTHORITY OF CHIEF OF THE NATIONAL GUARD BUREAU ON BEHALF OF SECRETARIES.—Such section is further amended by adding at the end the following new subsection:

“(c) The Chief of the National Guard Bureau may have an inspection described in subsection (a) made by inspectors general, or by commissioned officers of the Army National Guard of the United States or the Air National Guard of the United States detailed for that purpose, on behalf of the Secretary of the Army or the Secretary of the Air Force. Any such inspection may be made only with the approval of the Secretary of the Army or the Secretary of the Air Force, as applicable.”.

SEC. 518. CONSULTATION WITH CHIEF OF THE NATIONAL GUARD BUREAU IN THE APPOINTMENT OR DESIGNATION OF NATIONAL GUARD PROPERTY AND FISCAL OFFICERS.

Section 708(a) of title 32, United States Code, is amended in the first sentence by inserting “, in consultation with the Chief of the National Guard Bureau,” after “shall”.

SEC. 519. COAST GUARD JUNIOR RESERVE OFFICERS’ TRAINING CORPS.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following new section:

14 USC 320.

“§ 320. Coast Guard Junior Reserve Officers’ Training Corps

“(a) ESTABLISHMENT.—The Secretary of the department in which the Coast Guard is operating may establish and maintain a Junior Reserve Officers’ Training Corps, organized into units, at public and private secondary educational institutions.

“(b) APPLICABILITY.—Except as provided in subsection (c), the provisions of chapter 102 of title 10 shall apply to a Junior Reserve Officers’ Training Corps established and maintained under this section in the same manner that such provisions apply to the Junior Reserve Officers’ Training Corps of each military department. For purposes of the application of such provisions to this section—

“(1) any reference in such provisions to a ‘military department’ shall be treated as a reference to the department in which the Coast Guard is operating; and

“(2) any reference in such provisions to a ‘Secretary of a military department’, a ‘Secretary concerned’, or the ‘Secretary of Defense’ shall be treated as a reference to the Secretary of the department in which the Coast Guard is operating.

“(c) EXCEPTION.—The requirements of chapter 102 of title 10 shall not apply to a unit of the Junior Reserve Officers’ Training Corps established by the Secretary of the department in which the Coast Guard is operating before the date of the enactment

of this section unless the Secretary determines it is appropriate to apply such requirements to such unit.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

14 USC
prec. 301.

“320. Coast Guard Junior Reserve Officers’ Training Corps.”.

SEC. 520. REPEAL OF REQUIREMENT FOR REVIEW OF CERTAIN ARMY RESERVE OFFICER UNIT VACANCY PROMOTIONS BY COMMANDERS OF ASSOCIATED ACTIVE DUTY UNITS.

Section 1113 of the Army National Guard Combat Readiness Reform Act of 1992 (Public Law 102–484; 10 U.S.C. 10105 note) is repealed.

SEC. 520A. REPORT ON METHODS TO ENHANCE DOMESTIC RESPONSE TO LARGE SCALE, COMPLEX AND CATASTROPHIC DISASTERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation and coordination with the Federal Emergency Management Agency, the National Security Council, the Council of Governors, and the National Governors Association, shall submit to the congressional defense committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the plan of the Department to establish policy and processes to implement the authority under section 502 of title 32, United States Code. The report shall include a detailed examination of the policy framework consistent with existing authorities, identify major statutory or policy impediments to implementation, and make recommendations for legislation as appropriate.

(b) CONTENTS.—The report submitted under subsection (a) shall include a description of—

(1) the current policy and processes whereby governors can request activation of the National Guard under title 32, United States Code, as part of the response to large scale, complex, catastrophic disasters that are supported by the Federal Government and, if no formal process exists in policy, the Secretary of Defense shall provide a timeline and plan to establish such a policy, including consultation with the Council of Governors and the National Governors Association;

Timeline.
Plan.
Consultation.

(2) the Secretary of Defense’s assessment, informed by consultation with the Federal Emergency Management Agency, the National Security Council, the Council of Governors, and the National Governors Association, regarding the sufficiency of current authorities for the reimbursement of National Guard and Reserve manpower during large scale, complex, catastrophic disasters under title 10 and title 32, United States Code, and specifically whether reimbursement authorities are sufficient to ensure that military training and readiness are not degraded to fund disaster response, or whether invoking such reimbursement authorities degrades the effectiveness of the Disaster Relief Fund;

(3) the Department of Defense’s plan to ensure there is parallel and consistent policy in the application of the authorities granted under section 12304a of title 10, United States

Recommendations.

Code, and section 502(f) of title 32, United States Code, including—

- (A) a description of the disparities between benefits and protections under Federal law versus State active duty;
- (B) recommended solutions to achieve parity at the Federal level; and
- (C) recommended changes at the State level, if appropriate; and
- (4) the Department of Defense’s plan to ensure there is parity of benefits and protections for military members employed as part of the response to large scale, complex, catastrophic disasters under title 32 or title 10, United States Code, and recommendations for addressing any shortfalls.

Recommendations.

SEC. 520B. REPORT AND BRIEFING ON THE SENIOR RESERVE OFFICERS’ TRAINING CORPS.

Assessments.

(a) REPORT ON VARIOUS EXPANSIONS OF THE CORPS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) An assessment of the feasibility and advisability of distance learning programs for the Senior Reserve Officers’ Training Corps for students at educational institutions who reside outside the viable range for a cross-town program.

(2) An assessment of the feasibility and advisability of expanding the eligibility of institutions authorized to maintain a unit of the Senior Reserve Officers’ Training Corps to include community colleges.

(b) BRIEFING ON LONG-TERM EFFECTS ON THE CORPS OF THE OPERATION OF CERTAIN RECENT PROHIBITIONS.—

Deadline.

(1) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall brief the congressional defense committees on the effects of the prohibitions in section 8032 of the Department of Defense Appropriations Act, 2019 (division A of Public Law 115–245) on the long-term viability of the Senior Reserve Officers’ Training Corps.

Assessments.

(2) ELEMENTS.—The matters addressed by the briefing under paragraph (1) shall include an assessment of the effects of the prohibitions described in paragraph (1) on the following:

(A) Readiness.

(B) The efficient manning and administration of Senior Reserve Officers’ Training Corps units.

(C) The ability of the Armed Forces to commission on a yearly basis the number and quality of new officers they need and that are representative of the nation as a whole.

(D) The availability of Senior Reserve Officers’ Training Corps scholarships in rural areas.

(E) Whether the Senior Reserve Officers’ Training Corps program produces officers representative of the demographic and geographic diversity of the United States, especially with respect to urban areas, and whether restrictions on establishing or disestablishing units of the Corps affects the diversity of the officer corps of the Armed Forces.

SEC. 520C. SENSE OF CONGRESS ON INCREASE IN NUMBER OF JUNIOR RESERVE OFFICERS' TRAINING CORPS UNITS.

It is the sense of Congress that the Junior Reserve Officers' Training Corps was supported in the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) and should be increased in fiscal year 2020 to include not fewer than 3,700 units nationwide.

Subtitle C—General Service Authorities and Correction of Military Records

SEC. 521. ADVICE AND COUNSEL OF TRAUMA EXPERTS IN REVIEW BY BOARDS FOR CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARDS OF CERTAIN CLAIMS.

(a) **BOARDS FOR CORRECTION OF MILITARY RECORDS.**—Section 1552(g) of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(g)”; and

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

“(2) If a board established under subsection (a)(1) is reviewing a claim described in subsection (h), the board shall seek advice and counsel in the review from a psychiatrist, psychologist, or social worker with training on mental health issues associated with post-traumatic stress disorder or traumatic brain injury or other trauma as specified in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

“(3) If a board established under subsection (a)(1) is reviewing a claim in which sexual trauma, intimate partner violence, or spousal abuse is claimed, the board shall seek advice and counsel in the review from an expert in trauma specific to sexual assault, intimate partner violence, or spousal abuse, as applicable.”.

(b) **DISCHARGE REVIEW BOARDS.**—Section 1553(d)(1) of such title is amended—

(1) by inserting “(A)” after “(1)”; and

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

“(B) In the case of a former member described in paragraph (3)(B) who claims that the former member's post-traumatic stress disorder or traumatic brain injury as described in that paragraph is based in whole or in part on sexual trauma, intimate partner violence, or spousal abuse, a board established under this section to review the former member's discharge or dismissal shall seek advice and counsel in the review from a psychiatrist, psychologist, or social worker with training on mental health issues associated with post-traumatic stress disorder or traumatic brain injury or other trauma as specified in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.”.

SEC. 522. REDUCTION IN REQUIRED NUMBER OF MEMBERS OF DISCHARGE REVIEW BOARDS.

Section 1553(a) of title 10, United States Code, is amended by striking “five” and inserting “not fewer than three”.

SECTION 523. ESTABLISHMENT OF PROCESS TO REVIEW A REQUEST FOR UPGRADE OF DISCHARGE OR DISMISSAL.

(a) ESTABLISHMENT.—Chapter 79 of title 10, United States Code, is amended by inserting after section 1553 the following new section 1553a:

10 USC 1553a.

“§ 1553a. Review of a request for upgrade of discharge or dismissal

“(a) ESTABLISHMENT.—The Secretary of Defense shall establish a process by which to conduct a final review of a request for an upgrade in the characterization of a discharge or dismissal.

“(b) CONSIDERATION; RECOMMENDATION.—(1) Upon the request of a petitioner, the Secretary of Defense shall review the findings and decisions of the boards established under sections 1552 and 1553 of this title regarding the final review of a request for an upgrade in the characterization of a discharge or dismissal.

“(2) The Secretary of Defense may recommend that the Secretary of the military department concerned upgrade the characterization of the discharge or dismissal of the petitioner if the Secretary of Defense determines that such recommendation is appropriate after review under paragraph (1).

“(c) DEFINITIONS.—In this section:

“(1) The term ‘final review of a request for an upgrade in the characterization of a discharge or dismissal’ means a request by a petitioner for an upgrade to the characterization of a discharge or dismissal—

“(A) that was not granted under sections 1552 and 1553 of this title; and

“(B) regarding which the Secretary of Defense determines the petitioner has exhausted all remedies available to the petitioner under sections 1552 and 1553 of this title.

“(2) The term ‘petitioner’ means a member or former member of the armed forces (or if the member or former member is dead, the surviving spouse, next of kin, or legal representative of the member or former member) whose request for an upgrade to the characterization of a discharge or dismissal was not granted under sections 1552 and 1553 of this title.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

10 USC
prec. 1551.

(1) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1553 the following new item:

“1553a. Review of a request for upgrade of discharge or dismissal.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 1552(a)(4) of such title is amended to read as follows:

“(4)(A) Subject to subparagraph (B), a correction under this section is final and conclusive on all officers of the United States except when procured by fraud.

“(B) If a board established under this section does not grant a request for an upgrade to the characterization of a discharge or dismissal, that declination may be considered under section 1553a of this title.”.

(B) Section 1553(b) of such title is amended—

(i) by inserting “(1)” before “A board”; and

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

“(2) If a board established under this section does not grant a request for an upgrade to the characterization of a discharge or dismissal, that declination may be considered under section 1552 or section 1553a of this title, as applicable.”.

(c) DEADLINE.—The Secretary of Defense shall implement section 1553a of such title, as added by subsection (a), not later than January 1, 2021. 10 USC 1553a note.

(d) RESOURCES.—In establishing and implementing the process under such section 1553a, the Secretary of Defense shall, to the maximum extent practicable, use existing organizations, boards, processes, and personnel of the Department of Defense. 10 USC 1553a note.

(e) REPORTING.—

(1) REPORT.—Not later than January 1, 2022, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report regarding the process established under such section 1553a. The report shall include, with respect to considerations under such process since implementation, the following:

(A) The number of requests considered.

(B) The number of upgrades to the characterization of a discharge or dismissal granted pursuant to such process, including the most common reasons for such upgrades.

(C) The number of upgrades to the characterization of a discharge or dismissal declined pursuant to such process, including the most common reasons for such declinations.

(2) ONLINE PUBLICATION.—On October 1, 2022, and annually thereafter, the Secretary shall publish the information described in paragraph (1) with regards to the immediately preceding fiscal year on a website of the Department of Defense that is accessible by the public. Public information.

SEC. 524. PROHIBITION ON REDUCTION IN THE NUMBER OF PERSONNEL ASSIGNED TO DUTY WITH A SERVICE REVIEW AGENCY.

(a) PROHIBITION.—Section 1559(a) of title 10, United States Code, is amended—

(1) by striking “December 31, 2019” and inserting “December 31, 2025”;

(2) by striking “that agency until—” and inserting “that agency.”; and

(3) by striking subsections (1) and (2).

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the enactment of this Act, the Secretary of each military department shall submit a report to the Committees on Armed Services of the Senate and House of Representatives that details a plan to—

(A) reduce the backlog of applications before the service review agency of the military department concerned; and

(B) maintain the resources required to meet the timeliness standards for disposition of applications before the Corrections Boards under section 1557 of title 10, United States Code, not later than October 1, 2021. Plans. Deadline.

(2) **ELEMENTS.**—Each report under this subsection shall include the following:

(A) A description of the current backlog of applications before the service review agency of the military department concerned.

(B) The number of personnel required to meet the deadline described in paragraph (1)(B).

(C) The plan of the Secretary concerned to modernize the application and review system of the service review agency of the military department concerned.

SEC. 525. TRAINING OF MEMBERS OF BOARDS FOR CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARDS ON SEXUAL TRAUMA, INTIMATE PARTNER VIOLENCE, SPOUSAL ABUSE, AND RELATED MATTERS.

10 USC 1552
note.

(a) **BOARDS FOR CORRECTION OF MILITARY RECORDS.**—The curriculum of training for members of boards for the correction of military records under section 534(c) of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 1552 note) shall include training on each of the following:

(1) Sexual trauma.

(2) Intimate partner violence.

(3) Spousal abuse.

(4) The various responses of individuals to trauma.

10 USC 1553
note.

(b) **DISCHARGE REVIEW BOARDS.**—

(1) **IN GENERAL.**—Each Secretary concerned shall develop and provide training for members of discharge review boards under section 1553 of title 10, United States Code, that are under the jurisdiction of such Secretary on each of the following:

(A) Sexual trauma.

(B) Intimate partner violence.

(C) Spousal abuse.

(D) The various responses of individuals to trauma.

(2) **UNIFORMITY OF TRAINING.**—The Secretary of Defense and the Secretary of Homeland Security shall jointly ensure that the training developed and provided pursuant to this subsection is, to the extent practicable, uniform.

(3) **SECRETARY CONCERNED DEFINED.**—In this subsection, the term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

10 USC 1781
note.

SEC. 526. TIME REQUIREMENTS FOR CERTIFICATION OF HONORABLE SERVICE.

Regulations.

The Secretary of Defense shall publish regulations for submission and processing of a completed United States Citizenship and Immigration Services Form N–426, by a member of the Armed Forces. Such regulations shall designate the appropriate level for the certifying officer as well as establish time requirements for the form to be returned to the member of the Armed Forces.

10 USC 1552
note.

SEC. 527. CORRECTION OF CERTAIN DISCHARGE CHARACTERIZATIONS.

(a) **IN GENERAL.**—In accordance with this section, and in a manner that is consistent across the military departments to the greatest extent practicable, the appropriate board shall, at the request of a covered member or the authorized representative of a covered member—

(1) review the discharge characterization of that covered member; and

(2) change the discharge characterization of that covered member to honorable if the appropriate board determines such change to be appropriate after review under paragraph (1).

(b) APPEAL.—A covered member or the authorized representative of that covered member may seek review of a decision by the appropriate board not to change the discharge characterization of that covered member. Such review may be made pursuant to section 1552 of title 10, United States Code, section 1553 of such title, or any other process established by the Secretary of Defense for such purpose.

(c) CHANGE OF RECORDS.—For each covered member whose discharge characterization is changed under subsection (a) or (b), the Secretary of the military department concerned shall issue to the covered member or the authorized representative of the covered member a corrected Certificate of Release or Discharge from Active Duty (DD Form 214), or other like form regularly used by an Armed Force that—

(1) reflects the upgraded discharge characterization of the covered member; and

(2) does not reflect the sexual orientation of the covered member or the original stated reason for the discharge or dismissal of that covered member.

(d) DEFINITIONS.—In this section:

(1) The term “appropriate board” means a board for the correction of military or naval records under section 1552 of title 10, United States Code, or a discharge review board under section 1553 of such title, as the case may be.

(2) The term “authorized representative” means an heir or legal representative of a covered member.

(3) The term “covered member” means any former member of the Armed Forces who was discharged from the Armed Forces because of the sexual orientation of that member.

(4) The term “discharge characterization” means the characterization assigned to the service of a covered member on the discharge or dismissal of that covered member from service in the Armed Forces.

SEC. 528. DEVELOPMENT OF GUIDELINES FOR USE OF UNOFFICIAL SOURCES OF INFORMATION TO DETERMINE ELIGIBILITY OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES FOR DECORATIONS WHEN THE SERVICE RECORDS ARE INCOMPLETE BECAUSE OF DAMAGE TO THE OFFICIAL RECORD.

10 USC note
prec. 1121.

(a) GUIDELINES REQUIRED.—The Secretary of Defense shall develop guidelines regarding the use by the Secretaries of the military departments of unofficial sources of information, including eyewitness statements, to determine the eligibility of a member or former member of the Armed Forces for decorations when the service records of the member are incomplete because of damage to the records as a result of the 1973 fire at the National Personnel Records Center in St. Louis, Missouri, or any subsequent incident while the records were in the possession of the Department of Defense.

(b) **TIME FOR COMPLETION.**—The Secretary of Defense shall complete development of the guidelines not later than one year after the date of the enactment of this Act.

10 USC 656 note.

SEC. 529. STRATEGIC PLAN FOR DIVERSITY AND INCLUSION.

(a) **PLAN REQUIRED.**—The Secretary of Defense shall design and implement a five-year strategic plan for diversity and inclusion in the Department of Defense.

(b) **ELEMENTS.**—The strategic plan under this section—

(1) shall incorporate existing efforts to promote diversity and inclusion within the Department; and

(2) may not conflict with the objectives of the 2018 National Military Strategy.

(c) **DEADLINE.**—The Secretary shall implement the strategic plan under this section not later than one year after the date of the enactment of this Act.

SEC. 530. STUDY REGARDING SCREENING INDIVIDUALS WHO SEEK TO ENLIST IN THE ARMED FORCES.

(a) **STUDY.**—The Secretary of Defense shall study the feasibility of, in background investigations and security and suitability screenings of individuals who seek to enlist in the Armed Forces—

(1) screening for extremist and gang-related activity; and

(2) using the following resources of the Federal Bureau of Investigation:

(A) The Tattoo and Graffiti Identification Program.

(B) The National Gang Intelligence Center.

(b) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit an unclassified report in writing to the Committees on Armed Services of the Senate and House of Representatives containing conclusions of the Secretary regarding the study under subsection (a).

SEC. 530A. FEASIBILITY STUDY REGARDING NOTIFICATION TO SECRETARY OF HOMELAND SECURITY OF HONORABLE DISCHARGES OF NON-CITIZENS.

Consultation.
Records.

(a) **STUDY REQUIRED.**—The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall study the feasibility of providing the Secretary of Homeland Security with a copy of the Certificate of Release or Discharge from Active Duty (DD Form 214) or National Guard Report of Separation and Record of Service (NGB-22) for each individual who is not a citizen of the United States who is honorably discharged from the Armed Forces so the Secretary of Homeland Security may note such discharge in an I-213 Record of Deportable/Inadmissible Alien for that individual.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the committees on Armed Services of the Senate and House of Representatives a report regarding the results of the study under this section.

SEC. 530B. SENSE OF CONGRESS REGARDING ACCESSION PHYSICALS.

It is the sense of Congress that the Secretary of Defense should explore alternatives to centralized accession physicals at Military Entrance Processing Stations, including conducting physicals through community health care providers, in order to reduce

transportation costs, increase efficiency in processing times, and free recruiters to focus on the core of the recruiting mission.

Subtitle D—Military Justice

SEC. 531. EXPANSION OF PRE-REFERRAL MATTERS REVIEWABLE BY MILITARY JUDGES AND MILITARY MAGISTRATES IN THE INTEREST OF EFFICIENCY IN MILITARY JUSTICE.

(a) IN GENERAL.—Subsection (a) of section 830a of title 10, United States Code (article 30a of the Uniform Code of Military Justice), is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) The President shall prescribe regulations for matters relating to proceedings conducted before referral of charges and specifications to court-martial for trial, including the following:

President.
Regulations.

“(A) Pre-referral investigative subpoenas.

“(B) Pre-referral warrants or orders for electronic communications.

“(C) Pre-referral matters referred by an appellate court.

“(D) Pre-referral matters under subsection (c) or (e) of section 806b of this title (article 6b).

“(E) Pre-referral matters relating to the following:

“(i) Pre-trial confinement of an accused.

“(ii) The mental capacity or mental responsibility of an accused.

“(iii) A request for an individual military counsel.

“(2) In addition to the matters specified in paragraph (1), the regulations prescribed under that paragraph shall—

“(A) set forth the matters that a military judge may rule upon in such proceedings;

“(B) include procedures for the review of such rulings;

Procedures.

“(C) include appropriate limitations to ensure that proceedings under this section extend only to matters that would be subject to consideration by a military judge in a general or special court-martial; and

“(D) provide such limitations on the relief that may be ordered under this section as the President considers appropriate.”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

“§ 830a. Art 30a. Proceedings conducted before referral”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by striking the item relating to section 830a (article 30a) and inserting the following new item:

10 USC
prec. 830.

“830a. 30a. Proceedings conducted before referral.”.

SEC. 532. COMMAND INFLUENCE.

(a) IN GENERAL.—Section 837 of title 10, United States Code (article 37 of the Uniform Code of Military Justice), is amended—

(1) by striking “**Unlawfully influencing action of court**” and inserting “**Command influence**”;

(2) by amending subsection (a) to read as follows:

“(a)(1) No court-martial convening authority, nor any other commanding officer, may censure, reprimand, or admonish the court or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the court, or with respect to any other exercise of its or his functions in the conduct of the proceeding.

“(2) No court-martial convening authority, nor any other commanding officer, may deter or attempt to deter a potential witness from participating in the investigatory process or testifying at a court-martial. The denial of a request to travel at government expense or refusal to make a witness available shall not by itself constitute unlawful command influence.

“(3) No person subject to this chapter may attempt to coerce or, by any unauthorized means, attempt to influence the action of a court-martial or any other military tribunal or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving, or reviewing authority or preliminary hearing officer with respect to such acts taken pursuant to this chapter as prescribed by the President.

“(4) Conduct that does not constitute a violation of paragraphs (1) through (3) may include, for example—

“(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing persons on the substantive and procedural aspects of courts-martial;

“(B) statements regarding criminal activity or a particular criminal offense that do not advocate a particular disposition, or a particular court-martial finding or sentence, or do not relate to a particular accused; or

“(C) statements and instructions given in open court by the military judge or counsel.

“(5)(A) Notwithstanding paragraphs (1) through (3), but subject to subparagraph (B)—

“(i) a superior convening authority or officer may generally discuss matters to consider regarding the disposition of alleged violations of this chapter with a subordinate convening authority or officer; and

“(ii) a subordinate convening authority or officer may seek advice from a superior convening authority or officer regarding the disposition of an alleged offense under this chapter.

“(B) No superior convening authority or officer may direct a subordinate convening authority or officer to make a particular disposition in a specific case or otherwise substitute the discretion of such authority or such officer for that of the subordinate convening authority or officer.”;

(3) in subsection (b)—

(A) by striking “advanced, in grade” and inserting “advanced in grade”; and

(B) by striking “accused before a court-martial” and inserting “person in a court-martial proceeding”; and

(4) by adding at the end the following new subsections:

“(c) No finding or sentence of a court-martial may be held incorrect on the ground of a violation of this section unless the violation materially prejudices the substantial rights of the accused.

“(d)(1) A superior convening authority or commanding officer may withhold the authority of a subordinate convening authority

or officer to dispose of offenses in individual cases, types of cases, or generally.

“(2) Except as provided in paragraph (1) or as otherwise authorized by this chapter, a superior convening authority or commanding officer may not limit the discretion of a subordinate convening authority or officer to act with respect to a case for which the subordinate convening authority or officer has authority to dispose of the offenses.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning subchapter VII of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by striking the item relating to section 837 (article 37) and inserting the following new item:

10 USC
prec. 836.

“837. Art. 37. Command influence.”

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act and shall apply with respect to violations of section 837 of title 10, United States Code (article 37 of the Uniform Code of Military Justice), committed on or after such date.

10 USC 837 note.

SEC. 533. STATUTE OF LIMITATIONS FOR CERTAIN OFFENSES.

(a) IN GENERAL.—Section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a), by inserting “maiming of a child, kidnapping of a child,” after “sexual assault of a child,”; and

(2) in subsection (b)(2)(B)—

(A) by striking clauses (ii) and (iv); and

(B) by redesignating clause (iii) as clause (ii).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to the prosecution of offenses committed before, on, or after the date of the enactment of this Act if the applicable limitation period has not yet expired.

10 USC 843 note.

SEC. 534. PUBLIC ACCESS TO DOCKETS, FILINGS, AND COURT RECORDS OF COURTS-MARTIAL OR OTHER RECORDS OF TRIAL OF THE MILITARY JUSTICE SYSTEM.

(a) IN GENERAL.—Section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), is amended—

(1) by striking “The Secretary of Defense” and inserting “(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Homeland Security,”;

(2) in subsection (a), as designated by paragraph (1)—

(A) in the matter preceding paragraph (1), by inserting “(including with respect to the Coast Guard)” after “military justice system”; and

(B) in paragraph (4), by inserting “public” before “access to docket information”; and

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

“(b) PROTECTION OF CERTAIN PERSONALLY IDENTIFIABLE INFORMATION.—Records of trial, docket information, filings, and other records made publicly accessible in accordance with the uniform standards and criteria for conduct established by the Secretary under subsection (a) shall restrict access to personally identifiable information of minors and victims of crime (including victims of sexual assault and domestic violence), as practicable to the extent

such information is restricted in electronic filing systems of Federal and State courts.

“(c) INAPPLICABILITY TO CERTAIN DOCKETS AND RECORDS.—Nothing in this section shall be construed to provide public access to docket information, filings, or records that are classified, subject to a judicial protective order, or ordered sealed.”

Applicability.
Consultation.
10 USC 940a
note.

(b) EXISTING STANDARDS AND CRITERIA.—The Secretary of Homeland Security shall apply to the Coast Guard the standards and criteria for conduct established by the Secretary of Defense under section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as in effect on the day before the date of the enactment of this Act, until such time as the Secretary of Defense, in consultation with the Secretary of Homeland Security, prescribes revised standards and criteria for conduct under such section that implement the amendments made by subsection (a) of this section.

SEC. 535. EXTENSION OF DEFENSE ADVISORY COMMITTEE ON INVESTIGATION, PROSECUTION, AND DEFENSE OF SEXUAL ASSAULT IN THE ARMED FORCES.

Section 546(f)(1) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 1561 note) is amended by striking “five” and inserting “10”.

SEC. 536. AUTHORITY FOR RETURN OF PERSONAL PROPERTY TO VICTIMS OF SEXUAL ASSAULT WHO FILE A RESTRICTED REPORT BEFORE CONCLUSION OF RELATED PROCEEDINGS.

Section 586 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 1561 note) is amended—

(1) by redesignating subsection (f) as subsection (e);

(2) in subsection (e), as so redesignated, in the subsection heading, by inserting “IN UNRESTRICTED REPORTING CASES” after “PROCEEDINGS”; and

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

Procedures.

“(f) RETURN OF PERSONAL PROPERTY IN RESTRICTED REPORTING CASES.—(1) The Secretary of Defense shall prescribe procedures under which a victim who files a restricted report on an incident of sexual assault may request, at any time, the return of any personal property of the victim obtained as part of the sexual assault forensic examination.

Confidential
information.

“(2) The procedures shall ensure that—

“(A) a request of a victim under paragraph (1) may be made on a confidential basis and without affecting the restricted nature of the restricted report; and

“(B) at the time of the filing of the restricted report, a Sexual Assault Response Coordinator or Sexual Assault Prevention and Response Victim Advocate—

“(i) informs the victim that the victim may request the return of personal property as described in paragraph (1); and

“(ii) advises the victim that such a request for the return of personal property may negatively impact a subsequent case adjudication, if the victim later decides to convert the restricted report to an unrestricted report.

“(3) Except with respect to personal property returned to a victim under this subsection, nothing in this subsection shall affect

the requirement to retain a sexual assault forensic examination (SAFE) kit for the period specified in subsection (c)(4)(A).”.

SEC. 537. GUIDELINES ON SENTENCES FOR OFFENSES COMMITTED UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

Deadlines.
10 USC 856 note.

(a) **DEVELOPMENT OF GUIDELINES.**—Not later than the date specified in subsection (d), the Secretary of Defense shall develop nonbinding guidelines on sentences for offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice). The guidelines shall provide the sentencing authority with a suggested range of punishments, including suggested ranges of confinement, that will generally be appropriate for a violation of each offense under such chapter.

(b) **SENTENCING DATA.**—In developing the guidelines for sentences under subsection (a), the Secretary of Defense shall take into account the sentencing data collected by the Military Justice Review Panel pursuant to section 946(f)(2) of title 10, United States Code (article 146(f)(2) of the Uniform Code of Military Justice).

(c) **SUBMITTAL TO CONGRESS.**—Not later than the date specified in subsection (d), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

(1) the guidelines for sentences developed under subsection (a); and

(2) an assessment of the feasibility and advisability of implementing such guidelines in panel sentencing cases.

Assessment.

(d) **DATE SPECIFIED.**—The date specified in this subsection is the date that is not later than one year after the date on the which the first report of the Military Justice Review Panel is submitted to the Committees on Armed Services of the Senate and the House of Representatives pursuant to section 946(f)(5) of title 10, United States Code (article 146(f)(5) of the Uniform Code of Military Justice).

SEC. 538. NOTIFICATION OF SIGNIFICANT EVENTS AND DOCUMENTATION OF PREFERENCE FOR PROSECUTION JURISDICTION FOR VICTIMS OF SEXUAL ASSAULT.

10 USC 1044e
note.

(a) **NOTIFICATION TO VICTIMS OF EVENTS IN MILITARY JUSTICE PROCESS.**—

(1) **NOTIFICATION REQUIRED.**—A member of the Armed Forces who is the victim of an alleged sexual assault by another member of the Armed Forces shall receive notification of each significant event in the military justice process that relates to the investigation, prosecution, and confinement of such other member for such assault.

(2) **DOCUMENTATION.**—Appropriate documentation of each notification made pursuant to paragraph (1) shall be created and maintained in an appropriate system of records of the military department concerned.

(b) **DOCUMENTATION OF VICTIM’S PREFERENCE FOR PROSECUTION JURISDICTION.**—In the case of a member of the Armed Forces who is the victim of an alleged sexual assault committed by another member of the Armed Forces who is subject to prosecution for such offense both by court-martial under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), and by a civilian court under Federal or State law, appropriate documentation of the preference, if any, of such victim for prosecution of such offense by court-martial or by a civilian court as provided

for by Rule for Courts-Martial 306(e) (as set forth in the Manual for Courts-Martial, 2019 edition, or any successor rule), shall be created and maintained in an appropriate system of records of the military department concerned.

Deadline.

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations implementing this section.

10 USC note
prec. 1561.

SEC. 539. INCREASE IN NUMBER OF DIGITAL FORENSIC EXAMINERS FOR CERTAIN MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS.

(a) IN GENERAL.—Each Secretary of a military department shall take appropriate actions to increase the number of digital forensic examiners in each military criminal investigative organization specified in subsection (b) under the jurisdiction of such Secretary by not fewer than 10 from the authorized number of such examiners for such organization as of September 30, 2019.

(b) MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS.—The military criminal investigative organizations specified in this subsection are the following:

- (1) The Army Criminal Investigation Command.
- (2) The Naval Criminal Investigative Service.
- (3) The Air Force Office of Special Investigations.

(c) FUNDING.—Funds for additional digital forensic examiners as required by subsection (a) for fiscal year 2020, including for compensation, initial training, and equipment, shall be derived from amounts authorized to be appropriated for that fiscal year for the Armed Force concerned for operation and maintenance.

Deadlines.
10 USC note
prec. 1561.

SEC. 540. INCREASE IN INVESTIGATIVE PERSONNEL AND VICTIM WITNESS ASSISTANCE PROGRAM LIAISONS.

(a) MILITARY CRIMINAL INVESTIGATIVE SERVICES.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall increase the number of personnel assigned to the military criminal investigative services of the department with the goal of ensuring, to the extent practicable, that the investigation of any sex-related offense is completed not later than six months after the date on which the investigation is initiated. An investigation shall be considered completed for purposes of the preceding sentence when the active phase of the investigation is sufficiently complete to enable the appropriate authority to reach a decision with respect to the disposition of charges for the sex-related offense.

(b) VICTIM WITNESS ASSISTANCE PROGRAM LIAISONS.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall increase the number of personnel serving as Victim Witness Assistance Program liaisons to address personnel shortages in the Victim Witness Assistance Program.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

**SEC. 540A. TRAINING FOR SEXUAL ASSAULT INITIAL DISPOSITION
AUTHORITIES ON EXERCISE OF DISPOSITION AUTHORITY
FOR SEXUAL ASSAULT AND COLLATERAL OFFENSES.** 10 USC 822 note.

(a) **IN GENERAL.**—The training for sexual assault initial disposition authorities on the exercise of disposition authority under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), shall include comprehensive training on the exercise of disposition authority with respect to cases for which disposition authority is withheld to such authorities pursuant to the memorandum described in subsection (b) for the purpose of promoting confidence and trust in the military justice process with respect to such cases.

(b) **MEMORANDUM DESCRIBED.**—The memorandum described in this subsection is the memorandum of the Secretary of Defense titled “Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases” and dated April 20, 2012, or any successor memorandum.

**SEC. 540B. TRAINING FOR COMMANDERS IN THE ARMED FORCES ON
THEIR ROLE IN ALL STAGES OF MILITARY JUSTICE IN
CONNECTION WITH SEXUAL ASSAULT.** 10 USC 1561
note.

(a) **IN GENERAL.**—The training provided commanders in the Armed Forces shall include comprehensive training on the role of commanders in all stages of military justice in connection with sexual assaults by members of the Armed Forces.

(b) **ELEMENTS TO BE COVERED.**—The training provided pursuant to subsection (a) shall include training on the following:

(1) The role of commanders in each stage of the military justice process in connection with sexual assault committed by a member of the Armed Forces, including investigation and prosecution.

(2) The role of commanders in assuring that victims of sexual assault described in paragraph (1) are informed of, and have the opportunity to obtain, assistance available for victims of sexual assault by law.

(3) The role of commanders in assuring that victims of sexual assault described in paragraph (1) are afforded the rights and protections available to victims by law.

(4) The role of commanders in preventing retaliation against victims, their family members, witnesses, first responders, and bystanders for their complaints, statements, testimony, and status in connection with sexual assault described in paragraph (1), including the role of commanders in ensuring that subordinates in the command are aware of their responsibilities in preventing such retaliation.

(5) The role of commanders in establishing and maintaining a healthy command climate in connection with reporting on sexual assault described in paragraph (1), and in the response of the commander, subordinates in the command, and other personnel in the command to such sexual assault, such reporting, and the military justice process in connection with such sexual assault.

(6) Any other matters on the role of commanders in connection with sexual assault described in paragraph (1) that the Secretary of Defense considers appropriate for purposes of this section.

(c) **INCORPORATION OF BEST PRACTICES.**—

(1) IN GENERAL.—The training provided pursuant to subsection (a) shall incorporate best practices on all matters covered by the training.

(2) IDENTIFICATION OF BEST PRACTICES.—The Secretaries of the military departments shall, acting through the training and doctrine commands of the Armed Forces, undertake from time to time surveys and other reviews of the matters covered by the training provided pursuant to subsection (a) in order to identify and incorporate into such training the most current practicable best practices on such matters.

(d) UNIFORMITY.—The Secretary of Defense shall ensure that the training provided pursuant to subsection (a) is, to the extent practicable, uniform across the Armed Forces.

10 USC 830 note.

SEC. 540C. TIMELY DISPOSITION OF NONPROSECUTABLE SEX-RELATED OFFENSES.

Deadline.

(a) POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and implement a policy to ensure the timely disposition of non-prosecutable sex-related offenses.

(b) NONPROSECUTABLE SEX-RELATED OFFENSE DEFINED.—In this section, the term “nonprosecutable sex-related offense” means an alleged sex-related offense (as that term is defined in section 1044e(g) of title 10, United States Code) that a court-martial convening authority has declined to refer for trial by a general or special court-martial under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), due to a determination that there is insufficient evidence to support prosecution of the sex-related offense.

Deadlines.
10 USC 1561
note.

SEC. 540D. DEPARTMENT OF DEFENSE-WIDE POLICY AND MILITARY DEPARTMENT-SPECIFIC PROGRAMS ON REINVIGORATION OF THE PREVENTION OF SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and issue a comprehensive policy for the Department of Defense to reinvigorate the prevention of sexual assault involving members of the Armed Forces.

(b) POLICY ELEMENTS.—

(1) IN GENERAL.—The policy required by subsection (a) shall include the following:

(A) Education and training for members of the Armed Forces on the prevention of sexual assault.

(B) Elements for programs designed to encourage and promote healthy relationships among members of the Armed Forces.

(C) Elements for programs designed to empower and enhance the role of non-commissioned officers in the prevention of sexual assault.

(D) Elements for programs to foster social courage among members of the Armed Forces to encourage and promote intervention in situations in order to prevent sexual assault.

(E) Processes and mechanisms designed to address behaviors among members of the Armed Forces that are included in the continuum of harm that frequently results in sexual assault.

(F) Elements for programs designed to address alcohol abuse, including binge drinking, among members of the Armed Forces.

(G) Such other elements, processes, mechanisms, and other matters as the Secretary of Defense considers appropriate.

(2) CONTINUUM OF HARM RESULTING IN SEXUAL ASSAULT.—

For purposes of paragraph (1)(E), the continuum of harm that frequently results in sexual assault includes hazing, sexual harassment, and related behaviors (including language choices, off-hand statements, jokes, and unconscious attitudes or biases) that create a permissive climate for sexual assault.

(c) PROGRAMS REQUIRED.—Not later than 180 days after the issuance of the policy required by subsection (a), each Secretary of a military department shall develop and implement for each Armed Force under the jurisdiction of such Secretary a program to reinvigorate the prevention of sexual assaults involving members of the Armed Forces. Each program shall include the elements, processes, mechanisms, and other matters developed by the Secretary of Defense pursuant to subsection (a) tailored to the requirements and circumstances of the Armed Force or Armed Forces concerned.

SEC. 540E. RECOMMENDATIONS ON SEPARATE PUNITIVE ARTICLE IN THE UNIFORM CODE OF MILITARY JUSTICE ON SEXUAL HARASSMENT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing such recommendations as the Secretary considers appropriate with respect to the establishment of a separate punitive article in chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), on sexual harassment. Reports.

SEC. 540F. REPORT ON MILITARY JUSTICE SYSTEM INVOLVING ALTERNATIVE AUTHORITY FOR DETERMINING WHETHER TO PREFER OR REFER CHARGES FOR FELONY OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a study, conducted for purposes of the report, on the feasibility and advisability of an alternative military justice system in which determinations as to whether to prefer or refer charges for trial by court-martial for any offense specified in paragraph (2) is made by a judge advocate in grade O–6 or higher who has significant experience in criminal litigation and is outside of the chain of command of the member subject to the charges rather than by a commanding officer of the member who is in the chain of command of the member. Study.

(2) SPECIFIED OFFENSE.—An offense specified in this paragraph is any offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), for which the maximum punishment authorized includes confinement for more than one year.

Analyses.

(b) ELEMENTS.—The study required for purposes of the report under subsection (a) shall address the following:

(1) Relevant procedural, legal, and policy implications and considerations of the alternative military justice system described in subsection (a).

(2) An analysis of the following in connection with the implementation and maintenance of the alternative military justice system:

(A) Legal personnel requirements.

(B) Changes in force structure.

(C) Amendments to law.

(D) Impacts on the timeliness and efficiency of legal processes and court-martial adjudications.

(E) Potential legal challenges to the system.

(F) Potential changes in prosecution and conviction rates.

(G) Potential impacts on the preservation of good order and discipline, including the ability of a commander to carry out nonjudicial punishment and other administrative actions.

(H) Such other considerations as the Secretary considers appropriate.

(3) A comparative analysis of the military justice systems of relevant foreign allies with the current military justice system of the United States and the alternative military justice system, including whether or not approaches of the military justice systems of such allies to determinations described in subsection (a) are appropriate for the military justice system of the United States.

Assessment.

(4) An assessment of the feasibility and advisability of conducting a pilot program to assess the feasibility and advisability of the alternative military justice system, and, if the pilot program is determined to be feasible and advisable—

(A) an analysis of potential legal issues in connection with the pilot program, including potential issues for appeals; and

Recommendations.

(B) recommendations on the following:

(i) The populations to be subject to the pilot program.

(ii) The duration of the pilot program.

(iii) Metrics to measure the effectiveness of the pilot program.

(iv) The resources to be used to conduct the pilot program.

SEC. 540G. REPORT ON STANDARDIZATION AMONG THE MILITARY DEPARTMENTS IN COLLECTION AND PRESENTATION OF INFORMATION ON MATTERS WITHIN THE MILITARY JUSTICE SYSTEM.

Consultation.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

Plan.

(1) A plan for actions to provide for standardization, to the extent practicable, among the military departments in the collection and presentation of information on matters within

their military justice systems, including information collected and maintained for purposes of section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), and such other information as the Secretary considers appropriate.

(2) An assessment of the feasibility and advisability of establishing and maintaining a single, Department of Defense-wide data management system for the standardized collection and presentation of information described in paragraph (1). Assessment.

SEC. 540H. REPORT ON EXPANSION OF AIR FORCE SAFE TO REPORT POLICY ACROSS THE ARMED FORCES.

(a) **REPORT.**—Not late than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments and the Secretary of Homeland Security, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an assessment of the feasibility and advisability of expanding the applicability of the safe to report policy described in subsection (b) so that the policy applies across the Armed Forces. Consultation.
Assessment.

(b) **SAFE TO REPORT POLICY.**—The safe to report policy described in this subsection is the policy, currently applicable in the Air Force alone, under which a member of the Armed Forces who is the victim of an alleged sexual assault committed by another member of the Armed Forces, but who may have committed minor collateral misconduct at or about the time of such alleged sexual assault, or whose minor collateral misconduct at or about such time is discovered only as a result of the investigation into such alleged sexual assault, may report such alleged sexual assault to proper authorities without fear or receipt of discipline in connection with such minor collateral misconduct.

SEC. 540I. ASSESSMENT OF RACIAL, ETHNIC, AND GENDER DISPARITIES IN THE MILITARY JUSTICE SYSTEM. 10 USC 810 note.

(a) **IN GENERAL.**—The Secretary of Defense shall provide for the carrying out of the activities described in subsections (b) and (c) in order to improve the ability of the Department of Defense to detect and address racial, ethnic, and gender disparities in the military justice system.

(b) **SECRETARY OF DEFENSE AND RELATED ACTIVITIES.**—The activities described in this subsection are the following, to be commenced or carried out (as applicable) by not later than 180 days after the date of the enactment of this Act: Deadlines.

(1) For each court-martial conducted by an Armed Force after the date of the enactment of this Act, the Secretary of Defense shall require the head of the Armed Force concerned—

(A) to record the race, ethnicity, and gender of the victim and the accused, and such other demographic information about the victim and the accused as the Secretary considers appropriate;

(B) to include data based on the information described in subparagraph (A) in the annual military justice reports of the Armed Force.

(2) The Secretary of Defense, in consultation with the Secretaries of the military departments and the Secretary of Homeland Security, shall issue guidance that— Consultation.
Guidance.

Criteria.	(A) establishes criteria to determine when data indicating possible racial, ethnic, or gender disparities in the military justice process should be further reviewed; and (B) describes how such a review should be conducted.
Consultation.	(3) The Secretary of Defense, in consultation with the Secretaries of the military departments and the Secretary of Homeland Security, shall—
Evaluation.	(A) conduct an evaluation to identify the causes of any racial, ethnic, or gender disparities identified in the military justice system; (B) take steps to address the causes of any such disparities, as appropriate.
Reviews. Assessments.	(c) DAC–IPAD ACTIVITIES.— (1) IN GENERAL.—The activities described in this subsection are the following, to be conducted by the independent committee DAC–IPAD: (A) A review and assessment, by fiscal year, of the race and ethnicity of members of the Armed Forces accused of a penetrative sexual assault offense or contact sexual assault offense in an unrestricted report made pursuant to Department of Defense Instruction 6495.02, including an unrestricted report involving a spouse or intimate partner, in all cases completed in each fiscal year assessed. (B) A review and assessment, by fiscal year, of the race and ethnicity of members of the Armed Forces against whom charges were preferred pursuant to Rule for Courts-Martial 307 for a penetrative sexual assault offense or contact sexual assault offense in all cases completed in each fiscal year assessed. (C) A review and assessment, by fiscal year, of the race and ethnicity of members of the Armed Forces who were convicted of a penetrative sexual assault offense or contact sexual assault offense in all cases completed in each fiscal year assessed. (2) INFORMATION FROM FEDERAL AGENCIES.— (A) IN GENERAL.—Upon request by the chair of the committee, a department or agency of the Federal Government shall provide information that the committee considers necessary to conduct reviews and assessments required by paragraph (1), including military criminal investigation files, charge sheets, records of trial, and personnel records.
Records.	(B) HANDLING, STORAGE, AND RETURN.—The committee shall handle and store all records received and reviewed under this subsection in accordance with applicable privacy laws and Department of Defense policy, and shall return all records so received in a timely manner. (3) REPORT.—Not later than one year after the date of the enactment of this Act, the committee shall submit to the Secretary of Defense, and to the Committees on Armed Services of the Senate and the House of Representatives, a report setting forth the results of the reviews and assessments required by paragraph (1). The report shall include such recommendations for legislative or administrative action as the committee considers appropriate in light of such results.
Recommendations.	(4) DEFINITIONS.—In this subsection:

(A) The term “independent committee DAC-IPAD” means the independent committee established by the Secretary of Defense under section 546 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3374), commonly known as the “DAC-IPAD”.

(B) The term “case” means an unrestricted report of any penetrative sexual assault offense or contact sexual assault offense made against a member of the Armed Forces pursuant to Department of Defense Instruction 6495.02, including any unrestricted report involving a spouses or intimate partner for which an investigation has been opened by a criminal investigative organization.

(C) The term “completed”, with respect to a case, means that the case was tried to verdict, dismissed without further action, or dismissed and then resolved by non-judicial or administrative proceedings.

(D) The term “contact sexual assault offense” means aggravated sexual contact, abusive sexual contact, wrongful sexual contact, and attempts to commit such offenses under the Uniform Code of Military Justice.

(E) The term “penetrative sexual assault offense” means rape, aggravated sexual assault, sexual assault, forcible sodomy, and attempts to commit such offenses under the Uniform Code of Military Justice.

SEC. 540J. PILOT PROGRAMS ON DEFENSE INVESTIGATORS IN THE MILITARY JUSTICE SYSTEM. 10 USC 810 note.

(a) IN GENERAL.—Each Secretary of a military department shall carry out a pilot program on defense investigators within the military justice system under the jurisdiction of such Secretary in order to do the following:

(1) Determine whether the presence of defense investigators within such military justice system will— Determination.

(A) make such military justice system more effective in providing an effective defense for the accused; and

(B) make such military justice system more fair and efficient.

(2) Otherwise assess the feasibility and advisability of defense investigators as an element of such military justice system. Assessment.

(b) ELEMENTS.—

(1) INTERVIEW OF VICTIM.—A defense investigator may question a victim under a pilot program only upon a request made through the Special Victims’ Counsel or other counsel if the victim does not have such counsel.

(2) UNIFORMITY ACROSS MILITARY JUSTICE SYSTEMS.—The Secretary of Defense shall ensure that the personnel and activities of defense investigators under the pilot programs are, to the extent practicable, uniform across the military justice systems of the military departments.

(c) REPORT.—

(1) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Consultation.

Senate and the House of Representatives a report on the pilot programs under subsection (a).

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

Assessment.

(A) A description of each pilot program, including the personnel and activities of defense investigators under such pilot program.

(B) An assessment of the feasibility and advisability of establishing and maintaining defense investigators as an element of the military justice systems of the military departments.

Recommendations.

(C) If the assessment under subparagraph (B) is that the establishment and maintenance of defense investigators as an element of the military justice systems of the military departments is feasible and advisable, such recommendations for legislative and administrative action as the Secretary of Defense considers appropriate to establish and maintain defense investigators as an element of the military justice systems.

(D) Any other matters the Secretary of Defense considers appropriate.

SEC. 540K. REPORT ON PRESERVATION OF RECOURSE TO RESTRICTED REPORT ON SEXUAL ASSAULT FOR VICTIMS OF SEXUAL ASSAULT FOLLOWING CERTAIN VICTIM OR THIRD-PARTY COMMUNICATIONS.

Recommendations.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report making findings and recommendations on the feasibility and advisability of a policy for the Department of Defense that would permit a victim of a sexual assault, that is or may be investigated as a result of a communication described in subsection (b), which victim is a member of the Armed Forces or an adult dependent of a member of the Armed Forces, to have the reporting on the sexual assault be treated as a restricted report without regard to the party initiating or receiving such communication.

(b) COMMUNICATIONS.—A communication described in this subsection is a communication reporting a sexual assault as follows:

(1) By the victim to a member of the Armed Forces, whether a commissioned officer or a noncommissioned officer, in the chain of command of the victim or the victim's military sponsor.

(2) By the victim to military law enforcement personnel or personnel of a military criminal investigative organization (MCIO).

(3) By any individual other than victim.

(c) SCOPE OF FINDINGS AND RECOMMENDATIONS.—The report required by subsection (a) may include recommendations for new provisions of statute or regulations, or modification of current statute or regulations, that may be required to put into effect the findings and recommendations described in subsection (a).

(d) CONSULTATION.—In preparing the report required by subsection (a), the Secretary shall consult with the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces (DAC-IPAD) under section 546 of

the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 1561 note).

SEC. 540L. REPORT ON ESTABLISHMENT OF GUARDIAN AD LITEM PROGRAM FOR CERTAIN MILITARY DEPENDENTS WHO ARE A VICTIM OR WITNESS OF AN OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE INVOLVING ABUSE OR EXPLOITATION.

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an assessment of the feasibility and advisability of establishing a guardian ad litem program for military dependents described in paragraph (2) who are a victim or witness of an offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that involves an element of abuse or exploitation in order to protect the best interests of such dependents in a court-martial of such offense.

Assessment.

(2) **COVERED DEPENDENTS.**—The military dependents described in this paragraph are as follows:

(A) Military dependents under 12 years of age.

(B) Military dependents who lack mental or other capacity.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment of the feasibility and advisability of establishing a guardian ad litem program as described in subsection (a).

Assessment.

(2) If establishment of the guardian ad litem program is considered feasible and advisable, the following:

(A) A description of administrative requirements in connection with the program, including the following:

(i) Any memoranda of understanding between the Department of Defense and State and local authorities required for purposes of the program.

Memoranda.

(ii) The personnel, funding, and other resources required for purposes of the program.

(B) Best practices for the program (as determined in consultation with appropriate civilian experts on child advocacy).

(C) Such recommendations for legislative and administration action to implement the program as the Secretary considers appropriate.

Recommendations.

SEC. 540M. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON IMPLEMENTATION BY THE ARMED FORCES OF RECENT STATUTORY REQUIREMENTS ON SEXUAL ASSAULT PREVENTION AND RESPONSE IN THE MILITARY.

(a) **REPORT REQUIRED.**—The Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report, in writing, on a study, conducted by the Comptroller General for purposes of the report, on the implementation by the Armed Forces of statutory requirements on sexual assault prevention and response in the military in the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) and each succeeding national

Study.

defense authorization Act through the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

List.

(1) A list and citation of each statutory requirement (whether codified or uncoded) on sexual assault prevention and response in the military in each national defense authorization Act specified in paragraph (1), including—

(A) whether such statutory requirement is still in force; and

(B) if such statutory requirement is no longer in force, the date of the repeal or expiration of such requirement.

Assessments.

(2) For each statutory requirement listed pursuant to paragraph (1), the following:

(A) An assessment of the extent to which such requirement was implemented, or is currently being implemented, as applicable, by each Armed Force to which such requirement applied or applies.

(B) A description and assessment of the actions taken by each of the Department of Defense, the military department concerned, and the Armed Force concerned to assess and determine the effectiveness of actions taken pursuant to such requirement in meeting its intended objective.

(3) Any other matters in connection with the statutory requirements specified in subsection (a), and the implementation of such requirements by the Armed Forces, that the Comptroller General considers appropriate.

Deadline.
Recommendations.

(c) BRIEFINGS.—Not later than May 1, 2020, the Comptroller General shall provide to the committees referred to in subsection (a) one or more briefings on the status of the study required by subsection (a), including any preliminary findings and recommendations of the Comptroller General as a result of the study as of the date of such briefing.

SEC. 540N. SENSE OF CONGRESS ON THE PORT CHICAGO 50.

It is the sense of Congress that—

(1) the American people should recognize the role of racial bias during the era in which the prosecution and convictions of the Port Chicago 50 took place for mutiny following the deadliest home-front disaster in World War II, in which 320 were killed on July 17, 1944, during a munitions explosion; and

(2) in light of the well-documented challenges associated with uniformed service by African Americans during this era, the Secretary of the Navy should, as appropriate, recommend executive action in favor of the 49 remaining Sailors with general court-martial convictions and the 207 remaining Sailors with summary court-martial convictions.

Subtitle E—Other Legal Matters

SEC. 541. IMPROVEMENT OF CERTAIN SPECIAL VICTIMS' COUNSEL AUTHORITIES.

(a) ENHANCEMENT OF LEGAL CONSULTATION AND ASSISTANCE IN CONNECTION WITH POTENTIAL VICTIM BENEFITS.—Paragraph

(8)(D) of subsection (b) of section 1044e of title 10, United States Code, is amended by striking “and other” and inserting “, section 1408(h) of this title, and other”.

(b) EXPANSION OF LEGAL ASSISTANCE AUTHORIZED TO INCLUDE CONSULTATION AND ASSISTANCE FOR RETALIATION.—Subsection (b) of such section is amended further—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph (10):

“(10) Legal consultation and assistance in connection with an incident of retaliation, whether such incident occurs before, during, or after the conclusion of any criminal proceedings, including—

“(A) in understanding the rights and protections afforded to victims of retaliation;

“(B) in the filing of complaints; and

“(C) in any resulting military justice proceedings.”.

(c) STAFFING CASELOAD LEVELS.—Such section is further amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection (g):

“(g) STAFFING CASELOAD LEVELS.—Commencing not later than four years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, each Secretary concerned shall ensure that the number of Special Victims’ Counsel serving in each military department (and with respect to the Coast Guard) is sufficient to ensure that the average caseload of a Special Victims’ Counsel does not exceed, to the extent practicable, 25 cases any given time.”.

Deadline.

SEC. 542. AVAILABILITY OF SPECIAL VICTIMS’ COUNSEL AT MILITARY INSTALLATIONS.

(a) DEADLINE FOR AVAILABILITY.—Section 1044e(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4)(A) Subject to subparagraph (B), if a Special Victims’ Counsel is not available at a military installation for access by a member of the armed forces who requests access to a Special Victims’ Counsel, a Special Victims’ Counsel shall be made available at such installation for access by such member by not later than 72 hours after such request.

“(B) If the Secretary concerned determines that, due to exigent circumstances related to military activities, a Special Victims’ Counsel cannot be made available to a member of the armed forces within the time period required by subparagraph (A), the Secretary concerned shall ensure that a Special Victims’ Counsel is made available to such member as soon as is practical under such circumstances.”.

(b) REPORT ON CIVILIAN SUPPORT OF SVCs.—Not later than 180 days after the date of the enactment of this Act, each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the assessment of such Secretary of the feasibility and advisability of establishing and maintaining for each Special

Assessment.

Victims’ Counsel under the jurisdiction of such Secretary one or more civilian positions for the purpose of—

- (1) providing support to such Special Victims’ Counsel; and
- (2) ensuring continuity and the preservation of institutional knowledge in transitions between the service of individuals as such Special Victims’ Counsel.

SEC. 543. NOTIFICATION OF ISSUANCE OF MILITARY PROTECTIVE ORDER TO CIVILIAN LAW ENFORCEMENT.

(a) NOTIFICATION OF ISSUANCE.—Section 1567a of title 10, United States Code, is amended—

Deadline.

(1) in subsection (a), by striking “and any individual involved in the order does not reside on a military installation at any time during the duration of the military protective order, the commander of the military installation shall notify” and inserting “, the commander of the unit to which the member is assigned shall, not later than seven days after the date of the issuance of the order, notify”;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection (b);

Deadlines.

“(b) NOTIFICATION IN EVENT OF TRANSFER.—In the event that a member of the armed forces against whom a military protective order is issued is transferred to another unit—

“(1) not later than the date of the transfer, the commander of the unit from which the member is transferred shall notify the commander of the unit to which the member is transferred of—

“(A) the issuance of the protective order; and

“(B) the individuals involved in the order; and

“(2) not later than seven days after receiving the notice under paragraph (1), the commander of the unit to which the member is transferred shall provide notice of the order to the appropriate civilian authorities in accordance with subsection (a).”; and

(4) in subsection (c), as so redesignated, by striking “commander of the military installation” and inserting “commander of the unit to which the member is assigned”.

(b) ANNUAL REPORT REQUIRED.—Not later than March 1, 2021, and each year thereafter through 2025, the Secretary of Defense shall submit to the congressional defense committees a report that identifies—

(1) the number of military protective orders issued in the calendar year preceding the year in which the report is submitted; and

(2) the number of such orders that were reported to appropriate civilian authorities in accordance with section 1567a(a) of title 10, United States Code, in such preceding year.

SEC. 544. COPYRIGHT PROTECTION FOR CIVILIAN FACULTY OF CERTAIN ACCREDITED INSTITUTIONS.

Section 105 of title 17, United States Code, is amended—

(1) by inserting “(a) In general.—” before “Copyright”; and

(2) by adding at the end the following:

“(b) COPYRIGHT PROTECTION OF CERTAIN OF WORKS.—Subject to subsection (c), the covered author of a covered work owns the copyright to that covered work.

“(c) **USE BY FEDERAL GOVERNMENT.**—The Secretary of Defense may direct the covered author of a covered work to provide the Federal Government with an irrevocable, royalty-free, world-wide, nonexclusive license to reproduce, distribute, perform, or display such covered work for purposes of the United States Government.

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

“(1) The term ‘covered author’ means a civilian member of the faculty of a covered institution.

“(2) The term ‘covered institution’ means the following:

“(A) National Defense University.

“(B) United States Military Academy.

“(C) Army War College.

“(D) United States Army Command and General Staff College.

“(E) United States Naval Academy.

“(F) Naval War College.

“(G) Naval Post Graduate School.

“(H) Marine Corps University.

“(I) United States Air Force Academy.

“(J) Air University.

“(K) Defense Language Institute.

“(L) United States Coast Guard Academy.

“(3) The term ‘covered work’ means a literary work produced by a covered author in the course of employment at a covered institution for publication by a scholarly press or journal.”.

SEC. 545. TERMINATION OF LEASES OF PREMISES AND MOTOR VEHICLES OF SERVICEMEMBERS WHO INCUR CATASTROPHIC INJURY OR ILLNESS OR DIE WHILE IN MILITARY SERVICE.

(a) **CATASTROPHIC INJURIES AND ILLNESSES.**—Subsection (a) of section 305 of the Servicemembers Civil Relief Act (50 U.S.C. 3955), as amended by section 301 of the Veterans Benefits and Transition Act of 2018 (Public Law 115–407), is further amended by adding at the end the following new paragraph:

“(4) **CATASTROPHIC INJURY OR ILLNESS OF LESSEE.**—The spouse of the lessee on a lease described in subsection (b) may terminate the lease during the one-year period beginning on the date on which the lessee incurs a catastrophic injury or illness (as that term is defined in section 439(g) of title 37, United States Code), if the lessee incurs the catastrophic injury or illness during a period of military service or while performing full-time National Guard duty, active Guard and Reserve duty, or inactive-duty training (as such terms are defined in section 101(d) of title 10, United States Code).”.

Time period.

(b) **DEATHS.**—Paragraph (3) of such subsection is amended by striking “in subsection (b)(1)” and inserting “in subsection (b)”.

SEC. 546. MILITARY ORDERS REQUIRED FOR TERMINATION OF LEASES PURSUANT TO THE SERVICEMEMBERS CIVIL RELIEF ACT.

Section 305(i) of the Servicemembers Civil Relief Act (50 U.S.C. 3955) is amended—

(1) in paragraph (1), by inserting “(including orders for separation or retirement)” after “official military orders”; and

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

Definition.

“(3) PERMANENT CHANGE OF STATION.—The term ‘permanent change of station’ includes separation or retirement from military service.”.

SEC. 547. PRESERVATION OF RIGHT TO BRING CLASS ACTION UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

(a) IN GENERAL.—Section 802(a) of the Servicemembers Civil Relief Act (50 U.S.C. 4042(a)) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

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

“(3) be a representative party on behalf of members of a class or be a member of a class, in accordance with the Federal Rules of Civil Procedure, notwithstanding any previous agreement to the contrary.”.

50 USC 4042
note.

(b) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to imply that a person aggrieved by a violation of such Act did not have a right to bring a civil action as a representative party on behalf of members of a class or be a member of a class in a civil action before the date of the enactment of this Act.

10 USC 1044
note.

SEC. 548. LEGAL COUNSEL FOR VICTIMS OF ALLEGED DOMESTIC VIOLENCE OFFENSES.

Deadline.

(a) IN GENERAL.—Not later than December 1, 2020, the Secretary of Defense shall carry out a program to provide legal counsel (referred to in this section as “Counsel”) to victims of alleged domestic violence offenses who are otherwise eligible for military legal assistance under section 1044 of title 10, United States Code.

(b) FORM OF IMPLEMENTATION.—The program required under subsection (a) may be carried out as part of another program of the Department of Defense or through the establishment of a separate program.

(c) TRAINING AND TERMS.—The Secretary of Defense shall ensure that Counsel—

(1) receive specialized training in legal issues commonly associated with alleged domestic violence offenses; and

(2) to the extent practicable, serve as Counsel for a period of not less than 2 years.

(d) ATTORNEY-CLIENT RELATIONSHIP.—The relationship between a Counsel and a victim in the provision of legal advice and assistance shall be the relationship between an attorney and client.

(e) PARALEGAL SUPPORT.—The Secretary of Defense shall ensure that sufficient trained paralegal support is provided to Counsel under the program.

(f) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the program under subsection (a).

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

Assessment.

(A) A description and assessment of the manner in which the Department of Defense will implement the program required under subsection (a).

(B) An explanation of whether the program will be carried out as part of another program of the Department or through the establishment of a separate program.

(C) A comprehensive description of the additional personnel, resources, and training that will be required to implement the program, including identification of the specific number of additional billets that will be needed to staff the program.

(D) Recommendations for any modifications to law that may be necessary to effectively and efficiently implement the program.

Recommendations.

(g) **ALLEGED DOMESTIC VIOLENCE OFFENSE DEFINED.**—In this section, the term “alleged domestic violence offense” means any allegation of—

10 USC 1044 note.

(1) a violation of section 928(b), 928b(1), 928b(5), or 930 of title 10, United States Code (article 128(b), 128b(1), 128b(5), or 130 of the Uniform Code of Military Justice), when committed against a spouse, intimate partner, or immediate family member;

(2) a violation of any other provision of subchapter X of chapter 47 of such title (the Uniform Code of Military Justice), when committed against a spouse, intimate partner, or immediate family member; or

(3) an attempt to commit an offense specified in paragraph (1) or (2) as punishable under section 880 of such title (article 80 of the Uniform Code of Military Justice).

SEC. 549. NOTICE TO VICTIMS OF ALLEGED SEXUAL ASSAULT OF PENDING OF FURTHER ADMINISTRATIVE ACTION FOLLOWING A DETERMINATION NOT TO REFER TO TRIAL BY COURT-MARTIAL.

10 USC 806b note.

Under regulations prescribed by the Secretary of Defense, upon a determination not to refer a case of alleged sexual assault for trial by court-martial under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), the commander making such determination shall periodically notify the victim of the status of a final determination on further action on such case, whether non-judicial punishment under section 815 of such title (article 15 of the Uniform Code of Military Justice), other administrative action, or no further action. Such notifications shall continue not less frequently than monthly until such final determination.

Time period.

SEC. 550. TREATMENT OF INFORMATION IN CATCH A SERIAL OFFENDER PROGRAM FOR CERTAIN PURPOSES.

5 USC 552 note.

(a) **TREATMENT UNDER FOIA.**—Victim disclosures under the Catch a Serial Offender Program shall be withheld from public disclosure under paragraph (b)(3) of section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”).

(b) **PRESERVATION OF RESTRICTED REPORT.**—The transmittal or receipt in connection with the Catch a Serial Offender Program of a report on a sexual assault that is treated as a restricted report shall not operate to terminate its treatment or status as a restricted report.

10 USC 1561a
note.

SEC. 550A. POLICIES AND PROCEDURES ON REGISTRATION AT MILITARY INSTALLATIONS OF CIVILIAN PROTECTIVE ORDERS APPLICABLE TO MEMBERS OF THE ARMED FORCES ASSIGNED TO SUCH INSTALLATIONS AND CERTAIN OTHER INDIVIDUALS.

Deadline.
Consultation.

(a) **POLICIES AND PROCEDURES REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, establish policies and procedures for the registration at military installations of any civilian protective orders described in subsection (b), including the duties and responsibilities of commanders of installations in the registration process.

(b) **CIVILIAN PROTECTIVE ORDERS.**—A civilian protective order described in this subsection is any civilian protective order as follows:

(1) A civilian protective order against a member of the Armed Forces assigned to the installation concerned.

(2) A civilian protective order against a civilian employee employed at the installation concerned.

(3) A civilian protective order against the civilian spouse or intimate partner of a member of the Armed Forces on active duty and assigned to the installation concerned, or of a civilian employee described in paragraph (2), which order provides for the protection of such member or employee.

(c) **PARTICULAR ELEMENTS.**—The policies and procedures required by subsection (a) shall include the following:

(1) A requirement for notice between and among the commander, military law enforcement elements, and military criminal investigative elements of an installation when a member of the Armed Forces assigned to such installation, a civilian employee employed at such installation, a civilian spouse or intimate partner of a member assigned to such installation, or a civilian spouse or intimate partner of a civilian employee employed at such installation becomes subject to a civilian protective order.

(2) A statement of policy that failure to register a civilian protective order may not be a justification for the lack of enforcement of such order by military law enforcement and other applicable personnel who have knowledge of such order.

(d) **LETTER.**—As soon as practicable after establishing the policies and procedures required by subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a letter that includes the following:

(1) A detailed description of the policies and procedures.

(2) A certification by the Secretary that the policies and procedures have been implemented on each military installation.

Certification.

10 USC 1561
note.

SEC. 550B. DEFENSE ADVISORY COMMITTEE FOR THE PREVENTION OF SEXUAL MISCONDUCT.

(a) **ESTABLISHMENT REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall establish and maintain within the Department of Defense an advisory committee to be known as the “Defense Advisory Committee for the Prevention of Sexual Misconduct” (in this section referred to as the “Advisory Committee”).

(2) **DEADLINE FOR ESTABLISHMENT.**—The Secretary shall establish the Advisory Committee not later than one year after the date of the enactment of this Act.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Advisory Committee shall consist of not more than 20 members, appointed by the Secretary from among individuals who have an expertise appropriate for the work of the Advisory Committee, including at least one individual with each expertise as follows:

Appointments.

(A) Expertise in the prevention of sexual assault and behaviors on the sexual assault continuum of harm.

(B) Expertise in adverse behaviors, including the prevention of suicide and the prevention of substance abuse.

(C) Expertise in the change of culture of large organizations.

(D) Expertise in implementation science.

(2) **BACKGROUND OF INDIVIDUALS.**—Individuals appointed to the Advisory Committee may include individuals with expertise in sexual assault prevention efforts of institutions of higher education, public health officials, and such other individuals as the Secretary considers appropriate.

(3) **PROHIBITION ON MEMBERSHIP OF MEMBERS OF ARMED FORCES ON ACTIVE DUTY.**—A member of the Armed Forces serving on active duty may not serve as a member of the Advisory Committee.

(c) **DUTIES.**—

(1) **IN GENERAL.**—The Advisory Committee shall advise the Secretary on the following:

(A) The prevention of sexual assault (including rape, forcible sodomy, other sexual assault, and other sexual misconduct (including behaviors on the sexual assault continuum of harm)) involving members of the Armed Forces.

(B) The policies, programs, and practices of each military department, each Armed Force, and each military service academy for the prevention of sexual assault as described in subparagraph (A).

(2) **BASIS FOR PROVISION OF ADVICE.**—For purposes of providing advice to the Secretary pursuant to this subsection, the Advisory Committee shall review, on an ongoing basis, the following:

Reviews.

(A) Closed cases involving allegations of sexual assault described in paragraph (1).

(B) Efforts of institutions of higher education to prevent sexual assault among students.

(C) Any other information or matters that the Advisory Committee or the Secretary considers appropriate.

(3) **COORDINATION OF EFFORTS.**—In addition to the reviews required by paragraph (2), for purposes of providing advice to the Secretary the Advisory Committee shall also consult and coordinate with the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces (DAC-IPAD) on matters of joint interest to the two Advisory Committees.

- (d) **ANNUAL REPORT.**—Not later than March 30 each year, the Advisory Committee shall submit to the Secretary and the Committees on Armed Services of the Senate and the House of Representatives a report on the activities of the Advisory Committee pursuant to this section during the preceding year.
- Definitions. (e) **SEXUAL ASSAULT CONTINUUM OF HARM.**—In this section, the term “sexual assault continuum of harm” includes—
- (1) inappropriate actions (such as sexist jokes), sexual harassment, gender discrimination, hazing, cyber bullying, or other behavior that contributes to a culture that is tolerant of, or increases risk for, sexual assault; and
 - (2) maltreatment or ostracism of a victim for a report of sexual misconduct.
- (f) **TERMINATION.**—
- (1) **IN GENERAL.**—Except as provided in paragraph (2), the Advisory Committee shall terminate on the date that is five years after the date of the establishment of the Advisory Committee pursuant to subsection (a).
 - (2) **CONTINUATION.**—The Secretary of Defense may continue the Advisory Committee after the termination date applicable under paragraph (1) if the Secretary determines that continuation of the Advisory Committee after that date is advisable and appropriate. If the Secretary determines to continue the Advisory Committee after that date, the Secretary shall notify the Committees on the Armed Services of the Senate and House of Representatives.
- Notification. (10 USC 1044e note. **SEC. 550C. TRAINING FOR SPECIAL VICTIMS’ COUNSEL ON CIVILIAN CRIMINAL JUSTICE MATTERS IN THE STATES OF THE MILITARY INSTALLATIONS TO WHICH ASSIGNED.**
- (a) **TRAINING.**—
- (1) **IN GENERAL.**—Except as provided in subsection (c), upon the assignment of a Special Victims’ Counsel (including a Victim Legal Counsel of the Navy) to a military installation in the United States, such Counsel shall be provided appropriate training on the law and policies of the State or States in which such military installation is located with respect to the criminal justice matters specified in paragraph (2). The purpose of the training is to assist such Counsel in providing victims of alleged sex-related offenses with information necessary to make an informed decision regarding preference as to the jurisdiction (whether court-martial or State court) in which such offenses will be prosecuted.
 - (2) **CRIMINAL JUSTICE MATTERS.**—The criminal justice matters specified in this paragraph, with respect to a State, are the following:
 - (A) Victim rights.
 - (B) Prosecution of criminal offenses.
 - (C) Sentencing for conviction of criminal offenses.
 - (D) Protective orders.
- (b) **ALLEGED SEX-RELATED OFFENSE DEFINED.**—In this section, the term “alleged sex-related offense” means any allegation of—
- (1) a violation of section 920, 920b, 920c, or 930 of title 10, United States Code (article 120, 120b, 120c, or 130 of the Uniform Code of Military Justice); or

(2) an attempt to commit an offense specified in a paragraph (1) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(c) EXCEPTION.—The requirements of this section do not apply to a Special Victims’ Counsel of the Coast Guard.

SEC. 550D. ENHANCING THE CAPABILITY OF MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS TO PREVENT AND COMBAT CHILD SEXUAL EXPLOITATION.

10 USC note
prec. 1561.

(a) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish and carry out an initiative to enhance the capability of military criminal investigative organizations to prevent and combat child sexual exploitation.

Deadline.

(b) ACTIVITIES.—In establishing and carrying out the initiative under subsection (a), the Secretary of Defense may—

(1) work with internal and external functional experts to train the personnel of military criminal investigative organizations across the Department regarding—

(A) technologies, tools, and techniques, including digital forensics, to enhance the investigation of child sexual exploitation; and

(B) evidence-based forensic interviewing of child victims, and the referral of child victims for trauma-informed mental and medical health care, and other treatment and support services;

(2) to the extent authorized by law, collaborate with Federal, State, local, and other civilian law enforcement agencies on issues relating to child sexual exploitation, including by—

(A) participating in task forces established by such agencies for the purpose of preventing and combating child sexual exploitation;

(B) establishing cooperative agreements to facilitate co-training and collaboration with such agencies; and

(C) ensuring that streamlined processes for the referral of child sexual exploitation cases to other agencies and jurisdictions, as appropriate, are fully operational;

(3) as appropriate, assist in educating the military community on the prevention and response to child sexual exploitation; and

(4) carry out such other activities as the Secretary determines to be relevant.

SEC. 550E. FEASIBILITY STUDY ON ESTABLISHMENT OF DATABASE OF MILITARY PROTECTIVE ORDERS.

(a) STUDY.—The Secretary of Defense shall conduct a study on the feasibility of establishing a database of military protective orders issued by military commanders against individuals suspected of having committed an offense of domestic violence under section 928b of title 10, United States Code (article 128b of the Uniform Code of Military Justice). The study shall include an examination of each of the following:

(1) The feasibility of creating a database to record, track, and report such military protective orders to the National Instant Criminal Background Check System.

(2) The feasibility of establishing a process by which a military judge or magistrate may issue a protective order

against an individual suspected of having committed such an offense.

(3) How the database and process described in paragraphs (1) and (2), respectively, may differ from analogous civilian databases and processes, including with regard to due process and other procedural protections.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the study conducted under subsection (a).

SEC. 550F. GAO REVIEW OF USERRA AND SCRA.

(a) REPORT REQUIRED.—Not later than January 31, 2021, the Comptroller General of the United States shall conduct a review and submit a report to the Committees on Armed Services of the Senate and House of Representatives regarding what the Comptroller General determines are the effects of the common commercial and governmental practices of including a mandatory arbitration clause in employment and consumer agreements, on the ability of servicemembers to assert claims under and secure redress for violations of—

(1) chapter 43 of title 38, United States Code (commonly referred to as the “Uniformed Services Employment and Re-employments Rights Act of 1994” and referred to in this section as “USERRA”); and

(2) the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq. (referred to in this section as “SCRA”)).

(b) ELEMENTS.—The report under this section shall include the following:

(1) Each process by which a servicemember may assert a claim under USERRA or SCRA, including—

(A) administrative assistance;

(B) support, and dispute resolution processes provided by Federal and State agencies;

(C) arbitration; and

(D) litigation.

Evaluations.

(2) With regards to each process identified under paragraph (1), an evaluation of—

(A) the flexibility the process affords to the servicemember and other parties to the process;

(B) the burden on the servicemember and other parties to the process;

(C) the financial cost of the process to the servicemember and the other parties;

(D) the speed of each process, including the rate at which each claim pursued under such process is resolved;

(E) the confidentiality of each process; and

(F) the effects of the process.

Data.

(3) Based on data regarding the results of past actions to enforce servicemember rights and benefits under USERRA and SCRA, including data of the Departments of Defense and Labor regarding dispute resolution under USERRA and data of the Department of Justice regarding litigation under SCRA—

Analysis.

(A) an analysis of the extent to which each of the processes identified in paragraph (1) has been employed to address claims under USERRA or SCRA and

(B) the extent to which each such process achieved a final disposition favorable to the servicemember.

(4) An assessment of general societal trends in the use of mandatory arbitration clauses in employment and consumer agreements, including any trend in a specific industry or employment sector that relies on mandatory arbitration in such contracts and agreements. Assessment.

(5) An assessment and explanation of any effect—

Assessment.

(A) of the use of mandatory arbitration clauses in employment or consumer agreements on military readiness and deployability.

(B) of USERRA or SCRA on the willingness of employers to employ, and consumer service businesses to provide services to servicemembers and their families.

Subtitle F—Member Education

SEC. 551. AUTHORITY FOR DETAIL OF CERTAIN ENLISTED MEMBERS OF THE ARMED FORCES AS STUDENTS AT LAW SCHOOLS.

(a) IN GENERAL.—Section 2004 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “and enlisted members” after “commissioned officers”;

(B) by striking “bachelor of laws or”; and

(C) by inserting “and enlisted members” after “twenty-five officers”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting “or enlisted member” after “officer”;

(B) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) either—

Time periods.

“(A) have served on active duty for a period of not less than two years nor more than six years and be an officer in the pay grade O–3 or below as of the time the training is to begin; or

“(B) have served on active duty for a period of not less than four years nor more than eight years and be an enlisted member in the pay grade E–5, E–6, or E–7 as of the time the training is to begin;”;

(C) by redesignating paragraph (2) as paragraph (3);

(D) by inserting after paragraph (1), as amended by subparagraph (B), the following new paragraph (2):

“(2) in the case of an enlisted member, meet all requirements for acceptance of a commission as a commissioned officer in the armed forces; and”; and

(E) in subparagraph (B) of paragraph (3), as redesignated by subparagraph (C) of this paragraph, by striking “or law specialist”;

(3) in subsection (c)—

(A) in the first sentence, by inserting “and enlisted members” after “Officers”; and

(B) in the second sentence, by inserting “or enlisted member” after “officer” each place it appears;

(4) in subsection (d), by inserting “and enlistment members” after “officers”;

(5) in subsection (e), by inserting “or enlistment member” after “officer”; and

(6) in subsection (f), by inserting “or enlisted member” after “officer”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

“§ 2004. Detail as students at law schools; commissioned officers; certain enlisted members”.

10 USC
prec. 2001.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by striking the item relating to section 2004 and inserting the following new item:

“2004. Detail as students at law schools; commissioned officers; certain enlisted members.”.

SEC. 552. INCLUSION OF COAST GUARD IN DEPARTMENT OF DEFENSE STARBASE PROGRAM.

Section 2193b of title 10, United States Code, is amended—

(1) in subsection (a), by inserting “and the Secretary of the Department in which the Coast Guard is operating” after “military departments”; and

(2) in subsection (f), by striking “and the Secretaries of the military departments” and inserting “, the Secretaries of the military departments, and the Secretary of the Department in which the Coast Guard is operating”.

SEC. 553. DEGREE GRANTING AUTHORITY FOR UNITED STATES ARMY ARMAMENT GRADUATE SCHOOL; LIMITATION ON ESTABLISHMENT OF CERTAIN EDUCATIONAL INSTITUTIONS.

(a) DEGREE GRANTING AUTHORITY FOR UNITED STATES ARMY ARMAMENT GRADUATE SCHOOL.—

(1) IN GENERAL.—Chapter 751 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 7422.

“§ 7422. Degree granting authority for United States Army Armament Graduate School

“(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Army, the Chancellor of the United States Army Armament Graduate School may, upon the recommendation of the faculty and provost of the school, confer appropriate degrees upon graduates who meet the degree requirements.

“(b) LIMITATION.—A degree may not be conferred under this section unless—

Recommendations.

“(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

“(2) the United States Army Armament Graduate School is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

“(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

“(A) a copy of the self-assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education’s National Advisory Committee on Institutional Quality and Integrity; and

Records.

“(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

Recommendations.

“(2) Upon any modification or redesignation of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

Reports.
Recommendations.

“(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the United States Army Armament Graduate School to award any new or existing degree.”.

Reports.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

10 USC
prec. 7401.

“7422. Degree granting authority for United States Army Armament Graduate School.”.

(b) LIMITATION.—

(1) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2017. Limitation on establishment of postsecondary educational institutions pending notice to Congress

10 USC 2017.

“(a) LIMITATION.—The Secretary of Defense may not establish a postsecondary educational institution within the Department of Defense until a period of one year has elapsed following the date on which the Secretary notifies the congressional defense committees of the intent of the Secretary to establish the institution.

Time period.

“(b) POSTSECONDARY EDUCATIONAL INSTITUTION DEFINED.—In this section, the term ‘postsecondary educational institution’ means a school or other educational institution that is intended to provide students with a course of instruction that is comparable, in length and academic rigor, to a course of instruction for which an associate’s, bachelor’s, or graduate degree may be awarded.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

10 USC
prec. 2001.

“2017. Limitation on establishment of postsecondary educational institutions pending notice to Congress.”.

(3) APPLICABILITY.—Section 2017 of title 10, United States Code, as added by paragraph (1), shall apply with respect

10 USC 2017
note.

to postsecondary educational institutions intended to be established by the Secretary of Defense on or after the date of the enactment of this Act.

SEC. 554. PROHIBITION ON OFF-DUTY EMPLOYMENT FOR CADETS AND MIDSHIPMEN COMPLETING OBLIGATED SERVICE AFTER GRADUATION.

(a) **MILITARY ACADEMY.**—Section 7448(a)(5)(A) of title 10, United States Code, is amended by inserting “or seek or accept approval for off-duty employment while completing the cadet’s commissioned service obligation” before “to obtain employment”.

(b) **NAVAL ACADEMY.**—Section 8459(a)(5)(A) of title 10, United States Code, is amended by inserting “or seek or accept approval for off-duty employment while completing the midshipman’s commissioned service obligation” before “to obtain employment”.

(c) **AIR FORCE ACADEMY.**—Section 9448(a)(5)(A) of title 10, United States Code, is amended by inserting “or seek or accept approval for off-duty employment while completing the cadet’s commissioned service obligation” before “to obtain employment”.

SEC. 555. CONSIDERATION OF REQUEST FOR TRANSFER OF A CADET OR MIDSHIPMAN AT A MILITARY SERVICE ACADEMY WHO IS THE VICTIM OF A SEXUAL ASSAULT OR RELATED OFFENSE.

(a) **UNITED STATES MILITARY ACADEMY.**—Section 7461 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) **CONSIDERATION OF REQUEST FOR TRANSFER OF A CADET WHO IS THE VICTIM OF A SEXUAL ASSAULT OR RELATED OFFENSE.**—

(1) The Secretary of the Army shall provide for timely consideration of and action on a request submitted by a cadet appointed to the United States Military Academy who is the victim of an alleged sexual assault or other offense covered by section 920, 920c, or 930 of this title (article 120, 120c, or 130 of the Uniform Code of Military Justice) for transfer to another military service academy or to enroll in a Senior Reserve Officers’ Training Corps program affiliated with another institution of higher education.

“(2) The Secretary of the Army shall prescribe regulations to carry out this subsection, within guidelines provided by the Secretary of Defense that—

“(A) provide that the Superintendent of the United States Military Academy shall ensure that any cadet who has been appointed to the United States Military Academy and who is a victim of an alleged sexual assault or other offense referred to in paragraph (1), is informed of the right to request a transfer pursuant to this section, and that any formal request submitted by a cadet is processed as expeditiously as practicable through the chain of command for review and action by the Superintendent;

“(B) direct the Superintendent of the United States Military Academy, in coordination with the Superintendent of the military service academy to which the cadet requests to transfer—

“(i) to take action on a request for transfer under this subsection not later than 72 hours after receiving the formal request from the cadet;

“(ii) to approve such request for transfer unless there are exceptional circumstances that require denial of the request; and

Regulations.
Guidelines.

Coordination.

Deadline.

“(iii) upon approval of such request, to take all necessary and appropriate action to effectuate the transfer of the cadet to the military service academy concerned as expeditiously as possible; and

“(C) direct the Superintendent of the United States Military Academy, in coordination with the Secretary of the military department that sponsors the Senior Reserve Officers’ Training Corps program at the institution of higher education to which the cadet requests to transfer—

Coordination.

“(i) to take action on a request for transfer under this subsection not later than 72 hours after receiving the formal request from the cadet;

Deadline.

“(ii) subject to the cadet’s acceptance for admission to the institution of higher education to which the cadet wishes to transfer, to approve such request for transfer unless there are exceptional circumstances that require denial of the application; and

“(iii) to take all necessary and appropriate action to effectuate the cadet’s enrollment in the institution of higher education to which the cadet wishes to transfer and to process the cadet for participation in the relevant Senior Reserve Officers’ Training Corps program as expeditiously as possible.

“(3) If the Superintendent of the United States Military Academy denies a request for transfer under this subsection, the cadet may request review of the denial by the Secretary of the Army, who shall take action on such request not later than 72 hours after receipt of the formal request for review.

Deadline.

“(4) The Secretary concerned shall ensure that all records of any request, determination, transfer, or other action under this subsection remain confidential, consistent with applicable law and regulation.

Records.
Confidential
information.

“(5) A cadet who transfers under this subsection may retain the cadet’s appointment to the United States Military Academy or may be appointed to the military service academy to which the cadet transfers without regard to the limitations and requirements set forth in sections 7442, 8454, and 9442 of this title.”.

(b) UNITED STATES NAVAL ACADEMY.—Section 8480 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) CONSIDERATION OF REQUEST FOR TRANSFER OF A MIDSHIPMAN WHO IS THE VICTIM OF A SEXUAL ASSAULT OR RELATED OFFENSE.—(1) The Secretary of the Navy shall provide for timely consideration of and action on a request submitted by a midshipman appointed to the United States Naval Academy who is the victim of an alleged sexual assault or other offense covered by section 920, 920c, or 930 of this title (article 120, 120c, or 130 of the Uniform Code of Military Justice) for transfer to another military service academy or to enroll in a Senior Reserve Officers’ Training Corps program affiliated with another institution of higher education.

“(2) The Secretary of the Navy shall prescribe regulations to carry out this subsection, within guidelines provided by the Secretary of Defense that—

Regulations.
Guidelines.

“(A) provide that the Superintendent of the United States Naval Academy shall ensure that any midshipman who has been appointed to the United States Naval Academy and who

	is a victim of an alleged sexual assault or other offense referred to in paragraph (1), is informed of the right to request a transfer pursuant to this section, and that any formal request submitted by a midshipman is processed as expeditiously as practicable through the chain of command for review and action by the Superintendent;
Coordination.	“(B) direct the Superintendent of the United States Naval Academy, in coordination with the Superintendent of the military service academy to which the midshipman requests to transfer—
Deadline.	<p>“(i) to take action on a request for transfer under this subsection not later than 72 hours after receiving the formal request from the midshipman;</p> <p>“(ii) to approve such request for transfer unless there are exceptional circumstances that require denial of the request; and</p> <p>“(iii) upon approval of such request, to take all necessary and appropriate action to effectuate the transfer of the midshipman to the military service academy concerned as expeditiously as possible; and</p>
Coordination.	“(C) direct the Superintendent of the United States Naval Academy, in coordination with the Secretary of the military department that sponsors the Senior Reserve Officers’ Training Corps program at the institution of higher education to which the midshipman requests to transfer—
Deadline.	<p>“(i) to take action on a request for transfer under this subsection not later than 72 hours after receiving the formal request from the midshipman;</p> <p>“(ii) subject to the midshipman’s acceptance for admission to the institution of higher education to which the midshipman wishes to transfer, to approve such request for transfer unless there are exceptional circumstances that require denial of the application; and</p> <p>“(iii) to take all necessary and appropriate action to effectuate the midshipman’s enrollment in the institution of higher education to which the midshipman wishes to transfer and to process the midshipman for participation in the relevant Senior Reserve Officers’ Training Corps program as expeditiously as possible.</p>
Deadline.	“(3) If the Superintendent of the United States Naval Academy denies a request for transfer under this subsection, the midshipman may request review of the denial by the Secretary of the Navy, who shall take action on such request not later than 72 hours after receipt of the formal request for review.
Records. Confidential information.	<p>“(4) The Secretary concerned shall ensure that all records of any request, determination, transfer, or other action under this subsection remain confidential, consistent with applicable law and regulation.</p> <p>“(5) A midshipman who transfers under this subsection may retain the midshipman’s appointment to the United States Naval Academy or may be appointed to the military service academy to which the midshipman transfers without regard to the limitations and requirements set forth in sections 7442, 8454, and 9442 of this title.”.</p> <p>(c) UNITED STATES AIR FORCE ACADEMY.—Section 9461 of title 10, United States Code, is amended by adding at the end the following new subsection:</p>

“(e) CONSIDERATION OF REQUEST FOR TRANSFER OF A CADET WHO IS THE VICTIM OF A SEXUAL ASSAULT OR RELATED OFFENSE.—

(1) The Secretary of the Air Force shall provide for timely consideration of and action on a request submitted by a cadet appointed to the United States Air Force Academy who is the victim of an alleged sexual assault or other offense covered by section 920, 920c, or 930 of this title (article 120, 120c, or 130 of the Uniform Code of Military Justice) for transfer to another military service academy or to enroll in a Senior Reserve Officers’ Training Corps program affiliated with another institution of higher education.

“(2) The Secretary of the Air Force shall prescribe regulations to carry out this subsection, within guidelines provided by the Secretary of Defense that—

Regulations.
Guidelines.

“(A) provide that the Superintendent of the United States Air Force Academy shall ensure that any cadet who has been appointed to the United States Air Force Academy and who is a victim of an alleged sexual assault or other offense referred to in paragraph (1), is informed of the right to request a transfer pursuant to this section, and that any formal request submitted by a cadet is processed as expeditiously as practicable through the chain of command for review and action by the Superintendent;

“(B) direct the Superintendent of the United States Air Force Academy, in coordination with the Superintendent of the military service academy to which the cadet requests to transfer—

Coordination.

“(i) to take action on a request for transfer under this subsection not later than 72 hours after receiving the formal request from the cadet;

Deadline.

“(ii) to approve such request for transfer unless there are exceptional circumstances that require denial of the request; and

“(iii) upon approval of such request, to take all necessary and appropriate action to effectuate the transfer of the cadet to the military service academy concerned as expeditiously as possible; and

“(C) direct the Superintendent of the United States Air Force Academy, in coordination with the Secretary of the military department that sponsors the Senior Reserve Officers’ Training Corps program at the institution of higher education to which the cadet requests to transfer—

Coordination.

“(i) to take action on a request for transfer under this subsection not later than 72 hours after receiving the formal request from the cadet;

Deadline.

“(ii) subject to the cadet’s acceptance for admission to the institution of higher education to which the cadet wishes to transfer, to approve such request for transfer unless there are exceptional circumstances that require denial of the application; and

“(iii) to take all necessary and appropriate action to effectuate the cadet’s enrollment in the institution of higher education to which the cadet wishes to transfer and to process the cadet for participation in the relevant Senior Reserve Officers’ Training Corps program as expeditiously as possible.

“(3) If the Superintendent of the United States Air Force Academy denies a request for transfer under this subsection, the

Deadline.

Records.
Confidential
information.

cadet may request review of the denial by the Secretary of the Air Force, who shall take action on such request not later than 72 hours after receipt of the formal request for review.

“(4) The Secretary concerned shall ensure that all records of any request, determination, transfer, or other action under this subsection remain confidential, consistent with applicable law and regulation.

“(5) A cadet who transfers under this subsection may retain the cadet’s appointment to the United States Air Force Academy or may be appointed to the military service academy to which the cadet transfers without regard to the limitations and requirements set forth in sections 7442, 8454, and 9442 of this title.”.

SEC. 556. REDESIGNATION OF THE COMMANDANT OF THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY AS THE DIRECTOR AND CHANCELLOR OF SUCH INSTITUTE.

(a) REDESIGNATION.—Section 9414b(a) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “COMMANDANT” and inserting “DIRECTOR AND CHANCELLOR”;

(2) by striking “Commandant” each place it appears and inserting “Director and Chancellor”; and

(3) in the heading of paragraph (3), by striking “COMMANDANT” and inserting “DIRECTOR AND CHANCELLOR”.

(b) CONFORMING AMENDMENTS.—Section 9414(f) of such title is amended by striking “Commandant” both places it appears and inserting “Director and Chancellor”.

10 USC 9414b
note.

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

SEC. 557. ELIGIBILITY OF ADDITIONAL ENLISTED MEMBERS FOR ASSOCIATE DEGREE PROGRAMS OF THE COMMUNITY COLLEGE OF THE AIR FORCE.

Section 9415(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) Enlisted members of the armed forces other than the Air Force who are participating in Community College of the Air Force affiliated joint-service training and education courses.”.

10 USC 7431
note.

SEC. 558. SPEECH DISORDERS OF CADETS AND MIDSHIPMEN.

(a) TESTING.—The Superintendent of a military service academy shall provide testing for speech disorders to incoming cadets or midshipmen under the jurisdiction of that Superintendent.

(b) NO EFFECT ON ADMISSION.—The testing under subsection (a) may not have any effect on admission to a military service academy.

(c) RESULTS.—The Superintendent shall provide each cadet or midshipman under the jurisdiction of that Superintendent the result of the testing under subsection (a) and a list of warfare unrestricted line officer positions and occupation specialties that require successful performance on the speech test.

(d) THERAPY.—The Superintendent shall furnish speech therapy to a cadet or midshipman under the jurisdiction of that Superintendent at the election of the cadet or midshipman.

(e) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretaries of the military departments shall submit to the Committees on Armed Services of the Senate and the House of Representatives a joint report that includes the following:

Lists.

(1) The number of cadets or midshipmen with an identified speech disorder in each military service academy.

(2) A list of the health care and administrative resources related to speech disorders available to cadets and midshipmen described in paragraph (1).

(3) A list of positions and specialties described in subsection (c) pursued by the cadets and midshipmen described in paragraph (1) at the time of graduation.

SEC. 559. REQUIREMENT TO CONTINUE PROVISION OF TUITION ASSISTANCE FOR MEMBERS OF THE ARMED FORCES.

The Secretary of each military department shall carry out tuition assistance programs for members of an Armed Force under the jurisdiction of that Secretary during fiscal year 2020 using an amount not less than the sum of any amounts appropriated for tuition assistance for members of that Armed Force for fiscal year 2020.

SEC. 560. INFORMATION ON INSTITUTIONS OF HIGHER EDUCATION PARTICIPATING IN THE DEPARTMENT OF DEFENSE TUITION ASSISTANCE PROGRAM.

10 USC 2007 note.

(a) **LIST OF PARTICIPATING INSTITUTIONS.**—The Secretary of Defense shall make available, on a publicly accessible website of the Department of Defense, a list that identifies—

Public information. Web posting.

(1) each institution of higher education that receives funds under the Department of Defense Tuition Assistance Program; and

(2) the amount of such funds received by the institution.

(b) **ANNUAL UPDATES.**—The Secretary of Defense shall update the list described in subsection (a) not less frequently than once annually.

SEC. 560A. INCLUSION OF INFORMATION ON FREE CREDIT MONITORING IN ANNUAL FINANCIAL LITERACY BRIEFING.

10 USC 992 note.

The Secretary of each military department shall ensure that the annual financial literacy education briefing provided to members of the Armed Forces includes information on the availability of free credit monitoring services pursuant to section 605A(k) of the Fair Credit Reporting Act (15 U.S.C. 1681c–1(k)).

SEC. 560B. PROGRAMS TO FACILITATE THE AWARD OF PRIVATE PILOT'S CERTIFICATES.

10 USC 2015 note.

(a) **PROGRAMS AUTHORIZED.**—Each Secretary of a military department may carry out a program under which qualified participants may obtain a private pilot's certificate through an institution of higher education with an accredited aviation program that is approved by such Secretary pursuant to subsection (c).

(b) **PARTICIPANT QUALIFICATIONS AND TYPES OF ASSISTANCE.**—

(1) **IN GENERAL.**—In carrying out a program under subsection (a), the Secretary of a military department shall prescribe—

(A) the standards to be met for participation in the program; and

(B) the types of assistance, if any, to be provided to individuals who participate in the program.

(2) UNIFORMITY ACROSS MILITARY DEPARTMENTS.—To the extent practicable, the standards and types of assistance prescribed under paragraph (1) shall be uniform across the military departments.

(c) APPROVED INSTITUTIONS OF HIGHER EDUCATION.—

List.

(1) IN GENERAL.—In carrying out a program under subsection (a), the Secretary of a military department shall maintain a list of institutions of higher education (as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) through which an individual participating in the program may obtain a private pilot's certificate.

Requirement.

(2) QUALIFICATIONS AND STANDARDS.—Any institution of higher education included on a list under paragraph (1), and any course of instruction toward obtaining a private pilot's certificate offered by such institution, shall meet such qualifications and standards as the Secretary shall prescribe for purposes of the program. Such qualifications and standards shall include a requirement that any institution included on the list award, to individual participating in the program, academic credit at such institution for any portion of course work completed on the ground school course of instruction of such institution in connection with obtaining a private pilot's certificate, regardless of whether the participant fully completed the ground school course of instruction.

(d) ANNUAL REPORTS ON PROGRAMS.—

(1) IN GENERAL.—Not later than February 28, 2021, and each year thereafter, each Secretary of a military department shall submit to Congress a report on the program, if any, carried out by such Secretary under subsection (a) during the preceding calendar year.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the program and year covered by such report, the following:

(A) The total number of participants in the program.

(B) The number of private pilot's certificates awarded to participants in the program.

(C) The number of participants in the program who fully completed a ground school course of instruction in connection with obtaining a private pilot's certificate.

Subtitle G—Member Training and Transition

SEC. 561. REQUIREMENT TO PROVIDE INFORMATION REGARDING BENEFITS CLAIMS TO MEMBERS DURING TAP COUNSELING.

Section 1142(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(19) Information regarding how to file claims for benefits available to the member under laws administered by the Secretaries of Defense and Veterans Affairs.”.

SEC. 562. PARTICIPATION OF OTHER FEDERAL AGENCIES IN THE SKILLBRIDGE APPRENTICESHIP AND INTERNSHIP PROGRAM FOR MEMBERS OF THE ARMED FORCES.

Section 1143(e) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) Any program under this subsection may be carried out at, through, or in consultation with such other departments or agencies of the Federal Government as the Secretary of the military department concerned considers appropriate.”.

SEC. 563. FIRST MODIFICATION OF ELEMENTS OF REPORT ON THE IMPROVED TRANSITION ASSISTANCE PROGRAM.

Evaluations.

Section 552(b)(4) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended by adding at the end the following:

132 Stat. 1772.

“(E) The evaluation of the Secretary regarding the effectiveness of the Transition Assistance Program for all members of the Armed Forces.

“(F) The evaluation of the Secretary regarding the effectiveness of the Transition Assistance Program specifically for female members of the Armed Forces.”.

SEC. 564. SECOND MODIFICATION OF ELEMENTS OF REPORT ON THE IMPROVED TRANSITION ASSISTANCE PROGRAM.

Section 552(b)(4) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), as amended by section 563 of this Act, is further amended—

(1) by redesignating subparagraphs (A) through (F) as subparagraphs (B) through (G), respectively;

(2) by inserting before subparagraph (B), as redesignated by paragraph (1), the following new subparagraph (A):

“(A) The total number of members eligible to attend Transition Assistance Program counseling.”; and

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

“(H) The number of members who participated in programs under section 1143(e) of title 10, United States Code (commonly referred to as ‘Job Training, Employment Skills, Apprenticeships and Internships (JTEST-AI)’ or ‘Skill Bridge’).

“(I) Such other information as is required to provide Congress with a comprehensive description of the participation of the members in the Transition Assistance Program and programs described in subparagraph (H).”.

SEC. 565. PROHIBITION ON GENDER-SEGREGATED TRAINING AT MARINE CORPS RECRUIT DEPOTS.

10 USC note
prec. 8431.

(a) PARRIS ISLAND.—

(1) PROHIBITION.—Subject to paragraph (2), training at the Marine Corps Recruit Depot, Parris Island, South Carolina, may not be segregated based on gender.

(2) DEADLINE.—The Commandant of the Marine Corps shall carry out this subsection not later than five years after the date of the enactment of this Act.

(b) SAN DIEGO.—

(1) PROHIBITION.—Subject to paragraph (2), training at the Marine Corps Recruit Depot, San Diego, California, may not be segregated based on gender.

(2) DEADLINE.—The Commandant of the Marine Corps shall carry out this subsection not later than eight years after the date of the enactment of this Act.

SEC. 566. ASSESSMENT OF DEATHS OF RECRUITS UNDER THE JURISDICTION OF THE SECRETARIES OF THE MILITARY DEPARTMENTS.

(a) ASSESSMENT.—The Inspector General of the Department of Defense shall conduct an assessment of the deaths of recruits at facilities under the jurisdiction of the Secretaries of the military departments, and the effectiveness of the current medical protocols on the training bases.

(b) REPORT.—Not later than September 30, 2020, the Inspector General shall submit to the Committees on Armed Services of the Senate and the House of Representative a report containing the results of the assessment conducted under subsection (a). The report shall include the following:

Time period.

(1) The number of recruits who died during basic training in the five years preceding the date of the report.

(2) The causes of deaths described in paragraph (1).

(3) The types of medical treatment that was provided to recruits described in paragraph (1).

(4) Whether any of the deaths identified under paragraph (1) were found to be a result of medical negligence.

(5) A description of medical capabilities and personnel available to the recruits at each facility.

(6) A description of medical resources accessible to the recruits at the company level at each facility.

(7) A description of 24-hour medical resources available to recruits at each facility.

Evaluation.

(8) An evaluation of the guidelines and resources in place to monitor sick recruits.

Evaluation.

(9) An evaluation of how supervisors evaluate and determine whether a sick recruit should continue training or further seek medical assistance.

Evaluation.

(10) An evaluation of how the Secretaries of the military departments can increase visibility of the comprehensive medical status of a sick recruit to instructors and supervisors in order to provide better situational awareness of the such medical status.

Evaluation.

(11) An evaluation of how to improve medical care for recruits.

SEC. 567. REVIEW OF DEPARTMENT OF DEFENSE TRAINING PROGRAMS REGARDING DISINFORMATION CAMPAIGNS.

Deadline.

(a) REVIEW.—Not later than 120 days after the enactment of this Act, the Secretary of Defense shall conduct a review of existing programs, tools, and resources of the Department of Defense for training members of the Armed Forces and employees of the Department regarding the threat of disinformation campaigns specifically targeted at such individuals and the families of such individuals.

(b) REPORT REQUIRED.—Not later than 270 days after the enactment of this Act, the Secretary of Defense shall submit a report

to the congressional defense committees regarding the programs, tools, and resources identified under subsection (a).

SEC. 568. COMMAND MATTERS IN CONNECTION WITH TRANSITION ASSISTANCE PROGRAMS. 10 USC 1144 note.

The training provided a commander of a military installation in connection with the commencement of assignment to the installation shall include a module on the covered transition assistance programs available for members of the Armed Forces assigned to the installation.

SEC. 569. MACHINE READABILITY AND ELECTRONIC TRANSFERABILITY OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214). 10 USC 1168 note.

(a) **MODIFICATION REQUIRED.**—The Secretary of Defense shall modify the Certificate of Release or Discharge from Active Duty (DD Form 214) to—

(1) be machine readable and electronically transferable; and

(2) include a specific block explicitly identified as the location in which a member of the Armed Forces may provide one or more email addresses by which the member may be contacted after discharge or release from active duty.

(b) **DEADLINE FOR MODIFICATION.**—The Secretary of Defense shall release a revised Certificate of Release or Discharge from Active Duty (DD Form 214), modified pursuant to subsection (a), not later than four years after the date of the enactment of this Act.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report to Congress regarding the following:

(1) What systems of the Department of Defense require an individual to manually enter information from DD Form 214.

(2) What activities of the Department of Defense require a veteran or former member of the Armed Forces to provide a physical copy of DD Form 214.

(3) The order of priority for modernizing items identified under paragraphs (1) and (2) as determined by the Secretary.

(4) The estimated cost, as determined by the Secretary, to automate items identified under paragraphs (1) and (2). Cost estimate.

SEC. 570. RECORDS OF SERVICE FOR RESERVES.

10 USC 10204 note.
Deadline.

(a) **ESTABLISHMENT.**—Not later than September 30, 2020, the Secretary of Defense shall establish and implement a standard record of service for members of the reserve components of the Armed Forces, similar to DD Form 214, that summarizes the record of service of each such member, including dates of active duty service.

(b) **COORDINATION.**—In carrying out this section, the Secretary of Defense shall coordinate with the Secretary of Veterans Affairs to ensure that the record established under this section is acceptable as proof of service for former members of the reserve components of the Armed Forces who are eligible for benefits under laws administered by the Secretary of Veterans Affairs to receive such benefits.

10 USC note
prec. 1161.

SEC. 570A. LIMITATIONS AND REQUIREMENTS IN CONNECTION WITH SEPARATIONS FOR MEMBERS OF THE ARMED FORCES WHO SUFFER FROM MENTAL HEALTH CONDITIONS IN CONNECTION WITH A SEX-RELATED, INTIMATE PARTNER VIOLENCE-RELATED, OR SPOUSAL-ABUSE OFFENSE.

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

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

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

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

(c) **DEFINITIONS.**—In this section:

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

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

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

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

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

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

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

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

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

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

10 USC note
prec. 1161.

SEC. 570B. PROHIBITION ON INVOLUNTARY SEPARATION OF CERTAIN MEMBERS OF THE ARMED FORCES; CONSIDERATION OF MILITARY SERVICE IN REMOVAL DETERMINATIONS.

(a) **PROHIBITION ON INVOLUNTARY SEPARATION.**—

(1) IN GENERAL.—No member of the Armed Forces may be involuntarily separated from the Armed Forces solely because that member is a covered member.

(2) COVERED MEMBER DEFINED.—In this subsection, the term “covered member” means a member of the Armed Forces who—

(A) possesses a current and valid employment authorization document that was issued pursuant to the memorandum of the Secretary of Homeland Security dated June 15, 2012, and entitled “Exercising Prosecutorial Discretion with Respect to Individuals who Came to the United States as Children”; or

(B) is currently in a temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a).

(b) CONSIDERATION OF MILITARY SERVICE IN REMOVAL DETERMINATIONS.— 8 USC 1229 note.

(1) IN GENERAL.—With regards to an individual, an immigration officer shall take into consideration evidence of military service by that individual in determining whether—

(A) to issue to that individual a notice to appear in removal proceedings, an administrative order of removal, or a reinstatement of a final removal order; and

(B) to execute a final order of removal regarding that individual.

(2) DEFINITIONS.—In this subsection:

(A) The term “evidence of service” means evidence that an individual served as a member of the Armed Forces, and the characterization of each period of service of that individual in the Armed Forces.

(B) The term “immigration officer” has the meaning given that term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 570C. INCLUSION OF QUESTION REGARDING IMMIGRATION STATUS ON PRESEPARATION COUNSELING CHECKLIST (DD FORM 2648).

Deadline.
10 USC 1142
note.

Not later than September 30, 2020, the Secretary of Defense shall modify the preseparation counseling checklist for active component, active guard reserve, active reserve, full time support, and reserve program administrator service members (DD Form 2648) to include a specific block wherein a member of the Armed Forces may indicate that the member would like to receive information regarding the immigration status of that member and expedited naturalization.

SEC. 570D. COUNSELING FOR MEMBERS OF THE ARMED FORCES WHO ARE NOT CITIZENS OF THE UNITED STATES ON NATURALIZATION IN THE UNITED STATES.

10 USC 1781
note.

(a) IN GENERAL.—The Secretary concerned shall furnish to covered individuals under the jurisdiction of that Secretary counseling regarding how to apply for naturalization in the United States.

(b) DEFINITIONS.—In this section:

(1) The term “covered individual” means a member of the Armed Forces who is not a citizen of the United States.

(2) The term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

10 USC 1781
note.

**SEC. 570E. PILOT PROGRAM ON INFORMATION SHARING BETWEEN
DEPARTMENT OF DEFENSE AND DESIGNATED RELATIVES
AND FRIENDS OF MEMBERS OF THE ARMED FORCES
REGARDING THE EXPERIENCES AND CHALLENGES OF
MILITARY SERVICE.**

(a) PILOT PROGRAM REQUIRED.—

Deadline.

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with the American Red Cross to carry out a pilot program under which the American Red Cross—

(A) encourages a member of the Armed Forces, upon the enlistment or appointment of such member, to designate up to 10 persons to whom information regarding the military service of such member shall be disseminated using contact information obtained under paragraph (6); and

Deadline.

(B) provides such persons, within 30 days after the date on which such persons are designated under subparagraph (A), the option to elect to receive such information regarding military service.

(2) **DISSEMINATION.**—The Secretary shall disseminate information described in paragraph (1)(A) under the pilot program on a regular basis.

(3) **TYPES OF INFORMATION.**—The types of information to be disseminated under the pilot program to persons who elect to receive such information shall include information regarding—

(A) aspects of daily life and routine experienced by members of the Armed Forces;

(B) the challenges and stresses of military service, particularly during and after deployment as part of a contingency operation;

(C) the services available to members of the Armed Forces and the dependents of such members to cope with the experiences and challenges of military service;

(D) benefits administered by the Department of Defense for members of the Armed Forces and the dependents of such members;

(E) a toll-free telephone number through which such persons who elect to receive information under the pilot program may request information regarding the program; and

(F) such other information as the Secretary determines to be appropriate.

(4) **PRIVACY OF INFORMATION.**—In carrying out the pilot program, the Secretary may not disseminate information under paragraph (3) in violation of laws and regulations pertaining to the privacy of members of the Armed Forces, including requirements pursuant to—

(A) section 552a of title 5, United States Code; and

(B) the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191).

(5) **NOTICE AND MODIFICATIONS.**—In carrying out the pilot program, the Secretary shall, with respect to a member of the Armed Forces—

(A) ensure that such member is notified of the ability to modify designations made by such member under paragraph (1)(A); and

(B) upon the request of a member, authorize such member to modify such designations at any time.

(6) CONTACT INFORMATION.—In making a designation under the pilot program, a member of the Armed Forces shall provide necessary contact information, specifically including an email address, to facilitate the dissemination of information regarding the military service of the member.

(7) OPT-IN AND OPT-OUT OF PROGRAM.—

(A) OPT-IN BY MEMBERS.—A member may participate in the pilot program only if the member voluntarily elects to participate in the program. A member seeking to make such an election shall make such election in a manner, and by including such information, as the Secretary and the Red Cross shall jointly specify for purposes of the pilot program.

(B) OPT-IN BY DESIGNATED RECIPIENTS.—A person designated pursuant to paragraph (1)(A) may receive information under the pilot program only if the person makes the election described in paragraph (1)(B).

(C) OPT-OUT.—In carrying out the pilot program, the Secretary shall, with respect to a person who has elected to receive information under such pilot program, cease disseminating such information to that person upon request of such person.

(b) SURVEY AND REPORT ON PILOT PROGRAM.—

(1) SURVEY.—Not later than two years after the date on which the pilot program commences, the Secretary, in consultation with the American Red Cross, shall administer a survey to persons who elected to receive information under the pilot program for the purpose of receiving feedback regarding the quality of information disseminated under this section, including whether such information appropriately reflects the military career progression of members of the Armed Forces.

Deadline.
Consultation.

(2) REPORT.—Not later than three years after the date on which the pilot program commences, the Secretary shall submit to the congressional defense committees a final report on the pilot program which includes—

(A) the results of the survey administered under paragraph (1);

(B) a determination as to whether the pilot program should be made permanent; and

Determination.

(C) recommendations as to modifications necessary to improve the program if made permanent.

Recommendations.

(c) TERMINATION OF PILOT PROGRAM.—The pilot program shall terminate upon submission of the report required by subsection (b)(2).

SEC. 570F. CONNECTIONS OF MEMBERS RETIRING OR SEPARATING FROM THE ARMED FORCES WITH COMMUNITY-BASED ORGANIZATIONS AND RELATED ENTITIES.

10 USC 1142
note.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly seek to enter into memoranda of understanding or other agreements with State veterans agencies under which information from Department of Defense Form DD—

Memorandums.

2648 on individuals undergoing retirement, discharge, or release from the Armed Forces is transmitted to one or more State veterans agencies, as elected by such individuals, to provide or connect veterans to benefits or services as follows:

- (1) Assistance in preparation of resumes.
- (2) Training for employment interviews.
- (3) Employment recruitment training.
- (4) Other services leading directly to a successful transition from military life to civilian life.
- (5) Healthcare, including care for mental health.
- (6) Transportation or transportation-related services.
- (7) Housing.
- (8) Such other benefits or services as the Secretaries jointly consider appropriate for purposes of this section.

(b) **INFORMATION TRANSMITTED.**—The information transmitted on individuals as described in subsection (a) shall be such information on Form DD–2648 as the Secretaries jointly consider appropriate to facilitate community-based organizations and related entities in providing or connecting such individuals to benefits and services as described in subsection (a).

(c) **MODIFICATION OF FORM DD–2648.**—The Secretary of Defense shall make such modifications to Form DD–2648 as the Secretary considers appropriate to allow an individual filling out the form to indicate an email address at which the individual may be contacted to receive or be connected to benefits or services described in subsection (a).

(d) **VOLUNTARY PARTICIPATION.**—Information on an individual may be transmitted to and through a State veterans agency as described in subsection (a) only with the consent of the individual. In giving such consent, an individual shall specify the following:

- (1) The State veterans agency or agencies elected by the individual to transmit such information as described in subsection (a).
- (2) The benefits and services for which contact information shall be so transmitted.
- (3) Such other information on the individual as the individual considers appropriate in connection with the transmittal.

10 USC 1144
note.

SEC. 570G. PILOT PROGRAM REGARDING ONLINE APPLICATION FOR THE TRANSITION ASSISTANCE PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor may jointly carry out a pilot program that creates a one-stop source for online applications for the purposes of assisting members of the Armed Forces and Veterans participating in the Transition Assistance Program (in this section referred to as “TAP”).

(b) **DATA SOURCES.**—If the Secretaries carry out the pilot program, any online application developed under such program shall, in part, aggregate existing data from government resources and the private sector under one uniform resource locator for the purpose of assisting members of the Armed Forces and veterans participating in TAP.

(c) **AVAILABILITY; ACCESSIBILITY.**—Any online application developed under a pilot program shall, to the extent feasible be—

- (1) widely available as a mobile application; and
- (2) easily accessible by veterans, members of the Armed Forces, and employers.

(d) ASSESSMENTS.—

Deadlines.

(1) INTERIM ASSESSMENTS.—Not later than the dates that are one and two years after the date of the commencement of any pilot program under this section, the Secretaries shall jointly assess the pilot program.

(2) FINAL ASSESSMENT.—Not later than the date that is three years after the date of the commencement of any pilot program under this section, the Secretaries shall jointly carry out a final assessment of the pilot program.

(3) PURPOSE.—The general objective of each assessment under this subsection shall be to determine if the online application under the pilot program helps participants in TAP to accomplish the goals of TAP, accounting for the individual profiles of participants, including military experience and geographic location.

(e) BRIEFING.—If the Secretaries carry out the pilot program, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing on findings regarding the pilot program, including any recommendations for legislation.

(f) DEFINITIONS.—In this section:

(1) The term “mobile application” means a software program that runs on the operating system of a mobile device.

(2) The term “mobile device” means a smartphone, tablet computer, or similar portable computing device that transmits data over a wireless connection.

Subtitle H—Military Family Readiness and Dependents’ Education

SEC. 571. AUTHORIZING MEMBERS TO TAKE LEAVE FOR A BIRTH OR ADOPTION IN MORE THAN ONE INCREMENT.

Paragraph (5) of section 701(i) of title 10, United States Code, is amended—

(1) by striking “only in one increment” and inserting “in more than one increment”; and

(2) by inserting “in accordance with regulations prescribed by the Secretary concerned” before the period.

SEC. 572. DEFERRED DEPLOYMENT FOR MEMBERS WHO GIVE BIRTH.

Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(1) A member of the armed forces who gives birth while on active duty may be deployed during the period of 12 months beginning on the date of such birth only with the approval of a health care provider employed at a military medical treatment facility and—

Time period.

“(1) at the election of such member; or

“(2) in the interest of national security, as determined by the Secretary of Defense.”.

SEC. 573. AUTHORITY OF THE SECRETARY CONCERNED TO TRANSPORT REMAINS OF A COVERED DECEDENT TO NO MORE THAN TWO PLACES SELECTED BY THE PERSON DESIGNATED TO DIRECT DISPOSITION OF THE REMAINS.

(a) **AUTHORITY.**—Section 1482(a)(8) of title 10, United States Code, is amended to read as follows:

“(8)(A) Transportation of the remains, and travel and transportation allowances as specified in regulations prescribed under section 464 of title 37 for an escort of one person, to the place, subject to subparagraph (B), selected by the person designated to direct disposition of the remains or, if such a selection is not made, to a national or other cemetery which is selected by the Secretary and in which burial of the decedent is authorized.

“(B) The person designated to direct disposition of the remains may select two places under subparagraph (A) if the second place is a national cemetery. If that person selects two places, the Secretary concerned may pay for transportation to the second place only by means of reimbursement under subsection (b).

“(C) When transportation of the remains includes transportation by aircraft under section 562 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 1482 note), the Secretary concerned shall provide, to the maximum extent practicable, for delivery of the remains by air to the commercial, general aviation, or military airport nearest to the place selected by the designee.”.

10 USC 1482
note.

(b) **MILITARY ESCORT AND HONOR GUARD ONLY TO FIRST LOCATION.**—Section 562(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 1482 note) is amended by adding at the end the following: “If the person designated to direct disposition of the remains selects two places under such section, the term means only the first of those two places.”.

SEC. 574. MILITARY FUNERAL HONORS MATTERS.

(a) **FULL MILITARY HONORS CEREMONY FOR CERTAIN VETERANS.**—Section 1491(b) of title 10, United States Code, is amended by adding at the end the following:

Determination.

“(3) The Secretary concerned shall provide full military honors (as determined by the Secretary concerned) for the funeral of a veteran who—

“(A) is first interred or first inurned in Arlington National Cemetery on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020;

“(B) was awarded the medal of honor or the prisoner-of-war medal; and

“(C) is not entitled to full military honors by the grade of that veteran.”.

10 USC 1491
note.

(b) **FULL MILITARY FUNERAL HONORS FOR VETERANS AT MILITARY INSTALLATIONS.**—

(1) **INSTALLATION PLANS FOR HONORS REQUIRED.**—The commander of each military installation at or through which a funeral honors detail for a veteran is provided pursuant to section 1491 of title 10, United States Code (as amended by subsection (a)), shall maintain and carry out a plan for the

provision, upon request, of full military funeral honors at funerals of veterans for whom a funeral honors detail is authorized in that section.

(2) ELEMENTS.—Each plan of an installation under paragraph (1) shall include the following:

(A) Mechanisms to ensure compliance with the requirements applicable to the composition of funeral honors details in section 1491(b) of title 10, United States Code (as so amended).

(B) Mechanisms to ensure compliance with the requirements for ceremonies for funerals in section 1491(c) of such title.

(C) In addition to the ceremonies required pursuant to subparagraph (B), the provision of a gun salute, if otherwise authorized, for each funeral by appropriate personnel, including personnel of the installation, members of the reserve components of the Armed Forces residing in the vicinity of the installation who are ordered to funeral honors duty, or members of veterans organizations or other organizations referred to in section 1491(b)(2) of such title.

(D) Mechanisms for the provision of support authorized by section 1491(d) of such title.

(E) Such other mechanisms and activities as the Secretary concerned considers appropriate in order to assure that full military funeral honors are provided upon request at funerals of veterans.

(3) DEFINITIONS.—In this subsection:

(A) The term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

(B) The term “veteran” has the meaning given that term in section 1491(h) of title 10, United States Code.

SEC. 575. IMPROVEMENT OF OCCUPATIONAL LICENSE PORTABILITY FOR RELOCATED SPOUSES OF MEMBERS OF THE UNIFORMED SERVICES.

Section 1784 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h) IMPROVEMENT OF OCCUPATIONAL LICENSE PORTABILITY THROUGH INTERSTATE COMPACTS.—

“(1) IN GENERAL.—The Secretary of Defense shall seek to enter into a cooperative agreement with the Council of State Governments to assist with funding of the development of interstate compacts on licensed occupations in order to alleviate the burden associated with relicensing in such an occupation by spouse of a members of the armed forces in connection with a permanent change of duty station of members to another State.

Contracts.

“(2) LIMITATION ON ASSISTANCE PER COMPACT.—The amount provided under paragraph (1) as assistance for the development of any particular interstate compact may not exceed \$1,000,000.

“(3) LIMITATION ON TOTAL AMOUNT OF ASSISTANCE.—The total amount of assistance provided under paragraph (1) in any fiscal year may not exceed \$4,000,000.

“(4) ANNUAL REPORT.—Not later than February 28 each year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a

report on interstate compacts described in paragraph (1) developed through assistance provided under that paragraph. Each report shall set forth the following:

“(A) Any interstate compact developed during the preceding calendar year, including the occupational licenses covered by such compact and the States agreeing to enter into such compact.

“(B) Any interstate compact developed during a prior calendar year into which one or more additional States agreed to enter during the preceding calendar year.

“(5) EXPIRATION.—The authority to enter into a cooperative agreement under paragraph (1), and to provide assistance described in that paragraph pursuant to such cooperative agreement, expire on September 30, 2024.”.

SEC. 576. CONTINUED ELIGIBILITY FOR EDUCATION AND TRAINING OPPORTUNITIES FOR SPOUSES OF PROMOTED MEMBERS.

Section 1784a(b) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “Assistance”; and

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

“(2) A spouse who is eligible for a program under this section and begins a course of education or training for a degree, license, or credential described in subsection (a) may not become ineligible to complete such course of education or training solely because the member to whom the spouse is married is promoted to a higher grade.”.

SEC. 577. MODIFICATION TO AUTHORITY TO REIMBURSE FOR STATE LICENSURE AND CERTIFICATION COSTS OF A SPOUSE OF A SERVICEMEMBER ARISING FROM RELOCATION.

Section 476(p) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking “armed forces” and inserting “uniformed services”;

(2) in paragraph (2), by striking “\$500” and inserting “\$1,000”;

(3) in paragraph (3)—

(A) in subparagraph (A), by striking “and”;

(B) in subparagraph (B), by striking the period and inserting “; and”; and

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

“(C) an analysis of whether the maximum reimbursement amount under paragraph (2) is sufficient to cover the average costs of relicensing described in paragraph (1).”; and

(4) in paragraph (4), by striking “December 31, 2022” and inserting “December 31, 2024”.

Analysis.

SEC. 578. CLARIFICATION REGARDING ELIGIBILITY TO TRANSFER ENTITLEMENT UNDER POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM.

Section 3319(j) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(3) The Secretary of Defense may not prescribe any regulation that would provide for a limitation on eligibility to transfer unused education benefits to family members based on a maximum number of years of service in the Armed Forces.”.

SEC. 579. ANNUAL STATE REPORT CARD.

Section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(ii)) is amended by striking “on active duty (as defined in section 101(d)(5) of such title)”.

SEC. 580. IMPROVEMENTS TO CHILD CARE FOR MEMBERS OF THE ARMED FORCES.

(a) **CLARIFYING TECHNICAL AMENDMENT TO DIRECT HIRE AUTHORITY OF THE DEPARTMENT OF DEFENSE FOR CHILD CARE SERVICES PROVIDERS FOR DEPARTMENT CHILD DEVELOPMENT CENTERS.**—Section 559(e) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 1792 note) is amended by inserting “(including family childcare coordinator services and school age childcare coordinator services)” after “childcare services”.

(b) **ASSESSMENT OF FINANCIAL ASSISTANCE PROVIDED TO CIVILIAN CHILD CARE PROVIDERS.**—

(1) **ASSESSMENT.**—The Secretary of Defense shall assess the maximum amount of financial assistance provided to eligible civilian providers of child care services or youth program services that furnish such service for members of the armed forces and employees of the United States under section 1798 of title 10, United States Code. Such assessment shall include the following:

(A) The determination of the Secretary whether the maximum allowable financial assistance should be standardized across the Armed Forces.

Determination.

(B) Whether the maximum allowable amount adequately accounts for high-cost duty stations.

(2) **REPORT.**—Not later than June 1, 2020, the Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives regarding the results of the assessment under paragraph (1) and any actions taken by the Secretary to remedy identified shortfalls in assistance described in that paragraph.

(c) **REDUCTION IN WAIT LISTS FOR CHILD CARE AT MILITARY INSTALLATIONS.**—

10 USC 1791 note.

(1) **REMEDIAL ACTION.**—The Secretary of Defense shall take steps the Secretary determines necessary to reduce the waiting lists for child care at military installations to ensure that members of the Armed Forces have meaningful access to child care during tours of duty.

(2) **REPORT.**—Not later than June 1, 2020, the Secretary of Defense shall provide a report to the Committees on Armed Forces of the Senate and the House of Representative regarding—

(A) action taken under paragraph (1); and

(B) any additional resources (including additional funding for and child care facilities and workers) the Secretary determines necessary to increase access described in paragraph (1).

(d) **GAO REVIEW.**—The Comptroller General of the United States shall conduct a review of the assessments, actions, and determinations of the Secretary under subsections (b)(1) and (c). Not later than December 1, 2020, the Comptroller General shall submit to the Committees on Armed Services of the Senate and

Deadline.

the House of Representatives a report regarding the review performed under this subsection.

(e) **ASSESSMENT OF ACCESSIBILITY OF WEBSITES OF THE DEPARTMENT OF DEFENSE RELATED TO CHILD CARE AND SPOUSAL EMPLOYMENT.**—

(1) **ASSESSMENT.**—The Secretary of Defense shall review the functions and accessibility of websites of the Department of Defense designed for members of the Armed Forces and the families of such members to access information and services offered by the Department regarding child care, spousal employment, and other family matters.

(2) **REPORT.**—Not later than March 1, 2020, the Secretary of Defense shall provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives regarding the results of the assessment under paragraph (1) and actions taken to enhance accessibility of the websites.

Deadline.
10 USC 1792
note.

(f) **PORTABILITY OF BACKGROUND INVESTIGATIONS FOR CHILD CARE PROVIDERS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall ensure that the background investigation and training certification for a child care provider employed by the Department of Defense in a facility of the Department may be transferred to another facility of the Department, without regard to which Secretary of a military department has jurisdiction over either such facility.

SEC. 580A. TRANSPORTATION OF REMAINS OF CASUALTIES; TRAVEL EXPENSES FOR NEXT OF KIN.

(a) **TRANSPORTATION FOR REMAINS OF A MEMBER WHO DIES NOT IN A THEATER OF COMBAT OPERATIONS.**—Section 562 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 1482 note), as amended by section 573 of this Act, is further amended—

(1) in the heading, by striking “**DYING IN A THEATER OF COMBAT OPERATIONS**”; and

(2) in subsection (a), by striking “in a combat theater of operations” and inserting “outside of the United States”.

10 USC 1482
note.

(b) **TRANSPORTATION FOR FAMILY.**—The Secretary of Defense shall extend travel privileges via Invitational Travel Authorization to family members of members of the Armed Forces who die outside of the United States and whose remains are returned to the United States through the mortuary facility at Dover Air Force Base, Delaware.

10 USC note
prec. 1475.

SEC. 580B. MEETINGS OF OFFICIALS OF THE DEPARTMENT OF DEFENSE WITH REPRESENTATIVE GROUPS OF SURVIVORS OF DECEASED MEMBERS OF THE ARMED FORCES.

(a) **CHIEFS OF THE ARMED FORCES.**—The Secretary of Defense shall direct the chiefs of the Armed Forces to meet periodically with representative groups of survivors of deceased members of the Armed Forces to receive feedback from those survivors regarding issues affecting such survivors. The Chief of the National Guard Bureau shall meet with representative groups of survivors of deceased members of the Air National Guard and the Army National Guard.

(b) **UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.**—The Under Secretary of Defense for Personnel and Readiness shall meet periodically with representative groups of survivors of deceased members of the Armed Forces to discuss policies of the

Department of Defense regarding military casualties and Gold Star families.

(c) BRIEFING.—Not later than April 1, 2020, the Under Secretary of Defense for Personnel and Readiness shall brief the Committee on Armed Services of the House of Representatives regarding policies established and the results of the meetings under subsection (b). Deadline.

SEC. 580C. INFORMATION AND OPPORTUNITIES FOR REGISTRATION FOR VOTING AND ABSENTEE BALLOT REQUESTS FOR MEMBERS OF THE ARMED FORCES UNDERGOING DEPLOYMENT OVERSEAS. 10 USC 1566 note.

(a) IN GENERAL.—Not later than 45 days prior to a general election for Federal office, a member of the Armed Forces shall, upon request, be provided with the following: Deadline.

(1) A Federal write-in absentee ballot prescribed pursuant to section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20303), together with instructions on the appropriate use of the ballot with respect to the State in which the member is registered to vote.

(2) In the case of a member intending to vote in a State that does not accept the Federal write-in absentee ballot as a simultaneous application and acceptable ballot for Federal elections, instructions on, and an opportunity to fill out, the official post card form for absentee voter registration application and absentee ballot application prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301(b)(2)).

(b) PERSONNEL RESPONSIBLE OF DISCHARGE.—Ballots and instructions pursuant to paragraph (1) of subsection (a), and briefings and forms pursuant to paragraph (2) of such subsection, shall be provided by Voting Assistance Officers or such other personnel as the Secretary of the military department concerned shall designate.

SEC. 580D. STUDY ON TWO-WAY MILITARY BALLOT BARCODE TRACKING.

(a) STUDY.—The Director of the Federal Voting Assistance Program of the Department of Defense shall conduct a study on the feasibility of a pilot program providing full ballot tracking of overseas military absentee ballots through the mail stream in a manner that is similar to the 2016 Military Ballot Tracking Pilot Program conducted by the Federal Voting Assistance Program.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Director shall submit to Congress a report on the results of the study conducted under subsection (a). The report shall include—

(1) an estimate of the costs and requirements needed to conduct the pilot program described in subsection (a); Cost estimate.

(2) a description of the organizations that would provide substantial support for the pilot program;

(3) a time line for the phased implementation of the pilot program to all military personnel actively serving overseas; Timeline.

(4) a method to determine under the pilot program if a ballot was counted, and a way to provide such information to the member of the Armed Forces casting the vote; and

(5) a description of the efforts being undertaken to ensure a reliable and secure military ballot tracking system.

SEC. 580E. ASSISTANCE TO SCHOOLS WITH MILITARY DEPENDENT STUDENTS.**(a) IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.—**

(1) **IN GENERAL.**—Of the amount authorized to be appropriated for fiscal year 2020 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$10,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 20 U.S.C. 7703a).

(2) **USE OF CERTAIN AMOUNT.**—Of the amount available under paragraph (1) for payments as described in that paragraph, \$5,000,000 shall be available for such payments to local educational agencies determined by the Secretary of Defense, in the discretion of the Secretary, to have higher concentrations of military children with severe disabilities.

(b) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2020 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$40,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term “local educational agency” has the meaning given that term in section 7013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

10 USC 1784a
note.

SEC. 580F. FIRST EXPANSION OF THE MY CAREER ADVANCEMENT ACCOUNT PROGRAM FOR MILITARY SPOUSES.

The Secretary of Defense shall modify the My Career Advancement Account program of the Department of Defense to ensure that military spouses participating in the program may receive financial assistance for the pursuit of a license, certification, or Associate’s degree in any career field or occupation.

14 USC 2904
note.

SEC. 580G. SECOND EXPANSION OF THE MY CAREER ADVANCEMENT ACCOUNT PROGRAM FOR MILITARY SPOUSES.

The spouse of a member of the Coast Guard may participate in the My Career Advancement Account program of the Department of Defense if the Coast Guard reimburses the Department of Defense.

SEC. 580H. REPORT ON TRAINING AND SUPPORT AVAILABLE TO MILITARY SPOUSES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Personnel and Readiness shall submit to the committees on Armed Services of the Senate and the House of Representatives a report that includes a description of the following:

(1) Financial literacy programs currently designed specifically for military spouses.

(2) Efforts to evaluate the effectiveness of financial literacy programs.

(b) **PUBLIC AVAILABILITY.**—The report submitted under subsection (a) shall be made available on a publicly accessible website of the Department of Defense.

SEC. 580I. RI’KATAK GUEST STUDENT PROGRAM AT UNITED STATES ARMY GARRISON – KWAJALEIN ATOLL.

(a) **PROGRAM AUTHORIZED.**—The Secretary of the Army may conduct an assistance program to educate up to five local national students per grade, per academic year, on a space-available basis at the contractor-operated schools on United States Army Garrison–Kwajalein Atoll. The program shall be known as the “Ri’katak Guest Student Program”.

(b) **STUDENT ASSISTANCE.**—Assistance that may be provided to students participating in the program carried out pursuant to subsection (a) includes the following:

- (1) Classroom instruction.
- (2) Extracurricular activities.
- (3) Student meals.
- (4) Transportation.

Subtitle I—Decorations and Awards

SEC. 581. MODIFICATION OF AUTHORITIES ON ELIGIBILITY FOR AND REPLACEMENT OF GOLD STAR LAPEL BUTTONS.

(a) **EXPANSION OF AUTHORITY TO DETERMINE NEXT OF KIN FOR ISSUANCE.**—Section 1126 of title 10, United States Code, is amended—

- (1) in subsection (a), by striking “widows, parents, and” in the matter preceding paragraph (1);
- (2) in subsection (b), by striking “the widow and to each parent and” and inserting “each”; and
- (3) in subsection (d)—

(A) by striking paragraphs (1), (2), (3), and (4) and inserting the following new paragraph (1):

“(1) The term ‘next of kin’ means individuals standing in such relationship to members of the armed forces described in subsection (a) as the Secretaries concerned shall jointly specify in regulations for purposes of this section.”; and

Definition.

(B) by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (2), (3), (4), and (5), respectively.

(b) **REPLACEMENT.**—Subsection (c) of such section is amended by striking “and payment” and all that follows and inserting “and without cost.”.

SEC. 582. STANDARDIZATION OF HONORABLE SERVICE REQUIREMENT FOR AWARD OF MILITARY DECORATIONS.

(a) **HONORABLE SERVICE REQUIREMENT.**—

(1) **IN GENERAL.**—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1136. Honorable service requirement for award of military decorations

10 USC 1136.

“No military decoration, including a medal, cross, or bar, or an associated emblem or insignia, may be awarded or presented to any person, or to a representative of the person, if the service

of the person after the person distinguished himself or herself has not been honorable.”.

10 USC
prec. 1121.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of such title is amended by adding at the end the following:

“1136. Honorable service requirement for award of military decorations.”.

(b) CONFORMING AMENDMENTS.—Title 10, United States Code, is further amended as follows:

(1) In section 7274—

(A) in subsection (b), in the matter preceding paragraph (1), by striking “subsection (d)” and inserting “subsection (c)”;

(B) by striking subsection (c); and

(C) by redesignating subsection (d) as subsection (c).

Repeal.
10 USC
prec. 8291.

(2)(A) Section 8299 is repealed.

(B) The table of sections at the beginning of chapter 837 is amended by striking the item relating to section 8299.

(3) In section 9274—

(A) in subsection (b), in the matter preceding paragraph (1), by striking “subsection (d)” and inserting “subsection (c)”;

(B) by striking subsection (c); and

(C) by redesignating subsection (d) as subsection (c).

(4) In section 9279, by striking subsection (c).

SEC. 583. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO JOHN J. DUFFY FOR ACTS OF VALOR IN VIETNAM.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to John J. Duffy for the acts of valor in Vietnam described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of John J. Duffy on April 14 and 15, 1972, in Vietnam for which he was previously awarded the Distinguished-Service Cross.

10 USC 7271
note.

SEC. 584. REVIEW OF WORLD WAR I VALOR MEDALS.

(a) REVIEW REQUIRED.—Each Secretary concerned shall review the service records of World War I veterans described in subsection (b) under the jurisdiction of such Secretary in order to determine whether any such veteran should be awarded the Medal of Honor for valor during World War I.

(b) COVERED WORLD WAR I VETERANS.—The World War I veterans whose service records may be reviewed under subsection (a) are the following:

(1) African American war veterans, Asian American war veterans, Hispanic American war veterans, Jewish American war veterans, and Native American war veterans who were awarded the Distinguished Service Cross or the Navy Cross for an action that occurred between April 6, 1917, and November 11, 1918.

(2) African American war veterans, Asian American war veterans, Hispanic American war veterans, Jewish American war veterans, and Native American war veterans who were

awarded the Croix de Guerre with Palm (that is, awarded at the Army level or above) by the Government of France for an action that occurred between April 6, 1917, and November 11, 1918.

(3) African American war veterans, Asian American war veterans, Hispanic American war veterans, Jewish American war veterans, and Native American war veterans who were recommended for a Medal of Honor for actions that occurred from April 6, 1917, to November 11, 1918, if the Department of Defense possesses or receives records relating to such recommendation.

(c) RECOMMENDATION BASED ON REVIEW.—If a Secretary concerned determines, based upon the review under subsection (a), that the award of the Medal of Honor to a covered World War I veteran is warranted, such Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that veteran.

(d) AUTHORITY TO AWARD MEDAL OF HONOR.—The Medal of Honor may be awarded to a World War I veteran in accordance with a recommendation of a Secretary concerned under subsection (c).

(e) WAIVER OF TIME LIMITATIONS.—An award of the Medal of Honor may be made under subsection (d) without regard to—

(1) section 7274 or 8298 of title 10, United States Code, as applicable; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross or Navy Cross has been awarded.

(f) DEADLINE.—The review under subsection (a) shall terminate not later than five years after the date of the enactment of this Act.

(g) DEFINITIONS.—

(1) IN GENERAL.—In this section:

(A) AFRICAN AMERICAN WAR VETERAN.—The term “African American war veteran” means any person who served in the United States Armed Forces between April 6, 1917, and November 11, 1918, and who identified himself as of African descent on his military personnel records.

(B) ASIAN AMERICAN WAR VETERAN.—The term “Asian American war veteran” means any person who served in the United States Armed Forces between April 6, 1917, and November 11, 1918, and who identified himself racially, nationally, or ethnically as originating from a country in Asia on his military personnel records.

(C) HISPANIC AMERICAN WAR VETERAN.—The term “Hispanic American war veteran” means any person who served in the United States Armed Forces between April 6, 1917, and November 11, 1918, and who identified himself racially, nationally, or ethnically as originating from a country where Spanish is an official language on his military personnel records.

(D) JEWISH AMERICAN WAR VETERAN.—The term “Jewish American war veteran” mean any person who served in the United States Armed Forces between April

6, 1917, and November 11, 1918, and who identified himself as Jewish on his military personnel records.

(E) NATIVE AMERICAN WAR VETERAN.—The term “Native American war veteran” means any person who served in the United States Armed Forces between April 6, 1917, and November 11, 1918, and who identified himself as a member of a federally recognized tribe within the modern territory of the United States on his military personnel records.

(F) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(i) the Secretary of the Army, in the case of members of the Armed Forces who served in the Army between April 6, 1917, and November 11, 1918; and

(ii) the Secretary of the Navy, in the case of members of the Armed Forces who served in the Navy or the Marine Corps between April 6, 1917, and November 11, 1918.

(2) APPLICATION OF DEFINITIONS OF ORIGIN.—If the military personnel records of a person do not reflect the person’s membership in one of the groups identified in subparagraphs (B) through (F) of paragraph (1) but historical evidence exists that demonstrates the person’s Jewish faith held at the time of service, or that the person identified himself as of African, Asian, Hispanic, or Native American descent, the person may be treated as being a member of the applicable group by the Secretary concerned for purposes of this section.

Subtitle J—Miscellaneous Reports and Other Matters

SEC. 591. CLARIFICATION OF THE TERM “ASSAULT” FOR PURPOSES OF WORKPLACE AND GENDER RELATIONS SURVEYS.

(a) SURVEYS OF MEMBERS OF THE ARMED FORCES.—Section 481 of title 10, United States Code, is amended by inserting “(including unwanted sexual contact)” after “assault” each place it appears.

(b) SURVEYS OF CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.—Section 481a of title 10, United States Code, is amended by inserting “(including unwanted sexual contact)” after “assault” each place it appears.

10 USC 481 note.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act and shall apply with respect to surveys under sections 481 and 481a of title 10, United States Code, that are initiated after such date.

SEC. 592. INCLUSION OF CERTAIN VETERANS ON TEMPORARY DISABILITY OR PERMANENT DISABLED RETIREMENT LISTS IN MILITARY ADAPTIVE SPORTS PROGRAMS.

(a) INCLUSION OF CERTAIN VETERANS.—Subsection (a)(1) of section 2564a of title 10, United States Code, is amended by striking “for members of the armed forces who” and all that follows through the period at the end and inserting the following: “for—

“(A) any member of the armed forces who is eligible to participate in adaptive sports because of an injury, illness, or wound incurred in the line of duty in the armed forces; and

“(B) any veteran (as defined in section 101 of title 38), during the one-year period following the veteran’s date of separation, who—

“(i) is on the Temporary Disability Retirement List or Permanently Disabled Retirement List;

“(ii) is eligible to participate in adaptive sports because of an injury, illness, or wound incurred in the line of duty in the armed forces; and

“(iii) was enrolled in the program authorized under this section prior to the veteran’s date of separation.”.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by inserting “and veterans” after “members”.

(c) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

“§ 2564a. Provision of assistance for adaptive sports programs; members of the armed forces; certain veterans”.

10 USC 2564a.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 152 of such title is amended by striking the item relating to section 2564a and inserting the following new item:

10 USC
prec. 2551.

“2564a. Provision of assistance for adaptive sports programs; members of the armed forces; certain veterans.”.

SEC. 593. QUESTIONS IN SURVEYS REGARDING EXTREMIST ACTIVITY IN THE WORKPLACE.

10 USC note
prec. 480.

The Secretary of Defense shall include in appropriate surveys administered by the Department of Defense questions regarding whether respondents have ever—

(1) experienced or witnessed extremist activity in the workplace; or

(2) reported such activity.

SEC. 594. STUDY ON BEST PRACTICES FOR PROVIDING FINANCIAL LITERACY EDUCATION FOR SEPARATING MEMBERS OF THE ARMED FORCES.

(a) STUDY REQUIRED.—The Secretary of Defense, and with respect to members of the Coast Guard, in coordination with the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Navy, shall conduct a study on the best practices to provide financial literacy education for separating members of the Armed Forces.

Coordination.

(b) ELEMENTS.—The study required by subsection (a) shall include—

(1) an examination, recommendations, and reporting on best practices for providing financial literacy education to separating members of the Armed Forces; and

(2) detailed current financial literacy programs for separating members of the Armed Forces.

Recommendations.

(c) **CONSULTATION.**—In conducting the study required by subsection (a), the Secretaries shall consult with the Financial Literacy and Education Commission of the Department of the Treasury.

(d) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the committees on Armed Services of the Senate and the House of Representatives a report on the study under subsection (a).

(e) **FINANCIAL LITERACY DEFINED.**—In this section, the term “financial literacy” means education regarding personal finance including the insurance, credit, loan, banking, career training and education benefits available to veterans.

SEC. 595. REPORT ON OVERSIGHT OF AUTHORIZED STRENGTHS OF CERTAIN GRADES OF COMMISSIONED REGULAR AND RESERVE OFFICERS OF THE ARMED FORCES.

(a) **REPORT REQUIRED.**—Not later than April 1, 2020, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on oversight of the authorized strengths of commissioned regular officers of the Armed Forces and commissioned reserve officers of the Armed Forces in the grades as follows:

(1) The grades of major, lieutenant colonel, and colonel in the Army, the Air Force, and the Marine Corps.

(2) The grades of lieutenant commander, commander, and captain in the Navy.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) Such recommendations as the Secretary considers appropriate on mechanisms to improve Department of Defense oversight, and oversight by Congress, of the authorized strengths of commissioned officers in the grades specified in subsection (a), including the following:

(A) An analysis of the history of each military department in complying with the authorized strengths and strengths in grade specified in sections 523 and 12005 of title 10, United States Code, including a description of—

(i) the number of officers in each grade and Armed Force concerned as of the end of each fiscal year between fiscal year 2010 and fiscal year 2019; and

(ii) the number of officers authorized for such grade and Armed Force as of the end of such fiscal year under the applicable section.

(B) An assessment of the feasibility and advisability of submitting to Congress each year a request for an authorization for officers serving in the grades currently covered by the tables in section 523 of title 10, United States Code.

(C) An assessment of the feasibility and advisability of submitting to Congress each year a proposal for legislation to update the tables in such section.

(D) An assessment of the advisability of converting the authorization for end strengths for regular officers in the grades specified in subsection (a) to a percentage-based approach like that currently utilized for reserve officers in section 12005 of title 10, United States Code.

Recommendations.

Assessments.

Analysis.

(2) Such other recommendations as the Secretary considers appropriate to improve the effectiveness of the oversight by Congress of the number of commissioned regular and reserve officers of the Armed Forces in the grades specified in subsection (a).

SEC. 596. REPORT ON CERTAIN WAIVERS.

(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, and annually thereafter during the two subsequent calendar years, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report identifying, with respect to the reporting period for such report, and disaggregated by Armed Force, the following:

(1) **ACCESSION AND COMMISSION.**—

(A) The number of individuals who were processed by a Secretary of a military department for a medical accession or commissioning qualification determination on or after April 12, 2019. Effective date.

(B) Of the individuals described in subparagraph (A), the number of such individuals who were found medically disqualified pursuant to the standards established in DTM–19–004 regarding enlistment in or commission as an officer of an Armed Force under the jurisdiction of the Secretary of a military department.

(C) Of the individuals described in subparagraph (A), the number of such individuals—

(i) described in section I.b.(1), 1.b(2), 1.b(3), or II.b.(1) of attachment 3 to DTM–19–004; and

(ii) who did not require a waiver or exception to standards described in subparagraph (B).

(D) Of the individuals described in subparagraph (C), the number of such individuals who enlisted or were commissioned.

(E) Of the individuals described in subparagraph (B), the number of such individuals who were considered for a waiver or exception to standards described in subparagraph (B).

(F) Of the individuals described in subparagraph (E), the number of such individuals who were denied such a waiver or exception.

(G) Of the individuals described in subparagraph (E), the number of such individuals who received such a waiver or exception.

(H) Of the individuals described in subparagraph (G), the number of such individuals who enlisted or were commissioned.

(2) **RETENTION.**—

(A) The number of members of each Armed Force under the jurisdiction of the Secretary of a military department who received a diagnosis of gender dysphoria on or after April 12, 2019. Effective date.

(B) Of the members described in subparagraph (A), the number of members who were—

(i) referred to the Disability Evaluation System;
or

(ii) subject to processing for administrative separation based on conditions and circumstances not constituting a physical disability that interfered with assignment to or performance of duty.

(C) Of the members described in subparagraph (A), the number of members who were subsequently considered for a waiver or exception to standards established in DTM–19–004 to permit those members to serve in other than the biological sex of each such member.

(D) Of the members described in subparagraph (C), the number of members who were granted such a waiver or exception.

(E) Of the members described in subparagraph (C), the number of members who were denied such a waiver or exception.

(F) Of the members described in subparagraph (E), the number of members who were discharged because of such denial, aggregated by characterization of discharge.

(b) **PROTECTION OF CERTAIN INFORMATION.**—No report submitted under this section may contain any personally identifiable information or protected health information of any individual.

(c) **DEFINITIONS.**—In this section:

(1) The term “DTM–19–004” means the memorandum—

(A) issued by the Office of the Deputy Secretary of Defense;

(B) dated March 12, 2019; and

(C) with the subject heading “Directive-type Memorandum (DTM)–19–004–Military Service by Transgender Persons and Persons with Gender Dysphoria”.

(2) The terms “exempt individuals” and “nonexempt individuals” have the meanings given those terms in attachment 3 to DTM–19–004.

(3) The term “reporting period” means, with respect to a report submitted under subsection (a), the calendar year most recently completed before the date on which such report is to be submitted.

SEC. 597. NOTIFICATIONS ON MANNING OF AFLOAT NAVAL FORCES.

(a) **IN GENERAL.**—The Secretary of the Navy shall notify the congressional defense committees, in writing, not later than 30 days after the end of each fiscal year quarter, of each covered ship (if any) that met either condition as follows:

(1) The manning fit for such ship was less than 87 percent for more than 14 days during such fiscal year quarter.

(2) The manning fill for such ship was less than 90 percent for more than 14 days during such fiscal year quarter.

(b) **ELEMENTS.**—The notification required by subsection (a) shall include, with respect to a covered ship, the following:

(1) The name and hull number of the ship.

(2) The homeport location of the ship.

(3) The current manning fit and fill of the ship.

(4) If the lowest level of manning fit or manning fill for the ship occurred during the fiscal year quarter concerned, the level concerned and the date on which such level occurred.

(5) If the lowest level of manning fit or manning fill for the ship is projected to occur after the fiscal year quarter

Deadline.
Time periods.
10 USC 8013
note.

10 USC 8013
note.

concerned, the projected level and the date on which such level is projected to occur.

(6) If not achieved as of the date of the notification the projected date on which the Navy will achieve a manning fit and fill at least 87 percent and 90 percent, respectively, for the ship.

(7) If not achieved as of the date of the notification, the projected date on which the Navy will achieve a manning fit and fill of at least 92 percent and 95 percent, respectively, for the ship.

(8) A description of the reasons the Navy has not achieved, or will not achieve, as applicable, manning fit and fill of at least 87 percent and 90 percent, respectively, for the ship, including a detailed description of the specific ratings or skillset areas that must be manned to achieve those percentages.

(9) A description of corrective actions the Navy is taking to improve manning fit or manning fill on the ship.

(c) SPECIAL RULE.—For purposes of determining whether a percentage of manning fit or manning fill has been achieved, a sailor in a more senior paygrade may count as filling the billet of a more junior paygrade, but a sailor in a more junior paygrade may not count as filling the billet of a more senior paygrade.

10 USC 8013
note.

(d) DEFINITIONS.—In this section:

10 USC 8013
note.

(1) MANNING FIT.—The term “manning fit”, in the case of a ship, means the skills (rating), specialty skills (Navy Enlisted Classifications), and experience (paygrade) for the ship when compared with the ship manpower document requirement and billets authorized for such skills and experience.

(2) MANNING FILL.—The term “manning fill”, in the case of a ship, means the total number of military personnel assigned to the ship by rating when compared with the ship manpower document requirement and billets authorized for the ship by rating.

(3) COVERED SHIP.—The term “covered ship” means a commissioned battle force ship that is included in the battle force count of the Naval Vessel Register.

(e) SUNSET.—The requirement to submit notifications under subsection (a) with respect to fiscal year quarters shall cease beginning with fiscal year quarters in fiscal year 2025.

10 USC 8013
note.

(f) REPEAL OF SUPERSEDED REQUIREMENTS.—Section 525 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1757; 10 U.S.C. 8013 note) is repealed.

SEC. 598. REPORT REGARDING USE OF AERIAL SYSTEMS OF THE DEPARTMENT OF DEFENSE TO SUPPORT AGENCIES OF STATES, TERRITORIES, AND THE FEDERAL GOVERNMENT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chief of the National Guard Bureau, shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report regarding the requirements, policies, and procedures governing the use of manned and unmanned aerial systems of the Department of Defense to support State and Federal agencies.

Consultation.

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

- (1) A description of requirements for providing support to State and Federal agencies that the Secretary considers appropriate for planning, programming and budgeting resources.
- (2) A description of manned and unmanned aerial systems that the Secretary regularly provides to support State and Federal agencies, including examples of support provided, and length of time to approve requests.
- List. (3) A list of requests for such aerial systems from State and Federal agencies during fiscal year 2019 that the Secretary denied and the reason each such request was disapproved.
- Overview. Procedures. (4) An overview of current policies and procedures governing the use of such aerial systems by States and Federal agencies, including—
- (A) procedures a State or Federal agency must follow to obtain use of such aerial systems for natural disasters and search and rescue operations;
- (B) the typical amount of time needed to process such requests, and whether such procedures can be streamlined; and
- (C) to what extent different policies and procedures apply to unmanned aerial systems versus manned aerial systems.
- (5) A description of the different categories of unmanned aerial systems of the Department of Defense, how such categories are managed, and whether the criteria for such categories affect the ability of the Secretary to use unmanned aerial systems to support State or Federal agencies.
- (6) An explanation of any restrictions on the use of such unmanned aerial systems under—
- (A) the “Guidance for the Domestic Use of Unmanned Aircraft Systems in U.S. National Airspace”, dated August 18, 2018;
- (B) Department of Defense Instruction 3025.18 “Defense Support to Civil Authorities”; and
- (C) other relevant guidance of the Department of Defense.
- (7) Whether restrictions described in paragraph (6) apply differently to regular members of the Armed Forces serving on active duty and to members of the National Guard.
- (8) Whether members of the National Guard may operate the different categories of such unmanned aerial systems when operating under section 502(f) of title 32, United States Code.
- Analysis. (9) An analysis of how the Secretary may improve access to and knowledge of States and Federal agencies regarding the availability of such unmanned aerial systems and related request procedures.
- (10) Whether—
- (A) the Secretary has been unable to provide an unmanned aerial system to support to a State agency at the request of such State agency; and
- (B) the Secretary has plans to make more unmanned aerial systems available to fulfil such requests.
- (11) Any other matters the Secretary determines appropriate.
- (c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) **STATE DEFINED.**—In this section, the term “State” has the meaning given that term in section 901 of title 32, United States Code.

SEC. 599. INFORMATION FOR MEMBERS OF THE ARMED FORCES ON AVAILABILITY OF SERVICES OF THE DEPARTMENT OF VETERANS AFFAIRS RELATING TO SEXUAL TRAUMA.

10 USC 1565b
note.

(a) **IN GENERAL.**—The Secretary of Defense shall inform members of the Armed Forces, using mechanisms available to the Secretary, of the eligibility of such members for services of the Department of Veterans Affairs relating to sexual trauma.

(b) **INFORMATION FROM SEXUAL ASSAULT RESPONSE COORDINATORS.**—The Secretary of Defense shall ensure—

(1) that Sexual Assault Response Coordinators and uniformed victims advocates of the Department of Defense advise members of the Armed Forces who report instances of sexual trauma regarding the eligibility of such members for services at the Department of Veterans Affairs; and

(2) that such information is included in mandatory training materials.

(c) **SEXUAL TRAUMA DEFINED.**—In this section, the term “sexual trauma” means psychological trauma described in section 1720D(a)(1) of title 38, United States Code.

SEC. 599A. AUTHORITY TO ISSUE AN HONORARY PROMOTION TO COLONEL CHARLES E. MCGEE, UNITED STATES AIR FORCE (RET.), TO THE GRADE OF BRIGADIER GENERAL.

(a) **IN GENERAL.**—Pursuant to section 1563 of title 10, United States Code, the President may issue to Colonel Charles E. McGee, United States Air Force (retired), a distinguished Tuskegee Airman, an honorary promotion to the grade of brigadier general.

(b) **ADDITIONAL BENEFITS NOT TO ACCRUE.**—The advancement of Charles E. McGee on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which Charles E. McGee is entitled based upon his military service, or affect any benefits to which any other person is or may become entitled based on such military service.

SEC. 599B. AUTHORITY TO ISSUE AN HONORARY AND POSTHUMOUS PROMOTION TO LIEUTENANT COLONEL RICHARD COLE, UNITED STATES AIR FORCE (RET.), TO THE GRADE OF COLONEL.

(a) **IN GENERAL.**—Pursuant to section 1563 of title 10, United States Code, the President may issue to Lieutenant Colonel Richard E. Cole, United States Air Force (retired), an honorary and posthumous promotion to the grade of colonel.

(b) **ADDITIONAL BENEFITS NOT TO ACCRUE.**—The advancement of Richard E. Cole on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which Richard E. Cole would have been entitled based upon his military service, or affect any benefits to which any other person is or may become entitled based on such military service.

SEC. 599C. SENSE OF CONGRESS ON THE HONORABLE AND DISTINGUISHED SERVICE OF GENERAL JOSEPH F. DUNFORD, UNITED STATES MARINE CORPS, TO THE UNITED STATES.

It is the sense of Congress that—

(1) the United States deeply appreciates the decades of honorable service of General Joseph F. Dunford, United States Marine Corps; and

(2) the indispensable leadership of General Dunford and his dedication to the men and women of the Armed Forces demonstrates the finest example of service to the United States.

TITLE VI—MILITARY COMPENSATION

Subtitle A—Pay and Allowances

- Sec. 601. Clarification of continuation of pays during hospitalization and rehabilitation resulting from wounds, injury, or illness incurred while on duty in a hostile fire area or exposed to an event of hostile fire or other hostile action.
- Sec. 602. Continued entitlements while a member of the Armed Forces participates in a career intermission program.
- Sec. 603. Exemption from repayment of voluntary separation pay.
- Sec. 604. Consideration of service on active duty to reduce age of eligibility for retired pay for non-regular service.
- Sec. 605. Temporary adjustment of rates of basic allowance for housing following determination that local civilian housing costs significantly differ from such rates.
- Sec. 606. Reinvestment of travel refunds by the Department of Defense.
- Sec. 607. Addition of partial dislocation allowance to allowable travel and transportation expenses for servicemembers.
- Sec. 608. Reductions on account of earnings from work performed while entitled to an annuity supplement.
- Sec. 609. Increase in basic pay.

Subtitle B—Bonuses and Special Incentive Pays

- Sec. 611. One-year extension of certain expiring bonus and special pay authorities.

Subtitle C—Family and Survivor Benefits

- Sec. 621. Expansion of eligibility for exceptional transitional compensation for dependents to dependents of current members.
- Sec. 622. Phase-out of reduction of Survivor Benefit Plan survivor annuities by amount of dependency and indemnity compensation.
- Sec. 623. Death gratuity for ROTC graduates.
- Sec. 624. Expansion of authority to provide financial assistance to civilian providers of child care services or youth program services who provide such services to survivors of members of the Armed Forces who die in combat in the line of duty.
- Sec. 625. Casualty assistance for survivors of deceased ROTC graduates.

Subtitle D—Defense Resale Matters

- Sec. 631. Defense resale system matters.
- Sec. 632. Procurement by commissary stores of certain locally sourced products.
- Sec. 633. GAO review of defense resale optimization study.

Subtitle E—Morale, Welfare, and Recreation Privileges

- Sec. 641. Extension of certain morale, welfare, and recreation privileges to Foreign Service officers on mandatory home leave.
- Sec. 642. Extension of pilot program on a Government lodging program.

Subtitle F—Reports and Other Matters

- Sec. 651. Annual reports on approval of employment or compensation of retired general or flag officers by foreign governments for emoluments clause purposes.
- Sec. 652. Report regarding transition from overseas housing allowance to basic allowance for housing for servicemembers in the territories.
- Sec. 653. Report on extension to members of the reserve components of the Armed Forces of special and incentive pays for members of the Armed Forces not currently payable to members of the reserve components.

- Sec. 654. Study regarding recoupment of separation pay, special separation benefits, and voluntary separation incentive payments from members of the Armed Forces and veterans who receive disability compensation under laws administered by the Secretary of Veterans Affairs.
- Sec. 655. Report on implementation of contributions to the Department of Defense Military Retirement Fund based on pay costs per Armed Force rather than on Armed Forces-wide basis.
- Sec. 656. Report on food insecurity among members of the Armed Forces and their dependents.

Subtitle A—Pay and Allowances

SEC. 601. CLARIFICATION OF CONTINUATION OF PAYS DURING HOSPITALIZATION AND REHABILITATION RESULTING FROM WOUNDS, INJURY, OR ILLNESS INCURRED WHILE ON DUTY IN A HOSTILE FIRE AREA OR EXPOSED TO AN EVENT OF HOSTILE FIRE OR OTHER HOSTILE ACTION.

Section 372(b)(1) of title 37, United States Code, is amended to read as follows:

“(1) The date on which the member is returned for assignment to other than a medical or patient unit for duty; however, in the case of a member under the jurisdiction of a Secretary of a military department, the date on which the member is determined fit for duty.”.

SEC. 602. CONTINUED ENTITLEMENTS WHILE A MEMBER OF THE ARMED FORCES PARTICIPATES IN A CAREER INTERMISSION PROGRAM.

Section 710(h) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “; and” and inserting a semicolon;

(2) in paragraph (2), by striking the period and inserting a semicolon; and

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

“(3) the entitlement of the member and of the survivors of the member to all death benefits under the provisions of chapter 75 of this title;

“(4) the provision of all travel and transportation allowances for the survivors of deceased members to attend burial ceremonies under section 481f of title 37; and

“(5) the eligibility of the member for general benefits as provided in part II of title 38.”.

SEC. 603. EXEMPTION FROM REPAYMENT OF VOLUNTARY SEPARATION PAY.

Section 1175a(j) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “paragraphs (2) and (3)” and inserting “paragraphs (2), (3), and (4)”;

(2) by redesignating paragraph (4) as paragraph (5); and

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

“(4) This subsection shall not apply to a member who—

“(A) is involuntarily recalled to active duty or full-time National Guard duty; and

“(B) in the course of such duty, incurs a service-connected disability rated as total under section 1155 of title 38.”.

SEC. 604. CONSIDERATION OF SERVICE ON ACTIVE DUTY TO REDUCE AGE OF ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR SERVICE.

Section 12731(f)(2)(B)(i) of title 10, United States Code, is amended by striking “under a provision of law referred to in section 101(a)(13)(B) or under section 12301(d)” and inserting “under section 12301(d) or 12304b of this title, or under a provision of law referred to in section 101(a)(13)(B)”.

SEC. 605. TEMPORARY ADJUSTMENT OF RATES OF BASIC ALLOWANCE FOR HOUSING FOLLOWING DETERMINATION THAT LOCAL CIVILIAN HOUSING COSTS SIGNIFICANTLY DIFFER FROM SUCH RATES.

Section 403(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

Determination.

“(8)(A) The Secretary of Defense may prescribe a temporary adjustment in the current rates of basic allowance for housing for a military housing area or a portion thereof (in this paragraph, ‘BAH rates’) if the Secretary determines that the actual costs of adequate housing for civilians in that military housing area or portion thereof differs from the current BAH rates by more than 20 percent.

“(B) Any temporary adjustment in BAH rates under this paragraph shall remain in effect only until the effective date of the first adjustment of BAH rates for the affected military housing area that occurs after the date of the adjustment under this paragraph.

Termination date.

“(C) This paragraph shall cease to be effective on September 30, 2022.”.

SEC. 606. REINVESTMENT OF TRAVEL REFUNDS BY THE DEPARTMENT OF DEFENSE.

(a) REFUNDS FOR OFFICIAL TRAVEL.—Subchapter I of chapter 8 of title 37, United States Code, is amended by adding at the end the following new section:

37 USC 456.

“§ 456. Managed travel program refunds

“(a) CREDIT OF REFUNDS.—The Secretary of Defense may credit refunds attributable to Department of Defense managed travel programs as a direct result of official travel to such operation and maintenance or research, development, test, and evaluation accounts of the Department as designated by the Secretary that are available for obligation for the fiscal year in which the refund or amount is collected.

“(b) USE OF REFUNDS.—Refunds credited under subsection (a) may only be used for official travel or operations and efficiency improvements for improved financial management of official travel.

“(c) DEFINITIONS.—In this section:

“(1) MANAGED TRAVEL PROGRAM.—The term ‘managed travel program’ includes air, rental car, train, bus, dining, lodging, and travel management, but does not include rebates or refunds attributable to the use of the Government travel card, the Government Purchase Card, or Government travel arranged by Government Contracted Travel Management Centers.

“(2) REFUND.—The term ‘refund’ includes miscellaneous receipts credited to the Department identified as a refund, rebate, repayment, or other similar amounts collected.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 8 of such title is amended by inserting after the item relating to section 455 the following new item:

37 USC
prec. 451.

“456. Managed travel program refunds.”

(c) CLARIFICATION ON RETENTION OF TRAVEL PROMOTIONAL ITEMS.—Section 1116(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 5 U.S.C. 5702 note) is amended—

(1) by striking “DEFINITION.—In this section, the term” and inserting the following: “DEFINITIONS.—In this section:

“(1) The term”; and

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

“(2) The term ‘general public’ includes the Federal Government or an agency.”

SEC. 607. ADDITION OF PARTIAL DISLOCATION ALLOWANCE TO ALLOWABLE TRAVEL AND TRANSPORTATION EXPENSES FOR SERVICEMEMBERS.

(a) CURRENT AUTHORITY.—Section 477(f)(1) of title 37, United States Code, is amended by striking “family”.

(b) FUTURE AUTHORITY.—Section 452(c) of title 37, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) A partial dislocation allowance paid to a member ordered to occupy or vacate housing provided by the United States.”

SEC. 608. REDUCTIONS ON ACCOUNT OF EARNINGS FROM WORK PERFORMED WHILE ENTITLED TO AN ANNUITY SUPPLEMENT.

Section 8421a(c) of title 5, United States Code, is amended—

(1) by striking “full-time as an air traffic control instructor” and inserting “as an air traffic control instructor, or supervisor thereof,”; and

(2) by inserting “or supervisor” after “an instructor”.

SEC. 609. INCREASE IN BASIC PAY.

Effective on January 1, 2020, the rates of monthly basic pay for members of the uniformed services are increased by 3.1 percent.

Effective date.
37 USC 1009
note.

Subtitle B—Bonuses and Special Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING BONUS AND SPECIAL PAY AUTHORITIES.

(a) AUTHORITIES RELATING TO RESERVE FORCES.—Section 910(g) of title 37, United States Code, relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service, is amended by striking “December 31, 2019” and inserting “December 31, 2020”.

(b) TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.—The following sections of title 10, United States Code, are amended by striking “December 31, 2019” and inserting “December 31, 2020”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(c) AUTHORITIES RELATING TO NUCLEAR OFFICERS.—Section 333(i) of title 37, United States Code, is amended by striking “December 31, 2019” and inserting “December 31, 2020”.

(d) AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking “December 31, 2019” and inserting “December 31, 2020”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(4) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(5) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers’ Training Corps.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

(e) AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING.—Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2019” and inserting “December 31, 2020”.

Subtitle C—Family and Survivor Benefits

SEC. 621. EXPANSION OF ELIGIBILITY FOR EXCEPTIONAL TRANSITIONAL COMPENSATION FOR DEPENDENTS TO DEPENDENTS OF CURRENT MEMBERS.

Section 1059(m) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting “MEMBERS OR” after “DEPENDENTS OF”;

(2) by inserting “member or” before “former member” each place it appears;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following new paragraph (3):

“(3) For purposes of the provision of benefits under this section pursuant to this subsection, a member shall be considered separated from active duty upon the earliest of—

“(A) the date an administrative separation is initiated by a commander of the member;

“(B) the date the court-martial sentence is adjudged if the sentence, as adjudged, includes a dismissal, dishonorable discharge, bad conduct discharge, or forfeiture of all pay and allowances; or

“(C) the date the member’s term of service expires.”.

SEC. 622. PHASE-OUT OF REDUCTION OF SURVIVOR BENEFIT PLAN SURVIVOR ANNUITIES BY AMOUNT OF DEPENDENCY AND INDEMNITY COMPENSATION.

(a) **PHASE-OUT.**—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(1) **IN GENERAL.**—In section 1450(c)(1)—

(A) by striking “that the annuity otherwise payable under this section would exceed that compensation.” and inserting “calculated as follows.”; and

(B) by adding at the end the following:

Time periods.

“(A) During the period beginning on January 1, 2020, and ending on December 31, 2020, the amount that the annuity otherwise payable under this section would exceed such dependency and indemnity compensation.

“(B) During the period beginning on January 1, 2021, and ending on December 31, 2021, the amount that the annuity otherwise payable under this section would exceed two-thirds of such dependency and indemnity compensation.

“(C) During the period beginning on January 1, 2022, and ending on December 31, 2022, the amount that the annuity otherwise payable under this section would exceed one-third of such dependency and indemnity compensation.

“(D) On and after January 1, 2023, the full amount of the annuity under this section.”.

Effective date.

(2) **CONFORMING AMENDMENT.**—In section 1451(c)(2), by inserting “a portion (calculated under section 1450(c) of this title) of” before “the amount”.

(b) **PROHIBITION ON RETROACTIVE BENEFITS.**—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

10 USC 1450 note.

(c) **PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.**—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

10 USC 1450 note.

(d) **REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.**—Section 1448(d)(2) of such title is amended—

(1) by striking “DEPENDENT CHILDREN.—” and all that follows through “In the case of a member described in paragraph (1),” and inserting “DEPENDENT CHILDREN.—In the case of a member described in paragraph (1),”; and

(2) by striking subparagraph (B).

10 USC 1448
note.

(e) **RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.**—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

10 USC 1448
note.

(f) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect on the first day of the first month that begins after the date of the enactment of this Act, except subsections (d) and (e) of this section and the amendments made thereby shall take effect on January 1, 2023.

SEC. 623. DEATH GRATUITY FOR ROTC GRADUATES.

(a) **IN GENERAL.**—Section 1475(a)(4) of title 10, United States Code, is amended by adding “; or a graduate of a reserve officers’ training corps who has received a commission but has yet to receive a first duty assignment; or” at the end.

10 USC 1475
note.

(b) **EFFECTIVE DATE.**—The amendment under subsection (a) applies to deaths that occur on or after the date of the enactment of this Act.

SEC. 624. EXPANSION OF AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE TO CIVILIAN PROVIDERS OF CHILD CARE SERVICES OR YOUTH PROGRAM SERVICES WHO PROVIDE SUCH SERVICES TO SURVIVORS OF MEMBERS OF THE ARMED FORCES WHO DIE IN COMBAT IN THE LINE OF DUTY.

Section 1798(a) of title 10, United States Code, is amended by inserting “, survivors of members of the armed forces who die in combat-related incidents in the line of duty,” after “armed forces”.

SEC. 625. CASUALTY ASSISTANCE FOR SURVIVORS OF DECEASED ROTC GRADUATES.

Section 633 of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 1475 note) is amended by adding at the end the following new subsection:

“(c) **ROTC GRADUATES.**—

“(1) **TREATED AS MEMBERS.**—For purposes of this section, a graduate of a reserve officers’ training corps who receives a commission and who dies before receiving a first duty assignment shall be treated as a member of the Armed Forces who dies while on active duty.

“(2) **EFFECTIVE DATE.**—This subsection applies to deaths on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020.”.

Subtitle D—Defense Resale Matters

SEC. 631. DEFENSE RESALE SYSTEM MATTERS.

(a) IN GENERAL.—The Under Secretary of Defense for Personnel and Readiness shall, in coordination with the Chief Management Officer of the Department of Defense, maintain oversight of business transformation efforts of the defense commissary system and the exchange stores system in order to ensure the following:

Coordination.
10 USC 2481
note.

(1) Development of an intercomponent business strategy that maximizes efficiencies and results in a viable defense resale system in the future.

(2) Preservation of patron savings and satisfaction from and in the defense commissary system and exchange stores system.

(3) Sustainment of financial support of the defense commissary and exchange systems for morale, welfare, and recreation (MWR) services of the Armed Forces.

(b) EXECUTIVE RESALE BOARD ADVICE ON OPERATIONS OF SYSTEMS.—The Executive Resale Board of the Department of Defense shall advise the Under Secretary on the implementation of sustainable, complementary operations of the defense commissary system and the exchange stores system.

10 USC 2481
note.

(c) INFORMATION TECHNOLOGY MODERNIZATION.—The Secretary of Defense shall, acting through the Under Secretary and with advice from the Executive Resale Board, require the Defense Commissary Agency and the Military Exchange Service to do as follows:

10 USC 2481
note.

(1) Field new technologies and best business practices for information technology for the defense resale system.

(2) Implement cutting-edge marketing opportunities across the defense resale system.

(d) INCLUSION OF ADVERTISING IN OPERATING EXPENSES OF COMMISSARY STORES.—Section 2483(b) of title 10, United States Code, is amended by adding at the end the following paragraph:

“(7) Advertising of commissary sales on materials available within commissary stores and at other on-base locations.”.

SEC. 632. PROCUREMENT BY COMMISSARY STORES OF CERTAIN LOCALLY SOURCED PRODUCTS.

10 USC 2484
note.

The Secretary of Defense shall ensure that the dairy products and fruits and vegetables procured for commissary stores under the defense commissary system are, to the extent practicable and while maintaining mandated patron savings, locally sourced in order to ensure the availability of the freshest possible dairy products and fruits and vegetables for patrons of the stores.

SEC. 633. GAO REVIEW OF DEFENSE RESALE OPTIMIZATION STUDY.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of the business case analysis performed as part of the defense resale optimization study conducted by the Reform Management Group, titled “Study to Determine the Feasibility of Consolidation of the Defense Resale Entities” and dated December 4, 2018.

(b) REPORTS REQUIRED; ELEMENTS.—Not later than March 1, 2020, and June 1, 2020, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives an interim report and a final report, respectively,

Evaluations.

regarding the review performed under this section. Each report shall include evaluations of the following:

(1) The descriptions and justifications for the assumptions, analytical choices and data used by the Reform Management Group to calculate:

(A) Pricing.

(B) Sales assumptions.

(C) Accuracy of methods employed to measure patron savings levels.

(2) The timetable for consolidation of military exchanges and commissaries.

(3) The recommendations for consolidation developed as part of the business case analysis, including the overall cost of consolidation.

(4) The budget and oversight implications of merging non-appropriated funds and appropriated funds to implement the recommended reforms.

(5) The extent to which the Reform Management Group coordinated with the Secretaries of the military departments and the chiefs of the Armed Forces in preparing the study.

(6) The extent to which the Reform Management Group addressed concerns of the Secretaries of the military departments and the chiefs of the Armed Forces in the study.

(7) If the recommendations in the business case analysis were implemented—

(A) the ability of military exchanges and commissaries to provide earnings to support on-base morale, welfare, and recreation programs; and

(B) the financial viability of the military exchanges and commissaries.

Notification.

(c) **DELAY ON CONSOLIDATION.**—The Secretary of Defense may not take any action to consolidate military exchanges and commissaries until the Committees on Armed Services of the Senate and the House of Representatives notify the Secretary in writing of receipt and acceptance of the findings of the Comptroller General in the reports required under this section.

Subtitle E—Morale, Welfare, and Recreation Privileges

SEC. 641. EXTENSION OF CERTAIN MORALE, WELFARE, AND RECREATION PRIVILEGES TO FOREIGN SERVICE OFFICERS ON MANDATORY HOME LEAVE.

(a) **IN GENERAL.**—Section 1065 of title 10, United States Code, as added by section 621 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended—

(1) in the heading, by striking “**veterans and caregivers for veterans**” and inserting “**veterans, caregivers for veterans, and Foreign Service officers**”;

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(3) by inserting after subsection (e) the following new subsection (f):

“(f) **ELIGIBILITY OF FOREIGN SERVICE OFFICERS ON MANDATORY HOME LEAVE.**—A Foreign Service officer on mandatory home leave

may be permitted to use military lodging referred to in subsection (h).”; and

(4) in subsection (h), as redesignated by paragraph (2), by adding at the end the following new paragraphs: Definitions.

“(5) The term ‘Foreign Service officer’ has the meaning given that term in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903).

“(6) The term ‘mandatory home leave’ means leave under section 903 of the Foreign Service Act of 1980 (22 U.S.C. 4083).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2020, as if originally incorporated in section 621 of Public Law 115–232. 10 USC 1065 note.

SEC. 642. EXTENSION OF PILOT PROGRAM ON A GOVERNMENT LODGING PROGRAM.

Section 914(b) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (5 U.S.C. 5911 note) is amended by striking “December 31, 2019” and inserting “December 31, 2020”.

Subtitle F—Reports and Other Matters

SEC. 651. ANNUAL REPORTS ON APPROVAL OF EMPLOYMENT OR COMPENSATION OF RETIRED GENERAL OR FLAG OFFICERS BY FOREIGN GOVERNMENTS FOR EMOLUMENTS CLAUSE PURPOSES.

(a) ANNUAL REPORTS.—Section 908 of title 37, United States Code is amended—

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

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

“(c) ANNUAL REPORTS ON APPROVALS FOR RETIRED GENERAL AND FLAG OFFICERS.—Not later than January 31 each year, the Secretaries of the military departments, after consulting with the Secretary of State, shall jointly submit to the Committees on Armed Services of the Senate and House of Representatives a report on each approval under subsection (b) for employment or compensation described in subsection (a) for a retired member of the armed forces in general or flag officer grade that was issued during the preceding year.”. Consultation.

(b) SCOPE OF FIRST REPORT.—The first report submitted pursuant to subsection (c) of section 908 of title 37, United States Code (as amended by subsection (a) of this section), after the date of the enactment of this Act shall cover the five-year period ending with the year before the year in which such report is submitted. Time period. 37 USC 908 note.

SEC. 652. REPORT REGARDING TRANSITION FROM OVERSEAS HOUSING ALLOWANCE TO BASIC ALLOWANCE FOR HOUSING FOR SERVICEMEMBERS IN THE TERRITORIES.

Not later than February 1, 2020, the Secretary of Defense shall submit a report to the congressional defense committees regarding the recommendation of the Secretary whether members of the uniformed services located in the territories of the United States and who receive the overseas housing allowance should instead receive the basic allowance for housing to ensure the most

appropriate housing compensation for such members and their families.

SEC. 653. REPORT ON EXTENSION TO MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF SPECIAL AND INCENTIVE PAYS FOR MEMBERS OF THE ARMED FORCES NOT CURRENTLY PAYABLE TO MEMBERS OF THE RESERVE COMPONENTS.

(a) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of a study, conducted by the Secretary for purposes of the report, on the feasibility and advisability of paying eligible members of the reserve components of the Armed Forces any special or incentive pay for members of the Armed Forces that is not currently payable to members of the reserve components.

(b) **ELEMENTS.**—The report required by subsection (a) shall set forth the following:

Cost estimate.

(1) An estimate of the yearly cost of paying members of the reserve components risk pay and flight pay under sections 334, 334a, and 351 of title 37, United States Code, at the same rate as members on active duty, regardless of the number of periods of instruction or appropriate duty participated in, so long as there is at least one such period of instruction or appropriate duty in the month.

(2) A statement of the number of members of the reserve components who qualify or potentially qualify for hazardous duty incentive pay based on current professions or required duties, broken out by hazardous duty categories set forth in section 351 of title 37, United States Code.

Determination.
Recommendations.

(3) If the Secretary determines that payment to eligible members of the reserve components of any special or incentive pay for members of the Armed Forces that is not currently payable to members of the reserve components is feasible and advisable, such recommendations as the Secretary considers appropriate for legislative or administrative action to authorize such payment.

SEC. 654. STUDY REGARDING RECOUPMENT OF SEPARATION PAY, SPECIAL SEPARATION BENEFITS, AND VOLUNTARY SEPARATION INCENTIVE PAYMENTS FROM MEMBERS OF THE ARMED FORCES AND VETERANS WHO RECEIVE DISABILITY COMPENSATION UNDER LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

Consultation.

(a) **STUDY.**—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall conduct a study to determine, with regards to members of the Armed Forces and veterans whose separation pay, special separation benefits, and voluntary separation incentive payments either Secretary recoups because such members and veterans subsequently receive disability compensation under laws administered by the Secretary of Veterans Affairs—

(1) how many such members and veterans are affected by such recoupment; and

(2) the aggregated amount of additional money such members and veterans would receive but for such recoupment.

(b) **REPORT REQUIRED.**—Not later than September 30, 2020, the Secretary of Defense shall submit to the Committees on Armed

Services and Veterans' Affairs of the Senate and House of Representatives a report regarding the results of the study under subsection (a).

SEC. 655. REPORT ON IMPLEMENTATION OF CONTRIBUTIONS TO THE DEPARTMENT OF DEFENSE MILITARY RETIREMENT FUND BASED ON PAY COSTS PER ARMED FORCE RATHER THAN ON ARMED FORCES-WIDE BASIS.

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than April 1, 2020, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the congressional defense committees a report setting forth a plan for the implementation of the amendments described in paragraph (2) as if such amendments would apply with respect to determinations of contributions to the Department of Defense Military Retirement Fund under chapter 74 of title 10, United States Code, and payments into the Fund, beginning with fiscal year 2025.

Consultation.

(2) **COVERED AMENDMENTS.**—The amendments described in this paragraph are the amendments proposed to be made by section 631 of S.1790 of the 116th Congress, as reported to the Senate by the Committee on Armed Services of the Senate on June 11, 2019.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A plan to implement the amendments described in paragraph (2) of subsection (a) in the manner described in paragraph (1) of that subsection.

Plan.

(2) A timeline for actions required to implement such amendments in that manner.

Timeline.

(3) An assessment of the impact of the implementation of such amendments in that manner on each of the following:

Assessment.

(A) The budgeting of the military departments.

(B) The efforts of the Department of Defense to achieve audits of its financial statements.

(C) Decisions on military manning of the Armed Forces.

(D) The cost and complexity of tracking contributions to the Department of Defense Military Retirement Fund.

SEC. 656. REPORT ON FOOD INSECURITY AMONG MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) **REPORT REQUIRED.**—Not later than May 1, 2020, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on food insecurity among members of the Armed Forces and their dependents.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

Assessments.

(1) An assessment of the current extent of food insecurity among members of the Armed Forces and their dependents, including a description and analysis of the following:

(A) Use of food assistance by members and their dependents, as revealed in data of the Department of Defense and other data available to the Department.

(B) Use of free and reduced price school meals by dependents.

(C) Use of food banks or similar assistance by members and their dependents.

(2) A description and assessment of the barriers, if any, to qualification for or access to adequate food assistance of any type by members of the Armed Forces and their dependents.

(3) A description of the number of members of the Armed Forces overseas who enrolled in the Family Supplemental Subsistence Allowance (FSSA) program under section 402a of title 37, United States Code, during the five-fiscal year period ending with fiscal year 2019, and of the cost to the Department of such enrollment during each fiscal year concerned.

(4) An assessment of the effectiveness of the Family Supplemental Subsistence Allowance program for members of the Armed Forces overseas.

(5) A description and assessment of the participation of members of the Armed Forces in the Supplemental Nutrition Assistance Program (SNAP), including with respect to the following:

(A) Coordination between the Department of Defense and the Department of Agriculture for purposes of determining the numbers of members currently participating in the program.

(B) Career stigma for members resulting from participation in the program.

(C) Adverse consequences for member personal financial management resulting from participation in the program.

(D) Other support available to and used by members to meet basic needs requirements.

(6) An assessment of food insecurity among members of the Armed Forces who reside in on-post housing (and thus do not receive basic allowance for housing (BAH)) and their dependents, including eligibility of such members for and participation of such members in the Supplemental Nutrition Assistance Program.

(7) An assessment of the feasibility and advisability of a basic needs allowance for low-income members of the Armed Forces (including an allowance calculated both with and without basic allowance for housing included in the determination of member gross household income), including with respect to the following:

(A) The maximum member gross household income for eligibility for the allowance.

(B) The number of members who would be eligible for the allowance.

(C) The optimal average annual amount of the allowance.

(D) The total annual cost of paying the allowance.

(E) Whether particular geographic locations would include large number of members eligible for the allowance.

(F) The effects of payment of the allowance on recruitment and retention of members, and on member morale and conduct.

(8) Any other recommendations for policies, programs, and activities to address food insecurity among members of the Armed Forces and their dependents that the Secretary considers appropriate.

Recommendations.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

- Sec. 701. Modification of eligibility for TRICARE Reserve Select for certain members of the Selected Reserve.
- Sec. 702. TRICARE payment options for retirees and their dependents.
- Sec. 703. Lead level screening and testing for children.
- Sec. 704. Exposure to open burn pits and toxic airborne chemicals or other airborne contaminants as part of periodic health assessments and other physical examinations.
- Sec. 705. Enhancement of recordkeeping with respect to exposure by members of the Armed Forces to certain occupational and environmental hazards while deployed overseas.
- Sec. 706. Modifications to post-deployment mental health assessments for members of the Armed Forces deployed in support of a contingency operation.
- Sec. 707. Provision of blood testing for firefighters of Department of Defense to determine exposure to perfluoroalkyl and polyfluoroalkyl substances.

Subtitle B—Health Care Administration

- Sec. 711. Modification of organization of military health system.
- Sec. 712. Support by military health system of medical requirements of combatant commands.
- Sec. 713. Requirements for certain prescription drug labels.
- Sec. 714. Officers authorized to command Army dental units.
- Sec. 715. Improvements to interagency program office of the Department of Defense and the Department of Veterans Affairs.
- Sec. 716. Expansion of strategy to improve acquisition of managed care support contracts under TRICARE program.
- Sec. 717. Inclusion of blast exposure history in medical records of members of the Armed Forces.
- Sec. 718. Comprehensive policy for provision of mental health care to members of the Armed Forces.
- Sec. 719. Limitation on the realignment or reduction of military medical manning end strength.
- Sec. 720. Strategy to recruit and retain mental health providers.
- Sec. 721. Development of partnerships to improve combat casualty care for personnel of the Armed Forces.
- Sec. 722. Modification to referrals for mental health services.

Subtitle C—Reports and Other Matters

- Sec. 731. Authorization of claims by members of the uniformed services against the United States for personal injury or death caused by medical malpractice.
- Sec. 732. Extension and clarification of authority for Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund.
- Sec. 733. Appointment of non-ex officio members of the Henry M. Jackson Foundation for the Advancement of Military Medicine.
- Sec. 734. Establishment of Academic Health System in National Capital Region.
- Sec. 735. Provision of veterinary services by veterinary professionals of the Department of Defense in emergencies.
- Sec. 736. Three-year extension of authority to continue the DOD-VA Health Care Sharing Incentive Fund.
- Sec. 737. Preservation of resources of the Army Medical Research and Materiel Command and continuation as Center of Excellence.
- Sec. 738. Encouragement of participation in Women's Health Transition Training pilot program.
- Sec. 739. National Guard suicide prevention pilot program.
- Sec. 740. Pilot Program on civilian and military partnerships to enhance interoperability and medical surge capability and capacity of National Disaster Medical System.
- Sec. 741. Reports on suicide among members of the Armed Forces and suicide prevention programs and activities of the Department of Defense.
- Sec. 742. Modification of requirements for longitudinal medical study on blast pressure exposure of members of the Armed Forces and collection of exposure information.
- Sec. 743. Study and plan on the use of military-civilian integrated health delivery systems.
- Sec. 744. Study on case management in the military health system.
- Sec. 745. Report on Global Health Security Strategy and the National Biodefense Security.

- Sec. 746. Study on establishment of wounded warrior service dog program.
- Sec. 747. GAO report on Department of Defense quality assurance program and impacts of medical malpractice actions.
- Sec. 748. Reports on Millennium Cohort Study relating to women members of the Armed Forces.
- Sec. 749. Study on effects of sleep deprivation on readiness of members of the Armed Forces.
- Sec. 750. Study and report on traumatic brain injury mitigation efforts.

Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. MODIFICATION OF ELIGIBILITY FOR TRICARE RESERVE SELECT FOR CERTAIN MEMBERS OF THE SELECTED RESERVE.

Section 1076d(a)(2) of title 10, United States Code, is amended by striking “Paragraph (1) does not apply” and inserting “During the period preceding January 1, 2030, paragraph (1) does not apply”.

SEC. 702. TRICARE PAYMENT OPTIONS FOR RETIREES AND THEIR DEPENDENTS.

(a) IN GENERAL.—Section 1099 of title 10, United States Code, is amended—

- (1) by redesignating subsection (d) as subsection (e); and
- (2) by inserting after subsection (c) the following new subsection (d):

“(d) PAYMENT OPTIONS.—(1) A member or former member of the uniformed services, or a dependent thereof, eligible for medical care and dental care under section 1074(b) or 1076 of this title shall pay a premium for coverage under this chapter.

“(2) To the maximum extent practicable, a premium owed by a member, former member, or dependent under paragraph (1) shall be withheld from the retired, retainer, or equivalent pay of the member, former member, or dependent. In all other cases, a premium shall be paid in a frequency and method determined by the Secretary.”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.—Section 1097a of title 10, United States Code, is amended—

- (A) by striking subsection (c); and
- (B) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) HEADING AMENDMENTS.—

(A) AUTOMATIC ENROLLMENTS.—The heading for section 1097a of such title is amended to read as follows:

“§ 1097a. TRICARE Prime: automatic enrollments”.

(B) ENROLLMENT SYSTEM AND PAYMENT OPTIONS.—The heading for section 1099 of such title is amended to read as follows:

“§ 1099. Health care enrollment system and payment options”.

(3) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of such title is amended—

(A) by striking the item relating to section 1097a and inserting the following new item:

“1097a. TRICARE Prime: automatic enrollments.”; and

(B) by striking the item relating to section 1099 and inserting the following new item:

“1099. Health care enrollment system and payment options.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to health care coverage beginning on or after January 1, 2021.

10 USC 1097a
note.

SEC. 703. LEAD LEVEL SCREENING AND TESTING FOR CHILDREN.

10 USC 1077
note.

(a) **COMPREHENSIVE SCREENING, TESTING, AND REPORTING GUIDELINES.**—

(1) **IN GENERAL.**—The Secretary of Defense shall establish clinical practice guidelines for health care providers employed by the Department of Defense on screening, testing, and reporting of blood lead levels in children.

(2) **USE OF CDC RECOMMENDATIONS.**—Guidelines established under paragraph (1) shall reflect recommendations made by the Centers for Disease Control and Prevention with respect to the screening, testing, and reporting of blood lead levels in children.

(3) **DISSEMINATION OF GUIDELINES.**—Not later than one year after the date of the enactment of this Act, the Secretary shall disseminate the clinical practice guidelines established under paragraph (1) to health care providers of the Department of Defense.

Deadline.

(b) **CARE PROVIDED IN ACCORDANCE WITH CDC GUIDANCE.**—The Secretary shall ensure that any care provided by the Department of Defense to a child for an elevated blood lead level shall be carried out in accordance with applicable guidance issued by the Centers for Disease Control and Prevention.

(c) **SHARING OF RESULTS OF TESTING.**—

(1) **IN GENERAL.**—With respect to a child who receives from the Department of Defense a test for an elevated blood lead level—

(A) the Secretary shall provide the results of the test to the parent or guardian of the child; and

(B) notwithstanding any requirements for the confidentiality of health information under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191), if the results of the test show an abnormal blood lead level or elevated blood lead level, the Secretary shall provide those results and the address at which the child resides to—

(i) the relevant health department of the State in which the child resides if the child resides in the United States; or

(ii) if the child resides outside the United States—
(I) the Centers for Disease Control and Prevention;

(II) the appropriate authority of the country in which the child resides; and

(III) the primary provider of health care for the child for follow-up.

(2) **STATE DEFINED.**—In this subsection, the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(d) **REPORT.**—Not later than January 1, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing, with respect to the period beginning on the date of the enactment of this Act and ending on the date of the report, the following:

(1) The number of children who were tested by the Department of Defense for the level of lead in the blood of the child, and of such number, the number who were found to have an elevated blood lead level.

(2) The number of children who were screened by the Department of Defense for an elevated risk of lead exposure.

(e) **COMPTROLLER GENERAL REPORT.**—Not later than January 1, 2022, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the effectiveness of screening and testing for lead exposure and elevated blood lead levels under chapter 55 of title 10, United States Code.

(f) **DEFINITIONS.**—In this section, the terms “abnormal blood lead level” and “elevated blood lead level” have the meanings given those terms by the Centers for Disease Control and Prevention.

10 USC 1074f
note.

SEC. 704. EXPOSURE TO OPEN BURN PITS AND TOXIC AIRBORNE CHEMICALS OR OTHER AIRBORNE CONTAMINANTS AS PART OF PERIODIC HEALTH ASSESSMENTS AND OTHER PHYSICAL EXAMINATIONS.

(a) **PERIODIC HEALTH ASSESSMENT.**—The Secretary of Defense shall ensure that any periodic health assessment provided to members of the Armed Forces includes an evaluation of whether the member has been—

(1) based or stationed at a location where an open burn pit was used; or

(2) exposed to toxic airborne chemicals or other airborne contaminants, including any information recorded as part of the Airborne Hazards and Open Burn Pit Registry.

(b) **SEPARATION HISTORY AND PHYSICAL EXAMINATIONS.**—Section 1145(a)(5) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(C) The Secretary concerned shall ensure that each physical examination of a member under subparagraph (A) includes an assessment of whether the member was—

“(i) based or stationed at a location where an open burn pit, as defined in subsection (c) of section 201 of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note), was used; or

“(ii) exposed to toxic airborne chemicals or other airborne contaminants, including any information recorded as part of the registry established by the Secretary of Veterans Affairs under such section 201.”.

(c) **DEPLOYMENT ASSESSMENTS.**—Section 1074f(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(D) An assessment of whether the member was—

“(i) based or stationed at a location where an open burn pit, as defined in subsection (c) of section 201 of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note), was used; or

“(ii) exposed to toxic airborne chemicals or other airborne contaminants, including any information recorded as part of the registry established by the Secretary of Veterans Affairs under such section 201.”.

(d) SHARING OF INFORMATION.—

(1) DOD–VA.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for the sharing by the Department of Defense with the Department of Veterans Affairs of the results of covered evaluations regarding the exposure by a member of the Armed Forces to toxic airborne chemicals or other airborne contaminants.

Memorandums.

(2) REGISTRY.—If a covered evaluation of a member of the Armed Forces establishes that the member was based or stationed at a location where an open burn pit was used or that the member was exposed to toxic airborne chemicals or other airborne contaminants, the member shall be enrolled in the Airborne Hazards and Open Burn Pit Registry unless the member elects to not so enroll.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to preclude eligibility for benefits under the laws administered by the Secretary of Veterans Affairs by reason of the open burn pit exposure history of a veteran not being recorded in a covered evaluation.

(f) DEFINITIONS.—In this section:

(1) The term “Airborne Hazards and Open Burn Pit Registry” means the registry established by the Secretary of Veterans Affairs under section 201 of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

(2) The term “covered evaluation” means—

(A) a periodic health assessment conducted in accordance with subsection (a);

(B) a separation history and physical examination conducted under section 1145(a)(5) of title 10, United States Code, as amended by this section; and

(C) a deployment assessment conducted under section 1074f(b)(2) of such title, as amended by this section.

(3) The term “open burn pit” has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

SEC. 705. ENHANCEMENT OF RECORDKEEPING WITH RESPECT TO EXPOSURE BY MEMBERS OF THE ARMED FORCES TO CERTAIN OCCUPATIONAL AND ENVIRONMENTAL HAZARDS WHILE DEPLOYED OVERSEAS.

(a) INCLUSION IN MEDICAL TRACKING SYSTEM OF OCCUPATIONAL AND ENVIRONMENTAL HEALTH RISKS IN DEPLOYMENT AREA.—

(1) ELEMENTS OF MEDICAL TRACKING SYSTEM.—Subsection (b)(1)(A) of section 1074f of title 10, United States Code, is amended—

(A) in clause (ii), by striking “and” at the end;

(B) in clause (iii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new clause:
 “(iv) accurately record any exposure to occupational and environmental health risks during the course of their deployment.”.

(2) RECORDKEEPING.—Subsection (c) of such section is amended by inserting after “deployment area” the following: “(including the results of any assessment performed by the Secretary of occupational and environmental health risks for such area)”.

(b) POSTDEPLOYMENT MEDICAL EXAMINATION AND REASSESSMENTS.—Section 1074f of title 10, United States Code, as amended by subsection (a), is further amended by adding at the end the following new subsection:

“(g) ADDITIONAL REQUIREMENTS FOR POSTDEPLOYMENT MEDICAL EXAMINATIONS AND HEALTH REASSESSMENTS.—(1) The Secretary of Defense shall standardize and make available to a provider that conducts a postdeployment medical examination or reassessment under the system described in subsection (a) questions relating to occupational and environmental health exposure.

“(2) The Secretary, to the extent practicable, shall ensure that the medical record of a member includes information on the external cause relating to a diagnosis of the member, including by associating an external cause code (as issued under the International Statistical Classification of Diseases and Related Health Problems, 10th Revision (or any successor revision)).”.

38 USC 527 note.

(c) ACCESS TO INFORMATION IN BURN PIT REGISTRY.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that all medical personnel of the Department of Defense have access to the information contained in the burn pit registry.

(2) BURN PIT REGISTRY DEFINED.—In this subsection, the term “burn pit registry” means the registry established under section 201 of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

SEC. 706. MODIFICATIONS TO POST-DEPLOYMENT MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

Time periods.

(a) REQUIRED ASSESSMENTS.—Section 1074m(a)(1) of title 10, United States Code, is amended by striking subparagraphs (C) and (D) and inserting the following new subparagraphs:

“(C) Subject to paragraph (3) and subsection (d), once during the period beginning on the date of redeployment from the contingency operation and ending on the date that is 21 days after the date on which the post-deployment leave of the member terminates.

“(D) Subject to subsection (d), not less than once annually—

“(i) beginning 21 days after the date on which the post-deployment leave of the member terminates; or

“(ii) if the assessment required by subparagraph (C) is performed during the period specified in paragraph (3), beginning 180 days after the date of redeployment from the contingency operation.”.

(b) **EXCEPTIONS.**—Section 1074m(a) of such title, as amended by subsection (a), is further amended by striking paragraph (2) and inserting the following new paragraphs:

“(2) A mental health assessment is not required for a member of the armed forces under subparagraphs (C) and (D) of paragraph (1) (including an assessment performed pursuant to paragraph (3)) if the Secretary determines that providing such assessment to the member during the time periods under such subparagraphs would remove the member from forward deployment or put members or operational objectives at risk.

“(3) A mental health assessment required under subparagraph (C) of paragraph (1) may be provided during the period beginning 90 days after the date of redeployment from the contingency operation and ending 180 days after such redeployment date if the Secretary determines that—

“(A) an insufficient number of personnel are available to perform the assessment during the time period under such subparagraph; or

“(B) an administrative processing issue exists upon the return of the member to the home unit or duty station that would prohibit the effective performance of the assessment during such time period.”.

(c) **ELIMINATION OF SUNSET FOR ASSESSMENTS DURING DEPLOYMENT.**—Section 1074m(a)(1)(B) of such title is amended by striking “Until January 1, 2019, once” and inserting “Once”.

(d) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply with respect to a date of redeployment that is on or after January 1, 2020.

10 USC 1074m
note.

SEC. 707. PROVISION OF BLOOD TESTING FOR FIREFIGHTERS OF DEPARTMENT OF DEFENSE TO DETERMINE EXPOSURE TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

10 USC 1074m
note.

(a) **IN GENERAL.**—Beginning on October 1, 2020, the Secretary of Defense shall provide blood testing to determine and document potential exposure to perfluoroalkyl and polyfluoroalkyl substances (commonly known as “PFAS”) for each firefighter of the Department of Defense during the annual physical exam conducted by the Department for each such firefighter.

Effective date.

(b) **FIREFIGHTER DEFINED.**—In this section, the term “firefighter” means someone whose primary job or military occupational specialty is being a firefighter.

Subtitle B—Health Care Administration

SEC. 711. MODIFICATION OF ORGANIZATION OF MILITARY HEALTH SYSTEM.

(a) **ADMINISTRATION OF MILITARY MEDICAL TREATMENT FACILITIES.**—Subsection (a) of section 1073c of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A), (B), (C), (D), (E), and (F) as subparagraphs (C), (D), (E), (G), (H), and (I), respectively;

(B) by inserting before subparagraph (C), as redesignated by subparagraph (A) of this paragraph, the following new subparagraphs:

“(A) provision and delivery of health care within each such facility;

“(B) management of privileging, scope of practice, and quality of health care provided within each such facility;”;

(C) by inserting after subparagraph (E), as so redesignated, the following new subparagraph:

“(F) supply and equipment;”;

(2) in paragraph (2)—

(A) by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (E), (F), (H), and (I), respectively;

(B) by inserting after subparagraph (C) the following new subparagraph (D):

“(D) to identify the capacity of each military medical treatment facility to support clinical readiness standards of health care providers established by the Secretary of a military department or the Assistant Secretary of Defense for Health Affairs;” and

(C) by striking subparagraph (F), as redesignated by subparagraph (A) of this paragraph, and inserting the following new subparagraphs:

“(F) to determine, in coordination with each Secretary of a military department, manning, including joint manning, assigned to military medical treatment facilities and intermediary organizations;

“(G) to select, after considering nominations from the Secretaries of the military departments, commanders or directors of military medical treatment facilities;”;

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by inserting “on behalf of the military departments,” before “ensuring”; and

(ii) by striking “and civilian employees”; and

(B) in subparagraph (B), by inserting “on behalf of the Defense Health Agency,” before “furnishing”.

(b) DHA ASSISTANT DIRECTOR.—Subsection (b)(2) of such section is amended by striking “equivalent education and experience” and all that follows and inserting “the education and experience to perform the responsibilities of the position.”.

(c) DHA DEPUTY ASSISTANT DIRECTORS.—Subsection (c) of such section is amended—

(1) in paragraph (2)(B), by striking “across the military health system” and inserting “at military medical treatment facilities”; and

(2) in paragraph (4)(B), by inserting “at military medical treatment facilities” before the period at the end.

(d) TREATMENT OF DEPARTMENT OF DEFENSE FOR PURPOSES OF PERSONNEL ASSIGNMENT.—Such section is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

Determination.
Coordination.

“(f) TREATMENT OF DEPARTMENT OF DEFENSE FOR PURPOSES OF PERSONNEL ASSIGNMENT.—In implementing this section—

“(1) the Department of Defense shall be considered a single agency for purposes of civilian personnel assignment under title 5; and

“(2) the Secretary of Defense may reassign any employee of a component of the Department of Defense or a military department in a position in the civil service (as defined in section 2101 of title 5) to any other component of the Department of Defense or military department.”.

(e) MILITARY MEDICAL TREATMENT FACILITY.—Subsection (g) of such section, as redesignated by subsection (d)(1), is amended by adding at the end the following new paragraph:

“(3) The term ‘military medical treatment facility’ means—

Definition.

“(A) any fixed facility of the Department of Defense that is outside of a deployed environment and used primarily for health care; and

“(B) any other location used for purposes of providing health care services as designated by the Secretary of Defense.”.

(f) TECHNICAL AMENDMENTS.—Subsection (a) of such section is amended—

(1) in paragraph (1), by striking “paragraph (4)” and inserting “paragraph (5)”;

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

(3) by redesignating the first paragraph (4) as paragraph (5); and

(4) by moving the second paragraph (4) so as to appear before paragraph (5), as redesignated by paragraph (3) of this subsection.

SEC. 712. SUPPORT BY MILITARY HEALTH SYSTEM OF MEDICAL REQUIREMENTS OF COMBATANT COMMANDS.

(a) IN GENERAL.—Section 712 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended—

(1) in subsection (a), by amending paragraph (1) to read as follows:

10 USC 1073c
note.

“(1) IN GENERAL.—The Secretary of Defense shall, acting through the Secretaries of the military departments, the Defense Health Agency, and the Joint Staff, implement an organizational framework of the military health system that effectively and efficiently implements chapter 55 of title 10, United States Code, to maximize the readiness of the medical force, promote interoperability, and integrate medical capabilities of the Armed Forces in order to enhance joint military medical operations in support of requirements of the combatant commands.”;

(2) in subsection (e), by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by moving such paragraphs so as to appear at the end of subsection (d);

(3) by striking subsection (e), as amended by paragraph (2) of this subsection;

(4) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively;

(5) by inserting after subsection (a) the following new subsection (b):

“(b) ADDITIONAL DUTIES OF SURGEONS GENERAL OF THE ARMED FORCES.—The Surgeons General of the Armed Forces shall have the following duties:

“(1) To ensure the readiness for operational deployment of medical and dental personnel and deployable medical or dental teams or units of the Armed Force or Armed Forces concerned.

“(2) To meet medical readiness standards, subject to standards and metrics established by the Assistant Secretary of Defense for Health Affairs.

“(3) With respect to uniformed medical and dental personnel of the military department concerned—

“(A) to assign such personnel—

“(i) primarily to military medical treatment facilities, under the operational control of the commander or director of the facility; or

“(ii) secondarily to partnerships with civilian or other medical facilities for training activities specific to such military department; and

“(B) to maintain readiness of such personnel for operational deployment.

“(4) To provide logistical support for operational deployment of medical and dental personnel and deployable medical or dental teams or units of the Armed Force or Armed Forces concerned.

“(5) To oversee mobilization and demobilization in connection with the operational deployment of medical and dental personnel of the Armed Force or Armed Forces concerned.

“(6) To develop operational medical capabilities required to support the warfighter, and to develop policy relating to such capabilities.

“(7) To provide health professionals to serve in leadership positions across the military healthcare system.

“(8) To deliver operational clinical services under the operational control of the combatant commands—

“(A) on ships and planes; and

“(B) on installations outside of military medical treatment facilities.

“(9) To manage privileging, scope of practice, and quality of health care in the settings described in paragraph (8).”;

(6) in subsection (c), as redesignated by paragraph (4) of this subsection—

(A) in the subsection heading, by inserting “AGENCY” before “REGIONS”; and

(B) in paragraph (1)—

(i) in the paragraph heading, by inserting “AGENCY” before “REGIONS”; and

(ii) by striking “defense health” and inserting “Defense Health Agency”;

(7) in subsection (d), as redesignated by paragraph (4) of this subsection—

(A) in the subsection heading, by inserting “AGENCY” before “REGIONS”;

(B) in the matter preceding paragraph (1), by striking “defense health” and inserting “Defense Health Agency”; and

(C) in paragraph (3), by striking “subsection (b)” and inserting “subsection (c)”; and

(8) in subsection (e), as redesignated by paragraph (4) of this subsection—

(A) in paragraph (2)—

(i) by amending subparagraph (A) to read as follows:

“(A) IN GENERAL.—The Secretaries of the military departments shall coordinate with the Chairman of the Joint Chiefs of Staff to direct resources allocated to the military departments to support requirements related to readiness and operational medicine support that are established by the combatant commands and validated by the Joint Staff.”; and

Coordination.

(ii) in subparagraph (B), in the matter preceding clause (i), by striking “Based on” and all that follows through “shall—” and inserting “The Director of the Defense Health Agency, in coordination with the Assistant Secretary of Defense for Health Affairs, shall—”;

(B) in paragraph (3), as moved and redesignated by paragraph (2) of this subsection, in the second sentence—

(i) by inserting “primarily” before “through”; and

(ii) by inserting “, in coordination with the Secretaries of the military departments,” after “the Defense Health Agency”; and

(C) by adding at the end the following:

“(5) MANPOWER.—

“(A) ADMINISTRATIVE CONTROL OF MILITARY PERSONNEL.—Each Secretary of a military department shall exercise administrative control of members of the Armed Forces assigned to military medical treatment facilities, including personnel assignment and issuance of military orders.

“(B) OVERSIGHT OF CERTAIN PERSONNEL BY THE DIRECTOR OF THE DEFENSE HEALTH AGENCY.—In situations in which members of the Armed Forces provide health care services at a military medical treatment facility, the Director of the Defense Health Agency shall maintain operational control over such members and oversight for the provision of care delivered by such members through policies, procedures, and privileging responsibilities of the military medical treatment facility.”.

(b) CONFORMING AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading for section 712 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended to read as follows:

10 USC 1073c
note.

“SEC. 712. SUPPORT BY MILITARY HEALTHCARE SYSTEM OF MEDICAL REQUIREMENTS OF COMBATANT COMMANDS.”.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by striking the item relating to section 712 and inserting the following new item:

“Sec. 712. Support by military healthcare system of medical requirements of combatant commands.”.

SEC. 713. REQUIREMENTS FOR CERTAIN PRESCRIPTION DRUG LABELS.

(a) REQUIREMENT.—Section 1074g of title 10, United States Code, is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

“(h) LABELING.—The Secretary of Defense shall ensure that drugs made available through the facilities of the armed forces under the jurisdiction of the Secretary include labels and other labeling that are in compliance with the requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).”.

(b) CONFORMING AMENDMENT.—Subsection (b)(1) of such section is amended by striking “under subsection (h)” and inserting “under subsection (j)”.

(c) IMPLEMENTATION.—Beginning not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall implement subsection (h) of section 1074g of title 10, United States Code, as added by subsection (a).

SEC. 714. OFFICERS AUTHORIZED TO COMMAND ARMY DENTAL UNITS.

Section 7081(d) of title 10, United States Code, is amended by striking “Dental Corps Officer” and inserting “commissioned officer of the Army Medical Department”.

SEC. 715. IMPROVEMENTS TO INTERAGENCY PROGRAM OFFICE OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.

(a) LEADERSHIP.—Subsection (c) of section 1635 of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended to read as follows:

“(c) LEADERSHIP.—

“(1) DIRECTOR.—The Director of the Office shall be the head of the Office.

“(2) DEPUTY DIRECTOR.—The Deputy Director of the Office shall be the deputy head of the Office and shall assist the Director in carrying out the duties of the Director.

“(3) REPORTING.—The Director shall report directly to the Deputy Secretary of Defense and the Deputy Secretary of Veterans Affairs.

“(4) APPOINTMENTS.—

“(A) DIRECTOR.—The Director shall be appointed by the Secretary of Defense, with the concurrence of the Secretary of Veterans Affairs, for a fixed term of four years. For the subsequent term, the Secretary of Veterans Affairs, with the concurrence of the Secretary of Defense, shall appoint the Director for a fixed term of four years, and thereafter, the appointment of the Director for a fixed term of four years shall alternate between the Secretaries.

Deadline.
10 USC 1074g
note.

“(B) DEPUTY DIRECTOR.—The Deputy Director shall be appointed by the Secretary of Veterans Affairs, with the concurrence of the Secretary of Defense, for a fixed term of four years. For the subsequent term, the Secretary of Defense, with the concurrence of the Secretary of Veterans Affairs, shall appoint the Deputy Director for a fixed term of four years, and thereafter, the appointment of the Deputy Director for a fixed term of four years shall alternate between the Secretaries.

“(C) MINIMUM QUALIFICATIONS.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop qualification requirements for the Director and the Deputy Director. Such requirements shall ensure that, at a minimum, the Director and Deputy Director, individually or together, meet the following qualifications:

“(i) Significant experience at a senior management level fielding enterprise-wide technology in a health care setting, or business systems in the public or private sector.

“(ii) Credentials for enterprise-wide program management.

“(iii) Significant experience leading implementation of complex organizational change by integrating the input of experts from various disciplines, such as clinical, business, management, informatics, and technology.

“(5) SUCCESSION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a leadership succession process for the Office.

“(6) ADDITIONAL GUIDANCE.—The Department of Veterans Affairs-Department of Defense Joint Executive Committee may provide guidance in the discharge of the functions of the Office under this section.

“(7) INFORMATION TO CONGRESS.—Upon request by any of the appropriate committees of Congress, the Director and the Deputy Director shall testify before such committee, or provide a briefing or otherwise provide requested information to such committee, regarding the discharge of the functions of the Office under this section.”

Testimony.
Briefing.

(b) AUTHORITY.—Paragraph (1) of subsection (b) of such section is amended by adding at the end the following new sentence: “The Office shall carry out decision making authority delegated to the Office by the Secretary of Defense and the Secretary of Veterans Affairs with respect to the definition, coordination, and management of functional, technical, and programmatic activities that are jointly used, carried out, and shared by the Departments.”

(c) PURPOSES.—Paragraph (2) of subsection (b) of such section is amended by adding at the end the following new subparagraphs:

“(C) To develop and implement a comprehensive interoperability strategy, which shall include—

Strategy.

“(i) the Electronic Health Record Modernization Program of the Department of Veterans Affairs; and

“(ii) the Healthcare Management System Modernization Program of the Department of Defense.

“(D) To pursue the highest level of interoperability for the delivery of health care by the Department of Defense and the Department of Veterans Affairs.

“(E) To accelerate the exchange of health care information between the Departments, and advances in the health information technology marketplace, in order to support the delivery of health care by the Departments.

“(F) To collect the operational and strategic requirements of the Departments relating to the strategy under subsection (a) and communicate such requirements and activities to the Office of the National Coordinator for Health Information Technology of the Department of Health and Human Services for the purpose of implementing title IV of the 21st Century Cures Act (division A of Public Law 114–255), and the amendments made by that title, and other objectives of the Office of the National Coordinator for Health Information Technology.

“(G) To plan for and effectuate the broadest possible implementation of standards, specifically with respect to the Fast Healthcare Interoperability Resources standard or successor standard, the evolution of such standards, and the obsolescence of such standards.

“(H) To actively engage with national and international health standards setting organizations, including by taking membership in such organizations, to ensure that standards established by such organizations meet the needs of the Departments pursuant to the strategy under subsection (a), and oversee and approve adoption of and mapping to such standards by the Departments.

“(I) To express the content and format of health data of the Departments using a common language to improve the exchange of data between the Departments and with the private sector, and to ensure that clinicians of the Departments have access to integrated, computable, comprehensive health records of patients.

“(J) To inform the Chief Information Officer of the Department of Defense and the Chief Information Officer of the Department of Veterans Affairs of any activities of the Office affecting or relevant to cybersecurity.

“(K) To establish an environment that will enable and encourage the adoption by the Departments of innovative technologies for health care delivery.

“(L) To leverage data integration to advance health research and develop an evidence base for the health care programs of the Departments.

“(M) To prioritize the use of open systems architecture by the Departments.

“(N) To ensure ownership and control by patients of personal health information and data in a manner consistent with applicable law.

“(O) To prevent contractors of the Departments or other non-departmental entities from owning or having exclusive control over patient health data, for the purposes of protecting patient privacy and enhancing opportunities for innovation.

“(P) To implement a single lifetime longitudinal personal health record between the Department of Defense and the Department of Veterans Affairs.

“(Q) To attain interoperability capabilities—

“(i) sufficient to enable the provision of seamless health care by health care facilities and providers of the Departments, as well as private sector facilities and providers contracted by the Departments; and

“(ii) that are more adaptable and far reaching than those achievable through bidirectional information exchange between electronic health records of the exchange of read-only data alone.

“(R) To make maximum use of open-application program interfaces and the Fast Healthcare Interoperability Resources standard (or successor standard).”.

(d) IMPLEMENTATION MILESTONES.—Subsection (e) of such section is amended to read as follows:

“(e) IMPLEMENTATION MILESTONES.—

“(1) EVALUATION.—With respect to the electronic health record systems of the Department of Defense and the Department of Veterans Affairs, the Office shall seek to enter into an agreement with an independent entity to conduct an evaluation by not later than October 1, 2021 of the following:

Contracts.
Deadline.

“(A) Whether a clinician of the Department of Defense, can access, and meaningfully interact with, a complete patient health record of a veteran, from a military medical treatment facility.

“(B) Whether a clinician of the Department of Veterans Affairs can access, and meaningfully interact with, a complete patient health record of a member of the Armed Forces serving on active duty, from a medical center of the Department of Veterans Affairs.

“(C) Whether clinicians of the Departments can access, and meaningfully interact with, the data elements of the health record of a patient who is a veteran or is a member of the Armed Forces which are generated when the individual receives health care from a community care provider of the Department of Veterans Affairs or a TRICARE program provider of the Department of Defense.

“(D) Whether a community care provider of the Department of the Veterans Affairs and a TRICARE program provider of the Department of Defense on a Health Information Exchange-supported electronic health record can access patient health records of veterans and active-duty members of the Armed Forces from the system of the provider.

“(E) An assessment of interoperability between the legacy electronic health record systems and the future electronic health record systems of the Department of Veterans Affairs and the Department of Defense.

Assessment.

“(F) An assessment of the use of interoperable content between—

Assessment.

“(i) the legacy electronic health record systems and the future electronic health record systems of the Department of Veterans Affairs and the Department of Defense; and

“(ii) third-party applications.

“(2) SYSTEM CONFIGURATION MANAGEMENT.—The Office shall—

“(A) maintain the common configuration baseline for the electronic health record systems of the Department of Defense and the Department of Veterans Affairs; and

“(B) continually evaluate the state of configuration and the impacts on interoperability; and

“(C) promote the enhancement of such electronic health records systems.

“(3) CONSULTATION.—

“(A) ANNUAL MEETING REQUIRED.—Not less than once per year, the Office shall convene a meeting of clinical staff from the Department of Defense, the Department of Veterans Affairs, the Coast Guard, community providers, and other leading clinical experts, for the purpose of assessing the state of clinical use of the electronic health record systems and whether the systems are meeting clinical and patient needs.

“(B) RECOMMENDATIONS.—Clinical staff participating in a meeting under subparagraph (A) shall make recommendations to the Office on the need for any improvements or concerns with the electronic health record systems.

Time period.

“(4) CLINICAL AND PATIENT SATISFACTION SURVEY.—Beginning October 1, 2021, and on at least a biannual basis thereafter until 2025 at the earliest, the Office shall undertake a clinician and patient satisfaction survey regarding clinical use and patient experience with the electronic health record systems of the Department of Defense and the Department of Veterans Affairs.”.

(e) RESOURCES AND STAFFING.—Subsection (g) of such section is amended—

(1) in paragraph (1), by inserting before the period at the end the following: “, including the assignment of clinical or technical personnel of the Department of Defense or the Department of Veterans Affairs to the Office”; and

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

“(3) COST SHARING.—The Secretary of Defense and the Secretary of Veterans Affairs shall enter into an agreement on cost sharing and providing resources for the operations and staffing of the Office.

“(4) HIRING AUTHORITY.—The Secretary of Defense and the Secretary of Veterans Affairs shall delegate to the Director the authority under title 5, United States Code, regarding appointments in the competitive service to hire personnel of the Office.”.

(f) REPORTS.—Subsection (h) of such section is amended to read as follows:

“(h) REPORTS.—

“(1) ANNUAL REPORTS.—Not later than September 30, 2020, and each year thereafter through 2024, the Director shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to the appropriate committees of Congress, a report on the activities of the Office during the preceding calendar year. Each report shall include the following:

“(A) A detailed description of the activities of the Office during the year covered by such report, including a detailed description of the amounts expended and the purposes for which expended.

“(B) With respect to the objectives of the strategy under paragraph (2)(C) of subsection (b), and the purposes of the Office under such subsection—

“(i) a discussion, description, and assessment of the progress made by the Department of Defense and the Department of Veterans Affairs during the preceding calendar year; and

Assessment.

“(ii) a discussion and description of the goals of the Department of Defense and the Department of Veterans Affairs for the following calendar year, including updates to strategies and plans.

“(C) A detailed financial summary of the activities of the Office, including the funds allocated to the Office by each Department, the expenditures made, and an assessment as to whether the current funding is sufficient to carry out the activities of the Office.

Financial
summary.
Assessment.

“(D) A detailed description of the status of each of the implementation milestones, including the nature of the evaluation, methodology for testing, and findings with respect to each milestone under subsection (e).

“(E) A detailed description of the state of the configuration baseline, including any activities which decremented or enhanced the state of configuration under subsection (e).

“(F) With respect to the annual meeting required under subsection (e)(3)—

“(i) a detailed description of activities, assessments, and recommendations relating to such meeting; and

“(ii) the response of the Office to any such recommendations.

“(2) AVAILABILITY.—Each report under this subsection shall be made publicly available.”

Public
information.

(g) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection (k):

“(k) DEFINITIONS.—In this section:

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

“(A) the congressional defense committees; and

“(B) the Committees on Veterans’ Affairs of the House of Representatives and the Senate.

“(2) The term ‘configuration baseline’ means a fixed reference in the development cycle or an agreed-upon specification of a product at a point in time that serves as a documented basis for defining incremental change in all aspects of an information technology product.

“(3) The term ‘Electronic Health Record Modernization Program’ has the meaning given that term in section 503 of the Veterans Benefits and Transition Act of 2018 (Public Law 115–407; 132 Stat. 5376).

“(4) The term ‘interoperability’ means the ability of different information systems, devices, or applications to connect, regardless of the technology platform or the location where care is provided—

“(A) in a coordinated and secure manner, within and across organizational boundaries, and across the complete spectrum of care, including all applicable care settings;

“(B) with relevant stakeholders, including the person whose information is being shared, to access, exchange,

integrate, and use computable data regardless of the origin or destination of the data or the applications employed;

“(C) with the capability to reliably exchange information without error;

“(D) with the ability to interpret and to make effective use of such exchanged information;

“(E) with the ability for information that can be used to advance patient care to move between health care entities; and

“(F) without additional intervention by the end user.

“(5) The term ‘meaningfully interact’ means the ability to view, consume, act upon, and edit information in a clinical setting to facilitate high-quality clinical decision making.

“(6) The term ‘seamless health care’ means health care which is optimized through access by patients and clinicians to integrated, relevant, and complete information about the clinical experiences of the patient, social and environmental determinants of health, and health trends over time, in order to enable patients and clinicians to—

“(A) move efficiently within and across organizational boundaries;

“(B) make high-quality decisions; and

“(C) effectively carry out complete plans of care.

“(7) The term ‘Secretary concerned’ means—

“(A) the Secretary of Defense, with respect to matters concerning the Department of Defense;

“(B) the Secretary of Veterans Affairs, with respect to matters concerning the Department of Veterans Affairs; and

“(C) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy.

“(8) The term ‘TRICARE program’ has the meaning given that term in section 1072 of title 10, United States Code.”.

(h) INTEROPERABILITY STRATEGY.—

(1) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Director shall submit to each Secretary concerned and to the appropriate congressional committees a report that contains a comprehensive interoperability strategy with respect to electronic health records jointly developed by the Secretary of Defense and Secretary of Veterans Affairs, including any accompanying or associated implementation plans and supporting plans.

(2) ELEMENTS.—The comprehensive interoperability strategy under paragraph (1) shall discuss the purposes described in paragraphs (K) through (R) of section 1635(b)(2) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note), as amended by subsection (c).

(3) DEFINITIONS.—In this subsection:

(A) The term “appropriate congressional committees” means—

(i) the Committees on Armed Services of the Senate and the House of Representatives; and

(ii) the Committees on Veterans’ Affairs of the Senate and the House of Representatives.

(B) The term “Director” means the individual described in section 1635(c) of the Wounded Warrior Act (title XVI

of Public Law 110–181; 10 U.S.C. 1071 note), as amended by subsection (a).

(C) The term “interoperability” has the meaning given that term in subsection (k) of such section, as added by subsection (g).

(i) **CONFORMING REPEAL.**—Section 713 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 1071 note) is repealed.

SEC. 716. EXPANSION OF STRATEGY TO IMPROVE ACQUISITION OF MANAGED CARE SUPPORT CONTRACTS UNDER TRICARE PROGRAM.

Section 705(c)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 1073a note) is amended, in the matter preceding subparagraph (A), by striking “, other than overseas medical support contracts”.

SEC. 717. INCLUSION OF BLAST EXPOSURE HISTORY IN MEDICAL RECORDS OF MEMBERS OF THE ARMED FORCES.

10 USC 1071
note.

(a) **REQUIREMENT.**—If a covered incident occurs with respect to a member of the Armed Forces, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall document blast exposure history in the medical record of the member to assist in determining whether a future illness or injury of the member is service-connected and inform future blast exposure risk mitigation efforts of the Department of Defense.

Coordination.

(b) **ELEMENTS.**—A blast exposure history under subsection (a) shall include, at a minimum, the following:

(1) The date of the exposure.

(2) The duration of the exposure, and, if known, the measured blast pressure experienced by the individual during such exposure.

(3) Whether the exposure occurred during combat or training.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the types of information included in a blast exposure history under subsection (a).

(d) **COVERED INCIDENT DEFINED.**—In this section, the term “covered incident” means a concussive event or injury that requires a military acute concussive evaluation by a skilled health care provider.

SEC. 718. COMPREHENSIVE POLICY FOR PROVISION OF MENTAL HEALTH CARE TO MEMBERS OF THE ARMED FORCES.

10 USC 1074
note.

(a) **POLICY REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, shall develop and implement a comprehensive policy for the provision of mental health care to members of the Armed Forces.

Deadline.

(b) **ELEMENTS.**—The policy under subsection (a) shall address each of the following:

(1) The compliance of health professionals in the military health system engaged in the provision of health care services to members with clinical practice guidelines for—

(A) suicide prevention;

(B) medication-assisted therapy for alcohol use disorders; and

(C) medication-assisted therapy for opioid use disorders.

(2) The access and availability of mental health care services to members who are victims of sexual assault or domestic violence.

(3) The availability of naloxone reversal capability on military installations.

(4) The promotion of referrals of members by civilian health care providers to military medical treatment facilities when such members are—

(A) at high risk for suicide and diagnosed with a psychiatric disorder; or

(B) receiving treatment for opioid use disorders.

(5) The provision of comprehensive behavioral health treatment to members of the reserve components that takes into account the unique challenges associated with the deployment pattern of such members and the difficulty such members encounter post-deployment with respect to accessing such treatment in civilian communities.

(c) **CONSIDERATION.**—In developing the policy under subsection (a), the Secretary of Defense shall solicit and consider recommendations from the Secretaries of the military departments and the Chairman of the Joint Chiefs of Staff regarding the feasibility of implementation and execution of particular elements of the policy.

(d) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the policy under subsection (a).

SEC. 719. LIMITATION ON THE REALIGNMENT OR REDUCTION OF MILITARY MEDICAL MANNING END STRENGTH.

(a) **LIMITATION.**—Except as provided by subsection (d), the Secretary of Defense and the Secretaries concerned may not realign or reduce military medical end strength authorizations until—

(1) each review is conducted under paragraph (1) of subsection (b);

(2) each analysis is conducted under paragraph (2) of such subsection;

(3) the measurement is developed under paragraph (3) of such subsection;

(4) each plan and forum is provided under paragraph (4) of such subsection; and

(5) a period of 90 days elapses following the date on which the Secretary submits the report under subsection (c).

(b) **REVIEWS, ANALYSES, AND OTHER INFORMATION.**—

(1) **REVIEW.**—Each Secretary concerned, in coordination with the Chairman of the Joint Chiefs of Staff, shall conduct a review of the medical manpower requirements of the military department of the Secretary that accounts for all national defense strategy scenarios.

(2) **ANALYSES.**—With respect to each military medical treatment facility that would be affected by a proposed military medical end strength realignment or reduction, the Secretary concerned shall conduct an analysis that—

Time period.

Coordination.

(A) identifies affected billets; and

(B) includes a plan for mitigating any potential gap in health care services caused by such realignment or reduction. Plan.

(3) MEASUREMENT.—The Secretary of Defense shall—

(A) develop a standard measurement for network adequacy to determine the capacity of the local health care network to provide care for covered beneficiaries in the area of a military medical treatment facility that would be affected by a proposed military medical end strength realignment or reduction; and Determination.

(B) use such measurement in carrying out this section and otherwise evaluating proposed military medical end strength realignment or reductions.

(4) OUTREACH.—The Secretary of Defense shall provide to each member of the Armed Forces and covered beneficiary located in the area of a military medical treatment facility that would be affected by a proposed military medical end strength realignment or reduction the following:

(A) A transition plan for continuity of health care services. Plan.

(B) A public forum to discuss the concerns of the member and covered beneficiary regarding such proposed realignment or reduction.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the proposed military medical end strength realignments or reductions, including—

(1) the reviews, analyses, and other information developed under subsection (b); and

(2) a description of the actions the Secretary plans to take with respect to such proposed realignments or reductions.

(d) EXCEPTION.—

(1) IN GENERAL.—The limitation in subsection (a) shall not apply—

(A) to administrative billets of a medical department of a military department that have remained unfilled since at least October 1, 2018;

(B) to billets identified as non-clinical in the budget of the President for fiscal year 2020 submitted to Congress pursuant to section 1105 of title 31, United States Code, except that the amount of such billets shall not exceed 1,700; and

(C) to medical headquarters billets of the military departments not assigned or directly supporting to operational commands.

(2) DETERMINATION PRIOR TO REALIGNMENT OR REDUCTION.—The Secretary concerned may realign or reduce a billet described in paragraph (1) if the Secretary determines that such realignment or reduction does not affect the provision of health care services to members of the Armed Forces or covered beneficiaries.

(e) DEFINITIONS.—In this section:

(1) The term “covered beneficiary” has the meaning given that term in section 1072 of title 10, United States Code.

(2) The term “proposed military medical end strength realignment or reduction” means a realignment or reduction of military medical end strength authorizations as proposed by the budget of the President for fiscal year 2020 submitted to Congress pursuant to section 1105 of title 31, United States Code.

(3) The term “Secretary concerned” means—

(A) the Secretary of the Army, with respect to matters concerning the Army;

(B) the Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Department of the Navy; and

(C) the Secretary of the Air Force, with respect to matters concerning the Air Force.

SEC. 720. STRATEGY TO RECRUIT AND RETAIN MENTAL HEALTH PROVIDERS.

Reports.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that—

(1) describes the shortage of mental health providers of the Department of Defense;

(2) explains the reasons for such shortage;

(3) explains the effect of such shortage on members of the Armed Forces; and

(4) contains a strategy to better recruit and retain mental health providers, including with respect to psychiatrists, psychologists, mental health nurse practitioners, licensed social workers, and other licensed providers of the military health system, in a manner that addresses the need for cultural competence and diversity among such mental health providers.

10 USC 1071
note.

SEC. 721. DEVELOPMENT OF PARTNERSHIPS TO IMPROVE COMBAT CASUALTY CARE FOR PERSONNEL OF THE ARMED FORCES.

(a) PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary of Defense, through the Joint Trauma Education and Training Directorate established under section 708 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 1071 note), may develop partnerships with civilian academic medical centers and large metropolitan teaching hospitals to improve combat casualty care for personnel of the Armed Forces.

(2) PARTNERSHIPS WITH LEVEL I TRAUMA CENTERS.—In carrying out partnerships under paragraph (1), trauma surgeons and physicians of the Department of Defense may partner with level I civilian trauma centers to provide training and readiness for the next generation of medical providers to treat critically injured burn patients.

(b) SUPPORT OF PARTNERSHIPS.—The Secretary of Defense may make every effort to support partnerships under the Joint Trauma Education and Training Directorate with academic institutions that have level I civilian trauma centers, specifically those centers with a burn center, that offer burn rotations and clinical experience to provide training and readiness for the next generation of medical providers to treat critically injured burn patients.

(c) **LEVEL I CIVILIAN TRAUMA CENTER DEFINED.**—In this section, the term “level I civilian trauma center” has the meaning given that term in section 708 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 1071 note).

SEC. 722. MODIFICATION TO REFERRALS FOR MENTAL HEALTH SERVICES.

10 USC 1071
note.

If the Secretary of Defense is unable to provide mental health services in a military medical treatment facility to a member of the Armed Forces within 15 days of the date on which such services are first requested by the member, the Secretary may refer the member to a provider under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code) to receive such services.

Deadline.

Subtitle C—Reports and Other Matters

SEC. 731. AUTHORIZATION OF CLAIMS BY MEMBERS OF THE UNIFORMED SERVICES AGAINST THE UNITED STATES FOR PERSONAL INJURY OR DEATH CAUSED BY MEDICAL MALPRACTICE.

(a) **MEDICAL MALPRACTICE CLAIMS.**—

(1) **IN GENERAL.**—Chapter 163 of title 10, United States Code, is amended by inserting after section 2733 the following new section:

“§ 2733a. Medical malpractice claims by members of the uniformed services

10 USC 2733a.

“(a) **IN GENERAL.**—Consistent with this section and under such regulations as the Secretary of Defense shall prescribe under subsection (f), the Secretary may allow, settle, and pay a claim against the United States for personal injury or death incident to the service of a member of the uniformed services that was caused by the medical malpractice of a Department of Defense health care provider.

“(b) **REQUIREMENT FOR CLAIMS.**—A claim may be allowed, settled, and paid under subsection (a) only if—

“(1) the claim is filed by the member of the uniformed services who is the subject of the medical malpractice claimed, or by an authorized representative on behalf of such member who is deceased or otherwise unable to file the claim due to incapacitation;

“(2) the claim is for personal injury or death caused by the negligent or wrongful act or omission of a Department of Defense health care provider in the performance of medical, dental, or related health care functions while such provider was acting within the scope of employment;

“(3) the act or omission constituting medical malpractice occurred in a covered military medical treatment facility;

“(4) the claim is presented to the Department in writing within two years after the claim accrues;

Deadline.

“(5) the claim is not allowed to be settled and paid under any other provision of law; and

“(6) the claim is substantiated as prescribed in regulations prescribed by the Secretary of Defense under subsection (f).

“(c) **LIABILITY.**—(1) The Department of Defense is liable for only the portion of compensable injury, loss, or damages attributable to the medical malpractice of a Department of Defense health care provider.

“(2) The Department of Defense shall not be liable for the attorney fees of a claimant under this section.

Determination.

“(d) **PAYMENT OF CLAIMS.**—(1) If the Secretary of Defense determines, pursuant to regulations prescribed by the Secretary under subsection (f), that a claim under this section in excess of \$100,000 is meritorious, and the claim is otherwise payable under this section, the Secretary may pay the claimant \$100,000 and report any meritorious amount in excess of \$100,000 to the Secretary of the Treasury for payment under section 1304 of title 31.

“(2) Except as provided in paragraph (1), no claim may be paid under this section unless the amount tendered is accepted by the claimant in full satisfaction.

“(e) **REPORTING MEDICAL MALPRACTICE.**—Not later than 30 days after a determination of medical malpractice or the payment of all or part of a claim under this section, the Secretary of Defense shall submit to the Director of the Defense Health Agency a report documenting such determination or payment to be used by the Director for all necessary and appropriate purposes, including medical quality assurance.

“(f) **REGULATIONS.**—(1) The Secretary of Defense shall prescribe regulations to implement this section.

“(2) Regulations prescribed by the Secretary under paragraph (1) shall include the following:

Procedures.

“(A) Policies and procedures to ensure the timely, efficient, and effective processing and administration of claims under this section, including—

“(i) the filing, receipt, investigation, and evaluation of a claim;

“(ii) the negotiation, settlement, and payment of a claim;

“(iii) such other matters relating to the processing and administration of a claim, including an administrative appeals process, as the Secretary considers appropriate.

Standards.

“(B) Uniform standards consistent with generally accepted standards used in a majority of States in adjudicating claims under chapter 171 of title 28 (commonly known as the ‘Federal Tort Claims Act’) to be applied to the evaluation, settlement, and payment of claims under this section without regard to the place of occurrence of the medical malpractice giving rise to the claim or the military department or service of the member of the uniformed services, and without regard to foreign law in the case of claims arising in foreign countries, including uniform standards to be applied to determinations with respect to—

“(i) whether an act or omission by a Department of Defense health care provider in the context of performing medical, dental, or related health care functions was negligent or wrongful, considering the specific facts and circumstances;

“(ii) whether the personal injury or death of the member was caused by a negligent or wrongful act or omission of a Department of Defense health care provider in the context of performing medical, dental, or related

health care functions, considering the specific facts and circumstances;

“(iii) requirements relating to proof of duty, breach of duty, and causation resulting in compensable injury or loss, subject to such exclusions as may be established by the Secretary of Defense; and

“(iv) calculation of damages.

“(C) Such other matters as the Secretary considers appropriate.

“(3) In order to implement expeditiously the provisions of this section, the Secretary may prescribe the regulations under this subsection—

“(A) by prescribing an interim final rule; and

“(B) not later than one year after prescribing such interim final rule and considering public comments with respect to such interim final rule, by prescribing a final rule.

Deadline.
Public comment.

“(g) LIMITATION ON ATTORNEY FEES.—(1) No attorney shall charge, demand, receive, or collect for services rendered, fees in excess of 20 percent of any claim paid pursuant to this section.

“(2) Any attorney who charges, demands, receives, or collects for services rendered in connection with a claim under this section any amount in excess of the amount allowed under paragraph (1), if recovery be had, shall be fined not more than \$2,000, imprisoned not more than one year, or both.

“(h) ANNUAL REPORT.—Not less frequently than annually until 2025, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report—

“(1) indicating the number of claims processed under this section;

“(2) indicating the resolution of each such claim; and

“(3) describing any other information that may enhance the effectiveness of the claims process under this section.

“(i) DEFINITIONS.—In this section:

“(1) COVERED MILITARY MEDICAL TREATMENT FACILITY.—The term ‘covered military medical treatment facility’ means a facility described in subsection (b), (c), or (d) of section 1073d of this title.

“(2) DEPARTMENT OF DEFENSE HEALTH CARE PROVIDER.—The term ‘Department of Defense health care provider’ means a member of the uniformed services, civilian employee of the Department of Defense, or personal services contractor of the Department (under section 1091 of this title) authorized by the Department to provide health care services and acting within the scope of employment of such individual.

“(3) MEMBER OF THE UNIFORMED SERVICES.—The term ‘member of the uniformed services’ includes a member of a reserve component of the armed forces if the claim by the member under this section is in connection with personal injury or death that occurred while the member was in Federal status.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 163 of such title is amended by inserting after the item relating to section 2733 the following new item:

10 USC
prec. 2731.

“2733a. Medical malpractice claims by members of the uniformed services.”.

Deadline.

(b) INTERIM BRIEFING ON DEVELOPMENT OF REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the development of regulations under section 2733a(f) of title 10, United States Code, as added by subsection (a)(1).

(c) CONFORMING AMENDMENTS.—

(1) Section 2735 of such title is amended by striking “2733,” and inserting “2733, 2733a.”

(2) Section 1304(a)(3)(D) of title 31, United States Code, is amended by striking “2733,” and inserting “2733, 2733a.”

10 USC 2733a
note.

(d) EFFECTIVE DATE AND TRANSITION PROVISION.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim filed under section 2733a of such title, as added by subsection (a)(1), on or after January 1, 2020.

Time period.

(2) TRANSITION.—Any claim filed in calendar year 2020 shall be deemed to be filed within the time period specified in section 2733a(b)(4) of such title, as so added, if it is filed within three years after it accrues.

SEC. 732. EXTENSION AND CLARIFICATION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.

Title XVII of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2567) is amended—

(1) in section 1701—

(A) in subsection (a), by striking “Subject to subsection (b), the” and inserting “The”;

(B) by striking subsection (b); and

(C) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively;

(2) in section 1702(a)(1), by striking “hereafter in this title” and inserting “in this section”;

(3) in section 1703, in subsections (a) and (c), by striking “the facility” and inserting “the James A. Lovell Federal Health Care Center”;

(4) in section 1704—

(A) in subsections (a)(3), (a)(4)(A), and (b)(1), by striking “the facility” and inserting “the James A. Lovell Federal Health Care Center”; and

(B) in subsection (e), as most recently amended by section 731 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), by striking “September 30, 2020” and inserting “September 30, 2021”;

(5) in section 1705—

(A) in subsection (a), by striking “the facility” and inserting “the James A. Lovell Federal Health Care Center (in this section referred to as the ‘JALFHCC’)”;

(B) in subsection (b), in the matter preceding paragraph (1), by striking “the facility” and inserting “the JALFHCC”; and

(C) in subsection (c)—

(i) by striking “the facility” each place it appears and inserting “the JALFHCC”; and

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

“(4) To permit the JALFHCC to enter into personal services contracts to carry out health care responsibilities in the JALFHCC to the same extent and subject to the same conditions and limitations as apply under section 1091 of title 10, United States Code, to the Secretary of Defense with respect to health care responsibilities in medical treatment facilities of the Department of Defense.”.

SEC. 733. APPOINTMENT OF NON-EX OFFICIO MEMBERS OF THE HENRY M. JACKSON FOUNDATION FOR THE ADVANCEMENT OF MILITARY MEDICINE.

(a) **APPOINTMENT BY NON-EX OFFICIO MEMBERS.**—Subparagraph (C) of paragraph (1) of section 178(c) of title 10, United States Code, is amended to read as follows:

“(C) six members, each of whom shall be appointed at the expiration of the term of a member appointed under this subparagraph, as provided for in paragraph (2), by the members currently serving on the Council pursuant to this subparagraph and paragraph (2), including the member whose expiring term is so being filled by such appointment.”.

(b) **REPEAL OF OBSOLETE AUTHORITY ESTABLISHING STAGGERED TERMS.**—Paragraph (2) of such section is amended—

(1) by striking “except that—” and all that follows through “any person” and inserting “except that any person”;

(2) by striking “; and” and inserting a period; and

(3) by striking subparagraph (B).

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) **CONSTRUCTION FOR CURRENT MEMBERS.**—Nothing in the amendments made by this section shall be construed to terminate or otherwise alter the appointment or term of service of members of the Henry M. Jackson Foundation for the Advancement of Military Medicine who are so serving on the date of the enactment of this Act pursuant to an appointment under paragraph (1)(C) or (2) of section 178(c) of title 10, United States Code, made before that date.

10 USC 178 note.

SEC. 734. ESTABLISHMENT OF ACADEMIC HEALTH SYSTEM IN NATIONAL CAPITAL REGION.

(a) **IN GENERAL.**—Chapter 104 of title 10, United States Code, is amended by inserting after section 2113a the following new section:

“§ 2113b. Academic Health System

10 USC 2113b.

“(a) **IN GENERAL.**—The Secretary of Defense may establish an Academic Health System to integrate the health care, health professions education, and health research activities of the military health system, including under this chapter, in the National Capital Region.

“(b) **LEADERSHIP.**—(1) The Secretary may appoint employees of the Department of Defense to leadership positions in the Academic Health System established under subsection (a).

Appointments.

“(2) Such positions may include responsibilities for management of the health care, health professions education, and health research

activities described in subsection (a) and are in addition to similar leadership positions for members of the armed forces.

“(c) NATIONAL CAPITAL REGION DEFINED.—In this section, the term ‘National Capital Region’ means the area, or portion thereof, as determined by the Secretary, in the vicinity of the District of Columbia.”.

10 USC
prec. 2112.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 104 of such title is amended by inserting after the item relating to section 2113a the following new item:

“2113b. Academic Health System.”.

SEC. 735. PROVISION OF VETERINARY SERVICES BY VETERINARY PROFESSIONALS OF THE DEPARTMENT OF DEFENSE IN EMERGENCIES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 1060c.

“§ 1060c. Provision of veterinary services in emergencies

“(a) IN GENERAL.—A veterinary professional described in subsection (b) may provide veterinary services for the purposes described in subsection (c) in any State, the District of Columbia, or a territory or possession of the United States, without regard to where such veterinary professional or the patient animal are located, if the provision of such services is within the scope of the authorized duties of such veterinary professional for the Department of Defense.

“(b) VETERINARY PROFESSIONAL DESCRIBED.—A veterinary professional described in this subsection is an individual who is—

“(1)(A) a member of the armed forces, a civilian employee of the Department of Defense, or otherwise credentialed and privileged at a Federal veterinary institution or location designated by the Secretary of Defense for purposes of this section; or

“(B) a member of the National Guard performing training or duty under section 502(f) of title 32;

“(2) certified as a veterinary professional by a certification recognized by the Secretary of Defense; and

“(3) currently licensed by a State, the District of Columbia, or a territory or possession of the United States to provide veterinary services.

“(c) PURPOSES DESCRIBED.—The purposes described in this subsection are veterinary services in response to any of the following:

“(1) A national emergency declared by the President pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.).

“(2) A major disaster or an emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

“(3) A public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d).

“(4) An extraordinary emergency, as determined by the Secretary of Agriculture under section 10407(b) of the Animal Health Protection Act (7 U.S.C. 8306(b)).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 1060b the following new item:

10 USC
prec. 1030.

“1060c. Provision of veterinary services in emergencies.”.

SEC. 736. THREE-YEAR EXTENSION OF AUTHORITY TO CONTINUE THE DOD-VA HEALTH CARE SHARING INCENTIVE FUND.

Section 8111(d)(3) of title 38, United States Code, is amended by striking “September 30, 2020” and inserting, “September 30, 2023”.

SEC. 737. PRESERVATION OF RESOURCES OF THE ARMY MEDICAL RESEARCH AND MATERIEL COMMAND AND CONTINUATION AS CENTER OF EXCELLENCE.

Effective dates.

(a) IN GENERAL.—The Secretary of Defense shall preserve the resources of the Army Medical Research and Materiel Command for use by such command, which shall include manpower and funding, at not less than the level of such resources as of the date of the enactment of this Act until September 30, 2022.

(b) TRANSFER OF FUNDS.—On October 1, 2022, all amounts available for the Army Medical Research and Materiel Command shall be transferred from accounts for research, development, test, and evaluation for the Army to accounts for the Defense Health Program.

(c) CONTINUATION AS CENTER OF EXCELLENCE.—After September 30, 2022, the Army Medical Research and Materiel Command and Fort Detrick shall continue to serve as a Center of Excellence for Joint Biomedical Research, Development and Acquisition Management for efforts undertaken under the Defense Health Program.

SEC. 738. ENCOURAGEMENT OF PARTICIPATION IN WOMEN'S HEALTH TRANSITION TRAINING PILOT PROGRAM.

(a) ENCOURAGEMENT OF PARTICIPATION.—The Secretaries of the military departments shall encourage female members of the Armed Forces who are separating or retiring from the Armed Forces during fiscal year 2020 to participate in the Women's Health Transition Training pilot program (in this section referred to as the “pilot program”) administered by the Secretary of Veterans Affairs.

(b) SELECTION.—Each Secretary of a military department shall select at least one location at which the pilot program is offered and encourage participation in the pilot program at such location.

(c) REPORT.—Not later than September 30, 2020, the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall submit to the Committees on Armed Services of the Senate and the House of Representatives and the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the pilot program that includes the following:

Consultation.

(1) For the period since the commencement of the pilot program—

- (A) the number of courses held under the pilot program;
- (B) the locations at which such courses were held;

and

- (C) for each location identified in subparagraph (B)—
 - (i) the number of female members by military department (with respect to Department of the Navy,

separately for the Navy and Marine Corps) who participated in the pilot program; and

(ii) the number of seats available under the pilot program.

(2) Data relating to—

(A) satisfaction with courses held under the pilot program;

(B) improved awareness of health care services administered by the Secretary of Veterans Affairs; and

(C) any other available statistics regarding the pilot program.

(3) A discussion of regulatory, legal, or resource barriers to—

(A) making the pilot program permanent to enable access by a greater number of female members at locations throughout the United States;

(B) offering the pilot program online for female members who are unable to attend courses held under the pilot program in person; and

(C) providing for automatic enrollment of participants in the pilot program in the patient enrollment system of the Department of Veterans Affairs established and operated under section 1705 of title 38, United States Code.

10 USC 10219
note.

SEC. 739. NATIONAL GUARD SUICIDE PREVENTION PILOT PROGRAM.

(a) **PILOT PROGRAM AUTHORIZED.**—The Chief of the National Guard Bureau may carry out a pilot program to expand suicide prevention and intervention efforts at the community level through the use of a mobile application that provides the capability for a member of the National Guard to receive prompt support, including access to a behavioral health professional, on a smartphone, tablet computer, or other handheld mobile device.

(b) **ELEMENTS.**—The pilot program shall include, subject to such conditions as the Secretary may prescribe—

(1) the use by members of the National Guard of an existing mobile application that provides the capability described in subsection (a); or

(2) the development and use of a new mobile application that provides such capability.

(c) **ELIGIBILITY AND PARTICIPATION REQUIREMENTS.**—The Chief of the National Guard Bureau shall establish requirements with respect to eligibility and participation in the pilot program.

(d) **ASSESSMENT PRIOR TO PILOT PROGRAM COMMENCEMENT.**—Prior to commencement of the pilot program, the Chief of the National Guard Bureau shall—

(1) conduct an assessment of existing prevention and intervention efforts of the National Guard in each State that include the use of mobile applications that provide the capability described in subsection (a) to determine best practices for providing immediate and localized care through the use of such mobile applications; and

(2) determine the feasibility of expanding existing programs on a national scale.

(e) **RESPONSIBILITIES OF ENTITIES PARTICIPATING IN PILOT PROGRAM.**—Each entity that participates in the pilot program shall—

(1) share best practices with other entities participating in the program; and

Determination.

(2) annually assess outcomes with respect to members of the National Guard. Time period.
Assessment.

(f) TERM.—The pilot program shall terminate on the date that is three years after the date on which the pilot program commenced.

(g) REPORTS.—

(1) INITIAL REPORT.—If the Chief of the National Guard Bureau commences the pilot program authorized under subsection (a), not later than 180 days after the date of the commencement of such program, the Chief shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a description of the pilot program and such other matters as the Chief considers appropriate.

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the termination of the pilot program, the Chief of the National Guard Bureau shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on such pilot program.

(B) MATTERS INCLUDED.—The report under subparagraph (A) shall include the following:

(i) A description of the pilot program, including any partnerships entered into by the Chief of the National Guard Bureau under the program.

(ii) An assessment of the effectiveness of the pilot program. Assessment.

(iii) A description of costs associated with the implementation of the pilot program.

(iv) The estimated costs of making the pilot program permanent. Cost estimate.

(v) A recommendation as to whether the pilot program should be extended or made permanent. Recommendations.

(vi) Such other recommendations for legislative or administrative action as the Chief of the National Guard Bureau considers appropriate. Recommendations.

(h) STATE DEFINED.—In this section, the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 740. PILOT PROGRAM ON CIVILIAN AND MILITARY PARTNERSHIPS TO ENHANCE INTEROPERABILITY AND MEDICAL SURGE CAPABILITY AND CAPACITY OF NATIONAL DISASTER MEDICAL SYSTEM.

10 USC 1096
note.

(a) IN GENERAL.—The Secretary of Defense may carry out a pilot program to establish partnerships with public, private, and nonprofit health care organizations, institutions, and entities in collaboration with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Transportation to enhance the interoperability and medical surge capability and capacity of the National Disaster Medical System under section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11) in the vicinity of major aeromedical and other transport hubs and logistics centers of the Department of Defense.

Time period.	(b) DURATION.—The Secretary of Defense may carry out the pilot program under subsection (a) for a period of not more than five years.
	(c) LOCATIONS.—The Secretary shall carry out the pilot program under subsection (a) at not fewer than five aeromedical or other transport hub regions or logistics centers in the United States.
Collaboration.	(d) REQUIREMENTS.—In establishing partnerships under the pilot program under subsection (a), the Secretary, in collaboration with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Transportation, shall establish requirements under such partnerships for staffing, specialized training, medical logistics, telemedicine, patient regulating, movement, situational status reporting, tracking, and surveillance.
	(e) EVALUATION METRICS.—The Secretary of Defense shall establish metrics to evaluate the effectiveness of the pilot program under subsection (a).
	(f) REPORTS.—
	(1) INITIAL REPORT.—
	(A) IN GENERAL.—Not later than 180 days after the commencement of the pilot program under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program.
	(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:
	(i) A description of the pilot program.
	(ii) The requirements established under subsection (d).
	(iii) The evaluation metrics established under subsection (e).
	(iv) Such other matters relating to the pilot program as the Secretary considers appropriate.
	(2) FINAL REPORT.—
	(A) IN GENERAL.—Not later than 180 days after completion of the pilot program under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program.
Assessments.	(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:
	(i) A description of the pilot program, including the partnerships established under the pilot program as described in subsection (a).
	(ii) An assessment of the effectiveness of the pilot program.
Cost estimate.	(iii) An assessment of the cost of the pilot program and an estimate of the cost of making the pilot program a permanent part of the budget of the Department of Defense.
Recommendations.	(iv) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program, including recommendations for extending or making permanent the authority for the pilot program.

SEC. 741. REPORTS ON SUICIDE AMONG MEMBERS OF THE ARMED FORCES AND SUICIDE PREVENTION PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) DEPARTMENT OF DEFENSE REPORTS ON SUICIDE AMONG MEMBERS OF THE ARMED FORCES.—

(1) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter through January 31, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on suicide among members of the Armed Forces during the year preceding the date of the report.

(2) MATTERS INCLUDED.—Each report under paragraph (1) shall include the following with respect to the year covered by the report:

(A) The number of suicides, attempted suicides, and known cases of suicidal ideation involving a member of the Armed Forces, including the reserve components thereof, listed by Armed Force.

(B) The number of suicides, attempted suicides, or known cases of suicidal ideation identified under subparagraph (A) that occurred during each of the following periods:

Time periods.

(i) The first 180 days of the member serving in the Armed Forces.

(ii) The period in which the member is deployed in support of a contingency operation.

(C) With respect to the number of suicides, attempted suicides, or known cases of suicidal ideation identified under subparagraph (B)(i), the initial recruit training location of the member.

(D) The number of suicides involving a dependent of a member.

(E) A description of any research collaborations and data sharing by the Department of Defense with the Department of Veterans Affairs, other departments or agencies of the Federal Government, academic institutions, or nongovernmental organizations.

(F) Identification of a research agenda for the Department of Defense to improve the evidence base on effective suicide prevention treatment and risk communication.

(G) The availability and usage of the assistance of chaplains, houses of worship, and other spiritual resources for members of the Armed Forces who identify as religiously affiliated and have attempted suicide, have experienced suicidal ideation, or are at risk of suicide, and metrics on the impact these resources have in assisting religiously-affiliated members who have access to and utilize them compared to religiously-affiliated members who do not.

(H) A description of the effectiveness of the policies developed pursuant to section 567 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 1071 note) and section 582 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 1071 note), including with respect to—

(i) metrics identifying effective treatment modalities for members of the Armed Forces who are at risk for suicide (including any clinical interventions involving early identification and treatment of such members);

(ii) metrics for the rate of integration of mental health screenings and suicide risk and prevention for members during the delivery of primary care for such members;

(iii) metrics relating to the effectiveness of suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces); and

(iv) metrics evaluating the training standards for behavioral health care providers to ensure that such providers have received training on clinical best practices and evidence-based treatments.

(b) GAO REPORT ON SUICIDE PREVENTION PROGRAMS AND ACTIVITIES.—

(1) REPORT REQUIRED.—Not later than 240 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the programs and activities of the Department of Defense and the Armed Forces for the prevention of suicide among members of the Armed Forces (including the reserve components) and their families.

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

(A) A description of the current programs and activities of the Department of Defense and the Armed Forces for the prevention of suicide among members of the Armed Forces and their families.

Assessment.

(B) An assessment whether the programs and activities described pursuant to subparagraph (A)—

(i) are evidence-based and incorporate best practices identified in peer-reviewed medical literature;

(ii) are appropriately resourced; and

(iii) deliver outcomes that are appropriate relative to peer activities and programs (including those undertaken in the civilian community and in military forces of other countries).

Assessment.

(C) A description and assessment of any impediments to the effectiveness of such programs and activities.

Recommendations.

(D) Such recommendations as the Comptroller General considers appropriate for improvements to such programs and activities.

Recommendations.

(E) Such recommendations as the Comptroller General considers appropriate for additional programs and activities for the prevention of suicide among members of the Armed Forces and their families.

SEC. 742. MODIFICATION OF REQUIREMENTS FOR LONGITUDINAL MEDICAL STUDY ON BLAST PRESSURE EXPOSURE OF MEMBERS OF THE ARMED FORCES AND COLLECTION OF EXPOSURE INFORMATION.

(a) **MODIFICATION OF STUDY.**—Section 734 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1444) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking “; and” and inserting a semicolon;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph: “(4) assess the feasibility and advisability of—

“(A) uploading the data gathered from the study into the Defense Occupational and Environmental Health Readiness System – Industrial Hygiene (DOEHRS-IH) or similar system;

“(B) allowing personnel of the Department of Defense and the Department of Veterans Affairs to have access to such system; and

“(C) ensuring such data is interoperable and can be uploaded into the MHS Genesis electronic health record or successor system of the Department of Defense.”; and

(2) in subsection (c)—

(A) by redesignating paragraph (2) as paragraph (3); and

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

“(2) **ANNUAL STATUS REPORT.**—Not later than January 1 of each year during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020 and ending on the completion of the study under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a status report on the study.”.

(b) **COLLECTION OF EXPOSURE INFORMATION.**—The Secretary of Defense shall collect blast exposure information with respect to a member of the Armed Forces in a manner—

10 USC note
prec. 2001.

(1) consistent with blast exposure measurement training guidance of the Department of Defense, including any guidance developed pursuant to—

(A) the longitudinal medical study on blast pressure exposure required by section 734 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1444); and

(B) the review of guidance on blast exposure during training required by section 253 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2001 note prec.);

(2) compatible with training and operational objectives of the Department; and

(3) that is automated, to the extent practicable, to minimize the reporting burden of unit commanders.

SEC. 743. STUDY AND PLAN ON THE USE OF MILITARY-CIVILIAN INTEGRATED HEALTH DELIVERY SYSTEMS.

(a) **STUDY.**—The Secretary of Defense shall conduct a study on the use of local military-civilian integrated health delivery systems pursuant to section 706 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 1096 note). The study shall examine the following:

(1) Geographic locations where military medical treatment facilities have existing contractual relationships with local civilian health care networks, including Fort Drum, New York, Joint Base McGuire-Dix-Lakehurst, New Jersey, Joint Base Lewis-McCord, Washington, Fort Leonard Wood, Missouri, Elmendorf Air Force Base, Alaska, Fort Sill, Oklahoma, Tripler Army Medical Center, Hawaii, the National Capital Region, and similar locations.

(2) Health care activities that promote value-based care, measurable health outcomes, patient safety, timeliness of referrals, and transparent communication with covered beneficiaries.

(3) Locations where health care providers of the Department of Defense may be able to attain critical wartime readiness skills in a local integrated military-civilian integrated health delivery system.

(4) The cost of providing care under an integrated military-civilian integrated health delivery system as compared to health care provided by a managed care support contractor.

(b) **PLAN.**—The Secretary of Defense shall develop a plan for the further development of the use of local military-civilian integrated health delivery systems by the Department of Defense.

(c) **SUBMISSION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate—

Reports.

(1) a report on the results of the study under subsection (a); and

(2) the plan developed under subsection (b).

(d) **DEFINITIONS.**—In this section:

(1) The term “covered beneficiaries” has the meaning given that term in section 1072 of title 10, United States Code.

(2) The term “National Capital Region” has the meaning given that term in section 2674 of title 10, United States Code.

SEC. 744. STUDY ON CASE MANAGEMENT IN THE MILITARY HEALTH SYSTEM.

(a) **STUDY.**—The Secretary of Defense shall conduct a study on the effectiveness of case management practices in the military health system. The study shall include the following:

Evaluation.

(1) A standardized definition of case management.

(2) An evaluation of case management practices provided by the military departments before and during the transition of the administration of military medical treatment facilities to the Defense Health Agency pursuant to section 1073c of title 10, United States Code.

(3) A discussion of the metrics used in determining the effectiveness and cost of case management.

(4) An evaluation of the case management and outreach provided by the managed care support contractors supporting the Defense Health Agency, including with respect to—

Evaluation.

(A) the intervals at which patients are contacted;

(B) the role of the case manager in coordination;

(C) the approximate number of patients managed by a case manager; and

(D) any other best practices relating to case management that would improve the experience of care across the military health system.

(5) A review of case management best practices in the private sector, including with respect to—

Review.

(A) the intervals at which patients should be contacted;

(B) the role of the case manager in coordination;

(C) the approximate number of patients managed by a case manager; and

(D) any other best practices relating to case management that would improve the experience of care across the military health system.

(6) The results of discussions with covered beneficiaries (as defined in section 1072 of title 10, United States Code) at not less than four public forums held in different geographic areas, relating to the satisfaction of such covered beneficiaries with case management and outreach provided by the Defense Health Agency and the military departments in military medical treatment facilities.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the results of the study under subsection (a).

SEC. 745. REPORT ON GLOBAL HEALTH SECURITY STRATEGY AND THE NATIONAL BIODEFENSE SECURITY.

(a) REPORT.—Not later than 180 days after the date on which the Comptroller General of the United States publishes a review of the National Biodefense Strategy, the Secretary of Defense shall submit to the appropriate congressional committees a report on the implementation of the Global Health Security Strategy and the National Biodefense Strategy.

(b) ELEMENTS.—The report under subsection (a) shall, at a minimum—

(1) designate the individual and offices responsible for overseeing the implementation of each strategy referred to in subsection (a) within the Department of Defense;

Designation.

(2) detail actions that the Department is taking to support implementation of the Global Health Security Agenda;

(3) detail actions taken to coordinate the efforts of the Department with the other agencies responsible for the Global Health Security Strategy and National Biodefense Strategy; and

(4) with respect to the review of the National Biodefense Strategy conducted by the Comptroller General—

Recommendations.

(A) detail the recommendations in the review that the Secretary plans on or is currently implementing;

(B) specify the official implementing such recommendations and the actions the official is taking to implement the recommendations;

(C) specify the recommendations in the review that the Secretary has determined not to implement; and

(D) explain the rationale of the Secretary with respect to not implementing such recommendations.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees;

(2) the Committee on Foreign Affairs, the Committee on Energy and Commerce, and the Committee on Homeland Security of the House of Representatives; and

(3) the Committee on Foreign Relations, the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 746. STUDY ON ESTABLISHMENT OF WOUNDED WARRIOR SERVICE DOG PROGRAM.

Deadline. (a) **STUDY.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall conduct a study on the feasibility of establishing a wounded warrior service dog program.

(b) **ELEMENTS.**—The study under subsection (a) shall include the following:

Assessment. (1) An assessment of the need and feasibility of establishing a wounded warrior service dog program.

Assessment. (2) With respect to a nonprofit organization seeking a grant under a wounded warrior service dog program, an assessment of the feasibility of requiring that the organization—

(A) specify the training requirements for covered members;

(B) detail the training of dogs that will serve as assistance dogs;

(C) establish a database—

(i) to track whether a dog has prior experience as a military working dog, service dog, or assistance dog; and

(ii) that contains a designation for each dog with prior experience as a military working dog;

(D) describe the aftercare services that the organization will provide to assistance dogs and covered members; and

Standards. (E) possess the appropriate accreditation standards for assistance dogs, as the Secretary determines appropriate.

List. (3) A list of locations at which the greatest number of covered members are likely to participate in a wounded warrior service dog program.

Cost estimate. (4) An estimate of the costs required to create a wounded warrior service dog program.

List. (5) A list of peer reviewed articles and other appropriate studies that examine the clinical effectiveness of assistance dogs with respect to the treatment of patients with disabilities.

(c) **DEFINITIONS.**—In this section:

(1) **ASSISTANCE DOG.**—

(A) **IN GENERAL.**—The term “assistance dog” means a dog specifically trained to perform physical tasks to mitigate the effects of a disability described in subparagraph (B), except that the term does not include a dog specifically trained for comfort or personal defense.

(B) **DISABILITY DESCRIBED.**—A disability described in this subparagraph is any of the following:

- (i) Blindness or visual impairment.
- (ii) Loss of limb, paralysis, or other significant mobility issues.
- (iii) Loss of hearing.
- (iv) Traumatic brain injury.
- (v) Post-traumatic stress disorder.
- (vi) Any other disability that the Secretary of Defense considers appropriate.

(2) **COVERED MEMBER.**—The term “covered member” means a member of the Armed Forces who is—

- (A) receiving medical treatment, recuperation, or therapy under chapter 55 of title 10, United States Code;
- (B) in medical hold or medical holdover status; or
- (C) covered under section 1202 or 1205 of title 10, United States Code.

(3) **WOUNDED WARRIOR SERVICE DOG PROGRAM.**—The term “wounded warrior service dog program” means a pilot program under which the Secretary of Defense awards competitive grants to non-profit organizations that would assist such organizations in the planning, designing, establishing, or operating (or any combination thereof) of programs to provide assistance dogs to covered members.

SEC. 747. GAO REPORT ON DEPARTMENT OF DEFENSE QUALITY ASSURANCE PROGRAM AND IMPACTS OF MEDICAL MALPRACTICE ACTIONS.

Not later than January 1, 2021, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the following:

(1) An assessment of the effectiveness of the quality assurance program of the Department of Defense in querying and monitoring the National Practitioner Data Bank established pursuant to the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11101 et seq.) with respect to—

Assessment.

(A) recruitment and retention of military service medical providers;

(B) hiring or contracting of civilian medical providers in military medical treatment facilities;

(C) recording of adverse privileging and credentialing actions of such military service medical providers and civilian medical providers; and

(D) any other matters relating to ensuring the highest quality of care is provided throughout the military health system.

(2) An analysis that includes—

Analysis.

(A) with respect to military health system patients, a comparison of outcomes for such patients who may bring an action against the Federal Government for negligence or malpractice and outcomes for such patients who may

not bring such an action, based on an examination of all relevant data relating to clinical outcome measures and clinical quality management process actions; and

(B) a comparison of—

(i) the elements and average amounts of death and disability compensation that apply regardless of the underlying cause of the death or disability; and

(ii) the elements and average amounts of settlements that result from medical malpractice litigation against the Federal Government.

SEC. 748. REPORTS ON MILLENNIUM COHORT STUDY RELATING TO WOMEN MEMBERS OF THE ARMED FORCES.

(a) **ANNUAL REPORTS REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through January 31, 2022, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on findings of the Millennium Cohort Study relating to the gynecological and perinatal health of women members of the Armed Forces.

(b) **MATTERS INCLUDED.**—Each report under subsection (a) shall include, at a minimum—

Summary.

(1) a summary of general findings of the Millennium Cohort Study pertaining to gynecological and perinatal health, including diseases, disorders, and conditions that affect the functioning of reproductive systems, maternal mortality and severe maternal morbidity, birth defects, developmental disorders, low birth weight, preterm birth, reduced fertility, menstrual disorders, and other health concerns; and

(2) identification of—

(A) all research projects that have concluded during the year covered by the report and the outcomes of such projects;

(B) areas in which the Millennium Cohort Study can increase efforts to capture data and produce studies in the field of gynecological and perinatal health of women members of the Armed Forces; and

(C) activities underway to achieve such efforts.

(c) **MILLENNIUM COHORT STUDY DEFINED.**—In this section, the term “Millennium Cohort Study” means the longitudinal study authorized under section 743 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2074) to evaluate data on the health conditions of members of the Armed Forces upon the return of the members from deployment.

SEC. 749. STUDY ON EFFECTS OF SLEEP DEPRIVATION ON READINESS OF MEMBERS OF THE ARMED FORCES.

(a) **STUDY.**—The Secretary of Defense shall conduct a study on the effects of sleep deprivation on the readiness of members of the Armed Forces.

Assessments.

(b) **ELEMENTS.**—The study under subsection (a) shall include the following:

(1) A standardized definition of sleep deprivation.

(2) An assessment of the prevalence of sleep deprivation on members of the Armed Forces related to circadian rhythm disturbances from crossing multiple time zones, mission related

maladaptive sleep practices, uncomfortable or otherwise inhospitable sleeping environments, and the use of stimulants and hypnotics to support operational tempo.

(3) An assessment of whether there may be a relationship between sleep deprivation and medical conditions such as traumatic brain injury, post-traumatic stress disorder, and depression.

(4) Recommendations on efforts to mitigate sleep deprivation described in paragraphs (2) and (3).

Recommendations.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study under subsection (a).

SEC. 750. STUDY AND REPORT ON TRAUMATIC BRAIN INJURY MITIGATION EFFORTS.

(a) STUDY.—The Secretary of Defense shall conduct a meta-analysis of evidence-based traumatic brain injury mitigation efforts by the Secretary and related Federal agency partners, and efforts discussed in academic literature, that have demonstrated the best clinical effectiveness in the treatment of members of the Armed Forces for traumatic brain injury.

(b) ROADMAP.—The Secretary shall develop and include in the study under subsection (a) a roadmap for implementation across the military health system of measures that address, with respect to the treatment of members for traumatic brain injury—

- (1) the process for receiving such treatment;
- (2) patient outcomes;
- (3) cost;
- (4) patient and command satisfaction with such treatment;

and

- (5) structured documentation to monitor system-wide implementation of the measures developed pursuant to paragraphs (1) through (4).

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study under subsection (a).

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

- Sec. 800. Authority for continuous integration and delivery of software applications and upgrades to embedded systems.
- Sec. 801. Pilot program on intellectual property evaluation for acquisition programs.
- Sec. 802. Pilot program to use alpha contracting teams for complex requirements.
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- Sec. 860. Establishment of Defense Civilian Training Corps.
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- Sec. 878. Modification to the Defense Research and Development Rapid Innovation Program.
- Sec. 879. Alignment of the Department of Defense Small Business Innovation Research Program and Small Business Technology Transfer Program with the National Defense Science and Technology Strategy.
- Sec. 880. Assistance for small business concerns participating in the SBIR and STTR programs.
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Subtitle A—Acquisition Policy and Management

10 USC 2223a
note.

SEC. 800. AUTHORITY FOR CONTINUOUS INTEGRATION AND DELIVERY OF SOFTWARE APPLICATIONS AND UPGRADES TO EMBEDDED SYSTEMS.

(a) SOFTWARE ACQUISITION AND DEVELOPMENT PATHWAYS.—The Secretary of Defense shall establish pathways as described under subsection (b) to provide for the efficient and effective acquisition, development, integration, and timely delivery of secure software. Such a pathway shall include the following:

(1) USE OF PROVEN TECHNOLOGIES AND SOLUTIONS.—A pathway established under this section shall provide for the use of proven technologies and solutions to continuously engineer and deliver capabilities in software.

(2) USE OF AUTHORITY.—In using the authority under this section, the Secretary shall consider how such use will—

(A) initiate the engineering of new software capabilities quickly;

(B) demonstrate the viability and effectiveness of such capabilities for operational use not later than one year after the date on which funds are first obligated to acquire or develop software; and

(C) allow for the continuous updating and delivery of new capabilities not less frequently than annually to iteratively meet a requirement.

(3) TREATMENT NOT AS MAJOR DEFENSE ACQUISITION PROGRAM.—Software acquired or developed using the authority under this section shall not be treated as a major defense acquisition program for purposes of section 2430 of title 10, United States Code, or Department of Defense Directive 5000.01 without the specific direction of the Under Secretary of Defense for Acquisition and Sustainment or a Senior Acquisition Executive.

(4) RISK-BASED APPROACH.—The Secretary of Defense shall use a risk-based approach for the consideration of innovative technologies and new capabilities for software to be acquired or developed under this authority to meet needs communicated by the Joint Chiefs of Staff and the combatant commanders.

(b) PATHWAYS.—The Secretary of Defense may establish as many pathways as the Secretary determines appropriate and shall establish the following pathways:

(1) APPLICATIONS.—The applications software acquisition pathway shall provide for the use of rapid development and implementation of applications and other software or software improvements operated by the Department of Defense, which may include applications running on commercial commodity hardware (including modified hardware) and commercially available cloud computing platforms.

(2) EMBEDDED SYSTEMS.—The embedded systems software acquisition pathway shall provide for the rapid development and insertion of upgrades and improvements for software embedded in weapon systems and other military-unique hardware systems.

(c) EXPEDITED PROCESS.—

(1) IN GENERAL.—A pathway established under subsection (a) shall provide for—

(A) a streamlined and coordinated requirements, budget, and acquisition process to support rapid fielding of software applications and of software upgrades to embedded systems for operational use in a period of not more than one year from the time that the process is initiated;

(B) the collection of data on software fielded; and

(C) continuous engagement with the users of software to support engineering activities, and to support delivery of software for operational use in periods of not more than one year.

(2) EXPEDITED SOFTWARE REQUIREMENTS PROCESS.—

Consultation.

(A) INAPPLICABILITY OF JOINT CAPABILITIES INTEGRATION AND DEVELOPMENT SYSTEM (JCIDS) MANUAL.—Software acquisition or development conducted under the authority of this section shall not be subject to the Joint Capabilities Integration and Development System Manual, except pursuant to a modified process specifically provided for the acquisition or development of software by the Vice Chairman of the Joint Chiefs of Staff, in consultation with Under Secretary of Defense for Acquisition and Sustainment and each service acquisition executive (as defined in section 101(a)(10) of title 10, United States Code).

(B) INAPPLICABILITY OF DEFENSE ACQUISITION SYSTEM DIRECTIVE.—Software acquisition or development conducted under the authority of this section shall not be subject to Department of Defense Directive 5000.01, except when specifically provided for the acquisition or development of software by the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Vice Chairman of the Joint Chiefs of Staff and each service acquisition executive.

(d) ELEMENTS.—In implementing a pathway established under the authority of this section, the Secretary shall tailor requirements relating to—

(1) iterative development of requirements for software to be acquired or developed under the authority of this section through engagement with the user community and through the use of operational user feedback, in order to continuously define and update priorities for such requirements;

(2) early identification of the warfighter or user need, including the rationale for how software capabilities will support increased lethality and efficiency, and identification of a relevant user community;

(3) initial contract requirements and format, including the use of summary-level lists of problems and shortcomings in existing software and desired features or capabilities of new or upgraded software;

(4) continuous refinement and prioritization of contract requirements through use of evolutionary processes, informed by continuous engagement with operational users throughout the development and implementation period;

(5) continuous consideration of issues related to lifecycle costs, technical data rights, and systems interoperability;

(6) planning for support of software capabilities in cases where the software developer may stop supporting the software;

(7) rapid contracting procedures, including expedited timeframes for making awards, selecting contract types, defining teaming arrangements, and defining options;

(8) program execution processes, including supporting development and test infrastructure, automation and tools, digital engineering, data collection and sharing with Department of Defense oversight organizations and with Congress, the role of developmental and operational testing activities, key decision making and oversight events, and supporting processes and activities (such as independent costing activity, operational demonstration, and performance metrics);

(9) assurances that cybersecurity metrics of the software to be acquired or developed, such as metrics relating to the density of vulnerabilities within the code of such software, the time from vulnerability identification to patch availability, the existence of common weaknesses within such code, and other cybersecurity metrics based on widely-recognized standards and industry best practices, are generated and made available to the Department of Defense and the congressional defense committees;

(10) administrative procedures, including procedures related to who may initiate and approve an acquisition under this authority, the roles and responsibilities of the implementing project or product teams and supporting activities, team selection and staffing process, governance and oversight roles and responsibilities, and appropriate independent technology assessments, testing, and cost estimation (including relevant thresholds or designation criteria);

(11) mechanisms and waivers designed to ensure flexibility in the implementation of a pathway under this section, including the use of other transaction authority, broad agency announcements, and other procedures; and

(12) mechanisms the Secretary will use for appropriate reporting to Congress on the use of this authority, including notice of initiation of the use of a pathway and data regarding individual programs or acquisition activities, how acquisition activities are reflected in budget justification materials or requests to reprogram appropriated funds, and compliance with other reporting requirements.

(e) GUIDANCE REQUIRED.—

Deadline.

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue initial guidance to implement the requirements of this section.

Expiration date.

(2) LIMITATION.—If the Secretary of Defense has not issued final guidance to implement the requirements of this section before October 1, 2021, the Secretary may not use the authority under this section—

(A) to establish a new pathway to acquire or develop software; or

(B) to continue activities to acquire or develop software using a pathway established under initial guidance described in paragraph (1).

(f) REPORT.—

(1) **IN GENERAL.**—Not later than October 15, 2020, the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the secretaries of the military departments and other appropriate officials, shall report on the use of the authority under this section using the initial guidance issued under subsection (d). Consultation.

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

(A) The final guidance required by subsection (d)(2), including a description of the treatment of use of the authority that was initiated before such final guidance was issued.

(B) A summary of how the authority under this section has been used, including a list of the cost estimate, schedule for development, testing and delivery, and key management risks for each initiative conducted pursuant to such authority. Summary.
List.
Cost estimate.

(C) Accomplishments from and challenges to using the authority under this section, including organizational, cultural, talent, infrastructure, testing, and training considerations.

(D) Recommendations for legislative changes to the authority under this section. Recommendations.

(E) Recommendations for regulatory changes to the authority under this section to promote effective development and deployment of software acquired or developed under this section. Recommendations.

SEC. 801. PILOT PROGRAM ON INTELLECTUAL PROPERTY EVALUATION FOR ACQUISITION PROGRAMS. 10 USC 2322 note.

(a) **PILOT PROGRAM.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretaries of the military departments may jointly carry out a pilot program to assess mechanisms to evaluate intellectual property (such as technical data deliverables and associated license rights), including commercially available intellectual property valuation analysis and techniques, in acquisition programs for which each such Secretary is responsible to better understand the benefits associated with these mechanisms on— Deadline.

(1) the development of cost-effective intellectual property strategies;

(2) the assessment and management of the value and acquisition costs of intellectual property during acquisition and sustainment activities (including source selection evaluation factors) throughout the acquisition lifecycle for any acquisition program selected by such Secretary; and Assessment.

(3) the use of a commercial product (as defined in section 103 of title 41, United States Code, as in effect on January 1, 2020), commercial service (as defined in section 103a of title 41, United States Code, as in effect on January 1, 2020), or nondevelopmental item (as defined in section 110 of title 41, United States Code) as an alternative to a product or service to be specifically developed for a selected acquisition program, including evaluation of the benefits of reduced risk regarding cost, schedule, and performance associated with commercial products, commercial services, and nondevelopmental items.

Assessments.	(b) ACTIVITIES.—Activities carried out under the pilot program may include the following:
Recommendations.	<p>(1) Establishment of a team of Department of Defense and private sector subject matter experts (which may include the cadre of intellectual property experts established under section 2322(b) of title 10, United States Code) to—</p> <p>(A) recommend acquisition programs to be selected for the pilot program established under subsection (a);</p> <p>(B) recommend criteria for the consideration of types of commercial products, commercial services, or nondevelopmental items that can be used as an alternative to a product or service to be specifically developed for a selected acquisition program; or</p> <p>(C) identify, to the maximum extent practicable at each milestone established for each selected acquisition program, intellectual property evaluation techniques to obtain quantitative and qualitative analysis of intellectual property during the procurement, production and deployment, and operations and support phases for the each selected acquisition program.</p> <p>(2) Assessment of commercial valuation techniques for intellectual property for use by the Department of Defense.</p> <p>(3) Assessment of the feasibility of agency-level oversight to standardize intellectual property evaluation practices and procedures.</p> <p>(4) Assessment of contracting mechanisms to speed delivery of intellectual property to the Armed Forces or reduce sustainment costs.</p> <p>(5) Assessment of agency acquisition planning to ensure procurement of appropriate intellectual property deliverables and intellectual property rights necessary for Government-planned sustainment activities.</p> <p>(6) Engagement with the private sector to—</p> <p>(A) support the development of strategies and program requirements to aid in acquisition planning for intellectual property;</p> <p>(B) support the development and improvement of intellectual property strategies as part of life-cycle sustainment plans; and</p> <p>(C) propose and implement alternative and innovative methods of intellectual property valuation, prioritization, and evaluation techniques for intellectual property.</p> <p>(7) Recommendations to the relevant program manager of an acquisition program selected under subsection (a), including evaluation techniques and contracting mechanisms for acquisition and sustainment activities.</p>
Coordination.	(c) REPORT.—Not later than November 1, 2020, and annually thereafter through November 1, 2023, the Secretary of Defense, in coordination with the Secretaries concerned, shall submit to the congressional defense committees a joint report on the pilot program conducted under this section. The report shall, at a minimum, include—
Assessments.	<p>(1) a description of the acquisition programs selected by the Secretary concerned;</p> <p>(2) a description of the specific activities in subsection (c) that were performed under each program;</p> <p>(3) an assessment of the effectiveness of the activities;</p>

(4) an assessment of improvements to acquisition or sustainment activities related to the pilot program; and

(5) an assessment of the results related to the pilot program, including any cost savings and improvement to mission success during the operations and support phase of the selected acquisition program.

SEC. 802. PILOT PROGRAM TO USE ALPHA CONTRACTING TEAMS FOR COMPLEX REQUIREMENTS.

10 USC 2305
note.

(a) IN GENERAL.—(1) The Secretary of Defense shall select at least 2, and up to 5, initiatives to participate in a pilot to use teams that, with the advice of expert third parties, focus on the development of complex contract technical requirements for services, with each team focusing on developing achievable technical requirements that are appropriately valued and identifying the most effective acquisition strategy to achieve those requirements.

(2) The Secretary shall develop metrics for tracking progress of the program at improving quality and acquisition cycle time.

Deadlines.
Notifications.

(b) DEVELOPMENT OF CRITERIA AND INITIATIVES.—(1) Not later than February 1, 2020, the Secretary of Defense shall establish the pilot program and notify the congressional defense committees of the criteria used to select initiatives and the metrics used to track progress.

(2) Not later than May 1, 2020, the Secretary shall notify the congressional defense committees of the initiatives selected for the program.

(3) Not later than December 1, 2020, the Secretary shall brief the congressional defense committees on the progress of the selected initiatives, including the progress of the initiatives at improving quality and acquisition cycle time according to the metrics developed under subsection (a)(2).

Briefing.

SEC. 803. FAILURE TO PROVIDE OTHER THAN CERTIFIED COST OR PRICING DATA UPON REQUEST.

Section 2306a(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following: “Contracting officers shall not determine the price of a contract or subcontract to be fair and reasonable based solely on historical prices paid by the Government.”;

(2) by redesignating paragraph (2) as paragraph (3); and

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

“(2) INELIGIBILITY FOR AWARD.—(A) In the event the contracting officer is unable to determine proposed prices are fair and reasonable by any other means, an offeror who fails to make a good faith effort to comply with a reasonable request to submit data in accordance with paragraph (1) is ineligible for award unless the head of the contracting activity, or the designee of the head of contracting activity, determines that it is in the best interest of the Government to make the award to that offeror, based on consideration of pertinent factors, including the following:

“(i) The effort to obtain the data.

“(ii) Availability of other sources of supply of the item or service.

“(iii) The urgency or criticality of the Government’s need for the item or service.

“(iv) Reasonableness of the price of the contract, sub-contract, or modification of the contract or subcontract based on information available to the contracting officer.

“(v) Rationale or justification made by the offeror for not providing the requested data.

“(vi) Risk to the Government if award is not made.

“(B)(i) Any new determination made by the head of the contracting activity under subparagraph (A) shall be reported to the Principal Director, Defense Pricing and Contracting on a quarterly basis.

Reports.
Time period.

Analysis.

Assessment.
Strategies.

“(ii) The Under Secretary of Defense for Acquisition and Sustainment, or a designee, shall produce an annual report identifying offerors that have denied multiple requests for submission of uncertified cost or pricing data over the preceding three-year period, but nevertheless received an award. The report shall identify products or services offered by such offerors that should undergo should-cost analysis. The Secretary of Defense may include a notation on such offerors in the system used by the Federal Government to monitor or record contractor past performance. The Under Secretary shall assess the extent to which these offerors are sole source providers within the defense industrial base and shall develop strategies to incentivize new entrants into the industrial base to increase the availability of other sources of supply for the product or service.”.

SEC. 804. COMPTROLLER GENERAL REPORT ON PRICE REASONABLENESS.

Not later than March 31, 2021, the Comptroller General of the United States shall submit to the congressional defense committees, the Committee on Oversight and Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the efforts of the Secretary of Defense to secure data relating to the price reasonableness of offers from offerors. The report shall include a review of—

(1) the number of, and justification for, any waiver of requirements for submission of certified cost or pricing data for sole source contracts for spare parts issued during fiscal years 2015 through 2019 pursuant to section 2306a(b)(1)(C) of title 10, United States Code;

(2) the number of, and justification for, any exception to the requirements for submission of certified cost or pricing data for sole source contracts for spare parts provided during fiscal years 2015 through 2019 pursuant to section 2306a(b)(1)(B) of title 10, United States Code;

(3) the number of contracts awarded for which a request for cost or pricing data, including data other than certified cost or pricing data, to determine price reasonableness was denied by an offeror at the time of award;

(4) actions taken by the Secretary if an offeror refused to provide requested data described in paragraph (2), including—

(A) whether the contracting officer included a notation in the system used by the Federal Government to monitor or record contractor past performance regarding the refusal of an offeror to provide such data;

(B) any strategies developed by the Secretary to acquire the good that was the subject of a contract for which the offeror refused to provide such data in the future without the need for such a waiver.

SEC. 805. LIMITATION ON TRANSFER OF FUNDS RELATED TO COST OVERRUNS AND COST UNDERRUNS.

(a) **IN GENERAL.**—Section 828(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2430 note) is amended by striking “For each of fiscal years 2018 through 2022” and inserting “For fiscal years 2018 and 2019”.

(b) **TECHNICAL AMENDMENT.**—Section 825 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1466; 10 U.S.C. 2430 note) is amended—

(1) by repealing subsection (b); and

(2) by striking “(a) **IN GENERAL.**—”.

Repeal.

SEC. 806. STANDARDIZING DATA COLLECTION AND REPORTING ON USE OF SOURCE SELECTION PROCEDURES BY FEDERAL AGENCIES.

(a) **REPEAL OF GOVERNMENT ACCOUNTABILITY OFFICE REPORTING REQUIREMENTS ON USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION CRITERIA.**—

(1) **DEPARTMENT OF DEFENSE.**—Section 813 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 2305 note) is amended by striking subsection (d).

(2) **OTHER AGENCIES.**—Section 880 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1910; 41 U.S.C. 3701 note) is amended by striking subsection (d) and redesignating subsection (e) as subsection (d).

(b) **REVISION TO THE FEDERAL PROCUREMENT DATA SYSTEM.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services, in coordination with the Administrator for Federal Procurement Policy, shall direct appropriate revisions to the Federal procurement data system established pursuant to section 1122(a)(4) of title 41, United States Code (or any successor system), to facilitate the collection of complete, timely, and reliable data on the source selection processes used by Federal agencies for the contract actions being reported in the system. The Administrator of General Services shall ensure that data are collected—

41 USC 1122
note.
Deadline.
Coordination.

(1) at a minimum, on the usage of the lowest price technically acceptable contracting methods and best value contracting methods process; and

(2) on all applicable contracting actions, including task orders or delivery orders issued under indefinite delivery-indefinite quantity contracts.

SEC. 807. DEPARTMENT OF DEFENSE USE OF FIXED-PRICE CONTRACTS.

(a) **DEPARTMENT OF DEFENSE REVIEW.**—

(1) **IN GENERAL.**—The Under Secretary of Defense for Acquisition and Sustainment shall review how the Department of Defense informs decisions to use fixed-price contracts to support broader acquisition objectives to ensure that such decisions are made strategically and consistently. The review

Deadline.	<p>should include decisions on the use of the various types of fixed price contracts, including fixed-price incentive contracts.</p> <p>(2) BRIEFING.—Not later than February 1, 2020, the Under Secretary shall brief the congressional defense committees on the findings of the review required under paragraph (1).</p> <p>(b) COMPTROLLER GENERAL REPORT.—</p> <p>(1) IN GENERAL.—Not later than February 1, 2021, the Comptroller General of the United States shall submit to the congressional defense committees a report on the Department of Defense’s use of fixed-price contracts, including different types of fixed-price contracts.</p>
Assessments.	<p>(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:</p> <p>(A) A description of the extent to which fixed-price contracts have been used over time and the conditions in which they are used.</p> <p>(B) An assessment of the effects of the decisions to use fixed-price contract types, such as any additional costs or savings or efficiencies in contract administration.</p> <p>(C) An assessment of how decisions to use various types of fixed-price contracts affects the contract closeout process.</p>
22 USC 2762 note. Effective date.	<p>(c) DELAYED IMPLEMENTATION OF REGULATIONS REQUIRING THE USE OF FIXED-PRICE CONTRACTS FOR FOREIGN MILITARY SALES.—The regulations prescribed pursuant to section 830(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2762 note) shall not take effect until December 31, 2020. The regulations as so prescribed shall take into account the findings of the review conducted under subsection (a)(1).</p>

SEC. 808. REPEAL OF CONTINUATION OF DATA RIGHTS DURING CHALLENGES.

(a) REPEAL.—Section 866 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1901; 10 U.S.C. 2321) is repealed.

(b) RESTORATION OF AMENDED PROVISION.—Subsection (i) of section 2321 of title 10, United States Code, is amended to read as follows:

“(i) RIGHTS AND LIABILITY UPON FINAL DISPOSITION.—(1) If, upon final disposition, the contracting officer’s challenge to the use or release restriction is sustained—

“(A) the restriction shall be cancelled; and

“(B) if the asserted restriction is found not to be substantially justified, the contractor or subcontractor asserting the restriction shall be liable to the United States for payment of the cost to the United States of reviewing the asserted restriction and the fees and other expenses (as defined in section 2412(d)(2)(A) of title 28) incurred by the United States in challenging the asserted restriction, unless special circumstances would make such payment unjust.

“(2) If, upon final disposition, the contracting officer’s challenge to the use or release restriction is not sustained—

“(A) the United States shall continue to be bound by the restriction; and

“(B) the United States shall be liable for payment to the party asserting the restriction for fees and other expenses (as

defined in section 2412(d)(2)(A) of title 28) incurred by the party asserting the restriction in defending the asserted restriction if the challenge by the United States is found not to be made in good faith.”.

SEC. 809. REPEAL OF AUTHORITY TO WAIVE ACQUISITION LAWS TO ACQUIRE VITAL NATIONAL SECURITY CAPABILITIES.

Section 806 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) is repealed.

SEC. 810. REPEAL OF THE DEFENSE COST ACCOUNTING STANDARDS BOARD.

(a) REPEAL.—Section 190 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 190.

10 USC
prec. 171.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 815. MODIFICATION OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION REPORT.

Section 139(h) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking “, through January 31, 2021” and inserting “, through January 31, 2025”; and

(2) by amending paragraph (5) to read as follows:

“(5) The Director shall solicit comments from the Secretaries of the military departments on each report of the Director to Congress under this section and include any comments as an appendix to the Director’s report. The Director shall determine the amount of time available for the Secretaries to comment on the draft report on a case by case basis, and consider the extent to which substantive discussions have already been held between the Director and the military department. The Director shall reserve the right to issue the report without comment from a military department if the department’s comments are not received within the time provided, and shall indicate any such omission in the report.”.

Determination.

SEC. 816. MODIFICATION OF WRITTEN APPROVAL REQUIREMENT FOR TASK AND DELIVERY ORDER SINGLE CONTRACT AWARDS.

Section 2304a(d)(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively;

(3) by striking “No task or delivery order contract” and inserting “(A) Except as provided under subparagraph (B), no task or delivery order contract”; and

(4) by adding at the end the following new subparagraph:

“(B) A task or delivery order contract in an amount estimated to exceed \$100,000,000 (including all options) may be awarded to a single source without the written determination otherwise required under subparagraph (A) if the head of the agency has

Determination.

made a written determination pursuant to section 2304(c) of this title that procedures other than competitive procedures may be used for the awarding of such contract.”.

SEC. 817. RESPONSIBILITY FOR DATA ANALYSIS AND REQUIREMENTS VALIDATION FOR SERVICES CONTRACTS.

(a) IN GENERAL.—Section 2329 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting “, acting through the Under Secretary of Defense (Comptroller) and Director of Cost Assessment and Program Evaluation,” after “Secretary of Defense”;

(2) in subsection (b), in the matter preceding paragraph (1), by inserting “, acting through the Under Secretary of Defense (Comptroller) and Director of Cost Assessment and Program Evaluation,” after “Secretary of Defense”; and

(3) in subsection (c)(2)(A), by inserting “, acting through the Under Secretary of Defense (Comptroller) and Director of Cost Assessment and Program Evaluation,” after “Secretary of Defense”.

(b) CONFORMING AMENDMENT.—Section 818(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1852) is amended by striking “the Under Secretary of Defense for Acquisition and Sustainment” and inserting “the Under Secretary of Defense (Comptroller) and Director of Cost Assessment and Program Evaluation”.

SEC. 818. DOCUMENTATION OF MARKET RESEARCH RELATED TO COMMERCIAL ITEM DETERMINATIONS.

(a) DEPARTMENT OF DEFENSE PROCUREMENTS.—

(1) IN GENERAL.—Section 2377(c) of title 10, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph:

“(4) The head of an agency shall document the results of market research in a manner appropriate to the size and complexity of the acquisition.”.

(2) CONFORMING AMENDMENT RELATED TO PROSPECTIVE AMENDMENT.—Section 836(d)(3)(C)(ii) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended by striking “in paragraph (4)” and inserting “in paragraph (5)”.

(b) CIVILIAN AGENCY PROCUREMENTS.—Section 3307(d) of title 41, United States Code, is amended by adding at the end the following new paragraph:

“(4) DOCUMENTATION.—The head of the agency shall document the results of market research in a manner appropriate to the size and complexity of the acquisition.”.

SEC. 819. AVAILABILITY OF DATA ON THE USE OF OTHER TRANSACTION AUTHORITY AND REPORT ON THE USE OF AUTHORITY TO CARRY OUT PROTOTYPE PROJECTS.

Section 873 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1905; 10 U.S.C. 2371 note) is amended—

(1) in subsection (b)—

(A) by striking the period at the end and inserting “; and”;

(B) by striking “shall analyze” and inserting the following: “shall—

“(1) analyze”; and

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

“(2) make the data collected under subsection (a) accessible to any official designated by the Secretary of Defense for inclusion by such official in relevant reports made by such official.”; and

(2) by amending subsection (c) to read as follows:

“(c) REPORT REQUIRED.—

“(1) IN GENERAL.—Not later than December 31, 2019, and annually thereafter through December 31, 2023, the Secretary of Defense shall submit to the congressional defense committees a report on the use of other transaction authority to carry out prototype projects during the preceding fiscal year. Each report shall summarize the data collected under subsection (a) on the nature and extent of each such use of the authority, including a description—

Summary.

“(A) of the participants to an agreement entered into pursuant to the authority of subsection (a) of section 2371b of title 10, United States Code, or a follow-on contract or transaction entered into pursuant to the authority of subsection (f) of such section;

“(B) of the quantity of prototype projects to be produced pursuant to such an agreement, follow-on contract, or transaction;

“(C) of the amount of payments made pursuant to each such agreement, follow-on contract, or transaction;

“(D) of the purpose, description, and status of prototype projects carried out pursuant to each such agreement, follow-on contract, or transaction; and

“(E) including case examples, of the successes and challenges with using the authority of such subsection (a) or (f).

“(2) FORM OF REPORT.—A report required under this subsection shall be submitted in unclassified form without any designation relating to dissemination control, but may contain a classified annex.”.

SEC. 820. NOTIFICATION OF NAVY PROCUREMENT PRODUCTION DISRUPTIONS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2339b. Notification of Navy procurement production disruptions

10 USC 2339b.

“(a) REQUIREMENT FOR CONTRACTOR TO PROVIDE NOTICE OF DELAYS.—The Secretary of the Navy shall require prime contractors of any Navy procurement program funded under either the Shipbuilding and Conversion, Navy account or the Other Procurement, Navy account to report within 15 calendar days any stop work order or other manufacturing disruption of 15 calendar days or more, by the prime contractor or any subcontractor, to the respective program manager and Navy technical authority.

Deadline.
Time period.

“(b) **QUARTERLY REPORTS.**—The Secretary of the Navy shall submit to the congressional defense committees not later than 15 calendar days after the end of each quarter of a fiscal year a report listing all notifications made pursuant to subsection (a) during the preceding quarter.”.

10 USC
prec. 2301.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by inserting after the item relating to section 2339a the following new item:

“2339b. Notification of Navy procurement production disruptions.”.

SEC. 821. MODIFICATION TO ACQUISITION AUTHORITY OF THE COMMANDER OF THE UNITED STATES CYBER COMMAND.

Section 807 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2224 note) is amended by inserting “on new contract efforts” after “may not obligate or expend more than \$75,000,000”.

SEC. 822. EXTENSION OF NEVER CONTRACT WITH THE ENEMY.

Section 841(n) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2302 note) is amended by striking “December 31, 2021” and inserting “December 31, 2023”.

10 USC 2304
note.

SEC. 823. MODIFICATION OF JUSTIFICATION AND APPROVAL REQUIREMENT FOR CERTAIN DEPARTMENT OF DEFENSE CONTRACTS.

(a) **MODIFICATION OF JUSTIFICATION AND APPROVAL REQUIREMENT.**—Notwithstanding section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2405)—

(1) no justification and approval is required under such section for a sole-source contract awarded by the Department of Defense in a covered procurement for an amount not exceeding \$100,000,000; and

(2) for purposes of subsections (a)(2) and (c)(3)(A) of such section, the appropriate official designated to approve the justification for a sole-source contract awarded by the Department of Defense in a covered procurement exceeding \$100,000,000 is the official designated in section 2304(f)(1)(B)(ii) of title 10, United States Code.

Deadline.

(b) **GUIDANCE.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to implement the authority under subsection (a).

(c) **COMPTROLLER GENERAL REVIEW.**—

(1) **DATA TRACKING AND COLLECTION.**—The Department of Defense shall track the use of the authority as modified by subsection (a) and make the data available to the Comptroller General for purposes of the report required under paragraph (2).

(2) **REPORT.**—Not later than March 1, 2022, the Comptroller General of the United States shall submit a report to the congressional defense committees on the use of the authority as modified by subsection (a) through the end of fiscal year 2021. The report shall include—

Review.

(A) a review of the financial effect of the change to the justification and approval requirement in subsection

(a) on the native corporations and businesses and associated native communities;

(B) a description of the nature and extent of contracts excluded from the justification and approval requirement by subsection (a); and

(C) other matters the Comptroller General deems appropriate.

SEC. 824. EXTENSION OF SUNSET RELATING TO FEDERAL DATA CENTER CONSOLIDATION INITIATIVE.

Subsection (e) of section 834 of the National Defense Authorization Act for Fiscal Year 2015 (44 U.S.C. 3601 note) is amended by striking “2020” and inserting “2022”.

SEC. 825. PILOT PROGRAM TO ACCELERATE CONTRACTING AND PRICING PROCESSES.

Section 890 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1919; 10 U.S.C. 2306a note) is amended—

(1) by striking subsection (b);

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

(3) in subsection (b), as redesignated by paragraph (2), by striking “and an assessment of whether the program should be continued or expanded”; and

(4) in subsection (c), as so redesignated, by striking “January 2, 2021” and inserting “January 2, 2023”.

SEC. 826. UNIFORMITY IN APPLICATION OF MICRO-PURCHASE THRESHOLD TO CERTAIN TASK OR DELIVERY ORDERS.

Section 4106(c) of title 41, United States Code, is amended by striking “\$2,500” and inserting “the micro-purchase threshold under section 1902 of this title”.

SEC. 827. REQUIREMENT FOR COST ESTIMATES ON MODELS OF COMMERCIAL E-COMMERCE PORTAL PROGRAM.

(a) **IN GENERAL.**—In implementing section 846 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 41 U.S.C. 1901 note), the Administrator of General Services shall submit to the appropriate congressional committees, not later than one year after the first contract is awarded pursuant to such section, a cost estimate for the three models for commercial e-commerce portals identified in section 4.1 of “Procurement Through Commercial E-Commerce Portals Phase II Report: Market Research & Consultation” issued by the Administrator in April 2019. Deadline.

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—The term “appropriate congressional committees” means the following:

(1) The Committees on Armed Services of the Senate and House of Representatives.

(2) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

(3) The Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

Subtitle C—Provisions Relating to Major Defense Acquisition Programs

SEC. 830. MODIFICATION OF REQUIREMENTS FOR REPORTING TO CONGRESS ON CERTAIN ACQUISITION PROGRAMS.

(a) MODIFICATION OF REPORT TO CONGRESS.—Section 2432 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by adding after “major defense acquisition programs” the following: “and any program that is estimated by the Secretary of Defense to require an eventual total expenditure for research, development, test, and evaluation of more than \$300,000,000 (based on fiscal year 1990 constant dollars) or an eventual total expenditure for procurement, including all planned increments or spirals, of more than \$1,800,000,000 (based on fiscal year 1990 constant dollars)”;

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

“(i) FORM OF REPORT.—A Selected Acquisition Report required under this section shall be submitted in unclassified form without any designation relating to dissemination control, but may contain a classified annex.

“(j) TERMINATION.—The requirements under this section shall terminate after the final submission covering fiscal year 2021.”.

(b) PROPOSAL FOR REPORTS ON ACQUISITION PROGRAMS AND ACTIVITIES.—Not later than October 15, 2020, the Secretary of Defense shall submit to the congressional defense committees a proposal for an alternative methodology for reporting on all acquisition programs that includes—

(1) conforming changes from the most recent update of Department of Defense Directive 5000.01 (The Defense Acquisition System) and Department of Defense Instruction 5000.02 (Operation of the Defense Acquisition System);

(2) the reporting requirements relating to Selected Acquisition Reports under section 2432 of title 10, United States Code;

(3) the reporting requirements relating to unit costs under section 2433 of such title; and

(4) the reporting requirements for acquisition programs that use alternative acquisition pathways or tailored acquisition procedures.

SEC. 831. PILOT PROGRAM TO STREAMLINE DECISION-MAKING PROCESSES FOR WEAPON SYSTEMS.

(a) CANDIDATE ACQUISITION PROGRAMS.—Not later than February 1, 2020, each Service Acquisition Executive shall recommend to the Secretary of Defense at least one major defense acquisition program for a pilot program to include tailored measures to streamline the entire milestone decision process, with the results evaluated and reported for potential wider use.

(b) ELEMENTS.—Each pilot program selected pursuant to subsection (a) shall include the following elements:

(1) Delineating the appropriate information needed to support milestone decisions, assuring program accountability and oversight, which should be based on the business case principles needed for well-informed milestone decisions, including user-defined requirements, reasonable acquisition and life-cycle cost estimates, and a knowledge-based acquisition plan for maturing

Deadline.
Methodology.

Deadline.
Recommendations.

technologies, stabilizing the program design, and ensuring key manufacturing processes are in control.

(2) Developing an efficient process for providing this information to the milestone decision authority by—

(A) minimizing any reviews between the program office and the different functional staff offices within each chain of command level; and

(B) establishing frequent, regular interaction between the program office and milestone decision makers, in lieu of documentation reviews, to help expedite the process.

SEC. 832. ANALYSIS OF ALTERNATIVES PURSUANT TO MATERIEL DEVELOPMENT DECISIONS.

10 USC 2366a note.

(a) **TIMELINE.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall update existing guidance for analyses of alternatives conducted pursuant to a materiel development decision for a major defense acquisition program to incorporate the following:

Deadlines.
Update.
Study.

(1) Study completion within nine months.

Time period.

(2) Study guidance issued by the Director, Cost Assessment and Program Evaluation of a scope designed to provide for reasonable completion of the study within the nine-month period.

(3) Procedures for waiver of the timeline requirements of this subsection on a case-by-case basis if—

Procedures.

(A) the subject of the analysis is of extreme technical complexity;

(B) collection of additional intelligence is required to inform the analysis;

(C) insufficient technical expertise is available to complete the analysis; or

(D) the Secretary determines that there other sufficient reasons for delay of the analysis.

Determination.

(b) **REPORTING.**—If an analysis of alternatives cannot be completed within the allotted time, or a waiver is used, the Secretary shall report to the congressional defense committees the following information:

(1) For a waiver, the basis for use of the waivers, including the reasons why the study cannot be completed within the allotted time.

Waiver.

(2) For a study estimated to take more than nine months—

(A) an estimate of when the analysis will be completed;

(B) an estimate of any additional costs to complete the analysis; and

(C) other relevant information pertaining to the analysis and its completion.

Study.
Estimates.

(c) **REPORT ON ANALYSES OF ALTERNATIVES.**—

(1) **ASSESSMENT.**—

(A) **IN GENERAL.**—The Under Secretary of Defense for Acquisition and Sustainment shall engage with an independent entity, including under the Program for Acquisition Innovation Research, to assess the conduct of analyses of alternatives.

(B) **ELEMENTS.**—The assessment required under subparagraph (A) shall—

- Recommendations.
- (i) assess the time required to complete analyses of alternatives within the Department of Defense completed over the last five fiscal years, as compared with best practices;
 - (ii) provide recommendations and policy options to improve analyses of alternatives; and
 - (iii) discuss any other matters as identified by the Under Secretary.
- Review.
- (C) ACCESS TO DATA.—The Under Secretary shall ensure that the independent entity is provided access to the data, information, and resources necessary to complete the required analyses and assessment.
- (2) REPORT.—Not later than one year after the date of the enactment of this Act, the Under Secretary shall submit to the congressional defense committees a report including the assessment required under paragraph (1) and a review and assessment by the Under Secretary of the findings made in the assessment.

SEC. 833. NAVAL VESSEL CERTIFICATION REQUIRED BEFORE MILESTONE B APPROVAL.

Section 2366b(a) of title 10, United States Code, is amended—

(1) in paragraph (3)(O), by striking “; and” and inserting a semicolon;

(2) in paragraph (4), by striking the period at the end and inserting “; and”; and

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

“(5) in the case of a naval vessel program, certifies compliance with the requirements of section 8669b of this title.”.

Subtitle D—Provisions Relating to the Acquisition System

SEC. 835. EXTRAMURAL ACQUISITION INNOVATION AND RESEARCH ACTIVITIES.

(a) EXTRAMURAL ACQUISITION INNOVATION AND RESEARCH ACTIVITIES.—

(1) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2361 the following new section:

10 USC 2361a. **“§ 2361a. Extramural acquisition innovation and research activities**

Coordination. **“(a) ESTABLISHMENT.**—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment and in coordination with the Under Secretary of Defense for Research and Engineering, shall establish and maintain extramural acquisition innovation and research activities as described in subsection (d), which shall include an acquisition research organization within a civilian college or university that is not owned or operated by the Federal Government that is established to provide and maintain essential research and development capabilities through a long-term strategic relationship with the Department of Defense.

Analyses. **“(b) GOALS.**—The goal of any activity conducted pursuant to this section shall be to provide academic analyses and policy alternatives for innovation in defense acquisition policies and practices

to policymakers in the Federal Government by using a variety of means intended to widely disseminate research findings from such an activity, in addition to executing demonstration and pilot programs of innovative acquisition policies and practices.

“(c) DIRECTOR.—

“(1) APPOINTMENT.—Not later than June 1, 2020, the Secretary of Defense shall appoint an individual from civilian life to serve as the director for the extramural acquisition innovation and research activities required by this section (referred to in this section as the ‘Director’).

Deadline.

“(2) TERM.—The Director shall serve a term of five years.

“(d) ACTIVITIES.—The activities described in this subsection are as follows:

“(1) Research on past and current defense acquisition policies and practices, commercial and international best practices, and the application of new technologies and analytical capabilities to improve acquisition policies and practices.

“(2) Pilot programs to prototype and demonstrate new acquisition practices for potential transition to wider use in the Department of Defense.

“(3) Establishment of data repositories and development of analytical capabilities, in coordination with the Chief Data Officer of the Department of Defense, to enable researchers and acquisition professionals to access and analyze historical data sets to support research and new policy and practice development.

Data.
Coordination.

“(4) Executive education to—

“(A) support acquisition workforce development, including for early career, mid-career, and senior leaders; and

“(B) provide appropriate education on acquisition issues to non-acquisition professionals.

“(5) On an ongoing basis, a review of the implementation of recommendations contained in relevant Department of Defense and private sector studies on acquisition policies and practices, including—

Review.

“(A) for recommendations for the enactment of legislation, identify the extent to which the recommendations have been enacted into law by Congress;

“(B) for recommendations for the issuance of regulations, identify the extent to which the recommendations have been adopted through the issuance or revision of regulations;

“(C) for recommendations for revisions to policies and procedures in the executive branch, identify the extent to which the recommendations have been adopted through issuance of an appropriate implementing directive or other form of guidance; and

“(D) for recommendations for the resources required to implement recommendations contained in relevant Department of Defense and private sector studies on acquisition policies and practices.

“(6) Engagement with researchers and acquisition professionals in the Department of Defense, as appropriate.

“(e) FUNDING.—Subject to the availability of appropriations, the Secretary may use amounts available in the Defense Acquisition

Workforce and Development Account to carry out the requirements of this section.

“(f) ANNUAL REPORT.—Not later than September 30, 2021, and annually thereafter, the Director shall submit to the Secretary of Defense and the congressional defense committees a report describing the activities conducted under this section during the previous year.”.

10 USC
prec. 2351.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2361 the following new item:

“2361a. Extramural acquisition innovation and research activities.”.

10 USC 2361a
note.

(3) IMPLEMENTATION.—

(A) DEADLINE.—Not later than March 1, 2020, the Secretary of Defense shall establish the extramural acquisition innovation and research activities required by section 2361a of title 10, United States Code (as added by this subsection).

(B) REPORT.—

(i) IN GENERAL.—Not later than January 1, 2021, the Director of the extramural acquisition innovation and research activities appointed under such section shall submit to the Secretary of Defense a report setting forth a plan, proposed budget, and schedule for execution of such activities.

(ii) TRANSMITTAL.—Not later than February 1, 2021, the Secretary of Defense shall transmit the report required under clause (i), together with whatever comments the Secretary considers appropriate, to the Committees on Armed Services of the Senate and the House of Representatives.

10 USC 2361a
note.
Deadline.

(b) RECORDS OF THE SECTION 809 PANEL.—

(1) TRANSFER AND MAINTENANCE OF RECORDS.—Not later than March 1, 2020, the records of the Section 809 Panel shall be transferred to, and shall be maintained by, the Defense Technical Information Center.

(2) STATUS OF RECORDS.—Working papers, records of interview, and any other draft work products generated for any purpose by the Section 809 Panel shall be covered by the deliberative process privilege exemption under paragraph (5) of section 552(b) of title 5, United States Code.

(3) AVAILABILITY.—To the maximum extent practicable, the Secretary shall make the records available to support activities conducted by the research organization described under section 2361a of title 10, United States Code (as added by subsection (a)).

(4) SECTION 809 PANEL DEFINED.—In this subsection, the term “Section 809 Panel” means the panel established by the Secretary of Defense pursuant to section 809 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92).

SEC. 836. REPORT ON REALIGNMENT OF THE DEFENSE ACQUISITION SYSTEM TO IMPLEMENT ACQUISITION REFORMS.

The Secretary of Defense shall include with the budget for fiscal year 2021, as submitted to Congress pursuant to section 1105(a) of title 31, United States Code, a report on the progress

of implementing acquisition reform initiatives that have been enacted into law through Department of Defense regulations, Directives, Instructions, or other guidance. Such report shall include a description of—

- (1) how the Secretary will identify, quantify, assess, and manage acquisition program risks;
- (2) what changes have been made to systems for collecting and sharing data on acquisition programs, including how access to acquisition program data is managed; and
- (3) updates to, or the implementation of, procedures for tailoring acquisition methods, including alternative acquisition pathways such as—
 - (A) the use of the “middle tier” of acquisition programs described under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note);
 - (B) the alternative acquisition pathways established under section 805 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note);
 - (C) a software acquisition pathway described under section 800 of this Act; and
 - (D) the use of procedures to respond to urgent operational needs.

SEC. 837. REPORT AND LIMITATION ON THE AVAILABILITY OF FUNDS RELATING TO THE “MIDDLE TIER” OF ACQUISITION PROGRAMS.

10 USC 2302
note.

(a) **REPORT.**—Not later than December 15, 2019, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report that includes the guidance required under section 804(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note). The Under Secretary of Defense for Acquisition and Sustainment shall ensure such guidance includes the business case elements required by an acquisition program established pursuant to such guidance and the metrics required to assess the performance of such a program.

(b) **LIMITATION.**—

(1) **IN GENERAL.**—Beginning on December 15, 2019, if the Under Secretary of Defense for Acquisition and Sustainment has not submitted the report required under subsection (a), not more than 75 percent of the funds specified in paragraph (2) may be obligated or expended until the date on which the report required under subsection (a) has been submitted.

Effective date.

(2) **FUNDS SPECIFIED.**—The funds specified in this paragraph are the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Department of Defense that remain unobligated as of December 15, 2019, for the following:

- (A) The execution of any acquisition program established pursuant to the guidance required under such section 804(a).
- (B) The operations of the Office of the Under Secretary of Defense for Research & Engineering.
- (C) The operations of the Office of the Under Secretary of Defense for Acquisition & Sustainment.

(D) The operations of the Office of the Director of Cost Analysis and Program Evaluation.

(E) The operations of the offices of the service acquisition executives of the military departments.

SEC. 838. REPORT ON INTELLECTUAL PROPERTY POLICY AND THE CADRE OF INTELLECTUAL PROPERTY EXPERTS.

(a) **IN GENERAL.**—Section 802 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1450) is amended by adding at the end the following new subsection:

“(c) **REPORT.**—Not later than December 15, 2019, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall submit to the congressional defense committees a report that includes—

“(1) the policy required in subsection (a) of section 2322 of title 10, United States Code;

“(2) an identification of each member of the cadre of intellectual property experts required in subsection (b) of such section and the office to which such member belongs;

“(3) a description of the leadership structure and the office that will manage the cadre of intellectual property experts; and

Time period.

“(4) a description of the specific activities performed, and programs and efforts supported, by the cadre of intellectual property experts during the 12-month period preceding the date of the report.”.

(b) **LIMITATION.**—

Effective date.

(1) **IN GENERAL.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Department of Defense, not more than 75 percent may be obligated or expended for any of the offices described in paragraph (2) until the date on which the Secretary of Defense submits the report required under subsection (c) of section 802 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1450), as added by this section.

(2) **OFFICES DESCRIBED.**—The offices described in this paragraph are as follows:

(A) The Office of the Under Secretary of Defense for Acquisition and Sustainment.

(B) The Office of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

(C) The Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(D) The Office of the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics.

SEC. 839. GUIDANCE AND REPORTS RELATING TO COVERED DEFENSE BUSINESS SYSTEMS.

(a) **AMENDMENTS TO GUIDANCE FOR COVERED DEFENSE BUSINESS SYSTEMS.**—Section 2222(d) of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “subsection (c)(1)” and inserting “subsection (c)”; and

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

“(7) Policy to ensure a covered defense business system is in compliance with the Department’s auditability requirements.

“(8) Policy to ensure approvals required for the development of a covered defense business system.”.

(b) REPORTS.—

(1) GUIDANCE.—The Secretary of Defense shall submit to the congressional defense committees a report—

(A) not later than December 31, 2019, that includes the guidance required under paragraph (1) of section 2222(c) of title 10, United States Code; and

(B) not later than March 31, 2020, that includes the guidance required under paragraph (2) of such section.

(2) INFORMATION TECHNOLOGY AND DEFENSE BUSINESS ENTERPRISE ARCHITECTURE.—Not later than February 1, 2020, the Chief Information Officer of the Department of Defense shall submit to the congressional defense committees a notification that the information technology enterprise architecture required under subparagraph (B) of section 2222(e)(4) of title 10, United States Code—

Deadline.
Notification.

(A) has been established, including a schedule for implementing the plan required under such subparagraph (B) and a schedule for integrating the defense business enterprise architecture into the information technology enterprise architecture (as required under subparagraph (A) of such section); or

(B) has not been established, and include a schedule for—

(i) establishing such architecture;

(ii) implementing the plan required under such subparagraph (B); and

(iii) integrating the defense business enterprise architecture into the information technology enterprise architecture (as required under subparagraph (A) of such section).

SEC. 840. IMPLEMENTATION GUIDANCE FOR USE OF A MODULAR OPEN SYSTEM APPROACH.

(a) GUIDANCE FOR PROGRAM CAPABILITIES DEVELOPMENT AND ACQUISITION WEAPON SYSTEM DESIGN.—Section 2446b of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) IMPLEMENTATION GUIDANCE.—The Secretaries of the military departments shall issue guidance to implement the requirements of this section.”.

(b) GUIDANCE FOR MAJOR SYSTEM INTERFACES.—Section 2446c of title 10, United States Code, is amended—

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

(2) in paragraph (5), by striking the period at the end and adding “; and”; and

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

“(6) issue guidance to implement the requirements of this section.”.

SEC. 841. LIMITATION ON AVAILABILITY OF FUNDS FOR THE OFFICE OF THE CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.

Effective date.

Of the funds authorized to be appropriated or otherwise made available for fiscal year 2020 for the Department of Defense, not more than 75 percent may be obligated or expended for the Office of the Chief Management Officer until the date on which the Chief Management Officer submits to the congressional defense committees—

(1) the certification of cost savings described in subparagraph (A) of section 921(b)(5) of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2222 note); or

(2) the notice and justification described in subparagraph (B) of such section.

Subtitle E—Industrial Base Matters

SEC. 845. MODERNIZATION OF ACQUISITION PROCESSES TO ENSURE INTEGRITY OF INDUSTRIAL BASE.

(a) IN GENERAL.—Subchapter II of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 2509.

“§ 2509. Modernization of acquisition processes to ensure integrity of industrial base

“(a) DIGITIZATION AND MODERNIZATION.—The Secretary of Defense shall streamline and digitize the existing Department of Defense approach for identifying and mitigating risks to the defense industrial base across the acquisition process, creating a continuous model that uses digital tools, technologies, and approaches designed to ensure the accessibility of data to key decision-makers in the Department.

Coordination.

“(b) ANALYTICAL FRAMEWORK.—(1) The Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Director of the Defense Counterintelligence and Security Agency and the heads of other elements of the Department of Defense as appropriate, shall develop an analytical framework for risk mitigation across the acquisition process.

“(2) The analytical framework required under paragraph (1) shall include the following elements:

“(A) Characterization and monitoring of supply chain risks, including—

“(i) material sources and fragility, including the extent to which sources, items, materials, and articles are mined, produced, or manufactured within or outside the United States;

“(ii) telecommunications services or equipment (other than optical transmission components);

“(iii) counterfeit parts;

“(iv) cybersecurity of contractors;

“(v) video surveillance services or equipment;

“(vi) vendor vetting in contingency or operational environments;

“(vii) other electronic or information technology products and services; and

“(viii) other risk areas as determined appropriate.

“(B) Characterization and monitoring of risks posed by contractor behavior that constitute violations of laws or regulations, including those relating to—

- “(i) fraud;
- “(ii) ownership structures;
- “(iii) trafficking in persons;
- “(iv) workers’ health and safety;
- “(v) affiliation with the enemy;
- “(vi) foreign influence; and
- “(vii) other risk areas as deemed appropriate.

“(C) Characterization and assessment of the acquisition processes and procedures of the Department of Defense, including— Assessment.

- “(i) market research;
- “(ii) responsibility determinations, including consideration of the need for special standards of responsibility to address the risks described in subparagraphs (A) and (B);
- “(iii) facilities clearances;
- “(iv) the development of contract requirements;
- “(v) the technical evaluation of offers and contract awards;
- “(vi) contractor mobilization, including hiring, training, and establishing facilities;
- “(vii) contract administration, contract management, and oversight;
- “(viii) contract audit for closeout;
- “(ix) suspension and debarment activities and administrative appeals activities;
- “(x) contractor business system reviews; and
- “(xi) other relevant processes and procedures.

“(D) Characterization and monitoring of the health and activities of the defense industrial base, including those relating to—

- “(i) balance sheets, revenues, profitability, and debt;
- “(ii) investment, innovation, and technological and manufacturing sophistication;
- “(iii) finances, access to capital markets, and cost of raising capital within those markets;
- “(iv) corporate governance, leadership, and culture of performance; and
- “(v) history of performance on past Department of Defense and government contracts.

“(c) ROLES AND RESPONSIBILITIES.—The Secretary of Defense shall designate the roles and responsibilities of organizations and individuals to execute activities under this section, including—

- “(1) the Under Secretary of Defense for Acquisition and Sustainment, including the Office of Defense Pricing and Contracting and the Office of Industrial Policy;
- “(2) service acquisition executives;
- “(3) program offices and procuring contracting officers;
- “(4) administrative contracting officers within the Defense Contract Management Agency and the Supervisor of Shipbuilding;
- “(5) the Defense Counterintelligence and Security Agency;
- “(6) the Defense Contract Audit Agency;

“(7) each element of the Department of Defense which own or operate systems containing data relevant to contractors of the Department;

“(8) the Under Secretary of Defense for Research and Engineering;

“(9) the suspension and debarment official of the Department;

“(10) the Chief Information Officer; and

“(11) other relevant organizations and individuals.

Consultation.
Assessments.

“(d) ENABLING DATA, TOOLS, AND SYSTEMS.—(1)(A) The Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Chief Data Officer of the Department of Defense and the Director of the Defense Counterintelligence and Security Agency, shall assess the extent to which existing systems of record relevant to risk assessments and contracting are producing, exposing, and timely maintaining valid and reliable data for the purposes of the Department’s continuous assessment and mitigation of risks in the defense industrial base.

“(B) The assessment required under subparagraph (A) shall include the following elements:

“(i) Identification of the necessary source data, to include data from contractors, intelligence and security activities, program offices, and commercial research entities.

“(ii) A description of the modern data infrastructure, tools, and applications and what changes would improve the effectiveness and efficiency of mitigating the risks described in subsection (b)(2).

“(iii) An assessment of the following systems owned or operated outside of the Department of Defense that the Department depends upon or to which it provides data:

“(I) The Federal Awardee Performance and Integrity Information System (FAPIIS).

“(II) The System for Award Management (SAM).

“(III) The Federal Procurement Data System—Next Generation (FPDS—NG).

“(IV) The Electronic Data Management Information System.

“(V) Other systems the Secretary of Defense determines appropriate.

“(iv) An assessment of systems owned or operated by the Department of Defense, including the Defense Counterintelligence and Security Agency and other defense agencies and field activities used to capture and analyze the status and performance (including past performance) of vendors and contractors.

“(2) Based on the findings pursuant to paragraph (1), the Secretary of Defense shall develop a unified set of activities to modernize the systems of record, data sources and collection methods, and data exposure mechanisms. The unified set of activities should feature—

“(A) the ability to continuously collect data on, assess, and mitigate risks;

“(B) data analytics and business intelligence tools and methods; and

“(C) continuous development and continuous delivery of secure software to implement the activities.

“(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit or modify any other procurement policy, procedure, requirement, or restriction provided by law.

“(f) IMPLEMENTATION AND REPORTING REQUIREMENTS.—The Secretary of Defense shall carry out the implementation phases set forth in, and submit to the congressional defense committees the items of information required by, the following paragraphs:

“(1) PHASE 1: IMPLEMENTATION PLAN.—Not later than 90 days after the date of the enactment of this section, an implementation plan and schedule for carrying out the framework established pursuant to subsection (b), including—

Deadline.
Schedule.

“(A) a discussion and recommendations for any changes to, or exemptions from, laws necessary for effective implementation, including updating the definitions in section 2339a(e) of this title relating to covered procurement, covered system, and covered item of supply, and any similar terms defined in other law or regulation; and

Recommendations.

“(B) a process for an entity to contact the Department after the entity has taken steps to remediate, mitigate, or otherwise address the risks identified by the Department in conducting activities under subsection (b).

“(2) PHASE 2: IMPLEMENTATION OF FRAMEWORK.—Not later than one year after the date of the submission of the implementation plan and schedule required under paragraph (1), a report on the actions taken to implement the framework established pursuant to subsection (b).

“(g) COMPTROLLER GENERAL REVIEWS.—

“(1) BRIEFING.—Not later than February 15, 2020, the Comptroller General of the United States shall brief the congressional defense committees on Department of Defense efforts over the previous 5 years to continuously assess and mitigate risks to the defense industrial base across the acquisition process, and a summary of current and planned efforts.

Deadlines.
Time period.

“(2) PERIODIC ASSESSMENTS.—The Comptroller General shall submit to the congressional defense committees three periodic assessments of Department of Defense progress in implementing the framework required under subsection (b), to be provided not later than October 15, 2020, March 15, 2022, and March 15, 2024.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 148 of such title is amended by inserting after the item relating to section 2508 the following new item:

10 USC
prec. 2501.

“2509. Modernization of acquisition processes to ensure integrity of industrial base.”

SEC. 846. REPORT REQUIREMENTS FOR THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) NATIONAL SECURITY STRATEGY FOR NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Section 2501(a) of title 10, United States Code, is amended by inserting after the first sentence the following new sentence: “The Secretary shall submit such strategy to Congress not later than 180 days after the date of submission of the national security strategy report required under section 108 of the National Security Act of 1947 (50 U.S.C. 3043).”

Deadline.

(b) ANNUAL REPORT TO CONGRESS.—Section 2504(3) of title 10, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by inserting “Executive order or” after “pursuant to”;

(2) by amending subparagraph (A) to read as follows:

“(A) a map of the industrial base;”;

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

(4) by inserting after subparagraph (A) the following new subparagraph:

List. “(B) a prioritized list of gaps or vulnerabilities in the national technology and industrial base, including—

“(i) a description of mitigation strategies necessary to address such gaps or vulnerabilities;

“(ii) the identification of the Secretary concerned or the head of the Defense Agency responsible for addressing such gaps or vulnerabilities; and

Timeline. “(iii) a proposed timeline for action to address such gaps or vulnerabilities; and”.

(c) ANNUAL REPORT ON UNFUNDED PRIORITIES FOR NATIONAL TECHNICAL INDUSTRIAL BASE.—

(1) IN GENERAL.—Subchapter II of chapter 148 of title 10, United States Code, is amended by inserting after section 2504 the following new section:

10 USC 2504a. **“§ 2504a. Unfunded priorities of the national technology and industrial base: annual report**

“(a) ANNUAL REPORT.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the congressional defense committees a report on the unfunded priorities to address gaps or vulnerabilities in the national technology and industrial base.

“(b) ELEMENTS.—

“(1) IN GENERAL.—Each report under subsection (a) shall specify, for each unfunded priority covered by such report, the following:

Summary. “(A) A summary description of such priority, including the objectives to be achieved if such priority is funded (whether in whole or in part).

“(B) The additional amount of funds recommended in connection with the objectives under subparagraph (A).

“(C) Account information with respect to such priority, including the following (as applicable):

“(i) Line Item Number (LIN) for applicable procurement accounts.

“(ii) Program Element (PE) number for applicable research, development, test, and evaluation accounts.

“(iii) Sub-activity group (SAG) for applicable operation and maintenance accounts.

“(2) PRIORITIZATION OF PRIORITIES.—Each report shall present the unfunded priorities covered by such report in order of urgency of priority.

“(c) UNFUNDED PRIORITY DEFINED.—In this section, the term ‘unfunded priority’, in the case of a fiscal year, means a program, activity, or mission requirement of the national technology and industrial base that—

“(1) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31;

“(2) is necessary to address gaps or vulnerabilities in the national technology and industrial base; and

“(3) would have been recommended for funding through the budget referred to in paragraph (1) if—

“(A) additional resources had been available for the budget to fund the program, activity, or mission requirement; or

“(B) the program, activity, or mission requirement had emerged before the budget was formulated.”.

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

10 USC
prec. 2501.

“2504a. Unfunded priorities of the national technology and industrial base: annual report.”.

SEC. 847. MITIGATING RISKS RELATED TO FOREIGN OWNERSHIP, CONTROL, OR INFLUENCE OF DEPARTMENT OF DEFENSE CONTRACTORS OR SUBCONTRACTORS.

10 USC 2509
note.

(a) DEFINITIONS.—In this section:

(1) BENEFICIAL OWNER; BENEFICIAL OWNERSHIP.—The terms “beneficial owner” and “beneficial ownership” shall be determined in a manner that is not less stringent than the manner set forth in section 240.13d–3 of title 17, Code of Federal Regulations (as in effect on the date of the enactment of this Act).

(2) COMPANY.—The term “company” means any corporation, company, limited liability company, limited partnership, business trust, business association, or other similar entity.

(3) COVERED CONTRACTOR OR SUBCONTRACTOR.—The term “covered contractor or subcontractor” means a company that is an existing or prospective contractor or subcontractor of the Department of Defense on a contract or subcontract with a value in excess of \$5,000,000, except as provided in subsection (c).

(4) FOREIGN OWNERSHIP, CONTROL, OR INFLUENCE; FOCI.—The terms “foreign ownership, control, or influence” and “FOCI” have the meanings given those terms in the National Industrial Security Program Operating Manual (DOD 5220.22–M), or a successor document.

(b) IMPROVED ASSESSMENT AND MITIGATION OF RISKS RELATED TO FOREIGN OWNERSHIP, CONTROL, OR INFLUENCE.—

(1) IN GENERAL.—In developing and implementing the analytical framework for mitigating risk relating to ownership structures, as required by section 2509 of title 10, United States Code, as added by section 845 of this Act, the Secretary of Defense shall improve the process and procedures for the assessment and mitigation of risks related to foreign ownership, control, or influence (FOCI) of contractors and subcontractors doing business with the Department of Defense.

Procedures.

(2) ELEMENTS.—The process and procedures for the assessment and mitigation of risk relating to ownership structures referred to in paragraph (1) shall include the following elements:

Requirements.
Disclosures.

(A) ASSESSMENT OF FOCI.—(i) A requirement for covered contractors and subcontractors to disclose to the Defense Counterintelligence and Security Agency, or its successor organization, their beneficial ownership and whether they are under FOCI.

Update.

(ii) A requirement to update such disclosures when changes occur to information previously provided, consistent with or similar to the procedures for updating FOCI information under the National Industrial Security Program Operating Manual (DOD 5220.22–M), or a successor document.

(iii) A requirement for covered contractors and subcontractors determined to be under FOCI to disclose contact information for each of its foreign owners that is a beneficial owner.

Deadline.

(iv) A requirement that, at a minimum, the disclosures required by this paragraph be provided at the time the contract or subcontract is awarded, amended, or renewed, but in no case later than one year after the Secretary prescribes regulations to carry out this subsection.

(B) RESPONSIBILITY DETERMINATION.—Consistent with section 2509 of title 10, United States Code, as added by section 845 of this Act, consideration of FOCI risks as part of responsibility determinations, including—

(i) whether to establish a special standard of responsibility relating to FOCI risks for covered contractors or subcontractors, and the extent to which the policies and procedures consistent with or similar to those relating to FOCI under the National Industrial Security Program shall be applied to covered contractors or subcontractors;

Procedures.

(ii) procedures for contracting officers making responsibility determinations regarding whether covered contractors and subcontractors may be under foreign ownership, control, or influence and for determining whether there is reason to believe that such foreign ownership, control, or influence would pose a risk or potential risk to national security or potential compromise because of sensitive data, systems, or processes, such as personally identifiable information, cybersecurity, or national security systems involved with the contract or subcontract; and

(iii) modification of policies, directives, and practices to provide that an assessment that a covered contractor or subcontractor is under FOCI may be a sufficient basis for a contracting officer to determine that a contractor or subcontractor is not responsible.

(C) CONTRACT REQUIREMENTS, ADMINISTRATION, AND OVERSIGHT RELATING TO FOCI.—

(i) Requirements for contract clauses providing for and enforcing disclosures related to changes in FOCI or beneficial ownership during performance of the contract or subcontract, consistent with subparagraph (A), and necessitating the effective mitigation of risks related to FOCI throughout the duration of the contract or subcontract.

(ii) Pursuant to section 831(c), designation of the appropriate Department of Defense official responsible to approve and to take actions relating to award, modification, termination of a contract, or direction to modify or terminate a subcontract due to an assessment by the Defense Counterintelligence and Security Agency, or its successor organization, that a covered contractor or subcontractor under FOCI poses a risk to national security or potential risk of compromise.

(iii) A requirement for the provision of additional information regarding beneficial ownership and control of any covered contractor or subcontractor on the contract or subcontract.

(iv) Other measures as necessary to be consistent with other relevant practices, policies, regulations, and actions, including those under the National Industrial Security Program.

(c) APPLICABILITY TO CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL PRODUCTS AND SERVICES AND OTHER FORMS OF ACQUISITION AGREEMENTS.—

(1) COMMERCIAL PRODUCTS AND SERVICES.—The requirements under subsection (b)(2)(A) and (b)(2)(C) shall not apply to a contract or subcontract for commercial products or services, unless a designated senior Department of Defense official specifically requires the applicability of subsections (b)(2)(A) and (b)(2)(C) based on a determination by the designated senior official that the contract or subcontract involves a risk or potential risk to national security or potential compromise because of sensitive data, systems, or processes, such as personally identifiable information, cybersecurity, or national security systems.

(2) RESEARCH AND DEVELOPMENT AND PROCUREMENT ACTIVITIES.—The Secretary of Defense shall ensure that the requirements of this section are applied to research and development and procurement activities, including for the delivery of services, established through any means including those under section 2358(b) of title 10, United States Code.

(d) AVAILABILITY OF RESOURCES.—The Secretary shall ensure that sufficient resources, including subject matter expertise, are allocated to execute the functions necessary to carry out this section, including the assessment, mitigation, contract administration, and oversight functions.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit or modify any other procurement policy, procedure, requirement, or restriction provided by law, including section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), as amended by the Foreign Interference Risk Review Modernization Act of 2018 (subtitle A of title XVII of Public Law 115–232).

(f) AVAILABILITY OF BENEFICIAL OWNERSHIP DATA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a process to update systems of record to improve the assessment and mitigation of risks associated with FOCI through the inclusion and updating of all appropriate associated uniquely identifying information about the contracts and contractors and subcontracts and subcontractors in the Federal Awardee Performance and Integrity Information System

Deadline.

(FAPIS), administered by the General Services Administration, and the Commercial and Government Entity (CAGE) database, administered by the Defense Logistics Agency.

(2) LIMITED AVAILABILITY OF INFORMATION.—The Secretary of Defense shall ensure that the information required to be disclosed pursuant to this section is—

- (A) not made public;
- (B) made available via the FAPIS and CAGE databases; and
- (C) made available to appropriate government departments or agencies.

10 USC 2302
note.

SEC. 848. PROHIBITION ON OPERATION OR PROCUREMENT OF FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.

(a) PROHIBITION ON AGENCY OPERATION OR PROCUREMENT.—The Secretary of Defense may not operate or enter into or renew a contract for the procurement of—

- (1) a covered unmanned aircraft system that—
 - (A) is manufactured in a covered foreign country or by an entity domiciled in a covered foreign country;
 - (B) uses flight controllers, radios, data transmission devices, cameras, or gimbals manufactured in a covered foreign country or by an entity domiciled in a covered foreign country;
 - (C) uses a ground control system or operating software developed in a covered foreign country or by an entity domiciled in a covered foreign country; or
 - (D) uses network connectivity or data storage located in or administered by an entity domiciled in a covered foreign country; or
- (2) a system manufactured in a covered foreign country or by an entity domiciled in a covered foreign country for the detection or identification of covered unmanned aircraft systems.

(b) EXEMPTION.—The Secretary of Defense is exempt from the restriction under subsection (a) if the operation or procurement is for the purposes of—

- (1) Counter-UAS surrogate testing and training; or
- (2) intelligence, electronic warfare, and information warfare operations, testing, analysis, and training.

(c) WAIVER.—The Secretary of Defense may waive the restriction under subsection (a) on a case by case basis by certifying in writing to the congressional defense committees that the operation or procurement is required in the national interest of the United States.

(d) DEFINITIONS.—In this section:

- (1) COVERED FOREIGN COUNTRY.—The term “covered foreign country” means the People’s Republic of China.
- (2) COVERED UNMANNED AIRCRAFT SYSTEM.—The term “covered unmanned aircraft system” means an unmanned aircraft system and any related services and equipment.

SEC. 849. MODIFICATION OF PROHIBITION ON ACQUISITION OF SENSITIVE MATERIALS FROM NON-ALLIED FOREIGN NATIONS.

(a) EXPANSION OF MATERIALS COVERED BY PROHIBITION ON SALE FROM NATIONAL DEFENSE STOCKPILE.—Subsection (a)(2) of section 2533c of title 10, United States Code, is amended, in the

matter preceding subparagraph (A), by striking “covered material” and inserting “material”.

(b) INCLUSION OF TANTALUM IN DEFINITION OF COVERED MATERIALS.—Subsection (d)(1) of such section is amended—

(1) in subparagraph (C), by striking “; and” and inserting a semicolon;

(2) in subparagraph (D), by striking the period and inserting “; and”; and

(3) by adding at the end the following new subparagraph: “(E) tantalum metals and alloys.”.

SEC. 850. ACQUISITION AND DISPOSAL OF CERTAIN RARE EARTH MATERIALS. 50 USC 89d note.

(a) AUTHORITY TO DISPOSE OF AND ACQUIRE MATERIALS FOR THE NATIONAL DEFENSE STOCKPILE.—

(1) DISPOSAL AUTHORITY.—Pursuant to section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)), the National Defense Stockpile Manager shall dispose of 3,000,000 pounds of tungsten ores and concentrates contained in the National Defense Stockpile (in addition to any amount previously authorized for disposal).

(2) ACQUISITION AUTHORITY.—

(A) AUTHORITY.—Using funds available in the National Defense Stockpile Transaction Fund, the National Defense Stockpile Manager may acquire the following materials determined to be strategic and critical materials required to meet the defense, industrial, and essential civilian needs of the United States:

(i) Aerospace-grade rayon.

(ii) Electrolytic manganese metal.

(iii) Pitch-based carbon fiber.

(iv) Rare earth cerium compounds.

(v) Rare earth lanthanum compounds.

(B) AMOUNT OF AUTHORITY.—The National Defense Stockpile Manager may use up to \$37,420,000 in the National Defense Stockpile Transaction Fund for acquisition of the materials specified in this paragraph.

(3) FISCAL YEAR LIMITATION.—The authority under this subsection is available for purchases made during fiscal year 2020 through fiscal year 2024.

(b) SENSE OF CONGRESS RELATING TO NATIONAL DEFENSE STOCKPILE SALES.—It is the sense of Congress that tantalum should be designated as a strategic and critical material under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) required to meet the defense, industrial, and essential civilian needs of the United States.

(c) REPORT ON SUPPLY CHAIN ISSUES FOR RARE EARTH MATERIALS.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Defense Logistics Agency, in coordination with the Deputy Assistant Secretary of Defense for Industrial Policy, shall submit a report to Congress assessing issues relating to the supply chain for rare earth materials. Such report shall include the following:

Assessments.
Coordination.

(1) An assessment of the rare earth materials in the reserves held by the United States.

(2) A estimate of the needs of the United States for rare earth materials— Estimate.

(A) in general; and

(B) to support a major near-peer conflict as described in war game scenarios in the 2018 National Defense Strategy.

(3) An assessment of the extent to which substitutes for rare earth materials are available.

Strategy.
Plan.

(4) A strategy or plan to encourage the use of rare earth materials mined, refined, processed, melted, or sintered in the United States, or from trusted allies, including an assessment of the best acquisition practices (which shall include an analysis of best value contracting methods) to ensure the viability of trusted suppliers of rare earth materials to meet national security needs.

10 USC 2283
note.

SEC. 851. PILOT PROGRAM FOR DEVELOPMENT OF TECHNOLOGY-ENHANCED CAPABILITIES WITH PARTNERSHIP INTERMEDIARIES.

(a) **ESTABLISHMENT.**—The Commander of the United States Special Operations Command may use the greater of \$2,000,000 or 5 percent of the funds required to be expended by the United States Special Operations Command under section 9(f)(1) of the Small Business Act (15 U.S.C. 638(f)(1)) for a pilot program to increase participation by small business concerns in the development of technology-enhanced capabilities for special operations forces.

(b) **USE OF PARTNERSHIP INTERMEDIARY.**—

(1) **AUTHORIZATION.**—The Commander of the United States Special Operations Command may modify an existing agreement with a partnership intermediary to assist the Commander in carrying out the pilot program under this section, including with respect to the award of contracts and agreements to small business concerns.

(2) **USE OF FUNDS.**—None of the funds referred to in subsection (a) shall be used to pay a partnership intermediary for any administrative costs associated with the pilot program.

Coordination.

(c) **REPORT.**—Not later than October 1, 2020, and October 1, 2021, the Commander of the United States Special Operations Command, in coordination with the Under Secretary of Defense for Research and Engineering, shall submit to the congressional defense committees, the Committee on Small Business of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate a report describing any agreement with a partnership intermediary entered into pursuant to this section. The report shall include, for each such agreement, the amount of funds obligated, an identification of the recipient of such funds, and a description of the use of such funds.

(d) **TERMINATION.**—The authority to carry out a pilot program under this section shall terminate on September 30, 2021.

(e) **DEFINITIONS.**—In this section:

(1) **PARTNERSHIP INTERMEDIARY.**—The term “partnership intermediary” has the meaning given the term in section 23(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3715(c)).

(2) **SMALL BUSINESS CONCERN.**—The term “small business concern” has the meaning given the term under section 3 of the Small Business Act (15 U.S.C. 632).

(3) **SMALL BUSINESS INNOVATION RESEARCH PROGRAM.**—The term “Small Business Innovation Research Program” has the meaning given the term in section 9(e)(4) of the Small Business Act (15 U.S.C. 638(e)).

(4) **SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.**—The term “Small Business Technology Transfer Program” has the meaning given the term in section 9(e)(6) of the Small Business Act (15 U.S.C. 638(e)).

(5) **TECHNOLOGY-ENHANCED CAPABILITY.**—The term “technology-enhanced capability” means a product, concept, or process that improves the ability of a member of the Armed Forces to achieve an assigned mission.

SEC. 852. AUTHORIZED OFFICIAL TO CARRY OUT THE PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM.

(a) **AUTHORIZED OFFICIAL.**—Effective October 1, 2021, section 2411(3) of title 10, United States Code, is amended by striking “Director of the Defense Logistics Agency” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

Effective date.
10 USC 2411
note.

(b) **REPORT AND BRIEFING.**—Not later than November 1, 2020, the Secretary of Defense shall provide to the congressional defense committees a written report and briefing on the activities carried out in preparation for the transition of responsibilities for carrying out the procurement technical assistance cooperative agreement program under chapter 142 of title 10, United States Code, from the Director of Defense Logistics Agency to the Under Secretary of Defense for Acquisition and Sustainment, as required by subsection (a).

Deadline.

(c) **ANNUAL BUDGET JUSTIFICATION DOCUMENTS.**—The Secretary of Defense shall submit to Congress, as a part of the defense budget materials (as defined in section 234(d) of title 10, United States Code) for fiscal year 2021 and each fiscal year thereafter, a budget justification display that includes the procurement technical assistance cooperative agreement program under chapter 142 of title 10, United States Code, as part of the budget justification for Operation and Maintenance, Defense-wide for the Office of the Secretary of Defense.

10 USC 221 note.

SEC. 853. REQUIREMENT THAT CERTAIN SHIP COMPONENTS BE MANUFACTURED IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) **ADDITIONAL PROCUREMENT LIMITATION.**—Section 2534(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6) **COMPONENTS FOR AUXILIARY SHIPS.**—Subject to subsection (k), large medium-speed diesel engines.”.

(b) **IMPLEMENTATION.**—Such section is further amended by adding at the end the following new subsection:

“(k) **IMPLEMENTATION OF AUXILIARY SHIP COMPONENT LIMITATION.**—Subsection (a)(6) applies only with respect to contracts awarded by the Secretary of a military department for new construction of an auxiliary ship after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020 using funds available for National Defense Sealift Fund programs or Shipbuilding and Conversion, Navy. For purposes of this subsection, the term ‘auxiliary ship’ does not include an icebreaker or a special mission ship.”.

Applicability.

Definition.

SEC. 854. ADDITION OF DOMESTICALLY PRODUCED STAINLESS STEEL FLATWARE AND DINNERWARE TO THE BERRY AMENDMENT.

(a) ADDITION OF DOMESTICALLY PRODUCED STAINLESS STEEL FLATWARE AND DINNERWARE.—

(1) IN GENERAL.—Section 2533a(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

“(3) Stainless steel flatware.

“(4) Dinnerware.”.

10 USC 2533a
note.

(2) APPLICABILITY.—Paragraphs (3) and (4) of section 2533a(b) of title 10, United States Code, as added by paragraph (1), shall apply with respect to contracts entered into on or after the date occurring 1 year after the date of the enactment of this Act.

10 USC 2533a
note.

(3) REPEAL.—Effective September 30, 2023, such paragraphs (3) and (4) are repealed.

(b) REPORT.—

Survey.
Cost assessment.
Recommendations.

(1) REPORT REQUIRED.—Not later than October 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report that provides a market survey, cost assessment, description of national security considerations, and a recommendation regarding whether the procurement of dinnerware and stainless steel flatware should be limited to sources in the United States.

Analysis.

(2) CONTENTS.—The report required under paragraph (1) shall include an analysis of the following with respect to dinnerware and stainless steel flatware:

(A) The extent to which such items have commercial applications.

(B) The number of such items to be procured by current programs of record.

(C) The criticality of such items to a military unit’s mission accomplishment.

Cost estimate.

(D) The estimated cost and other considerations of reconstituting the production capability of such items, if not maintained in the United States.

(E) National security regulations or restrictions imposed on such items that may not be imposed on such items if provided by a competitor outside the United States.

(F) Federal, State, and local government regulations that are not related to national security that are imposed on such items that may not be imposed on a competitor outside the United States.

(G) The extent to which such items is fielded in current programs of record.

(H) The extent to which such items can be procured as and when needed in satisfactory quality and sufficient quantity at United States market prices.

(I) The benefits accrued to the Department of Defense and the defense industrial base to procure such items from sources outside the United States.

SEC. 855. APPLICATION OF MISCELLANEOUS TECHNOLOGY BASE POLICIES AND PROGRAMS TO THE COLUMBIA-CLASS SUBMARINE PROGRAM.

Notwithstanding subchapter V of chapter 148 of title 10, United States Code (except for sections 2534, 2533a, and 2533b of such title), for a period of one year beginning on the date of the enactment of this Act, the milestone decision authority (as defined in section 2366a of title 10, United States Code) for the Columbia-class submarine program shall ensure that such program maintains the Acquisition Program Baseline schedule dates approved under the Milestone B approval (as defined in such section).

SEC. 856. APPLICATION OF LIMITATION ON PROCUREMENT OF GOODS OTHER THAN UNITED STATES GOODS TO THE FFG-FRIGATE PROGRAM.

Notwithstanding any other provision of law, amounts authorized to carry out the FFG-Frigate Program may be used to award a new contract that provides for the acquisition of the following components regardless of whether those components are manufactured in the United States:

- (1) Auxiliary equipment (including pumps) for shipboard services.
- (2) Propulsion equipment (including engines, reduction gears, and propellers).
- (3) Shipboard cranes.
- (4) Spreaders for shipboard cranes.

SEC. 857. SENSE OF CONGRESS REGARDING CONSIDERATION OF PRICE IN PROCUREMENT OF THE FFG(X) FRIGATE.

It is the sense of Congress that during fiscal year 2020, in evaluating proposals for a contract to procure a FFG(X) frigate, the Secretary of the Navy should ensure price is a critical factor.

Subtitle F—Provisions Relating to Acquisition Workforce

SEC. 860. ESTABLISHMENT OF DEFENSE CIVILIAN TRAINING CORPS.

(a) **IN GENERAL.**—Part III of subtitle A of title 10, United States Code, is amended by inserting after chapter 112 the following new chapter:

“CHAPTER 113—DEFENSE CIVILIAN TRAINING CORPS

“Sec. 2200g. Establishment.

“Sec. 2200h. Program elements.

“Sec. 2200i. Model authorities.

“Sec. 2200j. Definitions.

10 USC
prec. 2200g.

“SEC. 2200g. ESTABLISHMENT.

10 USC 2200g.

“For the purposes of preparing selected students for public service in Department of Defense occupations relating to acquisition, science, engineering, or other civilian occupations determined by the Secretary of Defense, and to target critical skill gaps in the Department of Defense, the Secretary of Defense shall establish and maintain a Defense Civilian Training Corps program, organized into one or more units, at any accredited civilian educational institution authorized to grant baccalaureate degrees.

10 USC 2200h.	“SEC. 2200h. PROGRAM ELEMENTS.
Determination.	“In establishing the program, the Secretary of Defense shall determine the following:
Methodology.	<p>“(1) A methodology to identify and target critical skills gaps in Department of Defense occupations relating to acquisition, science, engineering, or other civilian occupations determined by the Secretary of Defense.</p> <p>“(2) A mechanism to track and report the success of the program in eliminating any critical skills gaps identified under paragraph (1).</p>
Criteria.	“(3) Criteria for an accredited civilian educational institution to participate in the program.
	“(4) The eligibility of a student to become a member of the program.
Criteria.	“(5) Criteria required for a member of the program to receive financial assistance from the Department of Defense.
	“(6) The term of service as an employee of the Department of Defense required for a member of the program to receive such financial assistance.
Criteria.	“(7) Criteria required for a member of the program to be released from a term of service.
	“(8) The method by which a successful graduate of the program may gain immediate employment in the Department of Defense.
	“(9) Resources required for implementation of the program.
10 USC 2200i.	“SEC. 2200i. MODEL AUTHORITIES.
	“In making determinations under section 2200h of this title, the Secretary of Defense shall use the authorities under chapters 103 and 111 of this title as guides.
10 USC 2200j.	“SEC. 2200j. DEFINITIONS.
	“In this chapter:
	“(1) The term ‘program’ means the Defense Civilian Training Corps program established under section 2200g.
	“(2) The term ‘member of the program’ means a student at an accredited civilian educational institution who is enrolled in the program.”
Deadlines. Plans. Schedules. 10 USC 2200g note.	<p>(b) IMPLEMENTATION TIMELINE.—</p> <p>(1) INITIAL IMPLEMENTATION.—Not later than February 15, 2020, the Secretary of Defense shall submit to the congressional defense committees a plan and schedule to implement the Defense Civilian Training Corps program established under chapter 113 of title 10, United States Code (as added by subsection (a)) at one accredited civilian educational institution authorized to grant baccalaureate degrees not later than August 1, 2021. The plan shall include a list of critical skills gaps the program will address and recommendations for any legislative changes required for effective implementation of the program.</p> <p>(2) EXPANSION.—Not later than December 31, 2020, the Secretary of Defense shall submit to the congressional defense committees an expansion plan and schedule to expand the Defense Civilian Training Corps program to five accredited civilian educational institutions not later than August 1, 2022.</p> <p>(3) FULL IMPLEMENTATION.—Not later than December 31, 2021, the Secretary of Defense shall submit to the congressional</p>
List. Recommendations.	

defense committees a full implementation plan and schedule to expand the Defense Civilian Training Corps program to at least 20 accredited civilian educational institutions with not fewer than 400 members enrolled in the program not later than August 1, 2023.

SEC. 861. DEFENSE ACQUISITION WORKFORCE CERTIFICATION, EDUCATION, AND CAREER FIELDS.

(a) PROFESSIONAL CERTIFICATION REQUIREMENT.—

(1) PROFESSIONAL CERTIFICATION REQUIRED FOR ALL ACQUISITION WORKFORCE PERSONNEL.—Section 1701a of title 10, United States Code, is amended—

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

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

“(c) PROFESSIONAL CERTIFICATION.—(1) IN GENERAL.—The Secretary of Defense shall implement a certification program to provide for a professional certification requirement for all members of the acquisition workforce. Except as provided in paragraph (2), the certification requirement for any acquisition workforce career field shall be based on standards developed by a third-party accredited program based on nationally or internationally recognized standards.

“(2) REQUIREMENTS FOR SECRETARY.—If the Secretary determines that, for a particular acquisition workforce career field, a third-party accredited program based on nationally or internationally recognized standards does not exist, the Secretary shall establish the certification requirement for that career field that conforms with the practices of national or international accrediting organizations. The Secretary shall determine the best approach for meeting the certification requirement for any such career field, including by implementing such certification requirement through entities outside the Department of Defense, and may design and implement such certification requirement without regard to section 1746 of this title.”

Determinations.

(2) PERFORMANCE MANAGEMENT.—Subsection (b) of such section is amended—

(A) in paragraph (5), by striking “encourage” and inserting “direct”; and

(B) in paragraph (6), by inserting “and consequences” after “warnings”.

(3) PARTICIPATION IN PROFESSIONAL ASSOCIATIONS.—Subsection (b) of such section is further amended—

(A) by redesignating paragraphs (6), (7), (8), and (9) as paragraphs (7), (8), (9), and (10), respectively; and

(B) by inserting after paragraph (5) the following new paragraph:

“(6) authorize a member of the acquisition workforce to participate in professional associations, consistent with the performance plan of such a member in order to provide the member with the opportunity to gain leadership and management skills.”

(4) GENERAL EDUCATION, TRAINING, AND EXPERIENCE REQUIREMENTS.—Section 1723 of such title is amended—

(A) in subsection (a)(3), by striking the second sentence; and

Procedures.
10 USC 1701a
note.

(B) in subsection (b)(1), by striking “encourage” and inserting “direct”.

(5) EFFECTIVE DATE.—The Secretary of Defense shall implement procedures to institute the program required by subsection (c) of section 1701a of title 10, United States Code, as added by paragraph (1), not later than 180 days after the date of the enactment of this Act.

(b) ELIMINATION OF STATUTORY REQUIREMENT FOR COMPLETION OF 24 SEMESTER CREDIT HOURS.—

(1) QUALIFICATION REQUIREMENTS FOR CONTRACTING POSITIONS.—Section 1724 of title 10, United States Code, is amended—

(A) in subsection (a)(3)—

(i) by striking “(A)” after “(3)”; and

(ii) by striking “, and (B)” and all that follows through “and management”; and

(B) in subsection (b), by striking “requirements” in the first sentences of paragraphs (1) and (2) and inserting “requirement”;

(C) in subsection (e)—

(i) in paragraph (1)—

(I) by striking “requirements in subparagraphs (A) and (B) of subsection (a)(3)” and inserting “requirement of subsection (a)(3)”; and

(II) in subparagraph (C), by striking “requirements” and inserting “requirement”; and

(ii) in paragraph (2)—

(I) by striking “shall have—” and all that follows through “been awarded” and inserting “shall have been awarded”;

(II) by striking “; or” and inserting a period; and

(III) by striking subparagraph (B); and

(D) in subsection (f), by striking “, including—” and all that follows and inserting a period.

(2) SELECTION CRITERIA AND PROCEDURES.—Section 1732 of such title is amended—

(A) in subsection (b)(1)—

(i) by striking “Such requirements,” and all the follows through “the person—” and inserting “Such requirements shall include a requirement that the person—”;

(ii) by striking subparagraph (B); and

(iii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and conforming the margins accordingly;

(B) in subsection (c), by striking “requirements of subsections (b)(1)(A) and (b)(1)(B)” in paragraphs (1) and (2) and inserting “requirement of subsection (b)(1)”; and

(C) in subsection (d)—

(i) by striking “(1) Except as provided in paragraph (2),”; and

(ii) by striking paragraph (2).

(c) DEFENSE ACQUISITION UNIVERSITY.—Section 1746 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(B) by inserting after paragraph (1) the following new paragraphs:

“(2) The professors, instructors, and lecturers employed under paragraph (1) shall include individuals from civilian colleges or universities that are not owned or operated by the Federal Government, commercial learning and development organizations, industry, or federally funded research and development centers.

“(3) The Secretary of Defense shall ensure that—

Deadlines.

“(A) not later than September 1, 2021, not less than five full-time visiting professors employed under paragraph (1) are from civilian colleges or universities described under paragraph (2); ; and

“(B) not later than September 1, 2022, not less than ten full-time visiting professors employed under paragraph (1) are from such civilian colleges or universities.”; and (2) in subsection (c), by inserting “, and with commercial training providers,” after “military departments”.

(d) DESIGNATION OF SECURITY COOPERATION AS AN ACQUISITION POSITION.—Section 1721(b) of title 10, United States Code, is amended—

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

“(11) Security cooperation.”; and

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

“(13) Other positions, as necessary.”.

(e) CAREER PATHS.—

(1) CAREER PATH REQUIRED FOR EACH ACQUISITION WORKFORCE CAREER FIELD.—Paragraph (4) of section 1701a(b) of title 10, United States Code, is amended to read as follows:

“(4) develop and implement a career path, as described in section 1722(a) of this title, for each career field designated by the Secretary under section 1721(a) of this title as an acquisition workforce career field;”.

(2) CONFORMING AMENDMENTS.—Section 1722(a) of such title is amended—

(A) by striking “appropriate career paths” and inserting “an appropriate career path”; and

(B) by striking “are identified” and inserting “is identified for each acquisition workforce career field”.

(3) DEADLINE FOR IMPLEMENTATION OF CAREER PATHS.—Not later than the end of the two-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall carry out the requirements of paragraph (4) of section 1701a(b) of title 10, United States Code (as amended by paragraph (1)).

Time period.
10 USC 1701a
note.

(f) CAREER FIELDS.—

(1) DESIGNATION OF ACQUISITION WORKFORCE CAREER FIELDS.—Section 1721(a) of such title is amended by adding at the end the following new sentence: “The Secretary shall also designate in regulations those career fields in the Department of Defense that are acquisition workforce career fields for purposes of this chapter.”.

Regulations.

(2) CLERICAL AMENDMENTS.—(A) The heading of section 1721 of such title is amended to read as follows:

“§ 1721. Designation of acquisition positions and acquisition workforce career fields”.

10 USC
prec. 1721.

(B) The item relating to such section in the table of sections at the beginning of subchapter II of chapter 87 of such title is amended to read as follows:

“1721. Designation of acquisition positions and acquisition workforce career fields.”.

10 USC
prec. 1721.

(3)(A) The heading of subchapter II of chapter 87 of such title is amended to read as follows:

“SUBCHAPTER II—ACQUISITION POSITIONS AND ACQUISITION WORKFORCE CAREER FIELDS”.

10 USC
prec. 1701.

(B) The item relating to such subchapter in the table of subchapters at the beginning of such chapter is amended to read as follows:

“II. Acquisition Positions And Acquisition Workforce Career Fields 1721”.

Time period.
10 USC 1721
note.

(4) DEADLINE FOR DESIGNATION OF CAREER FIELDS.—Not later than the end of the six-month period beginning on the date of the enactment of this Act, the Secretary of Defense shall carry out the requirements of the second sentence of section 1721(a) of title 10, United States Code (as added by paragraph (1)).

(g) KEY WORK EXPERIENCES.—

(1) DEVELOPMENT OF KEY WORK EXPERIENCES FOR EACH ACQUISITION WORKFORCE CAREER FIELD.—Section 1722b of such title is amended by adding at the end the following new subsection:

“(c) KEY WORK EXPERIENCES.—In carrying out subsection (b)(2), the Secretary shall ensure that key work experiences, in the form of multidisciplinary experiences, are developed for each acquisition workforce career field.”.

10 USC 1722b
note.
Deadline.

(2) PLAN FOR IMPLEMENTATION OF KEY WORK EXPERIENCES.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan identifying the specific actions the Secretary has taken, and is planning to take, to develop and establish key work experiences for each acquisition workforce career field as required by subsection (c) of section 1722b of title 10, United States Code (as added by paragraph (1)). The plan shall specify the percentage of the acquisition workforce, or funds available for administration of the acquisition workforce on an annual basis, that the Secretary will dedicate towards developing and establishing such key work experiences.

(h) APPLICABILITY OF CAREER PATH REQUIREMENTS TO ALL MEMBERS OF ACQUISITION WORKFORCE.—Section 1723(b) of such title is amended by striking “the critical acquisition-related”.

(i) COMPETENCY DEVELOPMENT.—

(1) IN GENERAL.—Subchapter V of chapter 87 of such title is amended by adding at the end the following new section:

10 USC 1765.

“§ 1765. Competency development

“For each acquisition workforce career field, the Secretary of Defense shall—

“(1) establish, for the civilian personnel in that career field, defined proficiency standards and technical and nontechnical competencies which shall be used in personnel qualification assessments; and

Standards.

“(2) assign resources to accomplish such technical and nontechnical competencies.”.

(2) The table of sections at the beginning of such subchapter II is amended by adding at the end the following new item:

10 USC
prec. 1761.

“1765. Competency development.”.

(3) DEADLINE FOR IMPLEMENTATION.—Not later than the end of the two-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall carry out the requirements of section 1765 of title 10, United States Code (as added by paragraph (1)).

10 USC 1765
note.

(j) TERMINATION OF DEFENSE ACQUISITION CORPS.—

(1) The Acquisition Corps for the Department of Defense referred to in section 1731(a) of title 10, United States Code, is terminated.

10 USC 1731
note.

(2) Section 1733 of title 10, United States Code, is amended—

(A) by striking subsection (a); and

(B) by redesignating subsection (b) as subsection (a).

(3) Subsection (b) of section 1731 of such title is transferred to the end of section 1733 of such title, as amended by paragraph (2), and amended—

(A) by striking “ACQUISITION CORPS” in the heading and inserting “THE ACQUISITION WORKFORCE”; and

(B) by striking “selected for the Acquisition Corps” and inserting “in the acquisition workforce”.

(4) Subsection (e) of section 1732 of such title is transferred to the end of section 1733 of such title, as amended by paragraphs (2) and (3), redesignated as subsection (c), and amended—

(A) by striking “in the Acquisition Corps” in paragraphs (1) and (2) and inserting “in critical acquisition positions”; and

(B) by striking “serving in the Corps” in paragraph (2) and inserting “employment”.

(5) Sections 1731 and 1732 of such title are repealed.

Repeals.

(6)(A) Section 1733 of such title, as amended by paragraphs (2), (3), and (4), is redesignated as section 1731.

(B) The table of sections at the beginning of subchapter III of chapter 87 of such title is amended by striking the items relating to sections 1731, 1732, and 1733 and inserting the following new item:

10 USC
prec. 1731.

“1731. Critical acquisition positions.”.

(7)(A) The heading of subchapter III of chapter 87 of such title is amended to read as follows:

10 USC
prec. 1731.

“SUBCHAPTER III—CRITICAL ACQUISITION POSITIONS”.

(B) The item relating to such subchapter in the table of subchapters at the beginning of such chapter is amended to read as follows:

10 USC
prec. 1701.

“III. Critical Acquisition Positions 1731”.

(8) Section 1723(a)(2) of such title is amended by striking “section 1733 of this title” and inserting “section 1731 of this title”.

(9) Section 1725 of such title is amended—

(A) in subsection (a)(1), by striking “Defense Acquisition Corps” and inserting “acquisition workforce”; and

(B) in subsection (d)(2), by striking “of the Defense Acquisition Corps” and inserting “in the acquisition workforce serving in critical acquisition positions”.

(10) Section 1734 of such title is amended—

(A) by striking “of the Acquisition Corps” in subsections (e)(1) and (h) and inserting “of the acquisition workforce”; and

(B) in subsection (g)—

(i) by striking “of the Acquisition Corps” in the first sentence and inserting “of the acquisition workforce”; and

(ii) by striking “of the Corps” and inserting “of the acquisition workforce”; and

(iii) by striking “of the Acquisition Corps” in the second sentence and inserting “of the acquisition workforce in critical acquisition positions”.

(11) Section 1737 of such title is amended—

(A) in subsection (a)(1), by striking “of the Acquisition Corps” and inserting “of the acquisition workforce”; and

(B) in subsection (b), by striking “of the Corps” and inserting “of the acquisition workforce”.

(12) Section 1742(a)(1) of such title is amended by striking “the Acquisition Corps” and inserting “acquisition positions in the Department of Defense”.

(13) Section 2228(a)(4) of such title is amended by striking “under section 1733(b)(1)(C) of this title” and inserting “under section 1731 of this title”.

(14) Section 7016(b)(5)(B) of such title is amended by striking “under section 1733 of this title” and inserting “under section 1731 of this title”.

(15) Section 8016(b)(4)(B) of such title is amended by striking “under section 1733 of this title” and inserting “under section 1731 of this title”.

(16) Section 9016(b)(4)(B) of such title is amended by striking “under section 1733 of this title” and inserting “under section 1731 of this title”.

(17) Paragraph (1) of section 317 of title 37, United States Code, is amended to read as follows:

“(1) is a member of the acquisition workforce selected to serve in, or serving in, a critical acquisition position designated under section 1731 of title 10.”.

10 USC 1741
note.

SEC. 862. SOFTWARE DEVELOPMENT AND SOFTWARE ACQUISITION TRAINING AND MANAGEMENT PROGRAMS.

(a) ESTABLISHMENT OF SOFTWARE DEVELOPMENT AND SOFTWARE ACQUISITION TRAINING AND MANAGEMENT PROGRAMS.—

Consultation.

(1) IN GENERAL.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment and in consultation with the Under Secretary of Defense for Research and Engineering, the Under Secretary

of Defense for Personnel and Readiness, and the Chief Information Officer of the Department of Defense, shall establish software development and software acquisition training and management programs for all software acquisition professionals, software developers, and other appropriate individuals (as determined by the Secretary of Defense), to earn a certification in software development and software acquisition.

(2) PROGRAM CONTENTS.—The programs established under paragraph (1) shall—

(A) develop and expand the use of specialized training programs for chief information officers of the military departments and the Defense Agencies, service acquisition executives, program executive officers, and program managers to include training on and experience in—

(i) continuous software development; and

(ii) acquisition pathways available to acquire software;

(B) ensure that appropriate program managers—

(i) have demonstrated competency in current software processes;

(ii) have the skills to lead a workforce that can quickly meet challenges, use software tools that prioritize continuous or frequent upgrades as such tools become available, take up opportunities provided by new innovations, and plan software activities in short iterations to learn from risks of software testing; and

(iii) have the experience and training to delegate technical oversight and execution decisions; and

(C) include continuing education courses, exchanges with private-sector organizations, and experiential training to help individuals maintain skills learned through the programs.

(b) REPORTS.—

(1) REPORTS REQUIRED.—The Secretary shall submit to the congressional defense committees—

(A) not later than 90 days after the date of the enactment of this Act, an initial report; and

(B) not later than one year after the date of the enactment of this Act, a final report.

(2) CONTENTS.—Each report required under paragraph (1) shall include—

(A) the status of implementing the software development and software acquisition training and management programs established under subsection (a)(1);

(B) a description of the requirements for certification, including the requirements for competencies in current software processes;

(C) a description of potential career paths in software development and software acquisition within the Department of Defense;

(D) an independent assessment conducted by the Defense Innovation Board of the progress made on implementing the programs established under subsection (a)(1); and

(E) any recommendations for changes to existing law to facilitate the implementation of the programs established under subsection (a)(1).

Assessment.

Recommendations.

(c) DEFINITIONS.—In this section:

(1) PROGRAM EXECUTIVE OFFICER; PROGRAM MANAGER.—The terms “program executive officer” and “program manager” have the meanings given those terms, respectively, in section 1737 of title 10, United States Code.

(2) SERVICE ACQUISITION EXECUTIVE.—The terms “military department”, “Defense Agency”, and “service acquisition executive” have the meanings given those terms, respectively, in section 101 of title 10, United States Code.

(3) MAJOR DEFENSE ACQUISITION PROGRAM.—The term “major defense acquisition program” has the meaning given in section 2430 of title 10, United States Code.

(4) DEFENSE BUSINESS SYSTEM.—The term “defense business system” has the meaning given in section 2222(i)(1) of title 10, United States Code.

SEC. 863. MODIFICATION OF TEMPORARY ASSIGNMENTS OF DEPARTMENT OF DEFENSE EMPLOYEES TO A PRIVATE-SECTOR ORGANIZATION.

(a) PUBLIC-PRIVATE TALENT EXCHANGE PROGRAM.—Section 1599g of title 10, United States Code, is amended by adding at the end the following new subsections:

“(i) CONFLICTS OF INTEREST.—A private-sector organization that is temporarily assigned a member of the acquisition workforce under this section shall not be considered to have a conflict of interest with the Department of Defense solely because of participation in the program established under this section.

“(j) FUNDING; USE OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.—Funds for the expenses for the program established under this section may be provided from amounts in the Department of Defense Acquisition Workforce Development Fund. Expenses for the program include—

“(1) notwithstanding section 1705(e)(5) of this title, the base salary of a civilian member of the acquisition workforce assigned to a private-sector organization under this section, during the period of that assignment;

“(2) expenses relating to assignment under this section of a member of the acquisition workforce away from the member’s regular duty station, including expenses for travel, per diem, and lodging; and

“(3) expenses for the administration of the program.”.

(b) USE OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.—Section 1705(e)(1) of such title is amended by adding at the end the following new subparagraph:

“(C) Amounts in the Fund may be used to pay the expenses of the public-private talent exchange program established under section 1599g of this title.”.

SEC. 864. INCENTIVES AND CONSIDERATION FOR QUALIFIED TRAINING PROGRAMS.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2409 the following new section:

10 USC 2409a.

“§ 2409a. Incentives and consideration for qualified training programs

“(a) INCENTIVES.—The Secretary of Defense shall develop workforce development investment incentives for a contractor that implements a qualified training program to develop the workforce

of the contractor in a manner consistent with the needs of the Department of Defense.

“(b) CONSIDERATION OF QUALIFIED TRAINING PROGRAMS.—The Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to require that the system used by the Federal Government to monitor or record contractor past performance includes an analysis of the availability, quality, and effectiveness of a qualified training program of an offeror as part of the past performance rating of such offeror.

Revision.
Requirement.
Analysis.

“(c) QUALIFIED TRAINING PROGRAM DEFINED.—The term ‘qualified training program’ means any of the following:

“(1) A program eligible to receive funds under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

“(2) A program eligible to receive funds under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

“(3) A program registered under the Act of August 16, 1937 (commonly known as the ‘National Apprenticeship Act’; Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

“(4) Any other program determined to be a qualified training program for purposes of this section, and that meets the workforce needs of the Department of Defense, as determined by the Secretary of Defense.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2409 the following new item:

10 USC
prec. 2381.

“2409a. Incentives and consideration for qualified training programs.”.

SEC. 865. USE OF QUALIFIED APPRENTICES BY MILITARY CONSTRUCTION CONTRACTORS.

(a) USE OF QUALIFIED APPRENTICES BY MILITARY CONSTRUCTION CONTRACTORS.—

(1) IN GENERAL.—Subchapter III of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2870. Use of qualified apprentices by military construction contractors

10 USC 2870.

“(a) CERTIFICATION REQUIRED.—The Secretary of Defense shall require each offeror for a contract for a military construction project to certify to the Secretary that, if awarded such a contract, the offeror will—

“(1) establish a goal that not less than 20 percent of the total workforce employed in the performance of such a contract are qualified apprentices; and

“(2) make a good faith effort to meet or exceed such goal.

“(b) INCENTIVES.—The Secretary of Defense shall develop incentives for offerors for a contract for military construction projects to meet or exceed the goal described in subsection (a).

“(c) CONSIDERATION OF USE OF QUALIFIED APPRENTICES.—The Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to require that the system used by the Federal Government to monitor or record contractor past performance includes an analysis of whether the contractor has made a good faith effort to meet or exceed the goal described in subsection (a), including consideration of the actual

Revision.
Requirement.
Analysis.

number of qualified apprentices used by the contractor on the contract, as part of the past performance rating of such contractor.

“(d) QUALIFIED APPRENTICE DEFINED.—In this section, the term ‘qualified apprentice’ means an employee participating in an apprenticeship program that is—

“(1) registered with the Office of Apprenticeship of the Employment Training Administration of the Department of Labor pursuant to the Act of August 16, 1937 (popularly known as the ‘National Apprenticeship Act’; 29 U.S.C. 50 et seq.);

“(2) registered with a State apprenticeship agency recognized by such Office of Apprenticeship pursuant to such Act; or

“(3) determined to be a high-quality apprenticeship program by industry and the Secretary of Labor.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of title 10, United States Code, is amended by adding at the end the following new item:

10 USC
prec. 2851.

“2870. Use of qualified apprentices by military construction contractors.”.

10 USC 2870
note.

(b) APPLICABILITY.—The amendments made by this section shall apply with respect to contracts awarded on or after the date that is 180 days after the date of the enactment of this Act.

Subtitle G—Small Business Matters

SEC. 870. REQUIREMENTS RELATING TO CREDIT FOR CERTAIN SMALL BUSINESS CONCERN SUBCONTRACTORS.

(a) CREDIT FOR CERTAIN SMALL BUSINESS CONCERN SUBCONTRACTORS.—Section 8(d)(16) of the Small Business Act (15 U.S.C. 637(d)) is amended to read as follows:

“(16) CREDIT FOR CERTAIN SMALL BUSINESS CONCERN SUBCONTRACTORS.—

“(A) IN GENERAL.—For purposes of determining whether or not a prime contractor has attained the percentage goals specified in paragraph (6)—

“(i) if the subcontracting goals pertain only to a single contract with a Federal agency, the prime contractor may elect to receive credit for small business concerns performing as first tier subcontractors or subcontractors at any tier pursuant to the subcontracting plans required under paragraph (6)(D) in an amount equal to the total dollar value of any subcontracts awarded to such small business concerns; and

“(ii) if the subcontracting goals pertain to more than one contract with one or more Federal agencies, or to one contract with more than one Federal agency, the prime contractor may only receive credit for first tier subcontractors that are small business concerns.

“(B) COLLECTION AND REVIEW OF DATA ON SUBCONTRACTING PLANS.—The head of each contracting agency shall ensure that the agency—

“(i) collects and reports data on the extent to which prime contractors of the agency meet the goals and objectives set forth in subcontracting plans submitted pursuant to this subsection; and

“(ii) periodically reviews data collected and reported pursuant to clause (i) for the purpose of ensuring that such contractors comply in good faith with the requirements of this subsection.

“(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to allow a Federal agency to establish a goal for an number of subcontracts with a subcontractor at any tier for a prime contractor otherwise eligible to receive credit under this paragraph.”.

(b) MAINTENANCE OF RECORDS WITH RESPECT TO CREDIT UNDER A SUBCONTRACTING PLAN.—Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) by redesignating subparagraphs (G) and (H) as subparagraphs (H) and (I), respectively (and conforming the margins accordingly); and

(2) by inserting after subparagraph (F) the following new subparagraph:

“(G) a recitation of the types of records the successful offeror or bidder will maintain to demonstrate that procedures have been adopted to substantiate the credit the successful offeror or bidder will elect to receive under paragraph (16)(A);”.

SEC. 871. INCLUSION OF BEST IN CLASS DESIGNATIONS IN ANNUAL REPORT ON SMALL BUSINESS GOALS.

Section 15(h) of the Small Business Act (15 U.S.C. 644(h)) is amended by adding at the end the following new paragraph:

“(4) BEST IN CLASS SMALL BUSINESS PARTICIPATION REPORTING.—

“(A) ADDENDUM.—In addition to the requirements under paragraph (2) and for each best in class designation, the Administrator shall include in the report required by such paragraph—

“(i) the total amount of spending Governmentwide in such designation; and

“(ii) the number of small business concerns awarded contracts and the dollar amount of such contracts awarded within each such designation to each of the following—

“(I) qualified HUBZone small business concerns;

“(II) small business concerns owned and controlled by women;

“(III) small business concerns owned and controlled by service-disabled veterans; and

“(IV) small business concerns owned and controlled by socially and economically disadvantaged individuals.

“(B) BEST IN CLASS DEFINED.—The term ‘best in class’ has the meaning given such term by the Director of the Office of Management and Budget.

“(C) EFFECTIVE DATE.—The Administrator shall report on the information described by subparagraph (A) beginning on the date that such information is available in the Federal Procurement Data System, the System for Award Management, or any successor to such systems.”.

SEC. 872. REAUTHORIZATION AND IMPROVEMENT OF DEPARTMENT OF DEFENSE MENTOR-PROTEGE PROGRAM.

(a) REAUTHORIZATION.—

(1) **IN GENERAL.**—Subsection (j) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note) is amended—

(A) in paragraph (1), by striking “September 30, 2018” and inserting “September 30, 2024”; and

(B) in paragraph (2), by striking “September 30, 2021” and inserting “September 30, 2026”.

(2) **PROGRAM PARTICIPATION TERM.**—Subsection (e)(2) of such section is amended by striking “three years” each place such term appears and inserting “two years”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect on the date on which the Secretary of Defense submits to Congress the small business strategy required under section 2283 of title 10, United States Code. The Secretary of Defense shall notify the Law Revision Counsel of the House of Representatives of the submission of the strategy so that the Law Revision Counsel may execute the amendments made by this subsection.

(b) **OFFICE OF SMALL BUSINESS PROGRAMS OVERSIGHT.**—Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note) is amended—

(1) by redesignating subsection (n) as subsection (o); and

(2) by inserting after subsection (m) the following new subsection:

“(n) **ESTABLISHMENT OF PERFORMANCE GOALS AND PERIODIC REVIEWS.**—The Office of Small Business Programs of the Department of Defense shall—

“(1) establish performance goals consistent with the stated purpose of the Mentor-Protege Program and outcome-based metrics to measure progress in meeting those goals; and

“(2) submit to the congressional defense committees, not later than February 1, 2020, a report on progress made toward implementing these performance goals and metrics, based on periodic reviews of the procedures used to approve mentor-protege agreements.”.

(c) **MODIFICATION OF DISADVANTAGED SMALL BUSINESS CONCERN DEFINITION.**—Paragraph (2) of section 831(o) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as redesignated by subsection (b)(1), is amended in the matter preceding subparagraph (A) by striking “has less than half the size standard corresponding to its primary North American Industry Classification System code” and inserting “is not more than the size standard corresponding to its primary North American Industry Classification System code”.

(d) **INDEPENDENT REPORT ON PROGRAM EFFECTIVENESS.**—The Secretary of Defense shall direct the Defense Business Board to submit, not later than March 31, 2022, to the congressional defense committees a report evaluating the effectiveness of the Mentor-Protege Program established under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), including recommendations for improving the program in terms of performance metrics, forms of assistance, and overall program effectiveness.

Strategy.
10 USC 2302
note.

Notification.

Reports.

Recommendations.

(e) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter until September 30, 2024, the Secretary of Defense shall submit to the congressional defense committees a report on the Mentor-Protege Program established under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note) that describes—

(1) each mentor-protege agreement entered into under such section, disaggregated by the type of disadvantaged small business concern (as defined in subsection (o) of such section) receiving assistance pursuant to such an agreement;

(2) the type of assistance provided to protege firms (as defined in such subsection) under each such agreement;

(3) the benefits provided to mentor firms (as defined in such subsection) under each such agreement; and

(4) the progress of protege firms under each such agreement with respect to competing for Federal prime contracts and subcontracts.

SEC. 873. ACCELERATED PAYMENTS APPLICABLE TO CONTRACTS WITH CERTAIN SMALL BUSINESS CONCERNS UNDER THE PROMPT PAYMENT ACT.

Section 3903(a) of title 31, United States Code, is amended—

(1) in paragraph (1)(B), by inserting “except as provided in paragraphs (10) and (11),” before “30 days”;

(2) in paragraph (8), by striking “and”;

(3) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

“(10) for a prime contractor (as defined in section 8701(5) of title 41) that is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), to the fullest extent permitted by law, require that the head of an agency establish an accelerated payment date with a goal of 15 days after a proper invoice for the amount due is received if a specific payment date is not established by contract; and

“(11) for a prime contractor (as defined in section 8701(5) of title 41) that subcontracts with a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), to the fullest extent permitted by law, require that the head of an agency establish an accelerated payment date with a goal of 15 days after a proper invoice for the amount due is received if—

“(A) a specific payment date is not established by contract; and

“(B) such prime contractor agrees to make payments to such subcontractor in accordance with such accelerated payment date, to the maximum extent practicable, without any further consideration from or fees charged to such subcontractor.”.

Time period.

SEC. 874. POSTAWARD EXPLANATIONS FOR UNSUCCESSFUL OFFERORS FOR CERTAIN CONTRACTS.

Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that with respect to an offer for a task order or delivery order in an amount greater than the simplified acquisition threshold (as defined in section 134 of title 41, United States Code) and

Deadline.
Revision.
Requirement.
Summary.
Evaluation.
41 USC 4106
note.

less than or equal to \$5,500,000 issued under an indefinite delivery-indefinite quantity contract, the contracting officer for such contract shall, upon written request from an unsuccessful offeror, provide a brief explanation as to why such offeror was unsuccessful that includes a summary of the rationale for the award and an evaluation of the significant weak or deficient factors in the offeror's offer.

SEC. 875. SMALL BUSINESS CONTRACTING CREDIT FOR SUBCONTRACTORS THAT ARE PUERTO RICO BUSINESSES OR COVERED TERRITORY BUSINESSES.

Section 15(x) of the Small Business Act (15 U.S.C. 644(x)(1)) is amended—

(1) in the subsection heading, by adding “AND COVERED TERRITORY BUSINESSES” after “PUERTO RICO BUSINESSES”;

(2) in paragraph (1)—

(A) by inserting “or a covered territory business, or a prime contractor awards a subcontract (at any tier) to a subcontractor that is a Puerto Rico business or a covered territory business,” after “Puerto Rico business”;

(B) by inserting “or subcontract” after “the contract”;

and

(C) by striking “subsection (g)(1)(A)(i)” and inserting “subsection (g)(1)(A)”; and

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

“(3) COVERED TERRITORY BUSINESS DEFINED.—In this subsection, the term ‘covered territory business’ means a small business concern that has its principal office located in one of the following:

“(A) The United States Virgin Islands.

“(B) American Samoa.

“(C) Guam.

“(D) The Northern Mariana Islands.”.

15 USC 632 note. **SEC. 876. TECHNICAL AMENDMENT REGARDING TREATMENT OF CERTAIN SURVIVING SPOUSES UNDER THE DEFINITION OF SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.**

Effective date. Effective on the date specified in subsection (e) of section 1832 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2660), section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)) is amended—

(1) in subparagraph (C)(i)(II), by striking “rated as 100 percent” and all that follows through “service-connected disability”; and

(2) by amending subparagraph (C)(ii)(III) to read as follows:

Time periods.

“(III) the date that—

“(aa) in the case of a surviving spouse of a veteran with a service-connected disability rated as 100 percent disabling or who dies as a result of a service-connected disability, is 10 years after the date of the death of the veteran; or

“(bb) in the case of a surviving spouse of a veteran with a service-connected disability rated as less than 100 percent disabling who does not die as a result of a service-connected disability, is 3 years after the date of the death of the veteran.”.

SEC. 877. EXTENSION OF LOAN ASSISTANCE AND DEFERRAL ELIGIBILITY TO RESERVISTS AND MEMBERS OF THE NATIONAL GUARD BEYOND PERIODS OF MILITARY CONFLICT.

(a) **SMALL BUSINESS ACT AMENDMENTS.**—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) in subsection (b)(3)—

(A) in subparagraph (A)—

(i) by striking clause (ii);

(ii) by redesignating clause (i) as clause (ii);

(iii) by inserting before clause (ii), as so redesignated, the following:

“(i) the term ‘active service’ has the meaning given that term in section 101(d)(3) of title 10, United States Code;” and

Definition.

(iv) in clause (ii), as so redesignated, by adding “and” at the end;

(B) in subparagraph (B), by striking “being ordered to active military duty during a period of military conflict” and inserting “being ordered to perform active service for a period of more than 30 consecutive days”;

(C) in subparagraph (C), by striking “active duty” each place it appears and inserting “active service”; and

(D) in subparagraph (G)(ii)(II), by striking “active duty” and inserting “active service”; and

(2) in subsection (n)—

(A) in the subsection heading, by striking “ACTIVE DUTY” and inserting “ACTIVE SERVICE”;

(B) in paragraph (1)—

(i) by striking subparagraph (C);

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

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

“(A) **ACTIVE SERVICE.**—The term ‘active service’ has the meaning given that term in section 101(d)(3) of title 10, United States Code.”;

Definition.

(iv) in subparagraph (B), as so redesignated, by striking “ordered to active duty during a period of military conflict” and inserting “ordered to perform active service for a period of more than 30 consecutive days”; and

(v) in subparagraph (D), by striking “active duty” each place it appears and inserting “active service”; and

(C) in paragraph (2)(B), by striking “active duty” each place it appears and inserting “active service”.

(b) **APPLICABILITY.**—The amendments made by subsection (a)(1) shall apply to an economic injury suffered or likely to be suffered as the result of an essential employee being ordered to perform active service (as defined in section 101(d)(3) of title 10, United States Code) for a period of more than 30 consecutive days who is discharged or released from such active service on or after the date of enactment of this Act.

Time period.
15 USC 636 note.

(c) **SEMIANNUAL REPORT.**—Not later than 180 days after the date of enactment of this Act, and semiannually thereafter, the President shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the

President.
15 USC 636l.

Senate and the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the number of loans made under the Military Reservist Economic Injury Disaster Loan program and the dollar volume of those loans. The report shall contain the subsidy rate of the disaster loan program as authorized under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) with the loans made under the Military Reservist Economic Injury Disaster Loan program and without those loans included.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 8(l) of the Small Business Act (15 U.S.C. 637(l)) is amended—

(1) by striking “The Administration” and inserting the following:

“(1) IN GENERAL.—The Administration”;

(2) by striking “(as defined in section 7(n)(1))”; and

(3) by adding at the end the following:

“(2) DEFINITION OF PERIOD OF MILITARY CONFLICT.—In this subsection, the term ‘period of military conflict’ means—

“(A) a period of war declared by the Congress;

“(B) a period of national emergency declared by the Congress or by the President; or

“(C) a period of a contingency operation, as defined in section 101(a) of title 10, United States Code.”.

SEC. 878. MODIFICATION TO THE DEFENSE RESEARCH AND DEVELOPMENT RAPID INNOVATION PROGRAM.

(a) TYPES OF AWARDS; AWARD SIZE; LIMITATION ON CERTAIN AWARDS.—Section 2359a of title 10, United States Code, is amended—

(1) in subsection (a)(1), by inserting “phase II Small Business Technology Transfer Program projects,” after “projects,”;

(2) in subsection (b)—

(A) in paragraph (3), by striking “\$3,000,000” and all that follows through the period at the end and inserting “\$6,000,000.”; and

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

“(7) A preference under the program for funding small business concerns.”; and

(3) in subsection (d)—

(A) by striking “Subject to” and inserting “(1) Subject to”;

(B) in paragraph (1), as so designated, by inserting “and to the limitation under paragraph (2)” after “for such purpose”; and

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

“(2) During any fiscal year, the total amount of awards in an amount greater than \$3,000,000 made under the program established under subsection (a) may not exceed 25 percent of the amount made available to carry out such program during such fiscal year.”.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the program established under section 2359a(a) of title 10, United States Code (commonly known as the “Defense Research and Development Rapid Innovation Program”), which shall include—

(1) with respect to the two fiscal years preceding the submission of the report—

(A) a description of the total number of proposals funded under the program;

(B) the percent of funds made available under the program for phase II Small Business Innovation Research Program projects (as defined under section 9 of the Small Business Act (15 U.S.C. 638)); and

(C) a list of phase II Small Business Innovation Research Program projects that received funding under the program that were included in major defense acquisition programs (as defined in section 2430 of title 10, United States Code) and other defense acquisition programs that meet critical national security needs; and

List.

(2) an assessment on the effectiveness of the program in stimulating innovative technologies, reducing acquisition or lifecycle costs, addressing technical risk, and improving the timeliness and thoroughness of test and evaluation outcomes.

Assessment.

SEC. 879. ALIGNMENT OF THE DEPARTMENT OF DEFENSE SMALL BUSINESS INNOVATION RESEARCH PROGRAM AND SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM WITH THE NATIONAL DEFENSE SCIENCE AND TECHNOLOGY STRATEGY.

The Secretary of Defense and Secretaries of the military departments shall, to the extent practicable, align the research topics selected for activities conducted under the Small Business Innovation Research Program and Small Business Technology Transfer Program (as defined under section 9 of the Small Business Act (15 U.S.C. 638)) with the National Defense Science and Technology Strategy developed under section 218 of the John. S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1679).

SEC. 880. ASSISTANCE FOR SMALL BUSINESS CONCERNS PARTICIPATING IN THE SBIR AND STTR PROGRAMS.

(a) DEFINITION OF SENIOR PROCUREMENT EXECUTIVE.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (12)(B), by striking “and” at the end;

(2) in paragraph (13)(B), by striking the period at the end and inserting “; and”; and

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

“(14) the term ‘senior procurement executive’ means an official designated under section 1702(c) of title 41, United States Code, as the senior procurement executive of a Federal agency participating in a SBIR or STTR program.”.

(b) INCLUSION OF SENIOR PROCUREMENT EXECUTIVES IN SBIR AND STTR.—

(1) IN GENERAL.—Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(A) in paragraph (8), by striking “and” at the end;

(B) in paragraph (9), by striking the period at the end and inserting “; and”; and

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

“(10) to consult, where appropriate, with personnel from the relevant Federal agency to assist small business concerns participating in a SBIR or STTR program with commercializing research developed under such a program before such small

Consultation.

business concern is awarded a contract from such Federal agency.”.

(2) TECHNICAL AMENDMENT.—Section 9(b)(3) of the Small Business Act (15 U.S.C. 638(b)(3)) is amended by striking “and” at the end.

(c) MODIFICATIONS RELATING TO PROCUREMENT CENTER REPRESENTATIVES AND OTHER ACQUISITION PERSONNEL.—

(1) SBIR AMENDMENT.—Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following new paragraph:

“(4) MODIFICATIONS RELATING TO PROCUREMENT CENTER REPRESENTATIVES.—Upon the enactment of this paragraph, the Administrator shall modify the policy directives issued pursuant to this subsection to require procurement center representatives (as described in section 15(l)) to consult with the appropriate personnel from the relevant Federal agency, to assist small business concerns participating in the SBIR program, particularly in Phase III.”.

(2) STTR AMENDMENT.—Section 9(p)(2) of the Small Business Act (15 U.S.C. 638(p)(2)) is amended—

(A) in subparagraph (E)(ii), by striking “and” at the end;

(B) in subparagraph (F), by striking the period at the end and inserting “; and”; and

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

“(G) procedures to ensure that procurement center representatives (as described in section 15(l))—

“(i) consult with the appropriate personnel from the relevant Federal agency, to assist small business concerns participating in the STTR program, particularly in Phase III;

“(ii) provide technical assistance to such concerns to submit a bid for an award of a Federal contract; and

“(iii) consult with the appropriate personnel from the relevant Federal agency in providing the assistance described in clause (i).”.

(d) AMENDMENT TO DUTIES OF PROCUREMENT CENTER REPRESENTATIVES.—Section 15(l)(2) of the Small Business Act (15 U.S.C. 644(l)(2)) is amended—

(1) in subparagraph (I), by striking “and” at the end;

(2) by redesignating subparagraph (J) as subparagraph (K); and

(3) by inserting after subparagraph (I) the following new subparagraph:

“(J) consult with the appropriate personnel from the relevant Federal agency, to assist small business concerns participating in a SBIR or STTR program under section 9 with Phase III;”.

(e) AMENDMENT TO THE DUTIES OF THE DIRECTOR OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION FOR FEDERAL AGENCIES.—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) is amended—

(1) in paragraph (19), by striking “and” at the end;

(2) in paragraph (20), by striking the period at the end and inserting a semicolon; and

Requirement.
Consultation.

Consultations.

Bid.

Consultation.

(3) by adding at the end the following new paragraph:
 “(21) shall consult with the appropriate personnel from the relevant Federal agency to assist small business concerns participating in a SBIR or STTR program under section 9 with researching applicable solicitations for the award of a Federal contract (particularly with the Federal agency that has a funding agreement, as defined under section 9, with the concern) to market the research developed by such concern under such SBIR or STTR program.”.

Consultation.

SEC. 881. CYBERSECURITY TECHNICAL ASSISTANCE FOR SBIR AND STTR PROGRAMS.

15 USC 638 note.

(a) IN GENERAL.—The Secretary of Defense may enter into an agreement with 1 or more vendors selected under section 9(q)(2) of the Small Business Act (15 U.S.C. 638(q)(2)) to provide small business concerns engaged in SBIR or STTR projects with cybersecurity technical assistance, such as access to a network of cybersecurity experts and engineers engaged in designing and implementing cybersecurity practices.

(b) AMOUNTS.—In carrying out subsection (a), the Secretary of Defense may provide the amounts described under section 9(q)(3) of such Act (15 U.S.C. 638(q)(3)) to a recipient that meets the eligibility requirements under the such paragraph, if the recipient requests to seek cybersecurity technical assistance from an individual or entity other than a vendor selected as described in subsection (a).

SEC. 882. FUNDING FOR DEFENSE RESEARCH ACTIVITIES OF SMALL BUSINESS CONCERNS.

Not later than March 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report on funds or other assistance made available to small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) as prime contractors for research, development, test, and evaluation activities, in each of fiscal years 2017, 2018, and 2019 under any—

Reports.

- (1) research, development, test, and evaluation programs of the Department of Defense;
- (2) Small Business Innovation Research programs of the Department of Defense;
- (3) Small Business Technology Transfer programs of the Department of Defense; and
- (4) other relevant activities of the Department of Defense.

SEC. 883. MODIFICATIONS TO BUDGET DISPLAY REQUIREMENTS FOR THE DEPARTMENT OF DEFENSE SMALL BUSINESS INNOVATION RESEARCH PROGRAM AND SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.

Section 857 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1891) is amended—

- (1) in subsection (a)—
 - (A) by inserting “Under Secretary of Defense (Comptroller) and the” before “Under Secretary of Defense for Research and Engineering”; and
 - (B) by striking “a budget display” and inserting “one or more budget displays”;
- (2) in subsection (b), by striking “The budget display” and inserting “The budget displays”; and

(3) in subsection (d), by striking “The budget display” and inserting “The budget displays”.

15 USC 638 note. **SEC. 884. PILOT PROGRAM FOR DOMESTIC INVESTMENT UNDER THE SBIR PROGRAM.**

Deadline.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act and subject to subsection (b), the Secretary of Defense shall establish and administer a program to be known as the “Domestic Investment Pilot Program” under which the Secretary and the service acquisition executive for each military department may make a SBIR award under section 9(dd) of the Small Business Act (15 U.S.C. 638) to a small business concern without providing the written determination described under paragraph (2) of such section 9(dd) if such concern is—

(1) exclusively owned by multiple United States-owned venture capital operating companies, hedge funds, or private equity firms, or

(2) majority-owned by multiple United States-owned venture capital operating companies, hedge funds, or private equity firms, if the minority foreign ownership of such concern is limited to members of the national technology and industrial base as defined under section 2500 of title 10, United States Code.

(b) **LIMITATION.**—During any fiscal year, the aggregate amount of awards made under the Domestic Investment Pilot Program shall not exceed an amount equal to 10 percent of the total amount that the Secretary of Defense may award under section 9 of the Small Business Act (15 U.S.C. 638) during such fiscal year.

(c) **EVALUATION CRITERIA.**—In carrying out the Domestic Investment Pilot Program, the Secretary of Defense may not use investment of venture capital or investment from hedge funds or private equity firms as a criterion for the award of contracts under the SBIR program or STTR program.

(d) **ANNUAL REPORTING.**—The Secretary of Defense shall include as part of each annual report required under section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) information on the implementation of the Domestic Investment Pilot Program with respect to the year covered by the report, including—

(1) the number of applications for participation received from small business concerns;

(2) the number of awards made to small business concerns, including an identification of such concerns;

(3) the extent to which a small business concern participant is foreign-owned, including an identification of the foreign owners; and

Assessment.

(4) an assessment of the effect of the Domestic Investment Pilot Program on—

(A) inducing additional venture capital, hedge fund, or private equity funding of research as defined in section 9(e)(5) of the Small Business Act (15 U.S.C. 638(e)(5));

(B) substantially contributing to the mission of the Department of Defense; and

(C) otherwise fulfilling the capital needs of small business concerns for additional financing for SBIR projects.

Deadline.

(e) **NOTIFICATION.**—The Secretary of Defense shall notify the Small Business Administration of an award made under the

Domestic Investment Pilot Program not later than 30 days after such award is made.

(f) **TERMINATION.**—The Domestic Investment Pilot Program established under this section shall terminate on September 30, 2022.

(g) **DEFINITIONS.**—In this section:

(1) **MILITARY DEPARTMENT; SERVICE ACQUISITION EXECUTIVE.**—The terms “military department” and “service acquisition executive” have the meanings given those terms, respectively, in section 101 of title 10, United States Code.

(2) **SBIR; STTR.**—The terms “SBIR” and “STTR” have the meanings given those terms, respectively, in section 9(e) of the Small Business Act (15 U.S.C. 638(e)).

(3) **SMALL BUSINESS ACT DEFINITIONS.**—The terms “small business concern”, “venture capital operating company”, “hedge fund”, and “private equity firm” have the meanings given those terms, respectively, in section 3 of the Small Business Act (15 U.S.C. 632).

Subtitle H—Other Matters

SEC. 885. REVIEW OF GUIDANCE TO CONTRACTORS ON NON-DISCRIMINATION ON THE BASIS OF SEX.

Deadlines.
10 USC 1741
note.

(a) **REVIEW.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment, serving as the senior procurement executive for the Department of Defense pursuant to section 133b(b)(4)(B) of title 10, United States Code, shall conduct a review of the implementation of the requirement for Government contracting agencies under Executive Order 11246 (42 U.S.C. 2000e note) relating to expectations of contractors and subcontractors to ensure nondiscrimination on the basis of sex.

(b) **ELEMENTS.**—The review required under subsection (a) shall, at a minimum, consider—

(1) existing contracting processes and tools for oversight of contracts, including contractor responsibility determinations and documentation of performance; and

(2) the extent to which best practices for contractors and subcontractors identified in the appendix to part 60–20 of title 41 of the Code of Federal Regulations, such as establishing and implementing procedures for handling and resolving complaints about harassment and intimidation based on sex, have been incorporated in Department policies and procedures.

(c) **UPDATED TRAINING GUIDANCE.**—Not later than 180 days after the date of the completion of the review required under subsection (a), the Under Secretary of Defense for Acquisition and Sustainment shall update any relevant training guidance for the acquisition workforce to account for the conclusions of the review.

(d) **BRIEFING REQUIRED.**—Not later than December 15, 2020, the Secretary of Defense shall brief the congressional defense committees on the review required under subsection (a), which shall include any updates to training guidance or contracting procedures resulting from the review.

SEC. 886. COMPTROLLER GENERAL REPORT ON CONTRACTOR VIOLATIONS OF CERTAIN LABOR LAWS.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the number of contractors—

(1) that performed a contract with the Department of Defense during the five-year period preceding the date of the enactment of this Act; and

(2) that have been found by the Department of Labor to have committed willful or repeat violations of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) or the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), and the nature of the violations committed.

Evaluations.

SEC. 887. COMPTROLLER GENERAL REPORT ON CONTINGENCY CONTRACTING.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the use of contractors to perform work supporting contingency operations, including the logistical support for such operations, since January 1, 2009. Such report shall include—

(1) an evaluation of the nature and extent to which the Department of Defense has used contractors to perform such work, including the type of operation or exercise, the functions performed by a contractor, the place of performance, and contract obligations;

(2) an evaluation of the processes for tracking and reporting on the use of such contractors;

(3) an evaluation of the extent to which recommendations made by the Wartime Contracting Commission established in section 841 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230) have been implemented in policy, guidance, education and training, as appropriate; and

(4) any other issues the Comptroller General determines to be appropriate.

10 USC 2302
note.

SEC. 888. POLICIES AND PROCEDURES FOR CONTRACTORS TO REPORT GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.

Deadline.
Guidance.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall update Department of Defense policy and guidance and the Department of Defense Supplement to the Federal Acquisition Regulation to provide specific guidance to Department of Defense employees and contractors performing a Department of Defense contract that supports United States Armed Forces deployed outside of the United States on monitoring and reporting allegations of gross violations of internationally recognized human rights.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a report that describes—

(1) the policies and procedures in place to obtain information about possible cases of gross violations of internationally

recognized human rights from Department of Defense contractors described in subsection (a), including the methods for tracking cases; and

(2) the resources needed to investigate reports made pursuant to subsection (a).

(c) **FORM OF REPORT.**—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

(d) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—the term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) **GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.**—The term “gross violations of internationally recognized human rights” has the meaning given such term in subsection (d)(1) of section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304).

SEC. 889. COMPTROLLER GENERAL REPORT ON OVERSIGHT OF CONTRACTORS PROVIDING PRIVATE SECURITY FUNCTIONS.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on efforts of the Secretary of Defense to improve the oversight of contractors providing private security functions to fulfill non-combat requirements for security in contingency operations, humanitarian operations, peacekeeping operations, or other similar operations or exercises since January 1, 2009.

(b) **ELEMENTS.**—The report required under subsection (a) shall evaluate—

(1) the nature and extent to which the Department of Defense has used contractors to perform private security functions described under subsection (a), including the type of operation or exercise, the functions performed by a contractor, the place of performance, and contract obligations;

(2) the processes for tracking and reporting on the use of such contractors;

(3) changes to law, regulation, and policy on the use of such contractors and how the Secretary has implemented such changes, including—

(A) the Montreux Document on Pertinent International Legal Obligations and Good Practices for States Related to Operations of Private Military and Security Companies During Armed Conflict (published on May 2, 2011);

(B) using standards for such contractors issued by the American National Standards Institute and the International Organization for Standardization; and

(C) using other associated accreditation and certification standards for such contractors; and

(4) the oversight outcomes of the Department due to implementing the processes described in paragraph (2) and the changes described in paragraph (3), including—

(A) progress with certification and accreditation of companies;

Evaluations.

(B) the use of the maturity model of the Department to assess contractors; and

(C) the nature and extent of referrals for suspension and debarment and the number of suspensions and debarments that have resulted from such referrals.

(c) **FORM OF REPORT.**—The report required by subsection (a) shall be submitted in unclassified form, to the maximum extent possible, but may contain a classified annex, if necessary.

Venezuela.
10 USC 2302
note.

SEC. 890. PROHIBITION ON CONTRACTING WITH PERSONS THAT HAVE BUSINESS OPERATIONS WITH THE MADURO REGIME.

(a) **PROHIBITION.**—Except as provided under subsections (c), (d), and (e), the Department of Defense may not enter into a contract for the procurement of goods or services with any person that has business operations with an authority of the Government of Venezuela that is not recognized as the legitimate Government of Venezuela by the United States Government.

(b) **EXCEPTIONS.**—

(1) **IN GENERAL.**—The prohibition under subsection (a) does not apply to a contract that the Secretary of Defense and the Secretary of State jointly determine—

(A) is necessary—

(i) for purposes of providing humanitarian assistance to the people of Venezuela;

(ii) for purposes of providing disaster relief and other urgent life-saving measures; or

(iii) to carry out noncombatant evacuations; or

(B) is vital to the national security interests of the United States.

(2) **NOTIFICATION REQUIREMENT.**—The Secretary of Defense shall notify the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate of any contract entered into on the basis of an exception provided for under paragraph (1).

(c) **OFFICE OF FOREIGN ASSETS CONTROL LICENSES.**—The prohibition in subsection (a) shall not apply to a person that has a valid license to operate in Venezuela issued by the Office of Foreign Assets Control of the Department of the Treasury.

(d) **AMERICAN DIPLOMATIC MISSION IN VENEZUELA.**—The prohibition in subsection (a) shall not apply to contracts related to the operation and maintenance of the United States Government's consular offices and diplomatic posts in Venezuela.

(e) **DEFINITIONS.**—In this section:

(1) **BUSINESS OPERATIONS.**—The term “business operations” means engaging in commerce in any form, including acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

(2) **GOVERNMENT OF VENEZUELA.**—The term “Government of Venezuela” includes the government of any political subdivision of Venezuela, and any agency or instrumentality of the Government of Venezuela. For purposes of this paragraph, the term “agency or instrumentality of the Government of Venezuela” means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code,

with each reference in such section to “a foreign state” deemed to be a reference to “Venezuela”.

(3) PERSON.—The term “person” means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other non-governmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent entity, or subsidiary of, or any entity under common ownership or control with, any entity described in subparagraph (A) or (B).

(f) APPLICABILITY.—This section shall apply with respect to any contract entered into on or after the date of the enactment of this section.

SEC. 891. REPORT ON THE COMBATING TRAFFICKING IN PERSONS INITIATIVE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing an analysis of the progress of the Department of Defense in implementing the Combating Trafficking in Persons initiative described in Department of Defense Instruction 2200.01 (published February 2007; revised on June 21, 2019).

SEC. 892. IMPROVED MANAGEMENT OF INFORMATION TECHNOLOGY AND CYBERSPACE INVESTMENTS.

Deadlines.
10 USC 2223
note.

(a) IMPROVED MANAGEMENT.—

(1) IN GENERAL.—The Chief Information Officer of the Department of Defense shall work with the Chief Data Officer of the Department of Defense to optimize the Department’s process for accounting for, managing, and reporting its information technology and cyberspace investments. The optimization should include alternative methods of presenting budget justification materials to the public and congressional staff to more accurately communicate when, how, and with what frequency capability is delivered to end users, in accordance with best practices for managing and reporting on information technology investments.

(2) BRIEFING.—Not later than February 3, 2020, the Chief Information Officer of the Department of Defense shall brief the congressional defense committees on the process optimization undertaken pursuant to paragraph (1), including any recommendations for legislation.

Recommendations.

(b) DELIVERY OF INFORMATION TECHNOLOGY BUDGET.—The Secretary of Defense shall submit to the congressional defense committees the Department of Defense budget request for information technology not later than 15 days after the submittal to Congress of the budget of the President for a fiscal year pursuant to section 1105 of title 31, United States Code.

SEC. 893. MODIFICATION TO REQUIREMENTS FOR PURCHASE OF COMMERCIAL LEASING SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.

(a) **REPEAL.**—Section 877 of the John S. McCain National Defense Authorization Act For Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1907; 41 U.S.C. 3302 note) is repealed.

(b) **EXEMPTION FOR COMMERCIAL LEASING SERVICES.**—

(1) **IN GENERAL.**—Section 3302 of title 41, United States Code, is amended by adding at the end the following new subsection:

“(f) **COMMERCIAL LEASING SERVICES.**—The regulations required by subsection (b) shall not apply to individual purchases for commercial leasing services that are made on a no cost basis and made under a multiple award contract awarded in accordance with the requirements for full and open competition.”.

(2) **TERMINATION.**—Effective December 31, 2025, subsection (f) of section 3302 of title 41, United States Code, as added by paragraph (1), is repealed.

(c) **AUDIT.**—The Comptroller General of the United States shall—

(1) conduct an audit not later than the last day of fiscal year 2021, 2023, and 2025 analyzing the National Broker Contract program of the General Services Administration to determine—

(A) whether brokers selected under the program provide lower lease rental rates than rates negotiated by employees of the General Services Administration; and

(B) the impact of the program on the length of time of lease procurements;

(2) conduct a review of whether the application of section 863 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4547) resulted in rental cost savings for the Government during the years in which such section was applicable; and

(3) not later than September 30, 2022, and September 30, 2024, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that—

(A) summarizes the results of the most recent audit required under paragraph (1) and the review required by paragraph (2);

(B) includes an assessment of whether the National Broker Contract program provides greater efficiencies and savings than the use of employees of the General Services Administration; and

(C) includes recommendations for improving General Services Administration lease procurements.

Repeal.
41 USC 3302
note.

Deadline.

Review.

Reports.

Summaries.

Assessment.

Recommendations.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense and Related Matters

Sec. 901. Headquarters activities of the Department of Defense matters.

Sec. 902. Clarifying the roles and responsibilities of the Under Secretary of Defense for Acquisition and Sustainment and the Under Secretary of Defense for Research and Engineering.

- Sec. 903. Return to Chief Information Officer of the Department of Defense of responsibility for business systems and related matters.
- Sec. 904. Assessments of responsibilities and authorities of the Chief Management Officer of the Department of Defense.
- Sec. 905. Senior Military Advisor for Cyber Policy and Deputy Principal Cyber Advisor.
- Sec. 906. Exclusion from limitations on personnel in the Office of the Secretary of Defense and Department of Defense headquarters of fellows appointed under the John S. McCain Defense Fellows Program.

Subtitle B—Organization and Management of Other Department of Defense Offices and Elements

- Sec. 911. Codification of Assistant Secretaries for Energy, Installations, and Environment of the Army, Navy, and Air Force.

Subtitle C—Other Department of Defense Organization and Management Matters

- Sec. 921. Prohibition on ownership or trading of stocks in certain companies by certain officials of the Department of Defense.
- Sec. 922. Limitation on consolidation of Defense Media Activity.
- Sec. 923. Report on resources to implement the civilian casualty policy of the Department of Defense.

Subtitle D—United States Space Force

- Sec. 951. Short title.
- Sec. 952. The Space Force.
- Sec. 953. Chief of Space Operations.
- Sec. 954. Space Force Acquisition Council.
- Sec. 955. Assistant Secretary of Defense for Space Policy.
- Sec. 956. Assistant Secretary of the Air Force for Space Acquisition and Integration.
- Sec. 957. Service Acquisition Executive of the Department of the Air Force for Space Systems and Programs.
- Sec. 958. Conforming amendments and clarification of authorities.
- Sec. 959. Effects on military installations.
- Sec. 960. Availability of funds.
- Sec. 961. Implementation.

Subtitle A—Office of the Secretary of Defense and Related Matters

SEC. 901. HEADQUARTERS ACTIVITIES OF THE DEPARTMENT OF DEFENSE MATTERS.

(a) MODIFICATION OF LIMITATIONS ON NUMBER OF PERSONNEL IN OSD AND OTHER DoD HEADQUARTERS.—

(1) OSD.—Section 143 of title 10, United States Code, is amended—

(A) in subsection (a), by striking “3,767” and inserting “4,300”; and

(B) in subsection (b), by striking “, civilian, and detailed personnel” and inserting “and civilian personnel”.

(2) JOINT STAFF.—

(A) IN GENERAL.—Section 155(h)(1) of such title is amended by striking “2,069” and inserting “2,250”.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect on December 31, 2019, immediately after the coming into effect of the amendment made by section 903(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2344), to which such amendments relate

(3) OFFICE OF SECRETARY OF THE ARMY.—Section 7014(f) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking “3,105” and inserting “3,250”; and

10 USC 155 note.

(B) in paragraph (2), by striking “1,865” and inserting “1,900”.

(4) OFFICE OF SECRETARY OF THE NAVY.—Section 8014(f) of such title is amended—

(A) in paragraph (1), by striking “2,866” and inserting “3,150”; and

(B) in paragraph (2), by striking “1,720” and inserting “1,800”.

(5) OFFICE OF SECRETARY OF THE AIR FORCE.—Section 9014(f) of such title is amended—

(A) in paragraph (1), by striking “2,639” and inserting “2,750”; and

(B) in paragraph (2), by striking “1,585” and inserting “1,650”.

(b) SUNSET OF REDUCTION IN FUNDING FOR DoD HEADQUARTERS, ADMINISTRATIVE, AND SUPPORT ACTIVITIES.—Section 346 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 111 note) is amended by adding at the end the following new subsection:

“(d) SUNSET.—No action is required under this section with respect to any fiscal year after fiscal year 2019.”.

SEC. 902. CLARIFYING THE ROLES AND RESPONSIBILITIES OF THE UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT AND THE UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.

The laws of the United States are amended as follows:

(1) Section 129a(c)(3) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(2) Section 133a(b)(2) of title 10, United States Code, is amended—

(A) by striking “prototyping,” and inserting “appropriate prototyping activities,”; and

(B) by striking “, including the allocation of resources for defense research and engineering,”.

(3) Section 134(c) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics,” and inserting “Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Research and Engineering,”.

(4) Section 139 of title 10, United States Code, is amended—

(A) in subsection (b), by striking “and the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “, the Under Secretary of Defense for Acquisition and Sustainment, and the Under Secretary of Defense for Research and Engineering”; and

(B) in subsections (c) and (h), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Research and Engineering,”.

(5) Section 139a(d)(6) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Research and Engineering.”.

(6) Section 171(a) of title 10, United States Code, is amended—

(A) in paragraph (3), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”;

(B) by redesignating paragraphs (9) through (13) as paragraphs (12) through (16);

(C) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively;

(D) by inserting after paragraph (3) the following new paragraph:

“(4) the Under Secretary of Defense for Research and Engineering.”; and

(E) by inserting after paragraph (9), as redesignated, the following new paragraphs:

“(10) the Deputy Under Secretary of Defense for Research and Engineering;

“(11) the Deputy Under Secretary of Defense for Acquisition and Sustainment.”.

(7) Subsection (d)(1) of section 181 of title 10, United States Code, is amended—

(A) in subparagraph (C), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”;

(B) by inserting after subparagraph (C) the following new subparagraph:

“(D) the Under Secretary of Defense for Research and Engineering.”; and

(C) by redesignating paragraphs (D) through (G) as paragraphs (E) through (H), respectively.

(8) Subsection (b)(2) of section 393 of title 10, United States Code, is amended—

(A) in subparagraph (B), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”;

(B) by inserting after subparagraph (B) the following new subparagraph:

“(C) the Under Secretary of Defense for Research and Engineering.”; and

(C) by redesignating subparagraphs (C) through (E) as subparagraphs (D) through (F).

(9) Section 1111 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1032; 10 U.S.C. 1701 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place such term appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(10) Section 231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 45;

10 U.S.C. 1701 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(11) Section 1702 of title 10, United States Code, is amended—

(A) in the section heading, by striking “**UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS**” and inserting “**UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT**”; and

(B) by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(12) Section 807(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2608; 10 U.S.C. 1702 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(13) Section 1705 of title 10, United States Code, is amended—

(A) in subsection (c), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”;

(B) in subsection (e)(3), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”; and

(C) in subsection (g)(2)(B), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(14) Section 803(c) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1825; 10 U.S.C. 1705 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(15) Section 1722 of title 10, United States Code, is amended—

(A) in subsection (a), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”; and

(B) in subsection (b)(2)(B), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(16) Section 1722a of title 10, United States Code, is amended—

(A) in subsection (a), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”; and

(B) in subsection (e), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and

inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(17) Section 1722b(a) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(18) Section 1723 of title 10, United States Code, is amended—

(A) in subsection (a)(3), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”; and

(B) in subsection (b), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(19) Section 1725(e)(2) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(20) Section 1735(c)(1) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(21) Section 1737(c) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(22) Section 1741(b) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(23) Section 1746(a) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(24) Section 1748 of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(25) Section 2222 of title 10, United States Code, is amended—

(A) in subsection (c)(2), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”; and

(B) in subsection (f)(2)(B)(i), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(26) Section 217(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 770; 10 U.S.C. 2222 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment and Under Secretary of Defense for Research and Engineering”.

(27) Section 882(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 128 Stat. 4308; 10 U.S.C. 2222 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(28) Section 2272 of title 10, United States Code, is amended by striking “Assistant Secretary of Defense for Research and Engineering” and inserting “Under Secretary of Defense for Research and Engineering”.

(29) Section 2275(a) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(30) Section 2279(d) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(31) Section 2279b of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively;

(ii) by striking paragraph (2); and

(iii) by inserting after paragraph (1) the following new paragraphs:

“(2) The Under Secretary of Defense for Research and Engineering.

“(3) The Under Secretary of Defense for Acquisition and Sustainment.”; and

(B) in subsection (c) by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment,”.

(32) Section 898(a)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2000; 10 U.S.C. 2302 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place such term appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(33) Section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 726; 10 U.S.C. 2302 note) is amended—

(A) in subsection (a), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”; and

(B) in subsection (d)(1)(A), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Deputy Secretary of Defense”.

(34) Section 852 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 130 Stat. 3458; 10 U.S.C. 2302 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(35) Section 806 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1487; 10 U.S.C. 2302 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place such term appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(36) Section 843 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1487; 10 U.S.C. 2302 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(37) Section 254(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4402; 10 U.S.C. 2302 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(38) Section 802(d) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2004; 10 U.S.C. 2302 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place such term appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(39) Section 2304 of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place such term appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(40) Section 806(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4260; 10 U.S.C. 2304 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place such term appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(41) Section 821(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 226; 10 U.S.C. 2304 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(42) Section 801(b)(2)(A) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 204; 10 U.S.C. 2304 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(43) Section 817(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2326; 10 U.S.C. 2304 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(44) Section 811(e)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 120 Stat. 2326; 10 U.S.C. 2304 note) is amended by striking “Under Secretary

of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(45) Section 875 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2310; 10 U.S.C. 2305 note) is amended—

(A) in subsection (b)(2), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”;

(B) in subsection (c), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”;

(C) in subsection (d), by striking “The Under Secretary for Acquisition, Technology, and Logistics” and inserting “The Under Secretary of Defense for Research and Engineering”; and

(D) in subsection (e) through (f), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(46) Section 888(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2322; 10 U.S.C. 2305 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(47) Section 829(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2281; 10 U.S.C. 2306 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(48) Section 2306b(i)(7) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(49) Section 2311(c) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”; and

(B) in paragraph (2)(B), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(50) Section 2326(g) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(51) Section 2330 of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and

inserting “Under Secretary of Defense for Acquisition and Sustainment”;

(B) in subsection (a)(3), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”;

(C) in subsection (b)(2), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”; and

(D) in subsection (b)(3)(A), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(52) Section 882 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 942; 10 U.S.C. 2330 note) is amended in the matter preceding paragraph (1) by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(53) Section 2334 of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place such term appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(54) Section 2350a(b)(2) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Assistant Secretary of Defense for Research and Engineering” and inserting “Under Secretary of Defense for Acquisition and Sustainment, and the Under Secretary of Defense for Research and Engineering”.

(55) Section 2359(b)(1) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Research and Engineering”.

(56) Section 2359b of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Research and Engineering”; and

(B) in subsection (1)(1), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Research and Engineering”.

(57) Section 2375 of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place such term appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(58) Section 874(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2310; 10 U.S.C. 2375 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(59) Section 876 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2311; 10 U.S.C. 2377 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(60) Section 855 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 919; 10 U.S.C. 2377 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place such term appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(61) Section 856(a)(2)(B) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 920; 10 U.S.C. 2377 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(62) Section 2399(b)(3) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics,” and inserting “Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Research and Engineering,”.

(63) Section 2419(a)(1) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(64) Section 826(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 908; 10 U.S.C. 2430 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(65) Section 827(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 909; 10 U.S.C. 2430 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(66) Section 811(b)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1828; 10 U.S.C. 2430 note) is amended by striking “if the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “if the service acquisition executive, in the case of a major defense acquisition program of the military department, or the Under Secretary of Defense for Acquisition and Sustainment, in the case of a Defense-wide or Defense Agency major defense acquisition program,”.

(67) Section 814 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4528) is amended—

(A) in subsection (b)(2)—

(i) by redesignating subparagraphs (B) through (H) as subparagraphs (C) through (I), respectively;

(ii) by striking subparagraph (A); and

(iii) by inserting before subparagraph (C), as redesignated by clause (i), the following new subparagraphs:

“(A) The Office of the Under Secretary of Defense for Research and Engineering.

“(B) The Office of the Under Secretary of Defense for Acquisition and Sustainment.”; and

(B) in subsection (c)(5), in the flush matter following subparagraph (B), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to the congressional defense committees, and includes” and inserting “the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Acquisition and Sustainment jointly certify to the congressional defense committees, and include”.

(68) Section 801(a)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2312; 10 U.S.C. 2430 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(69) Section 1675 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 192 Stat. 1131; 10 U.S.C. 2431 note) is amended—

(A) in subsection (a), by striking “The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Vice Chairman of the Joint Chiefs of Staff, acting through the Missile Defense Executive Board” and inserting “The Vice Chairman of the Joint Chiefs of Staff and the chairman of the Missile Defense Executive Board (pursuant to section 1681(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2162)), acting through the Missile Defense Executive Board.”; and

(B) in subsection (b)(2), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “chairman of the Missile Defense Executive Board”.

(70) Section 2431a(b) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(71) Section 2435 of title 10, United States Code, is amended by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(72) Section 2438(b) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking “Under Secretary of Defense for Acquisition, Technology and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”; and

(B) in paragraph (2), by striking “Under Secretary of Defense for Acquisition, Technology and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

Risk
assessments.

(73) Section 2448b of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:

“(a) IN GENERAL.—With respect to a major defense acquisition program, the Secretary of Defense shall conduct or approve independent technical risk assessments—

“(1) before any decision to grant Milestone A approval for the program pursuant to section 2366a of this title, that identifies critical technologies and manufacturing processes that need to be matured; and

“(2) before any decision to grant Milestone B approval for the program pursuant to section 2366b of this title, any decision to enter into low-rate initial production or full-rate production, or at any other time considered appropriate by the Secretary, that includes the identification of any critical technologies or manufacturing processes that have not been successfully demonstrated in a relevant environment.

“(b) GUIDANCE.—The Secretary shall issue guidance and a framework for the conduct, execution, and approval of independent technical risk assessments.”.

(74) Section 2503(b) of title 10, United States Code, is amended—

(A) by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Acquisition and Sustainment”; and

(B) by striking “the Under Secretary shall” and inserting “the Under Secretaries shall”.

(75) Section 2508(b) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(76) Section 2521 of title 10, United States Code, is amended—

(A) in subsection (a), by striking “The Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “The Under Secretary of Defense for Research and Engineering”; and

(B) in subsection (e)(4)(D), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Research and Engineering”; and

(C) in subsection (e)(5), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Research and Engineering”.

(77) Section 2533b(k)(2)(A) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(78) Section 2546 of title 10, United States Code, is amended—

(A) in the heading of subsection (a), by striking “UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS” and inserting “UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT”;

(B) in subsection (a), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”; and

(C) in subsection (b), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(79) Section 2548 of title 10, United States Code, is amended—

(A) in subsection (a), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”; and

(B) in subsection (c)(8), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(80) Section 2902(b) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking “Office of the Assistant Secretary of Defense for Research and Engineering” and inserting “Office of the Under Secretary of Defense for Research and Engineering”; and

(B) in paragraph (3), by striking “Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Office of the Under Secretary of Defense for Acquisition and Sustainment”.

(81) Section 2824(d) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2154; 10 U.S.C. 2911 note) is amended by striking “Under Secretary of Defense” and all that follows through “Environment” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(82) Section 315(d) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1357; 10 U.S.C. 2911 note) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(83) Section 2926(e)(5)(D) of title 10, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary for Defense for Acquisition and Sustainment”.

(84) Section 836(a)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1508; 22 U.S.C. 2767 note) is amended by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Research,” and inserting “the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Research and Engineering,”.

(85) Section 105(d)(7)(M)(v) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(M)(v)) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(86) Section 1126(a)(3) of title 31, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(87) Section 11319(d)(4) of title 40, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(88) Section 1302(b)(2)(A)(i) of title 41, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(89) Section 1311(b)(3) of title 41, United States Code, is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(90) Section 7(a)(3) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98f(a)(3)) is amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(91) Section 1412 of the National Defense Authorization Act, 1986 (50 U.S.C. 1521) is amended—

(A) in subsection (f)(1), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment”; and

(B) in subsection (g)(2), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Under Secretary of Defense for Acquisition and Sustainment.”

(92) Section 133b(b)(2) of title 10, United States Code, is amended by inserting “appropriate prototyping activities,” after “development.”

(93)(A) Section 5314 of title 5, United States Code, is amended by inserting before the item relating to the Under Secretary of Defense for Acquisition and Sustainment the following new item: “Under Secretary of Defense for Research and Engineering.”

(B) Section 5313 of title 5, United States Code, is amended by striking the item relating to the Under Secretary of Defense for Research and Engineering.

(C) This paragraph shall have no force or effect until the next date on which the Congress confirms an individual to serve as the Under Secretary of Defense for Research and Engineering after the date of enactment of this Act.

(94) Section 338 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1728) is amended by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(95) Section 136(a)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1317) is amended by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(96) Section 1652(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2609) is amended by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering”.

(97) Section 1689(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2631) is amended by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering”.

10 USC 2431
note.

(98) Section 144 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1325) is amended—

(A) in subsection (a), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”; and

(B) in subsection (b)(4), by striking “the Assistant Secretary of Defense for Research and Engineering” and inserting “the Under Secretary of Defense for Research and Engineering”.

(99) Section 838(2)(B) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1509) is amended by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

10 USC 2410p
note.

(100) Section 802(a)(3)(C) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2410p note) is amended by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

SEC. 903. RETURN TO CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE OF RESPONSIBILITY FOR BUSINESS SYSTEMS AND RELATED MATTERS.

(a) RETURN OF RESPONSIBILITY.—

(1) IN GENERAL.—Section 142(b)(1) of title 10, United States Code, is amended by striking “systems and” each place it appears in subparagraphs (A), (B), and (C).

(2) CONFORMING AMENDMENTS TO CMO AUTHORITIES.—Section 132a(b) of such title is amended—

(A) in paragraph (2), by striking “performance measurement and management, and business information technology management and improvement activities and programs” and inserting “and performance measurement and management activities and programs”;

(B) by striking paragraphs (4) and (5); and

(C) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

(b) CHIEF DATA OFFICER RESPONSIBILITY FOR DoD DATA SETS.—

10 USC 2223
note.

(1) IN GENERAL.—In addition to any other functions and responsibilities specified in section 3520(c) of title 44, United States Code, the Chief Data Officer of the Department of Defense shall also be the official in the Department of Defense

with principal responsibility for providing for the availability of common, usable, Defense-wide data sets.

(2) ACCESS TO ALL DOD DATA.—In order to carry out the responsibility specified in paragraph (1), the Chief Data Officer shall have access to all Department of Defense data, including data in connection with warfighting missions and back-office data.

(3) RESPONSIBLE TO CIO.—The Chief Data Officer shall report directly to the Chief Information Officer of the Department of Defense in the performance of the responsibility specified in paragraph (1).

Recommendations.

(4) REPORT.—Not later than December 1, 2019, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such recommendations for legislative or administrative action as the Secretary considers appropriate to carry out this subsection.

SEC. 904. ASSESSMENTS OF RESPONSIBILITIES AND AUTHORITIES OF THE CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Secretary of Defense shall provide for the conduct of two assessments of the implementation of the position of Chief Management Officer of the Department of Defense pursuant to section 132a of title 10, United States Code, as follows:

(1) DEPARTMENT OF DEFENSE ASSESSMENT.—An assessment conducted by the Secretary or a designee of the Secretary.

(2) INDEPENDENT ASSESSMENT.—An assessment conducted by the Defense Business Board or an appropriate number of individuals selected by the Secretary from among individuals in academia or academic institutions with expertise in public administration and management.

(b) ASSESSMENT ELEMENTS.—Each assessment conducted pursuant to subsection (a) shall include an assessment of the implementation of the position of Chief Management Officer of the Department of Defense, including and taking into account the following:

(1) The extent to which the position has been effective in achieving the service, and exercising the powers and authorities, specified in section 132a of title 10, United States Code

(2) The perspectives of the Under Secretaries of the military departments on the matters described in paragraph (1) based on the experiences of such Under Secretaries as the Chief Management Officer of a military department

(3) The extent to which the ingrained organizational culture of the Department of Defense poses fundamental structural challenges for the position of Chief Management Officer of the Department, irrespective of the individual appointed to the position.

(4) The observations of the Comptroller General of the United States on progress and challenges during the prior 10 years in the establishment of positions of Chief Management Officer in agencies throughout the Executive Branch, including in the Department of Defense and in other Federal agencies.

(5) An identification and comparison of best practices in the private sector and the public sector for the responsibilities and authorities of Chief Management Officers.

(6) An identification and assessment of differences in responsibilities and authorities of the Chief Management Office of the Department, the Chief Operating Officer of the Department of Defense, and the Deputy Secretary of Defense.

(c) MODIFICATION OF RESPONSIBILITIES AND AUTHORITIES.—The Secretary shall identify such modifications, if any, to the responsibilities and authorities of the Chief Management Officer of the Department (whether specified in statute or otherwise) as the Secretary considers appropriate in light of the assessments conducted pursuant to subsection (a). In identifying any such modification, the Secretary shall develop recommendations for such legislative action as the Secretary considers appropriate to implement such modification.

Recommendations.

(d) REPORT.—Not later than March 15, 2020, the Secretary shall submit to the congressional defense committees a report on the assessments conducted pursuant to subsection (a) and on any modifications to the responsibilities and authorities of the Chief Management Officer of the Department identified pursuant to subsection (c). The report shall include the following:

(1) A description and the results of the assessment conducted pursuant to subsection (a).

(2) Any modifications of the responsibilities and authorities of the Chief Management Officer identified pursuant to subsection (c), including recommendations developed for legislative action to implement such recommendations and a proposed timeline for the implementation of such recommendations.

SEC. 905. SENIOR MILITARY ADVISOR FOR CYBER POLICY AND DEPUTY PRINCIPAL CYBER ADVISOR.

10 USC 391 note.

(a) ADVISOR.—

(1) IN GENERAL.—The Under Secretary of Defense for Policy shall, acting through the Joint Staff, designate an officer within the Office of the Under Secretary of Defense for Policy to serve within that Office as the Senior Military Advisor for Cyber Policy, and concurrently, as the Deputy Principal Cyber Advisor.

Designation.

(2) OFFICERS ELIGIBLE FOR DESIGNATION.—The officer designated pursuant to this subsection shall be designated from among commissioned regular officers of the Armed Forces in a general or flag officer grade who are qualified for designation

(3) GRADE.—The officer designated pursuant to this subsection shall have the grade of major general or rear admiral (upper half) while serving in that position, without vacating the officer's permanent grade.

(b) SCOPE OF POSITIONS.—

(1) IN GENERAL.—The officer designated pursuant to subsection (a) is each of the following:

(A) The Senior Military Advisor for Cyber Policy to the Under Secretary of Defense for Policy.

(B) The Deputy Principal Cyber Advisor to the Secretary of Defense.

(2) DIRECTION AND CONTROL AND REPORTING.—In carrying out duties under this section, the officer designated pursuant to subsection (a) shall be subject to the authority, direction, and control of, and shall report directly to, the following:

(A) The Under Secretary with respect to Senior Military Advisor for Cyber Policy duties.

(B) The Principal Cyber Advisor with respect to Deputy Principal Cyber Advisor duties.

(c) DUTIES.—

(1) DUTIES AS SENIOR MILITARY ADVISOR FOR CYBER POLICY.—The duties of the officer designated pursuant to subsection (a) as Senior Military Advisor for Cyber Policy are as follows:

(A) To serve as the principal uniformed military advisor on military cyber forces and activities to the Under Secretary of Defense for Policy.

(B) To assess and advise the Under Secretary on aspects of policy relating to military cyberspace operations, resources, personnel, cyber force readiness, cyber workforce development, and defense of Department of Defense networks.

(C) To advocate, in consultation with the Joint Staff, and senior officers of the Armed Forces and the combatant commands, for consideration of military issues within the Office of the Under Secretary of Defense for Policy, including coordination and synchronization of Department cyber forces and activities.

(D) To maintain open lines of communication between the Chief Information Officer of the Department of Defense, senior civilian leaders within the Office of the Under Secretary, and senior officers on the Joint Staff, the Armed Forces, and the combatant commands on cyber matters, and to ensure that military leaders are informed on cyber policy decisions.

(2) DUTIES AS DEPUTY PRINCIPAL CYBER ADVISOR.—The duties of the officer designated pursuant to subsection (a) as Deputy Principal Cyber Advisor are as follows:

(A) To synchronize, coordinate, and oversee implementation of the Cyber Strategy of the Department of Defense and other relevant policy and planning.

(B) To advise the Secretary of Defense on cyber programs, projects, and activities of the Department, including with respect to policy, training, resources, personnel, manpower, and acquisitions and technology.

(C) To oversee implementation of Department policy and operational directives on cyber programs, projects, and activities, including with respect to resources, personnel, manpower, and acquisitions and technology.

(D) To assist in the overall supervision of Department cyber activities relating to offensive missions.

(E) To assist in the overall supervision of Department defensive cyber operations, including activities of component-level cybersecurity service providers and the integration of such activities with activities of the Cyber Mission Force.

(F) To advise senior leadership of the Department on, and advocate for, investment in capabilities to execute Department missions in and through cyberspace.

(G) To identify shortfalls in capabilities to conduct Department missions in and through cyberspace, and make recommendations on addressing such shortfalls in the Program Budget Review process.

(H) To coordinate and consult with stakeholders in the cyberspace domain across the Department in order to identify other issues on cyberspace for the attention of senior leadership of the Department.

(I) On behalf of the Principal Cyber Advisor, to lead the cross-functional team established pursuant to 932(c)(3) of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 2224 note) in order to synchronize and coordinate military and civilian cyber forces and activities of the Department.

SEC. 906. EXCLUSION FROM LIMITATIONS ON PERSONNEL IN THE OFFICE OF THE SECRETARY OF DEFENSE AND DEPARTMENT OF DEFENSE HEADQUARTERS OF FELLOWS APPOINTED UNDER THE JOHN S. MCCAIN DEFENSE FELLOWS PROGRAM.

Section 932(f)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1938; 10 U.S.C. 1580 note prec.) is amended by adding at the end the following new sentence: “An individual appointed pursuant to this paragraph shall not count against the limitation on the number of Office of the Secretary of Defense personnel in section 143 of title 10, United States Code, or any similar limitation in law on the number of personnel in headquarters of the Department that would otherwise apply to the office or headquarters to which appointed.”.

**Subtitle B—Organization and Management
of Other Department of Defense Offices
and Elements**

SEC. 911. CODIFICATION OF ASSISTANT SECRETARIES FOR ENERGY, INSTALLATIONS, AND ENVIRONMENT OF THE ARMY, NAVY, AND AIR FORCE.

(a) ASSISTANT SECRETARY OF THE ARMY.—Section 7016(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6)(A) One of the Assistant Secretaries shall be the Assistant Secretary for Energy, Installations, and Environment.

“(B) The principal duty of the Assistant Secretary for Energy, Installations, and Environment shall be the overall supervision of energy, installation, and environment matters for the Department of the Army.”.

(b) ASSISTANT SECRETARY OF THE NAVY.—Section 8016(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5)(A) One of the Assistant Secretaries shall be the Assistant Secretary for Energy, Installations, and Environment.

“(B) The principal duty of the Assistant Secretary for Energy, Installations, and Environment shall be the overall supervision of energy, installation, and environment matters for the Department of the Navy.”.

(c) ASSISTANT SECRETARY OF THE AIR FORCE.—Section 9016(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5)(A) One of the Assistant Secretaries shall be the Assistant Secretary for Energy, Installations, and Environment.

“(B) The principal duty of the Assistant Secretary for Energy, Installations, and Environment shall be the overall supervision of energy, installation, and environment matters for the Department of the Air Force.”.

Subtitle C—Other Department of Defense Organization and Management Matters

SEC. 921. PROHIBITION ON OWNERSHIP OR TRADING OF STOCKS IN CERTAIN COMPANIES BY CERTAIN OFFICIALS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 988.

“§ 988. Prohibition on ownership or trading of stocks in certain companies by certain officials of the Department of Defense

Time period.

“(a) PROHIBITION.—Except as provided in subsection (b), a covered official of the Department of Defense may not own or purchase publicly traded stock of a company if that company is one of the 10 entities awarded the most amount of contract funds by the Department of Defense in a fiscal year during the five preceding fiscal years.

“(b) EXCEPTIONS.—This section shall not apply to the purchase or ownership of a publicly traded stock of a company otherwise described in subsection (a) as follows:

“(1) If the aggregate market value of the holdings of the covered official, and the spouse and minor children of the covered official, in the stock of that company, both before and after purchase (in the case of a purchase), does not exceed the de minimis threshold established in section 2640.202(a)(2) of title 5, Code of Federal Regulations.

“(2) If the stock is purchased and owned as part of an Excepted Investment Fund or mutual fund.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘covered official of the Department of Defense’ means any of the following:

“(A) A civilian appointed to a position in the Department of Defense by the President, by and with the advice and consent of the Senate.

“(B) If serving in a key acquisition position (as designated by the Secretary of Defense or the Secretary concerned for purposes of this section), the following:

“(i) A member of the armed forces in a grade above O–6.

“(ii) A civilian officer or employee in a Senior Executive Service, Senior-Level, or Scientific or Professional position.

“(2) The term ‘Excepted Investment Fund’ means a widely-held investment fund described in section 102(f)(8) of the Ethics in Government Act of 1978 (5 U.S.C. App.).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of such title is amended by adding at the end the following new item:

10 USC
prec. 971.

“988. Prohibition on ownership or trading of stocks in certain companies by certain officials of the Department of Defense.”.

SEC. 922. LIMITATION ON CONSOLIDATION OF DEFENSE MEDIA ACTIVITY.

(a) LIMITATION.—The Secretary of Defense may not take any action to consolidate the Defense Media Activity until a period of 60 days has elapsed following the date on which the Secretary of Defense submits the report required under subsection (b).

Time period.

(b) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees a report that includes the following:

(1) Any current or future plans to restructure, reduce, or eliminate the functions, personnel, facilities, or capabilities of the Defense Media Activity, including the timelines associated with such plans.

Plans.

(2) Any modifications that have been made, or that may be made, to personnel compensation or funding accounts in preparation for, or in response to, efforts to consolidate the Defense Media Activity.

(3) Any contractual agreements that have been entered into to consolidate or explore the consolidation of the Defense Media Activity.

Contracts.

(4) Any Department of Defense directives or Administration guidance relating to efforts to consolidate the Defense Media Activity, including any directives or guidance intended to inform or instruct such efforts.

Directives.
Guidance.

(c) CONSOLIDATE DEFINED.—In this section, the term “consolidate”, means any action to reduce the functions, personnel, facilities, or capabilities of the Defense Media Activity.

SEC. 923. REPORT ON RESOURCES TO IMPLEMENT THE CIVILIAN CASUALTY POLICY OF THE DEPARTMENT OF DEFENSE.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report, in unclassified form, on the resources necessary over the period of the future-years defense plan for fiscal year 2020 under section 221 of title 10, United States Code, to fulfill the requirements of section 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1939; 10 U.S.C. 134 note) and fully implement policies developed as a result of such section.

Subtitle D—United States Space Force

United States
Space Force Act.

SEC. 951. SHORT TITLE.

10 USC 101 note.

This subtitle may be cited as the “United States Space Force Act”.

SEC. 952. THE SPACE FORCE.

10 USC 9081
note.

(a) REDESIGNATION.—The Air Force Space Command is hereby redesignated as the United States Space Force (USSF).

(b) AUTHORITY.—Title 10, United States Code, is amended—

(1) in chapter 907 of part I of subtitle D, by redesignating sections 9067, 9069, 9074, 9075, 9081, and 9084 as sections 9063, 9064, 9065, 9066, 9067, and 9068, respectively;

(2) by adding at the end of such part the following new chapter:

10 USC
prec. 9081.

“CHAPTER 908—THE SPACE FORCE

“Sec.

“9081. The United States Space Force.

“9082. Chief of Space Operations.

“9083. Officer career field for space.”;

(3) by transferring section 2279c to chapter 908, as so added, and redesignating such section as section 9081; and

(4) by amending such section 9081 to read as follows:

“§ 9081. The United States Space Force

“(a) ESTABLISHMENT.—There is established a United States Space Force as an armed force within the Department of the Air Force.

“(b) COMPOSITION.—The Space Force shall be composed of the following:

“(1) The Chief of Space Operations.

“(2) The space forces and such assets as may be organic therein.

“(c) FUNCTIONS.—The Space Force shall be organized, trained, and equipped to provide—

“(1) freedom of operation for the United States in, from, and to space; and

“(2) prompt and sustained space operations.

“(d) DUTIES.—It shall be the duty of the Space Force to—

“(1) protect the interests of the United States in space;

“(2) deter aggression in, from, and to space; and

“(3) conduct space operations.”.

(c) SPACE FORCE AS AN ARMED FORCE.—Section 101(a)(4) of title 10, United States Code, is amended by inserting “Space Force,” after “Marine Corps.”

(d) MEMBERS.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act, there shall be assigned to the Space Force such members of the Air Force as the Secretary of the Air Force shall specify.

(2) NO AUTHORIZATION OF ADDITIONAL MILITARY BILLETS.—The Secretary shall carry out this subsection within military personnel of the Air Force otherwise authorized by this Act. Nothing in this subsection shall be construed to authorize additional military billets for the purposes of, or in connection with, the establishment of the Space Force.

(e) OFFICER CAREER FIELD FOR SPACE.—Section 9068 of title 10, United States Code (as redesignated by subsection (b)(1)), is hereby transferred to the end of chapter 908 of such title (as added by subsection (b)(2)) and redesignated as section 9083.

(f) TABLES OF CHAPTERS.—The tables of chapters at the beginning of subtitle D of title 10, United States Code, and part I of such subtitle are each amended by inserting after the item relating to chapter 907 the following new item:

“908. The Space Force9081.”.

10 USC 9081
note.
Effective date.

10 USC
prec. 9011.

(g) CONFORMING CLERICAL AMENDMENT TO CHAPTER 907.—The table of sections at the beginning of chapter 907 of title 10, United States Code, is amended by striking the items relating to sections 9067, 9069, 9074, 9075, 9081, and 9084 and inserting the following new items:

10 USC
prec. 9061.

“9063. Designation: officers to perform certain professional functions.
“9064. Air Force nurses: Chief; appointment.
“9065. Commands: territorial organization.
“9066. Regular Air Force: composition.
“9067. Assistant Surgeon General for Dental Services.”.

SEC. 953. CHIEF OF SPACE OPERATIONS.

(a) CHIEF.—Chapter 908 of title 10, United States Code (as added by section 952 of this Act), is amended by inserting after section 9081 the following new section:

“§ 9082. Chief of Space Operations

10 USC 9082.

“(a) APPOINTMENT.—(1) There is a Chief of Space Operations, appointed by the President, by and with the advice and consent of the Senate, from the general officers of the Air Force. The Chief serves at the pleasure of the President.

President.

“(2) The Chief shall be appointed for a term of four years. In time of war or during a national emergency declared by Congress, the Chief may be reappointed for a term of not more than four years.

Time period.

“(b) GRADE.—The Chief, while so serving, has the grade of general without vacating the permanent grade of the officer.

“(c) RELATIONSHIP TO THE SECRETARY OF THE AIR FORCE.—Except as otherwise prescribed by law and subject to section 9013(f) of this title, the Chief performs the duties of such position under the authority, direction, and control of the Secretary of the Air Force and is directly responsible to the Secretary.

“(d) DUTIES.—Subject to the authority, direction, and control of the Secretary of the Air Force, the Chief shall—

“(1) preside over the Office of the Chief of Space Operations;

“(2) transmit the plans and recommendations of the Office of the Chief of Space Operations to the Secretary and advise the Secretary with regard to such plans and recommendations;

Plans.
Recommendations.

“(3) after approval of the plans or recommendations of the Office of the Chief of Space Operations by the Secretary, act as the agent of the Secretary in carrying them into effect;

“(4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Space Force as the Secretary determines; and

“(5) perform such other military duties, not otherwise assigned by law, as are assigned to the Chief by the President, the Secretary of Defense, or the Secretary of the Air Force.

“(e) JOINT CHIEFS OF STAFF.—(1) Commencing one year after the date of the enactment of the United States Space Force Act, the Chief of Space Operations shall be a member of the Joint Chiefs of Staff.

Effective date.

“(2) To the extent that such action does not impair the independence of the Chief in the performance of the duties of the Chief as a member of the Joint Chiefs of Staff pursuant to paragraph (1), the Chief shall inform the Secretary of the Air Force regarding military advice rendered by members of the Joint

Chiefs of Staff on matters affecting the Department of the Air Force.

“(3) Subject to the authority, direction, and control of the Secretary of Defense, the Chief shall keep the Secretary of the Air Force fully informed of significant military operations affecting the duties and responsibilities of the Secretary.”.

10 USC 9082
note.
Effective date.

(b) SERVICE.—

(1) INCUMBENT.—The individual serving as Commander of the Air Force Space Command as of the day before the date of the enactment of this Act may serve as the Chief of Space Operations under subsection (a) of section 9082 of title 10, United States Code (as added by subsection (a) of this section), after that date without further appointment as otherwise provided for by subsection (a) of such section 9082.

Time period.
Effective date.

(2) U.S. SPACE COMMAND.—During the one-year period beginning on the date of the enactment of this Act, the Secretary of Defense may authorize an officer serving as the Chief of Space Operations to serve concurrently as the Commander of the United States Space Command, without further appointment.

Effective date.
10 USC 151 note.

(c) JOINT CHIEFS OF STAFF MATTERS.—Effective on the date that is one year after the date of the enactment of this Act, section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(8) The Chief of Space Operations.”.

SEC. 954. SPACE FORCE ACQUISITION COUNCIL.

(a) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended—

(1) by redesignating section 9021 as section 9021a; and

(2) by inserting after section 9020 the following new section 9021:

10 USC 9021.

“§ 9021. Space Force Acquisition Council

“(a) ESTABLISHMENT.—There is in the Office of the Secretary of the Air Force a council to be known as the ‘Space Force Acquisition Council’ (in this section referred to as the ‘Council’).

“(b) MEMBERS.—The members of the Council are as follows:

“(1) The Under Secretary of the Air Force.

“(2) The Assistant Secretary of the Air Force for Space Acquisition and Integration, who shall act as chair of the Council.

“(3) The Assistant Secretary of Defense for Space Policy.

“(4) The Director of the National Reconnaissance Office.

“(5) The Chief of Space Operations.

“(6) The Commander of the United States Space Command.

“(c) DUTIES.—The Council shall oversee, direct, and manage acquisition and integration of the Air Force for space systems and programs in order to ensure integration across the national security space enterprise.

“(d) MEETINGS.—The Council shall meet not less frequently than monthly.

“(e) REPORTS.—Not later than 30 days after the end of each calendar year quarter through the first calendar year quarter of 2025, the Council shall submit to the congressional defense committees a report on the activities of the Council during the calendar

year quarter preceding the calendar year quarter in which such report is submitted.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 903 of such title is amended by striking the item relating to section 9021 and inserting the following new items:

10 USC
prec. 9011.

“9021. Space Force Acquisition Council.

“9021a. Air Force Reserve Forces Policy Committee.”

SEC. 955. ASSISTANT SECRETARY OF DEFENSE FOR SPACE POLICY.

(a) IN GENERAL.—Section 138(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) One of the Assistant Secretaries is the Assistant Secretary of Defense for Space Policy. The principal duty of the Assistant Secretary shall be the overall supervision of policy of the Department of Defense for space warfighting.”

(b) ELEMENTS OF OFFICE.—

(1) DEVELOPMENT OF RECOMMENDATIONS.—The Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center on the development of recommendations as to the appropriate elements of the Office of the Assistant Secretary of Defense for Space Policy, including, in particular, whether the elements of the Office should include elements on space that are currently assigned to the Office of the Under Secretary of Defense for Intelligence or the Military Intelligence Program.

Contracts.

(2) TRANSMITTAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall transmit to the Committees on Armed Services of the Senate and the House of Representatives the recommendations developed pursuant to paragraph (1), together with an assessment of such recommendations by the Secretary.

Deadline.

SEC. 956. ASSISTANT SECRETARY OF THE AIR FORCE FOR SPACE ACQUISITION AND INTEGRATION.

10 USC 9016
note.

(a) REDESIGNATION OF PRINCIPAL ASSISTANT FOR SPACE AS ASSISTANT SECRETARY FOR SPACE ACQUISITION AND INTEGRATION.—

(1) IN GENERAL.—The Principal Assistant to the Secretary of the Air Force for Space is hereby redesignated as the Assistant Secretary of the Air Force for Space Acquisition and Integration.

(2) REFERENCES.—Any reference to the Principal Assistant to the Secretary of the Air Force for Space in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Secretary of the Air Force for Space Acquisition and Integration.

(b) CODIFICATION OF POSITION AND RESPONSIBILITIES.—

(1) IN GENERAL.—Section 9016 of title 10, United States Code, as amended by subtitle B of this title, is further amended—

(A) in subsection (a), by striking “four” and inserting “five”; and

(B) in subsection (b), by adding at the end the following new paragraph:

“(6)(A) One of the Assistant Secretaries is the Assistant Secretary of the Air Force for Space Acquisition and Integration.

“(B) Subject to the authority, direction, and control of the Secretary of the Air Force, the Assistant Secretary shall do as follows:

“(i) Be responsible for all architecture and integration of the Air Force for space systems and programs, including in support of the Chief of Space Operations under section 9082 of this title.

“(ii) Act as the chair of the Space Force Acquisition Council under section 9021 of this title.

“(iii) Advise the service acquisition executive of the Air Force with responsibility for space systems and programs (including for all major defense acquisition programs under chapter 144 of this title for space) on the acquisition of such systems and programs by the Air Force.

“(iv) Oversee and direct each of the following:

“(I) The Space Rapid Capabilities Office under section 2273a of this title.

“(II) The Space and Missile Systems Center.

“(III) The Space Development Agency.

“(v) Advise and synchronize acquisition projects for all space systems and programs of the Air Force, including projects for space systems and programs responsibility for which is transferred to the Assistant Secretary pursuant to section 956(b)(3) of the United States Space Force Act.

“(vi) Effective as of October 1, 2022, in accordance with section 957 of that Act, serve as the Service Acquisition Executive of the Department of the Air Force for Space Systems and Programs.”.

(2) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the Assistant Secretaries of the Air Force and inserting the following new item:

“Assistant Secretaries of the Air Force (5).”.

(3) TRANSFER OF ACQUISITION PROJECTS FOR SPACE SYSTEMS AND PROGRAMS.—Effective October 1, 2022, the Secretary of the Air Force shall transfer to the Assistant Secretary of the Air Force for Space Acquisition and Integration under paragraph (6) of section 9016(b) of title 10, United States Code (as added by this subsection), responsibility for architecture and integration of any acquisition projects for space systems and programs of the Air Force that are under the oversight or direction of the Assistant Secretary of the Air Force for Acquisition as of September 30, 2022.

Effective date.

10 USC 9016
note.
Effective date.

Effective date.
10 USC 9016
note.

SEC. 957. SERVICE ACQUISITION EXECUTIVE OF THE DEPARTMENT OF THE AIR FORCE FOR SPACE SYSTEMS AND PROGRAMS.

(a) IN GENERAL.—Effective October 1, 2022, there shall be within the Department of the Air Force a Service Acquisition Executive of the Department of the Air Force for Space Systems and Programs.

(b) SERVICE.—

(1) IN GENERAL.—Effective as of October 1, 2022, and subject to paragraph (2), the individual serving as Assistant Secretary of the Air Force for Space Acquisition and Integration under paragraph (6) of section 9016(b) of title 10, United States Code (as added by section 1832(b) of this Act), shall also serve

as the Service Acquisition Executive for Space Systems and Programs.

(2) **INCUMBENT.**—The individual serving as Assistant Secretary of the Air Force for Space Acquisition and Integration as of October 1, 2022, may also serve as the Service Acquisition Executive for Space Systems and Programs pursuant to paragraph (1) only if appointed as the Service Acquisition Executive for Space Systems and Programs by the President, by and with the advice and consent of the Senate, pursuant to a nomination submitted to the Senate on or after that date.

(c) **AUTHORITIES AND RESPONSIBILITIES.**—

(1) **IN GENERAL.**—The Service Acquisition Executive for Space Systems and Programs shall have within the Department of the Air Force all the authorities and responsibilities of a service acquisition executive under section 1704 of title 10, United States Code, and other applicable law, for the Department of the Air Force with respect to space systems and programs.

(2) **SEPARATE SAE WITHIN THE AIR FORCE.**—The Service Acquisition Executive for Space Systems and Programs shall be in addition to the service acquisition executive in the Department of the Air Force for all acquisition matters of the Department of the Air Force other than with respect to space systems and programs.

(3) **GUIDANCE ON RELATIONSHIP AMONG SAES.**—Not later than October 1, 2022, and from time to time thereafter, the Secretary of the Air Force shall issue guidance for the Department of the Air Force on the authorities and responsibilities of the Service Acquisition Executive for Space Systems and Programs and the authorities and responsibilities of the service acquisition executive of the Department for all acquisition matters of the Department other than with respect to space systems and programs.

Deadline.

SEC. 958. CONFORMING AMENDMENTS AND CLARIFICATION OF AUTHORITIES.

(a) **CONFORMING AMENDMENTS.**—Title 10, United States Code, is amended as follows:

(1) In section 101(a)(9)(C), by inserting “and the Space Force” before the semicolon.

(2) In section 2273a—

(A) in subsection (a), by striking “Air Force Space Command” and inserting “Space Force”; and

(B) in subsection (b), by striking “Commander of the Air Force Space Command” and inserting “Chief of Space Operations”.

(b) **CLARIFICATION OF AUTHORITIES.**—

(1) **IN GENERAL.**—Except as specifically provided by this subtitle or the amendments made by this subtitle—

(A) a member of the Space Force shall be treated as a member of the Air Force for the purpose of the application of any provision of law, including provisions of law relating to pay, benefits, and retirement; and

(B) a civilian employee of the Space Force shall be treated as a civilian employee of the Air Force for the purpose of the application of any provision of law, including provisions of law relating to pay, benefits, and retirement.

10 USC 9081
note.

(2) APPOINTMENT AND ENLISTMENT.—For purposes of the appointment or enlistment of individuals as members of the Space Force pending the integration of the Space Force into the laws providing for the appointment or enlistment of individuals as members of the Armed Forces, appointments and enlistments of individuals as members of the Armed Forces in the Space Force may be made in the same manner in which appointments and enlistments of individuals as members of the Armed Forces in the other Armed Forces may be made by law.

10 USC 9081
note.

SEC. 959. EFFECTS ON MILITARY INSTALLATIONS.

Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to authorize or require the relocation of any facility, infrastructure, or military installation of the Air Force.

SEC. 960. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Subject to subsection (b), amounts authorized to be appropriated for fiscal year 2020 by this Act and available for the Air Force may be obligated and expended for programs, projects, and activities for space, including personnel and acquisition programs, projects, and activities, for and in connection with the establishment of the Space Force and the discharge of the other requirements of this title and the amendments made by this subtitle.

(b) LIMITATION.—The total amount obligated and expended in fiscal year 2020 from amounts authorized to be appropriated by this Act for and in connection with the establishment of the Space Force and the discharge of the requirements described in subsection (a) may not exceed the total amount requested for the Space Force in the budget of the President for fiscal year 2020, as submitted to Congress pursuant to section 1105(a) of title 10, United States Code.

Deadlines.
10 USC 9081
note.

SEC. 961. IMPLEMENTATION.

(a) REQUIREMENT.—Except as specifically provided by this subtitle, the Secretary of the Air Force shall implement this subtitle, and the amendments made by this subtitle, by not later than 18 months after the date of the enactment of this Act.

(b) BRIEFINGS.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter until March 31, 2023, the Secretary of the Air Force and the Chief of Space Operations shall jointly provide to the congressional defense committees a briefing on the status of the implementation of the Space Force pursuant to this subtitle and the amendments made by this subtitle. Each briefing shall address the current missions, operations and activities, manpower requirements and status, and budget and funding requirements and status of the Space Force, and such other matters with respect to the implementation and operation of the Space Force as the Secretary and the Chief jointly consider appropriate to keep Congress fully and currently informed on the status of the implementation of the Space Force.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. General transfer authority.
- Sec. 1002. Defense Business Audit Remediation Plan.
- Sec. 1003. Financial improvement and audit remediation plan.
- Sec. 1004. Reporting requirements relating to Department of Defense audits.
- Sec. 1005. Inclusion of certain military construction projects in annual reports on unfunded priorities of the Armed Forces and the combatant commands.
- Sec. 1006. Prohibition on delegation of responsibility for submittal to Congress of Out-Year Unconstrained Total Munitions Requirements and Out-Year Inventory numbers.
- Sec. 1007. Annual budget justification display for service-common and other support and enabling capabilities for special operations forces.
- Sec. 1008. Element in annual reports on the Financial Improvement and Audit Remediation Plan on activities with respect to classified programs.
- Sec. 1009. Plan of the Department of Defense for financial management information.
- Sec. 1010. Update of authorities and renaming of Department of Defense Acquisition Workforce Development Fund.
- Sec. 1011. Transparency of accounting firms used to support Department of Defense audit.
- Sec. 1012. Modification of required elements of annual reports on emergency and extraordinary expenses of the Department of Defense.

Subtitle B—Counterdrug Activities

- Sec. 1021. Modification of authority to support a unified counterdrug and counterterrorism campaign in Colombia.
- Sec. 1022. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counterterrorism activities.
- Sec. 1023. Sense of Congress regarding Department of Defense counterdrug activities in the transit zone and Caribbean basin.
- Sec. 1024. Assessment of impact of any planned or proposed border wall on volume of illegal narcotics.

Subtitle C—Naval Vessels

- Sec. 1031. Modification of authority to purchase vessels using funds in National Defense Sealift Fund.
- Sec. 1032. Use of National Defense Sealift Fund for procurement of two used vessels.
- Sec. 1033. Transportation by sea of supplies for the Armed Forces and Defense Agencies.
- Sec. 1034. Senior Technical Authority for each naval vessel class.
- Sec. 1035. Permanent authority for sustaining operational readiness of littoral combat ships on extended deployment.
- Sec. 1036. Formal training for shipboard system programs of record.
- Sec. 1037. Report on shipbuilder training and the defense industrial base.
- Sec. 1038. Use of competitive procedures for CVN–80 and CVN–81 dual aircraft carrier contract.
- Sec. 1039. Report on expanding naval vessel maintenance.

Subtitle D—Counterterrorism

- Sec. 1041. Modification of support of special operations to combat terrorism.
- Sec. 1042. Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to certain countries.
- Sec. 1043. Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.
- Sec. 1044. Extension of prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1045. Extension of prohibition on use of funds to close or relinquish control of United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1046. Chief Medical Officer at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1047. Independent assessment on gender and countering violent extremism.

Subtitle E—Miscellaneous Authorities and Limitations

- Sec. 1051. Scheduling of Department of Defense executive aircraft controlled by Secretaries of military departments.

- Sec. 1052. Explosive ordnance defense disposal program.
- Sec. 1053. Technical correction and extension of reporting requirement regarding enhancement of information sharing and coordination of military training between Department of Homeland Security and Department of Defense.
- Sec. 1054. Notification on the provision of defense sensitive support.
- Sec. 1055. Revision to authorities relating to mail service for members of the Armed Forces and Department of Defense civilians overseas.
- Sec. 1056. Access to and use of military post offices by United States citizens employed overseas by the North Atlantic Treaty Organization who perform functions in support of military operations of the Armed Forces.
- Sec. 1057. Expenditure of funds for Department of Defense intelligence and counterintelligence activities.
- Sec. 1058. Limitation on use of funds for the inactivation of Army watercraft units.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

Determination.

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2020 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. DEFENSE BUSINESS AUDIT REMEDIATION PLAN.

(a) IN GENERAL.—Chapter 9A of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 240g.

“§ 240g. Defense Business Audit Remediation Plan

“(a) IN GENERAL.—The Secretary of Defense shall maintain a plan, to be known as the ‘Defense Business Systems Audit Remediation Plan’. Such plan shall include a current accounting of the defense business systems of the Department of Defense

that will be introduced, replaced, updated, modified, or retired in connection with the audit of the full financial statements of the Department, including a comprehensive roadmap that displays—

“(1) in-service, retirement, and other pertinent dates for affected defense business systems;

“(2) current cost-to-complete estimates for each affected defense business system; and

“(3) dependencies both between the various defense business systems and between the introduction, replacement, update, modification, and retirement of such systems.

“(b) REPORT AND BRIEFING REQUIREMENTS.—

“(1) ANNUAL REPORT.—Not later than June 30, 2020, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees an updated report on the Defense Business Systems Audit Remediation Plan under subsection (a).

“(2) SEMIANNUAL BRIEFINGS.—Not later than January 31 and June 30 each year, the Secretary shall provide to the congressional defense committees a briefing on the status of the Defense Business Systems Audit Remediation Plan. Such briefing shall include a description of any updates to the defense business systems roadmap referred to in subsection (a).

“(c) DEFENSE BUSINESS SYSTEM.—In this section, the term ‘defense business system’ has the meaning given such term in section 2222(i)(1)(A) of this title.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“240g. Defense Business Audit Remediation Plan.”.

SEC. 1003. FINANCIAL IMPROVEMENT AND AUDIT REMEDIATION PLAN.

(a) ELEMENTS OF ANNUAL REPORT.—Subsection (b)(1)(B) of section 240b of title 10, United States Code, is amended—

(1) in clause (vii)—

(A) by striking “or if less than 50 percent of the audit remediation services”; and

(B) by striking “and audit remediation activities”; and

(2) in clause (viii), by striking “or if less than 25 percent of the audit remediation services”.

(b) SEMIANNUAL BRIEFINGS.—Subsection (b)(2) of such section is amended by striking “or audit remediation”.

(c) AUDIT REMEDIATION SERVICES.—Subsection (b) of such section is further amended—

(1) in paragraph (1)(B), by adding at the end the following new clauses:

“(ix) If less than 50 percent of the audit remediation services under contract, as described in the briefing required under paragraph (2)(B), are being performed by individual professionals meeting the qualifications described in subsection (c), a detailed description of the risks associated with the risks of the acquisition strategy of the Department with respect to conducting audit remediation activities and an explanation of how the strategy complies with the policies expressed by Congress.

Estimates.

Deadline.

Definition.

10 USC
prec. 240a.

Certification.

“(x) If less than 25 percent of the audit remediation services under contract, as described in the briefing required under paragraph (2)(B), are being performed by individual professionals meeting the qualifications described in subsection (c), a written certification that the staffing ratio complies with commercial best practices and presents no increased risk of delay in the Department’s ability to achieve a clean audit opinion.”; and

(2) in paragraph (2)—

(A) by striking “Not later” and inserting “(A) Not later”;

and

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

Deadlines.
Briefings.

“(B) Not later than January 31 and June 30 each year, the Under Secretary of Defense (Comptroller) and the comptrollers of the military departments shall provide a briefing to the congressional defense committees on the status of the corrective action plan. Such briefing shall include both the absolute number and percentage of personnel performing the amount of audit remediation services being performed by professionals meeting the qualifications described in subsection (c).”.

(d) SELECTION OF AUDIT REMEDIATION SERVICES.—Such section is further amended by adding at the end the following new subsection:

“(c) SELECTION OF AUDIT REMEDIATION SERVICES.—The selection of audit remediation service providers shall be based, among other appropriate criteria, on qualifications, relevant experience, and capacity to develop and implement corrective action plans to address internal control and compliance deficiencies identified during a financial statement or program audit.”.

SEC. 1004. REPORTING REQUIREMENTS RELATING TO DEPARTMENT OF DEFENSE AUDITS.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Chapter 9A of title 10, United States Code, as amended by section 1002 is further amended by adding at the end the following new section:

10 USC 240h.

“§ 240h. Annual report on auditable financial statements

“(a) IN GENERAL.—Not later than January 30 of each year, the Secretary of Defense shall submit to the congressional defense committees a report that includes a ranking of all of the military departments and Defense Agencies in order of how advanced each such department and Agency is in achieving auditable financial statements, as required by law. In preparing the report, the Secretary shall seek to exclude information that is otherwise available in other reports to Congress.

“(b) BOTTOM QUARTILE.—Not later than June 30 of each year, the head of each of the military departments and Defense Agencies that were ranked in the bottom quartile of the report submitted under subsection (a) for that year shall submit to the congressional defense committees a report that includes the following information for that military department or Defense Agency:

“(1) A description of the material weaknesses of the military department or Defense Agency.

“(2) The underlying causes of such weaknesses.

“(3) A plan for remediating such weaknesses.

Plans.

“(4) The total number of open audit notices of findings and recommendations (hereinafter referred to as ‘NFRs’) for the most recently concluded fiscal year and the preceding two fiscal years, where applicable.

“(5) The number of repeat or reissued NFRs from the most recently concluded fiscal year.

“(6) The number of NFRs that were previously forecasted to be closed during the most recently concluded fiscal year that remain open.

“(7) The number of closed NFRs during the current fiscal year and prior fiscal years.

“(8) The number of material weaknesses that were validated by external auditors as fully resolved or downgraded in the current fiscal year over prior fiscal years.

“(9) A breakdown by fiscal years in which open NFRs are forecasted to be closed.

“(10) Explanations for unfavorable trends in the information under paragraphs (1) through (9).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter , as amended by section 1002 is further amended by adding at the end the following new item:

10 USC
prec. 240a.

“240h. Annual report on auditable financial statements.”.

(b) PLAN FOR REMEDIATED AUDIT FINDINGS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on Department-wide audit metrics. Such report shall include each of the following:

(1) The total number of open audit notices of findings and recommendations (hereinafter referred to as “NFRs”) for the most recent fiscal year and the preceding two fiscal years where applicable.

(2) The number of repeat or reissued NFRs from the most recent fiscal year.

(3) The number of NFRs that were previously forecasted to be closed in the most recently completed fiscal year that remain open,

(4) The number of closed NFRs in the current fiscal year and prior fiscal years.

(5) The number of material weaknesses that were validated by external auditors as fully resolved or downgraded in the current fiscal year over prior fiscal years.

(6) A breakdown by fiscal years in which open NFRs are forecasted to be closed.

(7) Explanations for unfavorable trends in the information under paragraphs (1) through (5).

SEC. 1005. INCLUSION OF CERTAIN MILITARY CONSTRUCTION PROJECTS IN ANNUAL REPORTS ON UNFUNDED PRIORITIES OF THE ARMED FORCES AND THE COMBATANT COMMANDS.

(a) INCLUSION OF CERTAIN MILITARY CONSTRUCTION PROJECTS AMONG UNFUNDED PRIORITIES.—Subsection (d) of section 222a of title 10, United States Code, is amended to read as follows:

“(d) DEFINITIONS.—In this section:

“(1) The term ‘unfunded priority’, in the case of a fiscal year, means a program, activity, or mission requirement, including a covered military construction project, that—

“(A) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31;

“(B) is necessary to fulfill a requirement associated with an operational or contingency plan of a combatant command or other validated requirement; and

“(C) would have been recommended for funding through the budget referred to in subparagraph (1) by the officer submitting the report required by subsection (a) in connection with the budget if—

“(i) additional resources been available for the budget to fund the program, activity, or mission requirement; or

“(ii) the program, activity, or mission requirement has emerged since the budget was formulated.

“(2) The term ‘covered military construction project’, in connection with a fiscal year, means a military construction project that—

“(A) is included in any fiscal year of the future-years defense program under section 221 of this title that is submitted in connection with the budget of the President for the fiscal year, and is executable in the fiscal year; or

“(B) is considered by the commander of a combatant command referred to in subsection (b)(5) to be an urgent need, and is executable in the fiscal year.”.

(b) ORDER OF URGENCY OF PRIORITIES.—Paragraph (2) of subsection (c) of such section is amended to read as follows:

“(2) PRIORITIZATION OF PRIORITIES.—Each report shall present the unfunded priorities covered by such report as follows:

“(A) In overall order of urgency of priority.

“(B) In overall order of urgency of priority among unfunded priorities (other than covered military construction projects).

“(C) In overall order of urgency of priority among covered military construction projects.”.

SEC. 1006. PROHIBITION ON DELEGATION OF RESPONSIBILITY FOR SUBMITTAL TO CONGRESS OF OUT-YEAR UNCONSTRAINED TOTAL MUNITIONS REQUIREMENTS AND OUT-YEAR INVENTORY NUMBERS.

Section 222c of title 10, United States Code, is amended—

(1) in subsection (a), by striking “subsection (b)” and inserting “subsection (c)”;

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

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

“(b) PROHIBITION ON DELEGATION OF SUBMITTAL RESPONSIBILITY.—The responsibility of the chief of staff of an armed force in subsection (a) to submit a report may not be delegated outside the armed force concerned.”; and

(4) in subsection (c), as redesignated by paragraph (2), by striking “subsection (c)” in paragraph (6) and inserting “subsection (d)”.

SEC. 1007. ANNUAL BUDGET JUSTIFICATION DISPLAY FOR SERVICE-COMMON AND OTHER SUPPORT AND ENABLING CAPABILITIES FOR SPECIAL OPERATIONS FORCES.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 225 the following new section:

“§ 226. Special operations forces: display of service-common and other support and enabling capabilities 10 USC 226.

“(a) IN GENERAL.—The Secretary shall include, in the budget materials submitted to Congress under section 1105 of title 31 for fiscal year 2021 and any subsequent fiscal year, a consolidated budget justification display showing service-common and other support and enabling capabilities for special operations forces requested by a military service or Defense Agency. Such budget justification display shall include any amount for service-common or other capability development and acquisition, training, operations, pay, base operations sustainment, and other common services and support.

“(b) SERVICE-COMMON AND OTHER SUPPORT AND ENABLING CAPABILITIES.—In this section, the term ‘service-common and other support and enabling capabilities’ means capabilities provided in support of special operations that are not reflected in Major Force Program–11 or designated as special operations forces-peculiar.”. Definition.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 225 the following new item: 10 USC prec. 221.

“226. Special operations forces: display of service-common and other support and enabling capabilities.”.

SEC. 1008. ELEMENT IN ANNUAL REPORTS ON THE FINANCIAL IMPROVEMENT AND AUDIT REMEDIATION PLAN ON ACTIVITIES WITH RESPECT TO CLASSIFIED PROGRAMS.

Section 240b(b)(1) of title 10, United States Code, is amended—
(1) in subparagraph (B), as amended by section 1003, by adding at the end the following new clause:

“(xi) A description of audit activities and results for classified programs, including a description of the use of procedures and requirements to prevent unauthorized exposure of classified information in such activities.”; and

(2) in subparagraph (C)(i), by inserting “or (ix)” after “clause (vii)”.

SEC. 1009. PLAN OF THE DEPARTMENT OF DEFENSE FOR FINANCIAL MANAGEMENT INFORMATION.

(a) ELEMENT ON SUPPORT OF NDS BY CORRECTIVE ACTION PLANS.—Section 240b(b)(1)(B) of title 10, United States Code, as amended by section 1008 of this Act, is further amended by adding at the end the following new clause:

“(xii) An identification the manner in which the corrective action plan or plans of each department, agency, component, or element of the Department of Defense, and the corrective action plan of the Department as a whole, support the National Defense Strategy (NDS) of the United States.”.

Estimate.
10 USC 240b
note.

(b) TECHNICAL AMENDMENT.—Clause (i) of such section is amended by striking “section 253a” and inserting “section 240c”.

(c) ANNUAL REPORTS ON FUNDING FOR CORRECTIVE ACTION PLANS.—Not later than five days after the submittal to Congress under section 1105(a) of title 31, United States Code, of the budget of the President for any fiscal year after fiscal year 2020, the Secretary of Defense shall submit to the congressional defense committees a reporting setting forth a detailed estimate of the funding required for such fiscal year to procure, obtain, or otherwise implement each process, system, and technology identified to address the current corrective action plans of the departments, agencies, components, and elements of the Department of Defense, and the corrective action plan of the Department as a whole, for purposes of chapter 9A of title 10, United States Code, during such fiscal year.

SEC. 1010. UPDATE OF AUTHORITIES AND RENAMING OF DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) RENAMING AS ACCOUNT.—

(1) IN GENERAL.—Section 1705 of title 10, United States Code, is amended—

(A) in subsection (a), by striking “the ‘Department of Defense Acquisition Workforce Development Fund’ (in this section referred to as the ‘Fund’)” and inserting “the ‘Department of Defense Acquisition Workforce Development Account’ (in this section referred to as the ‘Account’)”; and

(B) by striking “Fund” each place it appears (other than subsection (e)(6)) and inserting “Account”.

(2) CONFORMING AND CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of such section is amended to read as follows:

“§ 1705. Department of Defense Acquisition Workforce Development Account”.

10 USC
prec. 1701.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 87 of such title is amended by striking the item relating to section 1705 and inserting the following new item:

“1705. Department of Defense Acquisition Workforce Development Account.”.

(b) MANAGEMENT.—Such section is further amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(c) APPROPRIATIONS AS SOLE ELEMENTS OF ACCOUNT.—Subsection (d) of such section is amended to read as follows:

“(d) ELEMENTS.—The Account shall consist of amounts appropriated to the Account by law.”.

(d) AVAILABILITY OF AMOUNTS IN ACCOUNT.—Subsection (e)(6) of such section is amended by striking “credited to the Fund” and all that follows and inserting “appropriated to the Account pursuant to subsection (d) shall remain available for expenditure for the fiscal year in which appropriated and the succeeding fiscal year.”.

10 USC 1705
note.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 2019, and shall apply with respect to fiscal years that begin on or after that date.

(2) DURATION OF AVAILABILITY OF PREVIOUSLY DEPOSITED FUNDS.—Nothing in the amendments made by this section shall modify the duration of availability of amounts in the Department of Defense Acquisition Workforce Development Fund that were appropriated or credited to, or deposited, in the Fund, before October 1, 2019, as provided for in section 1705(e)(6) of title 10, United States Code, as in effect on the day before such date.

SEC. 1011. TRANSPARENCY OF ACCOUNTING FIRMS USED TO SUPPORT DEPARTMENT OF DEFENSE AUDIT.

Section 1006 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended—

10 USC 240d
note.

(1) by striking “For all contract actions” and inserting “(a) IN GENERAL.—For all contract actions”; and

(2) by adding at the end the following new subsections

“(b) TREATMENT OF STATEMENT.—A statement setting forth the details of a disciplinary proceeding submitted pursuant to subsection (a), and the information contained in such a statement, shall be—

“(1) treated as confidential to the extent required by the court or agency in which the proceeding has occurred; and

“(2) treated in a manner consistent with any protections or privileges established by any other provision of Federal law.”.

SEC. 1012. MODIFICATION OF REQUIRED ELEMENTS OF ANNUAL REPORTS ON EMERGENCY AND EXTRAORDINARY EXPENSES OF THE DEPARTMENT OF DEFENSE.

Paragraph (2) of section 127(d) of title 10, United States Code, is amended to read as follows:

“(2) Each report submitted under paragraph (1) shall include, for each individual expenditure covered by such report in an amount in excess of \$100,000, the following:

“(A) A detailed description of the purpose of such expenditure.

“(B) The amount of such expenditure.

“(C) An identification of the approving authority for such expenditure.

“(D) A justification why other authorities available to the Department could not be used for such expenditure.

“(E) Any other matters the Secretary considers appropriate.”.

Subtitle B—Counterdrug Activities

SEC. 1021. MODIFICATION OF AUTHORITY TO SUPPORT A UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

(a) ORGANIZATIONS WITH RESPECT TO WHICH ASSISTANCE MAY BE PROVIDED.—Subsection (a) of section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended

by section 1011(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1545), is further amended—

Colombia.
Determination.

(1) in paragraph (1), by striking “organizations designated as” and all that follows and inserting “the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), the United Self-Defense Forces of Colombia (AUC), and any covered organization that the Secretary of Defense, with the concurrence of the Secretary of State, determines poses a threat to the national security interests of the United States.”;

(2) by redesignating paragraph (2) as paragraph (3); and

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

“(2) For purposes of paragraph (1), a covered organization is any foreign terrorist organization, or other organization that is a non-state armed group, that—

“(A) promotes illicit economies;

“(B) employs violence to protect its interests;

“(C) has a military type structure, tactics, and weapons that provide it the ability to carry out large-scale violence;

“(D) challenges the security response capacity of Colombia; and

“(E) has the capability to control territory.”.

(b) NOTICE ON ASSISTANCE.—Such section is further amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

Deadline.

“(e) NOTICE ON ASSISTANCE WITH RESPECT TO COVERED ORGANIZATIONS.—(1) Not later than 30 days before providing assistance pursuant to the authority in subsection (a) with respect to a covered organization, the Secretary of Defense shall submit to the appropriate committees of Congress a written notification of the intent to use such authority with respect to such organization, including the name of such organization, the characteristics of such organization, and threat posed by such organization.

Definitions.

“(2) In this subsection, the term ‘appropriate committees of Congress’ means—

“(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

“(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.”.

SEC. 1022. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

(a) EXTENSION.—Subsection (b) of section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 271 note) is amended by striking “2020” and inserting “2022”.

(b) TECHNICAL CORRECTIONS.—Subsection (e) of such section is amended—

(1) in paragraph (1), by inserting a period at the end; and

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

Definition.

“(2) For purposes of applying the definition of transnational organized crime under paragraph (1) to this section, the term ‘illegal

means’, as it appears in such definition, includes the trafficking of money, human trafficking, illicit financial flows, illegal trade in natural resources and wildlife, trade in illegal drugs and weapons, and other forms of illegal means determined by the Secretary of Defense.”.

SEC. 1023. SENSE OF CONGRESS REGARDING DEPARTMENT OF DEFENSE COUNTERDRUG ACTIVITIES IN THE TRANSIT ZONE AND CARIBBEAN BASIN.

It is the sense of Congress that—

(1) combating transnational criminal organizations and illicit narcotics trafficking across the transit zone and the Caribbean basin is critical to the national security of the United States;

(2) the Department of Defense should work with the Department of Homeland Security, the Department of State, and other relevant Federal, State, local, and international partners to improve surveillance capabilities and maximize the effectiveness of counterdrug operations in the region; and

(3) the Secretary of Defense should, to the greatest extent possible, ensure United States Northern Command and United States Southern Command have the necessary assets to support and increase counter-drug activities within their respective areas of operations in the transit zone and the Caribbean basin.

SEC. 1024. ASSESSMENT OF IMPACT OF ANY PLANNED OR PROPOSED BORDER WALL ON VOLUME OF ILLEGAL NARCOTICS.

(a) **ASSESSMENT REQUIRED.**—The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall conduct an assessment of the impact that any planned or proposed border wall construction under section 284 or 2808 of title 10, United States Code, along the southern border of the United States would have on the volume of illegal narcotics entering the United States.

Consultation.

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall jointly submit to Congress a report on the assessment required by subsection (a).

Subtitle C—Naval Vessels

SEC. 1031. MODIFICATION OF AUTHORITY TO PURCHASE VESSELS USING FUNDS IN NATIONAL DEFENSE SEALIFT FUND.

(a) **IN GENERAL.**—Section 2218(f)(3)(E) of title 10, United States Code, is amended—

(1) in clause (i), by striking “ten new sealift vessels” and inserting “ten new vessels that are sealift vessels, auxiliary vessels, or a combination of such vessels”; and

(2) in clause (ii), by striking “sealift”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 2019, and shall apply with respect to fiscal years beginning on or after that date.

10 USC 2218
note.

SEC. 1032. USE OF NATIONAL DEFENSE SEALIFT FUND FOR PROCUREMENT OF TWO USED VESSELS.

Pursuant to section 2218(f)(3) of title 10, United States Code, and using amounts authorized to be appropriated for Operation

and Maintenance, Navy, for fiscal year 2020, the Secretary of the Navy shall seek to enter into a contract for the procurement of two used vessels.

SEC. 1033. TRANSPORTATION BY SEA OF SUPPLIES FOR THE ARMED FORCES AND DEFENSE AGENCIES.

Section 2631 of title 10, United States Code, is amended—

(1) in the first sentence of subsection (a), by inserting “or for a Defense Agency” after “Marine Corps”; and

(2) in subsection (b)—

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

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

“(2) Before entering into a contract for the transportation by sea of fuel products under this section, the Secretary shall provide a minimum variance of three days on the shipment date.”; and

(C) in paragraph (4), as redesignated by subparagraph

(A), by striking “the requirement described in paragraph (1)” and insert “a requirement under paragraph (1) or (2)”.

SEC. 1034. SENIOR TECHNICAL AUTHORITY FOR EACH NAVAL VESSEL CLASS.

(a) SENIOR TECHNICAL AUTHORITY FOR EACH CLASS REQUIRED.—Chapter 863 of title 10, United States Code, is amended by inserting after section 8669a the following new section:

10 USC 8669b.

“§ 8669b. Senior Technical Authority for each naval vessel class

“(a) SENIOR TECHNICAL AUTHORITY.—

“(1) DESIGNATION FOR EACH VESSEL CLASS REQUIRED.—The Secretary of the Navy shall designate, in writing, a Senior Technical Authority for each class of naval vessels as follows:

Deadline.

“(A) In the case of a class of vessels which has received Milestone A approval, an approval to enter into technology maturation and risk reduction, or an approval to enter into a subsequent Department of Defense or Department of the Navy acquisition phase as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, not later than 30 days after such date of enactment.

“(B) In the case of any class of vessels which has not received any approval described in subparagraph (A) as of such date of enactment, at or before the first of such approvals.

“(2) INDIVIDUALS ELIGIBLE FOR DESIGNATION.—Each individual designated as a Senior Technical Authority under paragraph (1) shall be an employee of the Navy in the Senior Executive Service in an organization of the Navy that—

“(A) possesses the technical expertise required to carry out the responsibilities specified in subsection (b); and

“(B) operates independently of chains-of-command for acquisition program management.

Determination.

“(3) TERM.—Each Senior Technical Authority shall be designated for a fixed term, not shorter than the time anticipated to establish demonstrated successful performance of the class of vessels concerned in accordance with its approved capabilities

document, as determined by the Secretary at the time of designation.

“(4) VOLUNTARY DEPARTURE.—If an individual designated as a Senior Technical Authority voluntarily departs the position before demonstrated successful performance of the class of vessels concerned, the Secretary shall designate, in writing, a replacement, and shall notify, in writing, the congressional defense committees not later than 90 days after such departure.

Deadline.
Notification.

“(5) REMOVAL.—An individual may be removed involuntarily from designation as a Senior Technical Authority only by the Secretary. Not later than 15 days after the involuntary removal of an individual from such designation, the Secretary shall notify, in writing, the congressional defense committees of the removal, including the reasons for the removal. Not later than 90 days after the involuntary removal, the Secretary shall designate, in writing, a replacement, and shall notify, in writing, the congressional defense committees of such designation.

Deadlines.
Notifications.

Designation.

“(6) REASSIGNMENT FOR MISSION NEEDS.—Subject to paragraphs (4) and (5), the Secretary may reassign a Senior Technical Authority or remove an individual from designation as a Senior Technical Authority in furtherance of Department of the Navy mission needs.

“(b) RESPONSIBILITIES AND AUTHORITY.—Each Senior Technical Authority shall be responsible for, and have the authority to, establish, monitor, and approve technical standards, tools, and processes for the class of naval vessels for which designated under this section in conformance with applicable laws and Department of Defense and Department of the Navy policies, requirements, architectures, and standards.

“(c) LIMITATION ON OBLIGATION OF FUNDS ON LEAD VESSEL IN VESSEL CLASS.—

“(1) IN GENERAL.—On or after January 1, 2021, funds authorized to be appropriated for Shipbuilding and Conversion, Navy or Other Procurement, Navy may not be obligated for the first time on the lead vessel in a class of naval vessels unless the Secretary of the Navy certifies as described in paragraph (2).

Effective date.

“(2) CERTIFICATION ELEMENTS.—The certification on a class of naval vessels described in this paragraph is a certification containing each of the following:

“(A) The name or names of the individual or individuals designated as the Senior Technical Authority for such class of vessels, and the qualifications and professional biography or biographies of the individual or individuals so designated.

“(B) A description by the Senior Technical Authority of the systems engineering, technology, and ship integration risks for such class of vessels.

“(C) The designation by the Senior Technical Authority of each critical hull, mechanical, electrical, propulsion, and combat system of such class of vessels, including systems relating to power generation, power distribution, and key operational mission areas.

Plans.

“(D) The date on which the Senior Technical Authority approved the systems engineering, engineering development, and land-based engineering and testing plans for such class of vessels.

“(E) A description by the Senior Technical Authority of the key technical knowledge objectives and demonstrated system performance of each plan approved as described in subparagraph (D).

Determination.

“(F) A determination by the Senior Technical Authority that such plans are sufficient to achieve thorough technical knowledge of critical systems of such class of vessels before the start of detail design and construction.

Determination.

“(G) A determination by the Senior Technical Authority that actual execution of activities in support of such plans as of the date of the certification have been and continue to be effective and supportive of the acquisition schedule for such class of vessels.

“(H) A description by the Senior Technical Authority of other technology maturation and risk reduction efforts not included in such plans for such class of vessels taken as of the date of the certification.

“(I) A certification by the Senior Technical Authority that each critical system covered by subparagraph (C) has been demonstrated through testing of a prototype or identical component in its final form, fit, and function in a realistic environment.

Determination.

“(J) A determination by the Secretary that the plans approved as described in subparagraph (D) are fully funded and will be fully funded in the future-years defense program for the fiscal year beginning in the year in which the certification is submitted.

Determination.

“(K) A determination by the Secretary that the Senior Technical Authority will approve, in writing, the ship specification for such class of vessels before the request for proposals for detail design, construction, or both, as applicable, is released.

“(3) DEADLINE FOR SUBMITTAL OF CERTIFICATION.—The certification required by this subsection with respect to a class of naval vessels shall be submitted, in writing, to the congressional defense committees not fewer than 30 days before the Secretary obligates for the first time funds authorized to be appropriated for Shipbuilding and Conversion, Navy or Other Procurement, Navy for the lead vessel in such class of naval vessels.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘class of naval vessels’—

“(A) means any group of similar undersea or surface craft procured with Shipbuilding and Conversion, Navy or Other Procurement, Navy funds, including manned, unmanned, and optionally-manned craft; and

“(B) includes—

“(i) a substantially new class of craft (including craft procured using ‘new start’ procurement); and

“(ii) a class of craft undergoing a significant incremental change in its existing class (such as a next ‘flight’ of destroyers or next ‘block’ of attack submarines).

“(2) The term ‘future-years defense program’ has the meaning given that term in section 221 of this title.

“(3) The term ‘Milestone A approval’ has the meaning given that term in section 2431a of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 863 of such title is amended by inserting after the item relating to section 8669a the following new item:

10 USC
prec. 8661.

“8669b. Senior Technical Authority for each naval vessel class.”.

SEC. 1035. PERMANENT AUTHORITY FOR SUSTAINING OPERATIONAL READINESS OF LITTORAL COMBAT SHIPS ON EXTENDED DEPLOYMENT.

Section 8680(a)(2) of title 10, United States Code, is amended—
(1) in subparagraph (C)(ii)—

(A) by striking “means preservation or corrosion control efforts and cleaning services” and inserting “means—”; and

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

“(I) the effort required to provide housekeeping services throughout the ship;

“(II) the effort required to perform coating maintenance and repair to exterior and interior surfaces due to normal environmental conditions; and

“(III) the effort required to clean mechanical spaces, mission zones, and topside spaces.”; and

(2) by striking subparagraph (D).

SEC. 1036. FORMAL TRAINING FOR SHIPBOARD SYSTEM PROGRAMS OF RECORD.

10 USC 8013
note.

(a) IN GENERAL.—The Secretary of the Navy shall ensure that there is formal training provided for any shipboard system that is a program of record on any Navy surface vessel.

(b) TIMELINE FOR IMPLEMENTATION.—

Deadlines.

(1) CURRENT PROGRAMS.—In the case of any shipboard system program of record that is in use as of the date of the enactment of this Act for which no formal training is available, the Secretary shall ensure that such training is available by not later than 12 months after the date of the enactment of this Act.

(2) FUTURE PROGRAMS.—In the case of any shipboard system program of record that is first accepted by the Government after the date of the enactment of this Act, the Secretary shall ensure that formal training is established for such program by not later than 12 months after the date on which the shipboard system program of record is first accepted by the Government.

SEC. 1037. REPORT ON SHIPBUILDER TRAINING AND THE DEFENSE INDUSTRIAL BASE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Labor, shall submit to the Committee on Armed Services and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Armed Services and the Committee on Education and Labor of the House of Representatives a report on shipbuilder training and hiring requirements necessary to achieve the Navy’s 30-year shipbuilding plan and to maintain

Coordination.

Analyses.	the shipbuilding readiness of the defense industrial base. Such report shall include each of the following:
Estimate.	(1) An analysis and estimate of the time and investment required for new shipbuilders to gain proficiency in particular shipbuilding occupational specialties, including detailed information about the occupational specialty requirements necessary for construction of naval surface ship and submarine classes to be included in the Navy's 30-year shipbuilding plan.
	(2) An analysis of the age demographics and occupational experience level (measured in years of experience) of the shipbuilding defense industrial workforce.
	(3) An analysis of the potential time and investment challenges associated with developing and retaining shipbuilding skills in organizations that lack intermediate levels of shipbuilding experience.
Recommendations.	(4) Recommendations concerning how to address shipbuilder training during periods of demographic transition, including whether emerging technologies, such as augmented reality, may aid in new shipbuilder training.
Recommendations.	(5) Recommendations concerning how to encourage young adults to enter the defense shipbuilding industry and to develop the skills necessary to support the shipbuilding defense industrial base.

SEC. 1038. USE OF COMPETITIVE PROCEDURES FOR CVN-80 AND CVN-81 DUAL AIRCRAFT CARRIER CONTRACT.

To the extent practicable and unless otherwise required by law, the Secretary of the Navy shall ensure that competitive procedures are used with respect to any task order or delivery order issued under a dual aircraft carrier contract relating to the CVN-80 and CVN-81.

SEC. 1039. REPORT ON EXPANDING NAVAL VESSEL MAINTENANCE.

	(a) REPORT REQUIRED. —Not later than May 1, 2020, the Secretary of the Navy shall submit to the congressional defense committees a report on the feasibility and advisability of allowing maintenance to be performed on a naval vessel at a shipyard other than a homeport shipyard of the vessel.
Assessments.	(b) ELEMENTS. —The report required under subsection (a) shall include the following: <ol style="list-style-type: none"> (1) An assessment of the ability of homeport shipyards to meet the current naval vessel maintenance demands. (2) An assessment of the ability of homeport shipyards to meet the naval vessel maintenance demands of the force structure assessment requirement of the Navy for a 355-ship navy. (3) An assessment of the ability of non-homeport firms to augment repair work at homeport shipyards, including an assessment of the following: <ol style="list-style-type: none"> (A) The capability and proficiency of shipyards in the Great Lakes, Gulf Coast, East Coast, West Coast, and Alaska regions to perform technical repair work on naval vessels at locations other than their homeports. (B) The improvements to the capability and capacity of shipyards in the Great Lakes, Gulf Coast, East Coast, West Coast, and Alaska regions that would be required to enable performance of technical repair work on naval vessels at locations other than their homeports.

(C) The types of naval vessels (such as noncombatant vessels or vessels that only need limited periods of time in shipyards) best suited for repair work performed by shipyards in locations other than their homeports.

(D) The potential benefits to fleet readiness of expanding shipyard repair work to include shipyards not located at the homeports of naval vessels.

(E) The ability of non-homeport firms to maintain surge capacity when homeport shipyards lack the capacity or capability to meet homeport requirements.

(4) An assessment of the potential benefits of expanding repair work for naval vessels to shipyards not eligible for short-term work in accordance with section 8669a(c) of title 10, United States Code.

(5) Such other related matters as the Secretary of the Navy considers appropriate.

(c) RULES OF CONSTRUCTION.—

(1) REQUIREMENTS RELATING TO CONSTRUCTION OF COMBATANT AND ESCORT VESSELS AND ASSIGNMENT OF VESSEL PROJECTS.—Nothing in this section may be construed to override the requirements of section 8669a of title 10, United States Code.

(2) NO FUNDING FOR SHIPYARDS OF NON-HOMEPORT FIRMS.—Nothing in this section may be construed to authorize funding for shipyards of non-homeport firms.

(d) DEFINITIONS.—In this section:

(1) HOMEPORT SHIPYARD.—The term “homeport shipyard” means a shipyard associated with a firm capable of being awarded short-term work at the homeport of a naval vessel in accordance with section 8669a(c) of title 10, United States Code.

(2) SHORT-TERM WORK.—The term “short-term work” has the meaning given that term in section 8669a(c)(4) of such title.

Subtitle D—Counterterrorism

SEC. 1041. MODIFICATION OF SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

Section 127e of title 10, United States Code, is amended—

(1) in subsection (a), by inserting “authorized” before “ongoing”; and

(2) in subsection (d)(2)—

(A) in subparagraph (A), by inserting “and a description of the authorized ongoing operation” before the period at the end;

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

(C) by striking subparagraphs (B) and inserting the following new subparagraphs after subparagraph (A):

“(B) A description of the foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating the authorized ongoing operation who will receive support provided under this section.

“(C) A detailed description of the support provided or to be provided to the recipient.”; and

(D) by adding at the end the following new subparagraphs:

“(E) A detailed description of the legal and operational authorities related to the authorized ongoing operation, including relevant execute orders issued by the Secretary of Defense and combatant commanders related to the authorized ongoing operation, including an identification of operational activities United States Special Operations Forces are authorized to conduct under such execute orders.

“(F) The duration for which the support is expected to be provided and an identification of the timeframe in which the provision of support will be reviewed by the combatant commander for a determination regarding the necessity of continuation of support.”.

SEC. 1042. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO CERTAIN COUNTRIES.

132 Stat. 1954. Section 1035 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended by striking “December 31, 2019” and inserting “December 31, 2020”.

SEC. 1043. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.

132 Stat. 1953. Section 1033 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended by striking “December 31, 2019” and inserting “December 31, 2020”.

SEC. 1044. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

132 Stat. 1954. Section 1034(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended by striking “December 31, 2019” and inserting “December 31, 2020”.

SEC. 1045. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CLOSE OR RELINQUISH CONTROL OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1036 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1551), as amended by section 1032 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1953), is further amended by striking “or 2019” and inserting “, 2019, or 2020”.

10 USC 801 note. **SEC. 1046. CHIEF MEDICAL OFFICER AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) CHIEF MEDICAL OFFICER.—

(1) IN GENERAL.—There shall be at United States Naval Station, Guantanamo Bay, Cuba, a Chief Medical Officer of

United States Naval Station, Guantanamo Bay (in this section referred to as the “Chief Medical Officer”).

(2) **GRADE.**—The individual serving as Chief Medical Officer shall be an officer of the Armed Forces who holds a grade not below the grade of colonel, or captain in the Navy.

(3) **CHAIN OF COMMAND.**—Notwithstanding sections 162 and 164 of title 10, United States Code, the Chief Medical Officer shall be assigned and report to the Assistant Secretary of Defense for Health Affairs, with duty at United States Naval Station, Guantanamo Bay, Cuba, in the performance of duties and the exercise of powers of the Chief Medical Officer under this section.

(b) **DUTIES.**—

(1) **IN GENERAL.**—The Chief Medical Officer shall oversee the provision of medical care to individuals detained at Guantanamo.

(2) **QUALITY OF CARE.**—The Chief Medical Officer shall ensure that medical care provided as described in paragraph (1) meets applicable standards of care.

(c) **POWERS.**—

(1) **IN GENERAL.**—The Chief Medical Officer shall make medical determinations relating to medical care for individuals detained at Guantanamo, including—

(A) decisions regarding assessment, diagnosis, and treatment; and

(B) determinations concerning medical accommodations to living conditions and operating procedures for detention facilities.

(2) **RESOLUTION OF DECLINATION TO FOLLOW DETERMINATIONS.**—If the commander of Joint Task Force Guantanamo or the Commander of United States Southern Command declines to follow a determination of the Chief Medical Officer under paragraph (1), the matter covered by such determination shall be resolved by the Assistant Secretary of Defense for Health Affairs, in consultation with the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, not later than seven days after receipt by both Assistant Secretaries of written notification of the matter from the Chief Medical Officer.

(3) **SECURITY CLEARANCES.**—The appropriate departments or agencies of the Federal Government shall, to the extent practicable in accordance with existing procedures and requirements, process expeditiously any application and adjudication for a security clearance required by the Chief Medical Officer to carry out the Chief Medical Officer’s duties and powers under this section.

(d) **ACCESS TO INDIVIDUALS, INFORMATION, AND ASSISTANCE.**—

(1) **IN GENERAL.**—The Chief Medical Officer may secure directly from the Department of Defense access to any individual, information, or assistance that the Chief Medical Officer considers necessary to enable the Chief Medical Officer to carry out this section, including full access to the following:

(A) Any individual detained at Guantanamo.

(B) Any medical records of any individual detained at Guantanamo.

Determinations.

Consultation.
Deadline.

(C) Medical professionals of the Department who are working, or have worked, at United States Naval Station, Guantanamo Bay.

(2) ACCESS UPON REQUEST.—Upon request of the Chief Medical Officer, the Department shall make available to the Chief Medical Officer on an expeditious basis access to individuals, information, and assistance as described in paragraph (1).

Notification.

(3) LACK OF EXPEDITIOUS AVAILABILITY.—If access to individuals, information, or assistance is not made available to the Chief Medical Officer upon request on an expeditious basis as required by paragraph (2), the Chief Medical Officer shall notify the Assistant Secretary of Defense for Health Affairs and the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, who shall take actions to resolve the matter expeditiously.

(e) DEFINITIONS.—In this section:

(1) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—The term “individual detained at Guantanamo” means an individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

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

(B) is—

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

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

(2) MEDICAL CARE.—The term “medical care” means physical and mental health care.

(3) STANDARD OF CARE.—The term “standard of care” means evaluation and treatment that is accepted by medical experts and reflected in peer-reviewed medical literature as the appropriate medical approach for a condition, symptoms, illness, or disease and that is widely used by healthcare professionals.

10 USC 113 note.

SEC. 1047. INDEPENDENT ASSESSMENT ON GENDER AND COUNTERING VIOLENT EXTREMISM.

Consultation.
Contracts.
Research and
development.
Analysis.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, shall seek to enter into a contract with a nonprofit entity or a federally funded research and development center independent of the Department of Defense and the Department of State to conduct research and analysis on the relationship between gender and violent extremism.

(b) ELEMENTS.—The research and analysis conducted under subsection (a) shall include consideration of the following:

(1) The probable causes and historical trends of women’s participation in violent extremist organizations.

(2) Potential ways in which women’s participation in violent extremism is likely to change in the near- and medium-term.

(3) The relationship between violent extremism and each of the following:

(A) Gender-based violence, abduction, and human trafficking.

(B) The perceived role or value of women at the community level, including with respect to property and inheritance rights and bride-price and dowry.

(C) Community opinions of killing or harming of women.

(D) Violations of girls’ rights, including child, early, and forced marriage and access to education.

(4) Ways for the Department of Defense to engage and support women and girls who are vulnerable to extremist behavior and activities as a means to counter violent extremism and terrorism.

(c) UTILIZATION.—The Secretary of Defense and the Secretary of State shall utilize the results of the research and analysis conducted under subsection (a) to inform the strategic and operational objectives of the geographic combatant command, where appropriate. Such utilization shall be in accordance with the Women, Peace, and Security Act of 2017 (Public Law 115–68; 22 U.S.C. 2152j et seq.).

(d) REPORTS.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the nonprofit entity or federally funded research and development center with which the Secretary of Defense enters into the contract under subsection (a) shall submit to the Secretary of Defense and Secretary of State a report on the results of the research and analysis required by subsection (a).

(2) SUBMISSION TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees each of the following:

(A) A copy of the report submitted under paragraph (1) without change. Records.

(B) Any comments, changes, recommendations, or other information provided by the Secretary of Defense and the Secretary of State relating to the research and analysis required by subsection (a) and contained in such report. Recommendations.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this paragraph, the term “appropriate congressional committees” means— Definitions.

(A) the congressional defense committees;

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(C) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1051. SCHEDULING OF DEPARTMENT OF DEFENSE EXECUTIVE AIRCRAFT CONTROLLED BY SECRETARIES OF MILITARY DEPARTMENTS.

(a) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 120.

“§ 120. Department of Defense executive aircraft controlled by Secretaries of military departmentsDeadline.
Memorandums.

“(a) IN GENERAL.—The Secretary of Defense shall ensure that the Chief of the Air Force Special Air Mission Office is given the responsibility for coordination of scheduling all Department of Defense executive aircraft controlled by the Secretaries of the military departments in order to support required use travelers.

“(b) RESPONSIBILITIES.—(1) Not later than 180 days after the date of the enactment of this section, the Secretary of each of the military departments shall execute a memorandum of understanding with the Air Force Special Air Mission Office regarding oversight and management of executive aircraft controlled by that military department.

“(2) The Secretary of Defense shall be responsible for prioritizing travel when requests exceed available executive airlift capability.

“(3) The Secretary of a military department shall maintain overall authority for scheduling the required use travelers of that military department on executive aircraft controlled by the Secretary. When an executive aircraft controlled by the Secretary of a military department is not supporting required use travelers of that military department, the Secretary of the military department shall make such executive aircraft available for scheduling of other required use travelers.

“(c) LIMITATIONS.—(1) The Secretary of Defense may not establish a new command and control organization to support aircraft.

“(2) No executive aircraft controlled by the Secretary of a military department may be permanently stationed at any location without a required use traveler without the approval of the Secretary of Defense.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘required use traveler’ has the meaning given such term in Department of Defense directive 4500.56, as in effect on the date of the enactment of this section.

“(2) The term ‘executive aircraft’ has the meaning given such term in Department of Defense directive 4500.43, as in effect on the date of the enactment of this section.”.

10 USC
prec. 111.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“120. Department of Defense executive aircraft controlled by Secretaries of military departments.”.

SEC. 1052. EXPLOSIVE ORDNANCE DEFENSE DISPOSAL PROGRAM.

(a) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—Subsection (b) of section 2284 of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) in paragraph (1)—

(A) in subparagraph (A), by inserting “and” after the semicolon;

(B) by redesignating subparagraph (B) as paragraph (2), moving it to appear after paragraph (1), and adjusting the margins accordingly;

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

(D) in subparagraph (B), as so redesignated—

- (i) by striking “joint program executive officer who” and inserting “training and technology program that”;
- (ii) by inserting “, provides common individual training,” after “explosive ordnance disposal”;
- (iii) by striking “and procurement”;
- (iv) by inserting “for common tools” after “activities”;
- (v) by striking “and combatant commands”; and
- (E) by striking subparagraphs (D) and (E);

(3) in paragraph (2), as redesignated by paragraph (2)(B) of this subsection, by inserting “(A)” after “paragraph (1)”;

(4) in paragraph (3), as redesignated by paragraph (1) of this subsection, by striking “such as weapon systems, manned and unmanned vehicles and platforms, cyber and communication equipment, and the integration of explosive ordnance disposal sets, kits and outfits and explosive ordnance disposal tools, equipment, sets, kits, and outfits developed by the department.” and inserting “; and”; and

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

“(4) the Secretary of the Army shall designate an Army explosive ordnance disposal-qualified general officer to serve as the co-chair of the Department of Defense explosive ordnance disposal defense program.”.

Designation.

(b) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

“(d) DEFINITIONS.—In this section:

“(1) The term ‘explosive ordnance’ has the meaning given such term in section 283(d) of this title.

“(2) The term ‘explosive ordnance disposal’ means the detection, identification, on-site evaluation, rendering safe, exploitation, recovery, and final disposal of explosive ordnance.”.

SEC. 1053. TECHNICAL CORRECTION AND EXTENSION OF REPORTING REQUIREMENT REGARDING ENHANCEMENT OF INFORMATION SHARING AND COORDINATION OF MILITARY TRAINING BETWEEN DEPARTMENT OF HOMELAND SECURITY AND DEPARTMENT OF DEFENSE.

Section 1014 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended—

10 USC 271 note.

(1) by striking “section 371 of title 10, United States Code” each place it appears and inserting “section 271 of title 10, United States Code”; and

(2) in subsection (d)(3) by striking “January 31, 2020” and inserting “December 31, 2022”.

SEC. 1054. NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.

Section 1055(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 113 note) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraph (C) as subparagraph (E); and

(B) by inserting after subparagraph (B) the following new subparagraphs:

“(C) A description of the required duration of the support.

“(D) A description of the initial costs for the support.”;

and

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

Determination.
Deadline.
Certification.

“(5) SUSTAINMENT COSTS.—If the Secretary determines that sustainment costs will be incurred as a result of the provision of defense sensitive support, the Secretary, not later than 15 days after the initial provision of such support, shall certify to the congressional defense committees (and the congressional intelligence committees with respect to matters relating to members of the intelligence community) that such sustainment costs will not interfere with the ability of the Department to execute operations, accomplish mission objectives, and maintain readiness.”.

SEC. 1055. REVISION TO AUTHORITIES RELATING TO MAIL SERVICE FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIANS OVERSEAS.

(a) ELIGIBILITY FOR FREE MAIL.—Section 3401(a) of title 39, United States Code, is amended to read as follows:

President.

“(a)(1) First-class letter mail having the character of personal correspondence shall be carried, at no cost to the sender, in the manner provided by this section, when mailed by an eligible individual described in paragraph (2) and addressed to a place within the delivery limits of a United States post office, if—

Determination.

“(A) such letter mail is mailed by the eligible individual at an Armed Forces post office established in an overseas area designated by the President, where the Armed Forces of the United States are deployed for a contingency operation as determined by the Secretary of Defense; or

“(B) the eligible individual is hospitalized as a result of disease or injury incurred as a result of service in an overseas area designated by the President under subparagraph (A).

“(2) An eligible individual described in this paragraph is—

“(A) a member of the Armed Forces of the United States on active duty, as defined in section 101 of title 10; or

“(B) a civilian employee of the Department of Defense or a military department who is providing support to military operations.”.

(b) SURFACE SHIPMENT OF MAIL AUTHORIZED.—Section 3401 of title 39, United States Code, is amended—

(1) by striking subsection (c);

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

(3) by amending subsection (b) to read as follows:

“(b) There shall be transported by surface or air, consistent with the service purchased by the mailer, between Armed Forces post offices or from an Armed Forces post office to a point of entry into the United States, the following categories of mail matter which are mailed at any such Armed Forces post office:

“(1) Letter mail communications having the character of personal correspondence.

“(2) Any parcel exceeding 1 pound in weight but less than 70 pounds in weight and less than 130 inches in length and girth combined.

“(3) Publications published not less frequently than once per week and featuring principally current news of interest

to members of the Armed Forces of the United States and the general public.”.

(c) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) Section 3401 of title 39, United States Code, is amended in the section heading by striking “**and of friendly foreign nations**”.

(2) The table of sections for chapter 34 of title 39, United States Code, is amended by striking the item relating to section 3401 and inserting the following:

39 USC
prec. 3401.

“3401. Mailing privileges of members of Armed Forces of the United States.”.

SEC. 1056. ACCESS TO AND USE OF MILITARY POST OFFICES BY UNITED STATES CITIZENS EMPLOYED OVERSEAS BY THE NORTH ATLANTIC TREATY ORGANIZATION WHO PERFORM FUNCTIONS IN SUPPORT OF MILITARY OPERATIONS OF THE ARMED FORCES.

Section 406 of title 39, United States Code, is amended by adding at the end the following:

“(c)(1) The Secretary of Defense may authorize the use of a post office established under subsection (a) in a location outside the United States by citizens of the United States—

“(A) who—

“(i) are employed by the North Atlantic Treaty Organization; and

“(ii) perform functions in support of the Armed Forces of the United States; and

“(B) if the Secretary makes a written determination that such use is—

Determination.

“(i) in the best interests of the Department of Defense; and

“(ii) otherwise authorized by applicable host nation law or agreement.

“(2) No funds may be obligated or expended to establish, maintain, or expand a post office established under subsection (a) for the purpose of use described in paragraph (1) of this subsection.”.

SEC. 1057. EXPENDITURE OF FUNDS FOR DEPARTMENT OF DEFENSE INTELLIGENCE AND COUNTERINTELLIGENCE ACTIVITIES.

(a) **IN GENERAL.**—Subject to subsections (b) and (c), the Secretary of Defense may expend amounts made available for the Military Intelligence Program for any of fiscal years 2020 through 2025 for intelligence and counterintelligence activities for any purpose the Secretary determines to be proper with regard to intelligence and counterintelligence objects of a confidential, extraordinary, or emergency nature. Such a determination is final and conclusive upon the accounting officers of the United States.

Determination.

(b) **LIMITATION ON AMOUNT.**—The Secretary of Defense may not expend more than five percent of the amounts described in subsection (a) for any fiscal year for objects described in that subsection unless—

(1) the Secretary notifies the congressional defense committees and the congressional intelligence committees of the intent to expend the amounts and purpose of the expenditure; and

Notification.

(2) 30 days have elapsed from the date on which the Secretary provides the notice described in paragraph (1).

Time period.

(c) **CERTIFICATION.**—For each expenditure of funds under this section, the Secretary shall certify that such expenditure was made for an object of a confidential, extraordinary, or emergency nature.

(d) **REPORT.**—Not later than December 31 of each of 2020 through 2025, the Secretary of Defense shall submit to the congressional defense committees and the congressional intelligence committees a report on expenditures made under this section during the fiscal year preceding the year in which the report is submitted. Each such report shall include, for each expenditure under this section during the fiscal year covered by the report, a description, the purpose, the program element, and the certification required under section (c).

(e) **LIMITATION ON DELEGATIONS.**—The Secretary of Defense may not delegate the authority under this section with respect to any expenditure in excess of \$100,000.

(f) **CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.**—In this section, the term “congressional intelligence committees” means—

- (1) the Select Committee on Intelligence of the Senate;
- and
- (2) the Permanent Select Committee on Intelligence of the House of Representatives.

Certification.
Reviews.

SEC. 1058. LIMITATION ON USE OF FUNDS FOR THE INACTIVATION OF ARMY WATERCRAFT UNITS.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 may be obligated or expended for the inactivation of any Army watercraft unit until the Secretary of Defense submits to Congress certification that—

Contracts.

- (1) the Secretary has completed the Army Watercraft Requirements Review; and
- (2) the Secretary has entered into a contract with a federally funded research and development corporation for the review of the ability of the Army to meet the watercraft requirements of the combatant commanders and the effects on preparedness to provide support to States and territories in connection with natural disasters, threats, and emergencies.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—General Provisions

- Sec. 1101. Defense Advanced Research Projects Agency personnel management authority.
- Sec. 1102. Report on the probationary period for Department of Defense employees.
- Sec. 1103. Civilian personnel management.
- Sec. 1104. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.
- Sec. 1105. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
- Sec. 1106. Performance of civilian functions by military personnel.
- Sec. 1107. Extension of direct hire authority for domestic industrial base facilities and Major Range and Test Facilities Base.
- Sec. 1108. Authority to provide additional allowances and benefits for certain Defense Clandestine Service employees.
- Sec. 1109. Modification of direct hire authorities for the Department of Defense.
- Sec. 1110. Designating certain FEHBP and FEGLI services provided by Federal employees as excepted services under the Anti-Deficiency Act.

- Sec. 1111. Continuing supplemental dental and vision benefits and long-term care insurance coverage during a Government shutdown.
- Sec. 1112. Limitation on transfer of Office of Personnel Management.
- Sec. 1113. Assessment of Accelerated Promotion Program suspension.
- Sec. 1114. Reimbursement for Federal, State, and local income taxes incurred during travel, transportation, and relocation.
- Sec. 1115. Clarification of limitation on expedited hiring authority for post-secondary students.
- Sec. 1116. Modification of temporary assignments of Department of Defense employees to a private-sector organization.
- Sec. 1117. Extension of authority for part-time reemployment.

Subtitle B—Fair Chance Act

- Sec. 1121. Short title.
- Sec. 1122. Prohibition on criminal history inquiries prior to conditional offer for Federal employment.
- Sec. 1123. Prohibition on criminal history inquiries by contractors prior to conditional offer.
- Sec. 1124. Report on employment of individuals formerly incarcerated in Federal prisons.

Subtitle C—ATC Hiring Reform

- Sec. 1131. Short title; definition.
- Sec. 1132. Hiring of air traffic control specialists.
- Sec. 1133. Ensuring hiring preference for applicants with experience at an air traffic control facility of the National Guard.
- Sec. 1134. FAA reports on air traffic controller hiring and training.
- Sec. 1135. DOT Inspector General review and report.

Subtitle A—General Provisions

SEC. 1101. DEFENSE ADVANCED RESEARCH PROJECTS AGENCY PERSONNEL MANAGEMENT AUTHORITY.

Section 1599h(b)(1)(B) of title 10, United States Code, is amended by striking “100 positions” and inserting “140 positions”.

SEC. 1102. REPORT ON THE PROBATIONARY PERIOD FOR DEPARTMENT OF DEFENSE EMPLOYEES.

(a) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall—

(1) conduct an independent review on the probationary periods applicable to Department of Defense employees under section 1599e of title 10, United States Code; and

Review.

(2) submit a report on such review to the Committees on Armed Services and Oversight and Reform of the House of Representatives and the Committees on Armed Services and Homeland Security and Governmental Affairs of the Senate.

(b) **CONTENTS.**—The review and report under subsection (a) shall cover the period beginning on the date of the enactment of such section 1599e and ending on December 31, 2018, and include the following:

Time period.
Assessments.

(1) An assessment and identification of the demographics of each Department of Defense employee who, during such period, was on a probationary period and who was removed from the civil service, subject to any disciplinary action (up to and including removal), or who filed a claim or appeal with the Office of Special Counsel or the Equal Employment Opportunity Commission.

(2) A statistical assessment of the distribution patterns with respect to any removal from the civil service during such period of, or any disciplinary action (up to and including a removal) taken during such period against, any Department employee while the employee was on a probationary period.

Analysis.

(3) An analysis of the best practices and abuses of discretion by supervisors and managers of the Department with respect to probationary periods.

Recommendations.
Determination.

(4) An assessment of the utility of the probationary period prescribed by such section 1599e on the successful recruitment, retention, and professional development of civilian employees of the Department, including any recommendation for regulatory or statutory changes the Secretary determines to be appropriate.

Determination.

(5) A discussion of the cases where the Department made a determination to remove a Department employee during the second year of such employee's probationary period.

Summary.

(6) A summary of how the Department has implemented the authority provided in such section 1599e with respect to probationary periods, including the number, and a demographic summary, of each Department employee removed from the civil service, subject to any disciplinary action (up to and including removal), or who filed a claim or appeal with the Office of Special Counsel or the Equal Employment Opportunity Commission during the second year of any such employee's probationary period.

(c) CONSULTATION.—The analysis and recommendations in the report required under subsection (a) shall be prepared in consultation with Department of Defense employees and managers, labor organizations representing such employees, staff of the Office of Special Counsel and the Equal Employment Opportunity Commission, and attorneys representing Department employees in wrongful termination actions.

SEC. 1103. CIVILIAN PERSONNEL MANAGEMENT.

Section 129 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking “each fiscal year” and inserting “each fiscal year primarily”; and

(B) in the second sentence—

(i) by striking “Any” and inserting “The management of such personnel in any fiscal year shall not be subject solely to any”; and

(ii) by striking “shall be developed” and all that follows through “changed circumstances”; and

(2) in subsection (c)(2)—

(A) in each of subparagraphs (A) and (B), by inserting “and associated cost” after each instance of “projected size”; and

(B) in subparagraph (B), by striking “that have been taken” and all that follows through the period and inserting “to reduce the overall costs of the total force of military, civilian, and contract workforces.”.

SEC. 1104. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122

Stat. 4616) and as most recently amended by section 1115 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is further amended by striking “2020” and inserting “2021”.

132 Stat. 2013.

SEC. 1105. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section 1104(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2001), is further amended by striking “through 2019” and inserting “through 2020”.

SEC. 1106. PERFORMANCE OF CIVILIAN FUNCTIONS BY MILITARY PERSONNEL.

Subparagraph (B) of paragraph (1) of subsection (g) of section 129a of title 10, United States Code, is amended to read as follows:

“(B) such functions may be performed by military personnel for a period that does not exceed one year if the Secretary of the military department concerned determines that—

Time period.
Determination.

“(i) the performance of such functions by military personnel is required to address critical staffing needs resulting from a reduction in personnel or budgetary resources by reason of an Act of Congress; and

“(ii) the military department concerned is in compliance with the policies, procedures, and analysis required by this section and section 129 of this title.”.

SEC. 1107. EXTENSION OF DIRECT HIRE AUTHORITY FOR DOMESTIC INDUSTRIAL BASE FACILITIES AND MAJOR RANGE AND TEST FACILITIES BASE.

(a) IN GENERAL.—Subsection (a) of section 1125 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), as amended by subsection (a) of section 1102 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), is further amended by striking “through 2021,” and inserting “through 2025.”.

10 USC note
prec. 1580.

(b) BRIEFING.—Subsection (b) of such section 1102 is amended by striking “fiscal years 2019 and 2021” and inserting “fiscal years 2019 through 2025”.

SEC. 1108. AUTHORITY TO PROVIDE ADDITIONAL ALLOWANCES AND BENEFITS FOR CERTAIN DEFENSE CLANDESTINE SERVICE EMPLOYEES.

Section 1603 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) ADDITIONAL ALLOWANCES AND BENEFITS FOR CERTAIN EMPLOYEES OF THE DEFENSE CLANDESTINE SERVICE.—(1) Beginning on the date on which the Secretary of Defense submits the report under paragraph (3)(A), in addition to the authority to provide compensation under subsection (a), the Secretary may provide a covered employee allowances and benefits under paragraph (1) of section 9904 of title 5 without regard to the limitations in that section—

Effective date.

	“(A) that the employee be assigned to activities outside the United States; or
	“(B) that the activities to which the employee is assigned be in support of Department of Defense activities abroad.
Reports.	“(2) The Secretary may not provide allowances and benefits under paragraph (1) to more than 125 covered employees per year.
Strategy.	“(3)(A) The Secretary shall submit to the appropriate congressional committees a report containing a strategy addressing the mission of the Defense Clandestine Service during the period covered by the most recent future-years defense program submitted under section 221 of this title, including—
	“(i) how such mission will evolve during such period;
	“(ii) how the authority provided by paragraph (1) will assist the Secretary in carrying out such mission; and
Implementation plan.	“(iii) an implementation plan for carrying out paragraph (1), including a projection of how much the amount of the allowances and benefits provided under such paragraph compare with the amount of the allowances and benefits provided before the date of the report.
	“(B) Not later than December 31, 2020, and each year thereafter, the Secretary shall submit to the appropriate congressional committees a report, with respect to the fiscal year preceding the date on which the report is submitted—
	“(i) identifying the number of covered employees for whom the Secretary provided allowances and benefits under paragraph (1); and
Evaluation.	“(ii) evaluating the efficacy of such allowances and benefits in enabling the execution of the objectives of the Defense Intelligence Agency.
	“(C) The reports under subparagraphs (A) and (B) may be submitted in classified form.
Definitions.	“(4) In this subsection:
	“(A) The term ‘appropriate congressional committees’ means—
	“(i) the congressional defense committees; and
	“(ii) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.
	“(B) The term ‘covered employee’ means an employee in a defense intelligence position who is assigned to the Defense Clandestine Service at a location in the United States that the Secretary determines has living costs equal to or higher than the District of Columbia.”.

SEC. 1109. MODIFICATION OF DIRECT HIRE AUTHORITIES FOR THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 9905 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by amending paragraph (2) to read as follows:

“(2) Any cyber workforce position.”; and

(B) by adding after paragraph (4) the following:

“(5) Any scientific, technical, engineering, or mathematics positions, including technicians, within the defense acquisition workforce, or any category of acquisition positions within the Department designated by the Secretary as a shortage or critical need category.

“(6) Any scientific, technical, engineering, or mathematics position, except any such position within any defense Scientific and Technology Reinvention Laboratory, for which a qualified candidate is required to possess a bachelor’s degree or an advanced degree, or for which a veteran candidate is being considered.

“(7) Any category of medical or health professional positions within the Department designated by the Secretary as a shortage category or critical need occupation.

“(8) Any childcare services position for which there is a critical hiring need and a shortage of childcare providers.

“(9) Any financial management, accounting, auditing, actuarial, cost estimation, operational research, or business or business administration position for which a qualified candidate is required to possess a finance, accounting, management or actuarial science degree or a related degree, or a related degree of equivalent experience.

“(10) Any position, as determined by the Secretary, for the purpose of assisting and facilitating the efforts of the Department in business transformation and management innovation.”; and

(2) by striking subsection (b) and inserting the following: “(b) SUNSET.—

“(1) IN GENERAL.—Except as provided in paragraph (2), effective on September 30, 2025, the authority provided under subsection (a) shall expire.

“(2) EXCEPTION.—Paragraph (1) shall not apply to the authority provided under subsection (a) to make appointments to positions described under paragraph (5) of such subsection.

“(c) SUSPENSION OF OTHER HIRING AUTHORITIES.—During the period beginning on the effective date of the regulations issued to carry out the hiring authority with respect to positions described in paragraphs (5) through (10) of subsection (a) and ending on the date described in subsection (b)(1), the Secretary of Defense may not exercise or otherwise use any hiring authority provided under the following provisions of law:

“(1) Sections 1599c(a)(2) and 1705(h) of title 10.

“(2) Sections 1112 and 1113 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1033).

“(3) Sections 1110 and 1643(a)(3) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2450 and 2602).

“(4) Sections 559 and 1101 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1406 and 1627).”.

(b) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2021, the Secretary of Defense, in coordination with the Director of the Office of Personnel Management, shall provide for the conduct of an independent review and report to the congressional defense committees and the Committee on Oversight and Reform of the House of Representatives.

(2) CONTENTS.—The report required under paragraph (1) shall—

(A) assess and identify steps that could be taken to improve the competitive hiring process at the Department

Time period.

Coordination.
Review.

Assessment.

and ensure that direct hiring is conducted in a manner consistent with ensuring a merit based civil service and a diverse workforce in the Department and the rest of the Federal Government; and

(B) consider the feasibility and desirability of using cohort hiring, or hiring “talent pools”, instead of conducting all hiring on a position-by-position basis.

Analysis.
Recommendations.
Survey.

(3) CONSULTATION.—The analysis and recommendations in the report required under paragraph (1) shall be prepared in consultation with all stakeholders, public sector unions, hiring managers, career agency, and Office of Personnel Management personnel specialists, and after a survey of public sector employees and job applicants.

SEC. 1110. DESIGNATING CERTAIN FEHBP AND FEGLI SERVICES PROVIDED BY FEDERAL EMPLOYEES AS EXCEPTED SERVICES UNDER THE ANTI-DEFICIENCY ACT.

(a) FEHBP.—Section 8905 of title 5, United States Code, is amended by adding at the end the following:

“(i) Any services by an officer or employee under this chapter relating to enrolling individuals in a health benefits plan under this chapter, or changing the enrollment of an individual already so enrolled, shall be deemed, for purposes of section 1342 of title 31, services for emergencies involving the safety of human life or the protection of property.”.

(b) FEGLI.—Section 8702 of title 5, United States Code, is amended by adding at the end the following:

“(d) Any services by an officer or employee under this chapter relating to benefits under this chapter shall be deemed, for purposes of section 1342 of title 31, services for emergencies involving the safety of human life or the protection of property.”.

5 USC 8702 note.
Deadline.

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out the amendments made by subsections (a) and (b).

(2) PAY STATUS FOR FURLOUGHED EMPLOYEES.—The regulations prescribed under paragraph (1) for the amendments made by subsection (a) shall provide that an employee furloughed as result of a lapse in appropriations shall, during such lapse, be deemed to be in a pay status for purposes of enrolling or changing the enrollment (as the case may be) of that employee under chapter 89 of title 5, United States Code.

5 USC 8702 note.

(d) APPLICATION.—The amendments made by subsection (a) and (b) shall apply to any lapse in appropriations beginning on or after the date of enactment of this Act.

SEC. 1111. CONTINUING SUPPLEMENTAL DENTAL AND VISION BENEFITS AND LONG-TERM CARE INSURANCE COVERAGE DURING A GOVERNMENT SHUTDOWN.

(a) IN GENERAL.—Title 5, United States Code, is amended—

(1) in section 8956, by adding at the end the following:

“(d) Coverage under a dental benefits plan under this chapter for any employee or a covered TRICARE-eligible individual enrolled in such a plan and who, as a result of a lapse in appropriations, is furloughed or excepted from furlough and working without pay shall continue during such lapse and may not be cancelled as

a result of nonpayment of premiums or other periodic charges due to such lapse.”;

(2) in section 8986, by adding at the end the following:

“(d) Coverage under a vision benefits plan under this chapter for any employee or a covered TRICARE-eligible individual enrolled in such a plan and who, as a result of a lapse in appropriations, is furloughed or excepted from furlough and working without pay shall continue during such lapse and may not be cancelled as a result of nonpayment of premiums or other periodic charges due to such lapse.”; and

(3) in section 9003, by adding at the end the following:

“(e) EFFECT OF GOVERNMENT SHUTDOWN.—Coverage under a master contract under this chapter for long-term care insurance for an employee or member of the uniformed services enrolled under such contract and who, due to a lapse in appropriations, is furloughed or excepted from furlough and working without pay shall continue during such lapse and may not be cancelled as a result of nonpayment of premiums or other periodic charges due to such lapse.”.

(b) REGULATIONS.—

5 USC 8956 note.

(1) IN GENERAL.—Consistent with paragraph (2), the Director of the Office of Personnel Management shall prescribe regulations under which premiums for supplemental dental, supplemental vision, or long-term care insurance under chapter 89A, 89B, or 90 (respectively) of title 5, United States Code, (as amended by subsection (a)) that are unpaid by an employee, a covered TRICARE-eligible individual, or a member of the uniformed services (as the case may be), as a result of that employee, covered TRICARE-eligible individual, or member being furloughed or excepted from furlough and working without pay as a result of a lapse in appropriations, are paid to the applicable carrier from back pay made available to the employee or member as soon as practicable upon the end of such lapse.

(2) LONG-TERM CARE PREMIUMS FROM SOURCE OTHER THAN BACKPAY.—The regulations promulgated under paragraph (1) for the amendments made by subsection (a)(3) may provide, with respect to any individual who elected under section 9004(d) of title 5, United States Code, to pay premiums directly to the carrier, that such individual may continue to pay premiums pursuant to such election instead of from back pay made available to such individual.

(c) APPLICATION.—The amendments made by subsection (a) shall apply to any contract for supplemental dental, supplemental vision, or long-term care insurance under chapter 89A, 89B, or 90 (respectively) of title 5, United States Code, entered into before, on, or after the date of enactment of this Act.

5 USC 8956 note.

SEC. 1112. LIMITATION ON TRANSFER OF OFFICE OF PERSONNEL MANAGEMENT.

(a) IN GENERAL.—No person may assign, transfer, transition, merge, or consolidate any function, responsibility, authority, service, system, or program that is assigned in law to the Office of Personnel Management to or with the General Services Administration, the Office of Management and Budget, or the Executive Office of the President, until on or after the date that is 180 days after the date on which the report required by subsection (c) is submitted

Time period.

to the appropriate committees of Congress, and subject to the enactment of any legislation required.

(b) INDEPENDENT STUDY AND REPORT.—

Recommendations.

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Personnel Management (in this section referred to as the “Director”) shall contract with the National Academy of Public Administration (in this section referred to as the “Academy”) to conduct a study addressing each of the elements set forth in paragraph (3) and to report the findings and recommendations derived from such study.

(2) DEADLINE.—Not later than one year after the date the contract required by paragraph (1) is entered into, the Academy shall submit the report prepared under such contract to the Director and the appropriate committees of Congress.

Assessment.
Analysis.
Recommendations.

(3) REQUIREMENTS.—The study and report required by paragraph (1) and (2) shall include a comprehensive assessment and analysis of—

(A) the statutory mandates assigned to the Office of Personnel Management and the challenges associated with the Office’s execution of those mandates;

(B) the non-statutory functions, responsibilities, authorities, services, systems, and programs performed or executed by the Office of Personnel Management; the Office’s justification for carrying out such functions, responsibilities, authorities, services, systems, and programs; and the challenges associated with the Office’s execution of same;

(C) the means, options, and recommended courses of action for addressing the challenges identified pursuant to subparagraphs (A) and (B), including an analysis of the benefits, costs, and feasibility of each option and the effect of each on labor-management agreements;

(D) a timetable for the implementation of options and recommended courses of action identified pursuant to subparagraph (C);

(E) statutory or regulatory changes necessary to execute any course of action recommended;

(F) the methods for involving, engaging with, and receiving input from other Federal agencies, departments, and entities potentially affected by any change in the structure, functions, responsibilities, authorities of the Office of Personnel Management that may be recommended;

(G) the views of identified stakeholders, including other Federal agencies, departments, and entities; non-Federal entities or organizations representing customers or intended beneficiaries of Office of Personnel Management functions, services, systems, or programs; and such individual customers and intended beneficiaries; and

(H) such other matters as the Director may prescribe.

Recommendations.
Consultation.

(c) OPM REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date on which the report is submitted pursuant to subsection (b)(2) to the Director and the appropriate committees of Congress, the Director, in consultation with the General Services Administration, the Office of Management and Budget, and other appropriate Federal agencies, departments, or entities, shall submit

to the appropriate committees of Congress a report on the views of the Office of Personnel Management on the findings and recommendations set forth in the report prepared under subsection (b), together with any recommendations for changes in the structure, functions, responsibilities, and authorities of the Office of Personnel Management.

(2) **BUSINESS CASE ANALYSIS.**—Any recommendation submitted in the report under paragraph (1) for change shall be accompanied by a business case analysis setting forth the operational efficiencies and cost savings (in both the short- and long-terms) associated with such change, and a proposal for legislative or administrative action required to effect the change proposed.

(d) **DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.**—For purposes of this section, the term “appropriate committees of Congress” are the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations and Oversight and Reform of the House of Representatives.

SEC. 1113. ASSESSMENT OF ACCELERATED PROMOTION PROGRAM SUSPENSION.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall conduct an assessment of the impacts resulting from the Navy’s suspension in 2016 of the Accelerated Promotion Program (in this section referred to as the “APP”).

Deadline.

(b) **ELEMENTS.**—The assessment required under subsection (a) shall include the following elements:

Time periods.
Determination.

(1) An identification of the number of employees who were hired at the four public shipyards between January 23, 2016, and December 22, 2016, covering the period in which APP was suspended, and who would have otherwise been eligible for APP had the program been in effect at the time they were hired.

(2) An assessment for employees identified in paragraph (1) to determine the difference between wages earned from the date of hire to the date on which wage data is collected for purposes of the assessment and the wages which would have been earned during this same period had that employee participated in APP from the date of hire and been promoted according to the average promotion timeframe for participants hired in the five-year period prior to the suspension.

(3) An assessment for each employee identified in paragraph (1) to determine at what grade and step each effected employee who would have met the required experience and training to qualify for an accelerated promotion would be on October 1, 2020, had that employee been promoted according to the average promotion timeframe for participants hired in the five-year period prior to the suspension.

(4) An evaluation of existing authorities available to the Secretary to determine whether the Secretary can take measures using those authorities to provide the pay difference and corresponding interest to each effected employee who has otherwise met the required experience and training to qualify for an accelerated promotion identified in paragraph (2) and

Evaluation.

directly promote the employee to the grade and step identified in paragraph (3).

(c) **REPORT.**—The Secretary shall submit to the congressional defense committees a report on the results of the assessment required under subsection (a) by not later than June 1, 2020, and shall provide interim briefings upon request.

SEC. 1114. REIMBURSEMENT FOR FEDERAL, STATE, AND LOCAL INCOME TAXES INCURRED DURING TRAVEL, TRANSPORTATION, AND RELOCATION.

(a) **IN GENERAL.**—Section 5724b of title 5, United States Code, is amended—

(1) in the section heading, by striking “**of employees transferred**”;

(2) in subsection (a)—

(A) in the first sentence, by striking “employee, or by an employee and such employee’s spouse (if filing jointly), for any moving or storage” and inserting “individual, or by an individual and such individual’s spouse (if filing jointly), for any travel, transportation, or relocation”; and

(B) in the second sentence, by striking “employee” and inserting “individual, or the individual”; and

(3) by striking subsection (b) and inserting the following:

Definition.

“(b) For purposes of this section, the term ‘travel, transportation, or relocation expenses’ means all travel, transportation, or relocation expenses reimbursed or furnished in kind pursuant to this subchapter of chapter 41.”.

5 USC
prec. 5701.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 57 of title 5, United States Code, is amended by striking the item relating to section 5724b and inserting the following:

“5724b. Taxes on reimbursements for travel, transportation, and relocation expenses”.

5 USC 5724b
note.

(c) **RETROACTIVE EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2018.

SEC. 1115. CLARIFICATION OF LIMITATION ON EXPEDITED HIRING AUTHORITY FOR POST-SECONDARY STUDENTS.

Section 3116(d)(1) of title 5, United States Code, is amended to read as follows:

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the total number of students that the head of an agency may appoint under this section during a fiscal year may not exceed the number equal to 15 percent of the number of students that the agency head appointed during the previous fiscal year to a position at the GS–11 level, or an equivalent level, or below.”.

SEC. 1116. MODIFICATION OF TEMPORARY ASSIGNMENTS OF DEPARTMENT OF DEFENSE EMPLOYEES TO A PRIVATE-SECTOR ORGANIZATION.

Section 1599g(e)(2)(A) of title 10, United States Code, is amended by inserting “permanent” after “without the”.

SEC. 1117. EXTENSION OF AUTHORITY FOR PART-TIME REEMPLOYMENT.

(a) **CIVIL SERVICE RETIREMENT SYSTEM.**—Section 8344(l)(7) of title 5, United States Code, is amended by striking “December 31, 2019” and inserting “December 31, 2024”.

(b) **FEDERAL EMPLOYEES RETIREMENT SYSTEM.**—Section 8468(i)(7) of title 5, United States Code, is amended by striking “December 31, 2019” and inserting “December 31, 2024”.

Subtitle B—Fair Chance Act

Fair Chance to
Compete for Jobs
Act of 2019.
5 USC 101 note.

SEC. 1121. SHORT TITLE.

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

SEC. 1122. PROHIBITION ON CRIMINAL HISTORY INQUIRIES PRIOR TO CONDITIONAL OFFER FOR FEDERAL EMPLOYMENT.

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

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

5 USC
prec. 9201.

“Sec.

“9201. Definitions.

“9202. Limitations on requests for criminal history record information.

“9203. Agency policies; complaint procedures.

“9204. Adverse action.

“9205. Procedures.

“9206. Rules of construction.

“§ 9201. Definitions

5 USC 9201.

“In this chapter—

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

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

“(B) the Executive Office of the President;

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

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

“(4) the term ‘criminal history record information’—

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

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

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

“(5) the term ‘suspension’ has the meaning given the term in section 7501.

5 USC 9202.

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

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

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

“(c) EXCEPTION FOR CERTAIN POSITIONS.—

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

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

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

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

“(2) REGULATIONS.—

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

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

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

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

Publication.
5 USC 9203.**“§ 9203. Agency policies; complaint procedures**

“The Director of the Office of Personnel Management shall—

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

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

5 USC 9204.

“§ 9204. Adverse actionDetermination.
Notice.

“(a) FIRST VIOLATION.—If the Director of the Office of Personnel Management determines, after notice and an opportunity for a

hearing on the record, that an employee of an agency has violated section 9202, the Director shall—

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

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

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

Determination.
Notice.

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

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

“(3) For a fourth violation—

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

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

“(4) For a fifth violation—

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

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

“(5) For any subsequent violation—

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

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

“§ 9205. Procedures

5 USC 9205.

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

Regulations.
Deadline.

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

Determination.

“(1) the procedures under chapter 75; or

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

“§ 9206. Rules of construction

5 USC 9206.

“Nothing in this chapter may be construed to—

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

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

(b) **REGULATIONS; EFFECTIVE DATE.**—

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

Deadline.
5 USC 9201 note.

5 USC 9202 note.

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

5 USC
prec. 2101.

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

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

(d) **APPLICATION TO LEGISLATIVE BRANCH.**—

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

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

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

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

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

2 USC 1316b.

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

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

“(b) **RESTRICTIONS ON CRIMINAL HISTORY INQUIRIES.**—

“(1) **IN GENERAL.**—

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

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

Applicability.

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

“(c) **REMEDY.**—

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

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

“(d) REGULATIONS TO IMPLEMENT SECTION.—

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

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

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

(2) CLERICAL AMENDMENTS.—

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

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

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

“Sec. 207. Rights and protections relating to criminal history inquiries.”.

(B) Section 62(e)(2) of the Internal Revenue Code of 1986 is amended by striking “or 207” and inserting “207, or 208”. 26 USC 62.

(e) APPLICATION TO JUDICIAL BRANCH.—Section 604 of title 28, United States Code, is amended by adding at the end the following:

“(i) RESTRICTIONS ON CRIMINAL HISTORY INQUIRIES.—

“(1) DEFINITIONS.—In this subsection—

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

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

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

“(ii) a United States magistrate judge; or

“(iii) a bankruptcy judge; and

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

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

“(3) EMPLOYING OFFICE POLICIES; COMPLAINT PROCEDURE.— Applicability.
The provisions of sections 9203 and 9206 of title 5 shall apply

to employing offices and to applicants for employment as covered employees, consistent with regulations issued by the Director to implement this subsection.

“(4) ADVERSE ACTION.—

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

Regulations.
Deadline.

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

Determination.

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

Deadline.

“(5) REGULATIONS TO BE ISSUED.—

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

“(B) PARALLEL WITH AGENCY REGULATIONS.—The regulations issued under subparagraph (A) shall be the same as substantive regulations promulgated by the Director of the Office of Personnel Management under section 2(b)(1) of the Fair Chance to Compete for Jobs Act of 2019 except to the extent that the Director of the Administrative Office of the United States Courts may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this subsection.

Applicability.

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

SEC. 1123. PROHIBITION ON CRIMINAL HISTORY INQUIRIES BY CONTRACTORS PRIOR TO CONDITIONAL OFFER.

(a) CIVILIAN AGENCY CONTRACTS.—

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

41 USC 4714.

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

“(a) LIMITATION ON CRIMINAL HISTORY INQUIRIES.—

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

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

“(B) shall require, as a condition of receiving a Federal contract and receiving payments under such contract that the contractor may not verbally, or through written form,

request the disclosure of criminal history record information regarding an applicant for a position related to work under such contract before the contractor extends a conditional offer to the applicant.

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

“(3) EXCEPTION FOR CERTAIN POSITIONS.—

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

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

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

“(B) REGULATIONS.—

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

Deadline.
Consultation.

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

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

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

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

Publication.

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

Determinations.

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

“(A) notify the contractor;

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

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

Notification.
Deadline.
Appeal.

Notification.
Deadline.
Appeal.
Consultation.

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

Deadline.

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

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

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

“(d) DEFINITIONS.—In this section:

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

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

41 USC
prec. 4701.

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

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

Applicability.
41 USC 4714
note.

(3) EFFECTIVE DATE.—Section 4714 of title 41, United States Code, as added by paragraph (1), shall apply with respect to contracts awarded pursuant to solicitations issued after the effective date described in section 1122(b)(2) of this subtitle.

(b) DEFENSE CONTRACTS.—

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

10 USC 2339.

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

“(a) LIMITATION ON CRIMINAL HISTORY INQUIRIES.—

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

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

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

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

“(3) EXCEPTION FOR CERTAIN POSITIONS.—

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

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

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

“(B) REGULATIONS.—

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

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

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

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

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

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

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

“(A) notify the contractor; Notification.

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

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

“(2) SUBSEQUENT VIOLATIONS.—If the Secretary of Defense determines that a contractor that was subject to paragraph (1) has committed a subsequent violation of subsection (a)(1)(B), the Secretary shall notify the contractor, shall provide 30 days Notification.
Deadline.
Consultation.

after such notification for the contractor to appeal the determination, and, in consultation with the relevant Federal agencies, may take actions, depending on the severity of the infraction and the contractor’s history of violations, including—

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

Deadline.

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

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

“(d) DEFINITIONS.—In this section:

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

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

Applicability.
10 USC 2339
note.

(2) EFFECTIVE DATE.—Section 2339(a) of title 10, United States Code, as added by paragraph (1), shall apply with respect to contracts awarded pursuant to solicitations issued after the effective date described in section 1122(b)(2) of this subtitle.

10 USC
prec. 2301.

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

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

10 USC 2339
note.
Deadline.

(c) REVISIONS TO FEDERAL ACQUISITION REGULATION.—

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

(2) CONSISTENCY WITH OFFICE OF PERSONNEL MANAGEMENT REGULATIONS.—The Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation under paragraph (1) to be consistent with the regulations issued by the Director of the Office of Personnel Management under section 1122(b)(1) to the maximum extent practicable. The Council shall include together with such revision an explanation of any substantive modification of the Office of Personnel Management regulations, including an explanation of how such modification will more effectively implement the rights and protections under this section.

34 USC 10132
note.

SEC. 1124. REPORT ON EMPLOYMENT OF INDIVIDUALS FORMERLY INCARCERATED IN FEDERAL PRISONS.

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

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

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

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

Coordination.

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

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

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

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

Time period.

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

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

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

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

Subtitle C—ATC Hiring Reform

ATC Hiring
Reform Act.

SEC. 1131. SHORT TITLE; DEFINITION.

(a) **SHORT TITLE.**—This subtitle may be cited as the “ATC Hiring Reform Act”.

(b) **DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.**—In this subtitle, the term “appropriate committees of Congress” means—

49 USC 40101
note.

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

(2) the Committee on Transportation and Infrastructure of the House of Representatives;

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

(4) the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 1132. HIRING OF AIR TRAFFIC CONTROL SPECIALISTS.

Section 44506(f)(1)(B)(i) of title 49, United States Code, is amended by striking “referring” and all that follows through “10 percent.” and inserting “giving further preferential consideration, within each qualification category based upon pre-employment testing results (including application of veterans’ preference as required under section 40122(g)(2)(B)), to pool 1 applicants described in clause (ii) before pool 2 applicants described in clause (iii).”.

SEC. 1133. ENSURING HIRING PREFERENCE FOR APPLICANTS WITH EXPERIENCE AT AN AIR TRAFFIC CONTROL FACILITY OF THE NATIONAL GUARD.

Section 44506(f)(1)(A)(ii) of title 49, United States Code, is amended by inserting “(including a facility of the National Guard)” after “Department of Defense”.

SEC. 1134. FAA REPORTS ON AIR TRAFFIC CONTROLLER HIRING AND TRAINING.

(a) **REPORTS TO CONGRESS.**—Not later than September 30 of 2020, 2021, 2022, and 2023, the Administrator of the Federal Aviation Administration shall submit to the appropriate committees of Congress a report regarding the hiring and training of air traffic controllers.

(b) **CONTENTS.**—Each report under subsection (a) shall include the following information:

(1) The number of applicants, from each hiring pool (by vacancy announcement beginning with vacancy announcement FAA-ATO-19-ALLSRCE-61676 (issued on June 14, 2019)) who have done the following:

(A) Applied for the position of air traffic controller.

(B) Been issued a tentative offer letter for the position of air traffic controller.

(C) Been issued a firm offer letter for the position of air traffic controller.

(D) Been hired for the position of air traffic controller.

(E) Reported to the FAA Academy for initial qualification training.

(F) Successfully passed Air Traffic Basics training at the FAA Academy.

(G) Successfully passed Terminal initial training at the FAA Academy.

(H) Successfully passed En Route initial training at the FAA Academy.

(2) The average cost of training per individual for each such hiring pool for the following:

(A) Air Traffic Basics training at the FAA Academy.

(B) Terminal initial training at the FAA Academy.

(C) En Route initial training at the FAA Academy.

(3) The FAA Academy attrition rate for each such hiring pool.

(4) The number of applicants, from each such hiring pool, who have successfully completed qualification training at their first FAA facility and the number who are still in training at their first facility.

(5) Other information determined appropriate by the Administrator of the Federal Aviation Administration.

SEC. 1135. DOT INSPECTOR GENERAL REVIEW AND REPORT.

(a) **REVIEW.**—

Assessments.

(1) **IN GENERAL.**—The Inspector General of the Department of Transportation (in this section referred to as the “Inspector General”) shall conduct a review that assesses the assumptions and methodologies used to develop the air traffic controller pre-employment test. Such review shall include—

(A) what job-relevant aptitudes are measured by the air traffic controller pre-employment test and to what extent such aptitudes are tested;

(B) the scoring methodology for the air traffic controller pre-employment test, including an assessment of whether such methodology is applied uniformly for all classes of applicants;

(C) whether the air traffic controller pre-employment test incorporates any biographical questionnaire or assessment other than basic identifiers, such as name and questions that assess personal characteristics, and the extent to which such biographical assumptions are relied upon to assess air traffic controller applicants;

(D) the effectiveness of the pre-employment test, mental health screening, and any other applicable pre-employment assessment to determine whether an applicant possesses the skills necessary to perform the duties of a controller; and

(E) ways to improve the pre-employment test and other applicable pre-employment assessments as the Inspector General determines appropriate.

(2) **START DATE.**—The Inspector General shall initiate the review under paragraph (1) by not later than 90 days after the date of enactment of this Act.

(b) **REPORT.**—Not later than 180 days after the date the Inspector General initiates the review under subsection (a), the Inspector General shall submit to the appropriate committees of Congress a report on such review.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

- Sec. 1201. Modification of authority to build capacity of foreign security forces.
- Sec. 1202. Modification and extension of cross servicing agreements for loan of personnel protection and personnel survivability equipment in coalition operations.
- Sec. 1203. Modifications of authorities relating to acquisition and cross-servicing agreements.
- Sec. 1204. Modification of quarterly report on obligation and expenditure of funds for security cooperation programs and activities.
- Sec. 1205. Gender perspectives and participation by women in security cooperation activities.
- Sec. 1206. Plan to provide consistency of administration of authorities relating to vetting of units of security forces of foreign countries; modification of assessment, monitoring, and evaluation of security cooperation programs and activities.
- Sec. 1207. Extension of authority for support of special operations for irregular warfare.
- Sec. 1208. Extension and modification of Commanders' Emergency Response Program and elimination of certain payments to redress injury and loss.
- Sec. 1209. Two-year extension of program authority for Global Security Contingency Fund.
- Sec. 1210. Legal institutional capacity building initiative for foreign defense institutions.
- Sec. 1210A. Department of Defense support for stabilization activities in national security interest of the United States.

Subtitle B—Matters Relating to Afghanistan and Pakistan

- Sec. 1211. Extension of authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan.

- Sec. 1212. Extension and modification of authority to acquire products and services produced in countries along a major route of supply to Afghanistan.
- Sec. 1213. Authority for certain payments to redress injury and loss.
- Sec. 1214. Extension and modification of semiannual report on enhancing security and stability in Afghanistan.
- Sec. 1215. Special Immigrant Visa program reporting requirement.
- Sec. 1216. Meaningful inclusion of Afghan women in peace negotiations.
- Sec. 1217. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1218. Support for reconciliation activities led by the Government of Afghanistan.
- Sec. 1219. Modification and extension of the Afghan Special Immigrant Visa Program.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

- Sec. 1221. Modification of authority and limitation on use of funds to provide assistance to counter the Islamic State of Iraq and Syria.
- Sec. 1222. Extension and modification of authority to provide assistance to vetted Syrian groups and individuals.
- Sec. 1223. Modification of authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1224. Establishing a coordinator for detained ISIS members and relevant displaced populations in Syria.
- Sec. 1225. Report on lessons learned from efforts to liberate Mosul and Raqqa from control of the Islamic State of Iraq and Syria.
- Sec. 1226. Expansion of availability of financial assets of Iran to victims of terrorism.
- Sec. 1227. Report on the status of deconfliction channels with Iran.
- Sec. 1228. Prohibition on provision of weapons and other forms of support to certain organizations.

Subtitle D—Matters Relating to the Russian Federation

- Sec. 1231. Extension of limitation on military cooperation between the United States and Russia.
- Sec. 1232. Prohibition on availability of funds relating to sovereignty of Russia over Crimea.
- Sec. 1233. Sense of Congress on updating and modernizing existing agreements to avert miscalculation between the United States and Russia.
- Sec. 1234. United States participation in Open Skies Treaty.
- Sec. 1235. Modifications of briefing, notification, and reporting requirements relating to non-compliance by the Russian Federation with its obligations under the INF Treaty.
- Sec. 1236. Report on treaties relating to nuclear arms control.
- Sec. 1237. Reports relating to the New START Treaty.
- Sec. 1238. Report on military activities of the Russian Federation and the People's Republic of China in the Arctic region.
- Sec. 1239. Updated strategy to counter the threat of malign influence by the Russian Federation and other countries.

Subtitle E—Matters Relating to Europe and NATO

- Sec. 1241. Sense of Congress on support for the North Atlantic Treaty Organization.
- Sec. 1242. Prohibition on the use of funds to suspend, terminate, or provide notice of denunciation of the North Atlantic Treaty.
- Sec. 1243. Future years plans and planning transparency for the European Deterrence Initiative.
- Sec. 1244. Modification and extension of Ukraine Security Assistance Initiative.
- Sec. 1245. Limitation on transfer of F–35 aircraft to Turkey.
- Sec. 1246. Baltic defense assessment; extension and modification of security assistance for Baltic countries for joint program for interoperability and deterrence against aggression.
- Sec. 1247. Extension of authority for and report on training for Eastern European national security forces in the course of multilateral exercises.
- Sec. 1248. Extension and modification of NATO Special Operations Headquarters.
- Sec. 1249. North Atlantic Treaty Organization Joint Force Command.
- Sec. 1250. Report on North Atlantic Treaty Organization Readiness Initiative.
- Sec. 1250A. Repeal of prohibition on transfer of articles on the United States munitions list to the Republic of Cyprus.

Subtitle F—Matters Relating to the Indo-Pacific Region

- Sec. 1251. Modification of Indo-Pacific Maritime Security Initiative.

- Sec. 1252. Expansion of Indo-Pacific Maritime Security Initiative and limitation on use of funds.
- Sec. 1253. Report on resourcing United States defense requirements for the Indo-Pacific region and study on competitive strategies.
- Sec. 1254. Limitation on use of funds to reduce the total number of members of the Armed Forces serving on active duty who are deployed to South Korea.
- Sec. 1255. Report on direct, indirect, and burden-sharing contributions of Japan and South Korea.
- Sec. 1256. Sense of Congress on security commitments to the Governments of Japan and the Republic of Korea and trilateral cooperation among the United States, Japan, and the Republic of Korea.
- Sec. 1257. Sense of Congress on North Korea.
- Sec. 1258. Statement of policy and sense of Congress on, and strategy to fulfill obligations under, Mutual Defense Treaty with the Republic of the Philippines.
- Sec. 1259. Report on security cooperation with the Philippine National Police.
- Sec. 1260. Modification of annual report on military and security developments involving the People's Republic of China.
- Sec. 1260A. Report on foreign military activities in Pacific Island countries.
- Sec. 1260B. Report on cybersecurity activities with Taiwan.
- Sec. 1260C. Review and report related to the Taiwan Relations Act.
- Sec. 1260D. Sense of Congress on enhancement of the United States-Taiwan defense relationship.
- Sec. 1260E. Chinese foreign direct investment in countries of the Arctic region.
- Sec. 1260F. Sense of Congress on policy toward Hong Kong.
- Sec. 1260G. Sense of Congress on enhancing defense and security cooperation with the Republic of Singapore.
- Sec. 1260H. Authority to transfer funds for Bien Hoa dioxin cleanup.
- Sec. 1260I. Limitation on removal of Huawei Technologies Co. Ltd. from entity list of Bureau of Industry and Security.
- Sec. 1260J. Report on ZTE compliance with Superseding Settlement Agreement and Superseding Order.
- Sec. 1260K. Report on the lay-down of United States Marines in the Indo-Pacific Region.

Subtitle G—Other Matters

- Sec. 1261. Modification to report on legal and policy frameworks for the use of military force.
- Sec. 1262. Independent review of sufficiency of resources available to United States Southern Command and United States Africa Command.
- Sec. 1263. United States Central Command posture assessment and review.
- Sec. 1264. Limitation on production of nuclear proliferation assessment statements.
- Sec. 1265. Western Hemisphere resource assessment.
- Sec. 1266. Human rights in Brazil.
- Sec. 1267. Certification relating to assistance for Guatemala.
- Sec. 1268. Independent analysis of human rights situation in Honduras.
- Sec. 1269. Briefing on strategy to improve the efforts of the Nigerian military to prevent, mitigate, and respond to civilian harm.
- Sec. 1270. Report on implications of Chinese military presence in Djibouti.
- Sec. 1271. Rule of construction on the permanent stationing of United States Armed Forces in Somalia.
- Sec. 1272. Defense and diplomatic strategy for Libya.
- Sec. 1273. Prohibition on in-flight refueling to non-United States aircraft that engage in hostilities in the ongoing civil war in Yemen.
- Sec. 1274. Report on Saudi-led coalition strikes in Yemen.
- Sec. 1275. Reports on expenses incurred for in-flight refueling of Saudi coalition aircraft conducting missions relating to civil war in Yemen.
- Sec. 1276. Report on Saudi Arabia's human rights record.
- Sec. 1277. Report on intelligence community assessment relating to the killing of Washington Post columnist Jamal Khashoggi.
- Sec. 1278. United States-Israel cooperation to counter unmanned aerial systems.
- Sec. 1279. Extension and modification of authority for United States-Israel anti-tunnel cooperation activities.
- Sec. 1280. Report on cost imposition strategy.
- Sec. 1281. Modification of initiative to support protection of national security academic researchers from undue influence and other security threats.
- Sec. 1282. Modification of responsibility for policy on civilian casualty matters.
- Sec. 1283. Report on export of certain satellites to entities with certain beneficial ownership structures.
- Sec. 1284. Rule of construction relating to the use of military force.
- Sec. 1285. Reports and briefings on use of military force and support of partner forces.

Subtitle A—Assistance and Training

SEC. 1201. MODIFICATION OF AUTHORITY TO BUILD CAPACITY OF FOREIGN SECURITY FORCES.

(a) **AUTHORITY.**—Subsection (a)(7) of section 333 of title 10, United States Code, is amended by inserting “existing” before “international coalition operation”.

(b) **NOTICE AND WAIT ON ACTIVITIES UNDER PROGRAMS.**—Subsection (e) of such section is amended by adding at the end the following:

“(9) In the case of a program described in subsection (a), each of the following:

“(A) A description of whether assistance under the program could be provided pursuant to other authorities under this title, the Foreign Assistance Act of 1961, or any other train and equip authorities of the Department of Defense.

“(B) An identification of each such authority described in subparagraph (A).”.

SEC. 1202. MODIFICATION AND EXTENSION OF CROSS SERVICING AGREEMENTS FOR LOAN OF PERSONNEL PROTECTION AND PERSONNEL SURVIVABILITY EQUIPMENT IN COALITION OPERATIONS.

Section 1207 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 2342 note) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

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

“(d) **REPORTS TO CONGRESS.**—If the authority provided under this section is exercised during a fiscal year, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a report on the exercise of such authority by not later than October 30 of the year in which such fiscal year ends. Each report on the exercise of such authority shall specify the recipient country of the equipment loaned, the type of equipment loaned, and the duration of the loan of such equipment.”; and

(3) in subsection (f), as redesignated, by striking “September 30, 2019” and inserting “December 31, 2024”.

SEC. 1203. MODIFICATIONS OF AUTHORITIES RELATING TO ACQUISITION AND CROSS-SERVICING AGREEMENTS.

(a) **DESIGNATION AND NOTICE OF INTENT TO ENTER INTO AGREEMENT WITH NON-NATO COUNTRY.**—Subsection (b) of section 2342 of title 10, United States Code, is amended to read as follows:

“(b)(1) The Secretary of Defense may not designate a country for an agreement under this section unless—

“(A) the Secretary, after consultation with the Secretary of State, determines that the designation of such country for such purpose is in the interest of the national security of the United States; and

“(B) in the case of a country that is not a member of the North Atlantic Treaty Organization, the Secretary submits to the appropriate committees of Congress notice of the intended designation not less than 30 days before the date on which

Consultation.
Determination.

Deadline.

such country is designated by the Secretary under subsection (a).

“(2) In the case of a country that is not a member of the North Atlantic Treaty Organization, the Secretary of Defense may not enter into an agreement under this section unless the Secretary submits to the appropriate committees of Congress a notice of intent to enter into such an agreement not less than 30 days before the date on which the Secretary enters into the agreement.”. Deadline.

(b) OVERSIGHT RESPONSIBILITIES.—Such section is further amended—

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

(2) by inserting after subsection (e) the following new subsection (f):

“(f) Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, the Secretary of Defense shall designate an existing senior civilian or military official who shall have primary responsibility for— Deadline.
Designation.

“(1) accounting for logistic support, supplies, and services received or provided under acquisition and cross-servicing agreements;

“(2) ensuring consistent standards and guidance to the armed forces and combatant commands in executing acquisition and cross-servicing agreements;

“(3) overseeing and monitoring the implementation of acquisition and cross-servicing agreements in coordination with the Under Secretary of Defense for Policy; and Coordination.

“(4) such other responsibilities as may be prescribed by the Secretary.”.

(c) REGULATIONS.—Subsection (g) of such section, as redesignated by subsection (b)(1), is amended to read as follows:

“(g)(1) Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, the Secretary of Defense shall prescribe regulations to ensure that— Deadline.

“(A) contracts entered into under this subchapter are free from self-dealing, bribery, and conflict of interests; Contracts.

“(B) adequate processes and controls are in place to provide for the accurate accounting of logistic support, supplies, and services received or provided under the authority of this subchapter; and

“(C) personnel responsible for accounting for logistic support, supplies, and services received or provided under such authority are fully trained and aware of such responsibilities.

“(2)(A) Not later than 270 days after the issuance of the regulations under paragraph (1), the Comptroller General of the United States shall conduct a review of the implementation by the Secretary of such regulations. Deadline.
Review.

“(B) The review conducted under subparagraph (A) shall—

“(i) assess the effectiveness of such regulations and the implementation of such regulations to ensure the effective management and oversight of an agreement under subsection (a)(1); and

“(ii) include any other matter the Comptroller General considers relevant.”.

(d) REPORTS.—Subsection (h) of such section, as redesignated by subsection (b)(1), is amended—

(1) in paragraph (1), by striking “in effect” and inserting “that have entered into force or were applied provisionally”;

(2) in paragraph (2), by striking “date on which the Secretary” and all that follows through the period at the end and inserting “dates on which the Secretary notified Congress—

“(A) pursuant to subsection (b)(1)(B) of the designation of such country under subsection (a); and

“(B) pursuant to subsection (b)(2) of the intent of the Secretary to enter into the agreement.”;

(3) by amending paragraph (3) to read as follows:

“(3) The class of supply, total dollar amount, the amount collected, and the outstanding balance of logistic support, supplies, and services provided during the preceding fiscal year under each such agreement.”;

(4) by amending paragraph (4) to read as follows:

“(4) The class of supply, total dollar amount, the amount collected, and the outstanding balance of logistic support, supplies, and services received during the preceding fiscal year under each such agreement.”;

(5) by striking paragraph (5); and

(6) by adding at the end the following new paragraphs:

“(5) With respect to any transaction for logistic support, supplies, and services that has not been reconciled more than one year after the date on which the transaction occurred, a description of the transaction that includes the following:

“(A) The date on which the transaction occurred.

“(B) The country or organization to which logistic support, supplies, and services were provided.

“(C) The value of the transaction.

“(6) An explanation of any waiver granted under section 2347(c) during the preceding fiscal year, including an identification of the relevant contingency operation or non-combat operation.”.

SEC. 1204. MODIFICATION OF QUARTERLY REPORT ON OBLIGATION AND EXPENDITURE OF FUNDS FOR SECURITY COOPERATION PROGRAMS AND ACTIVITIES.

Section 381(b) of title 10, United States Code, is amended by striking “30 days” and inserting “60 days”.

SEC. 1205. GENDER PERSPECTIVES AND PARTICIPATION BY WOMEN IN SECURITY COOPERATION ACTIVITIES.

Coordination.

Consistent with the Women, Peace, and Security Act of 2017 (Public Law 115–68), the Secretary of Defense, in coordination with the Secretary of State, should seek to incorporate gender perspectives and participation by women in security cooperation activities to the maximum extent practicable.

10 USC 362 note.

SEC. 1206. PLAN TO PROVIDE CONSISTENCY OF ADMINISTRATION OF AUTHORITIES RELATING TO VETTING OF UNITS OF SECURITY FORCES OF FOREIGN COUNTRIES; MODIFICATION OF ASSESSMENT, MONITORING, AND EVALUATION OF SECURITY COOPERATION PROGRAMS AND ACTIVITIES.

Deadline.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and Secretary of State shall jointly develop, implement, and submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House

of Representatives a plan to provide consistency in administration of section 362 of title 10, United States Code, and section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d).

(b) MATTERS TO BE INCLUDED.—The plan required by subsection (a) shall contain the following:

(1) Common standards and procedures which shall be used by the Department of Defense and Department of State to obtain and verify information regarding the vetting of units of the security forces of foreign countries for gross violation of human rights under the authorities described in subsection (a), including—

Standards.
Procedures.
Human rights.

(A) public guidelines for external sources to report information; and

Public
information.
Guidelines.
Criteria.
Determination.

(B) methods and criteria employed by the Department of Defense and Department of State to determine whether sources, source reporting, and allegations are credible.

(2) Measures to ensure the Department of Defense has read-only access to the International Vetting and Security Tracking (INVEST) system, and any successor or equivalent system.

(3) Measures to ensure the authorities described in subsection (a) are applied to any foreign forces, irregular forces, groups, and individuals that receive training, equipment, or other assistance from the United States military.

Applicability.

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

(d) INTEGRATION OF HUMAN RIGHTS AND CIVILIAN PROTECTION INTO ASSESSMENT, MONITORING, AND EVALUATION OF SECURITY COOPERATION PROGRAMS AND ACTIVITIES.—

(1) REPORTS REQUIRED.—The Secretary of Defense shall submit to the appropriate congressional committees an interim report and a final report on the steps the Secretary will take to incorporate partner units' activities, as such activities relate to human rights and protection of civilians, into the program elements described in section 383(b)(1) of title 10, United States Code.

(2) DEADLINES.—

(A) INTERIM REPORT.—The interim report required under paragraph (1) shall be submitted to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act and shall include a summary of the progress of the Secretary in implementing the steps described in such paragraph.

Summary.

(B) FINAL REPORT.—The final report required under paragraph (1) shall be submitted to the appropriate congressional committees not later than one year after the date of enactment of this Act and shall specifically identify the actions the Secretary took to implement the steps described in paragraph (1).

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means the following:

(A) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(B) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1207. EXTENSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS FOR IRREGULAR WARFARE.

Section 1202(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1639) is amended by striking “2020” and inserting “2023”.

SEC. 1208. EXTENSION AND MODIFICATION OF COMMANDERS’ EMERGENCY RESPONSE PROGRAM AND ELIMINATION OF CERTAIN PAYMENTS TO REDRESS INJURY AND LOSS.

(a) **EXTENSION AND MODIFICATION OF COMMANDERS’ EMERGENCY RESPONSE PROGRAM.**—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619), as most recently amended by the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is further amended—

(1) in subsection (a)—

(A) by striking “During the period beginning on October 1, 2016, and ending on December 31, 2019” and inserting “During the period beginning on October 1, 2019, and ending on December 31, 2020”; and

(B) by striking “\$10,000,000” and inserting “\$2,500,000”;

(2) in subsection (b)(1), by striking “of fiscal years 2017 through 2019” and inserting “for each of fiscal years 2017 through 2020”; and

(3) in subsection (f), in the first sentence, by striking “during the period beginning on October 1, 2016, and ending on December 31, 2019” and inserting “during the period beginning on October 1, 2019, and ending on December 31, 2020”.

(b) **ELIMINATION OF AUTHORITY FOR CERTAIN PAYMENTS TO REDRESS INJURY AND LOSS IN AFGHANISTAN, IRAQ, SYRIA, SOMALIA, LIBYA, AND YEMEN.**—Section 1211 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2477), as most recently amended by section 1224(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is further amended by striking subsection (b).

SEC. 1209. TWO-YEAR EXTENSION OF PROGRAM AUTHORITY FOR GLOBAL SECURITY CONTINGENCY FUND.

Section 1207 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 2151 note) is amended—

(1) in subsection (i)—

(A) in paragraph (1), by striking “September 30, 2019” and inserting “September 30, 2021”; and

(B) by amending paragraph (2) to read as follows:

“(2) **EXCEPTION.**—Amounts appropriated and transferred to the Fund before September 30, 2019, shall remain available for obligation and expenditure after that date, but only for activities under programs commenced under subsection (b) before September 30, 2019.”; and

(2) in subsection (o)—

(A) in the first sentence, by striking “September 30, 2019” and inserting “September 30, 2021”; and

(B) in the second sentence, by striking “through 2019” and inserting “through 2021”.

SEC. 1210. LEGAL INSTITUTIONAL CAPACITY BUILDING INITIATIVE 10 USC 332 note.
FOR FOREIGN DEFENSE INSTITUTIONS.

(a) **INITIATIVE.**—The Secretary of Defense may carry out, in accordance with section 332 of title 10, United States Code, an initiative of legal institutional capacity building in collaboration with the appropriate ministry of defense (or security agency serving a similar defense function) legal institutions that support the efforts of one or more foreign countries to establish or improve legal institutional capacity.

(b) **PURPOSE.**—The purpose of the initiative under subsection (a) is to enhance, through advisory services, training, or related training support services, as appropriate, the legal institutional capacity of the applicable foreign country to do the following:

(1) Integrate legal matters into the authority, doctrine, and policies of the ministry of defense (or security agency serving a similar defense function) and forces of such country.

(2) Provide appropriate legal support to commanders conducting defense and national security operations.

(3) With respect to defense and national security law, institutionalize education, training, and professional development for personnel and forces, including uniformed lawyers, officers, noncommissioned officers, and civilian lawyers and leadership within such ministries of defense (and security agencies serving a similar defense function).

(4) Establish a military justice system that is objective, transparent, and impartial.

(5) Conduct effective and transparent command and administrative investigations.

(6) Build the legal capacity of the forces and civilian personnel of ministries of defense (and security agencies serving a similar defense function) to provide equitable, transparent, and accountable institutions and provide for anti-corruption measures within such institutions.

(7) Build capacity—

(A) to provide for the protection of civilians consistent with the law of armed conflict and human rights law; and

(B) to investigate incidents of civilian casualties.

(8) Promote understanding and observance of—

(A) the law of armed conflict;

(B) human rights and fundamental freedoms;

(C) the rule of law; and

(D) civilian control of the military.

(9) Establish mechanisms for effective civilian oversight of defense and national security legal institutions and legal matters.

(c) **ELEMENTS.**—The initiative under subsection (a) shall include the following elements:

(1) A measure for monitoring the implementation of the initiative and evaluating the efficiency and effectiveness of the initiative, in accordance with section 383 of title 10, United States Code. Evaluation.

(2) An assessment of the organizational weaknesses for legal institutional capacity building of the applicable foreign country, including baseline information, an assessment of gaps in the capability and capacity of the appropriate institutions Assessment.

Engagement plan.	<p>of such country, and any other indicator of efficacy, in accordance with section 383 of title 10, United States Code.</p> <p>(3) An engagement plan for building legal institutional capacity that addresses the weaknesses identified under paragraph (2), including objectives, milestones, and a timeline.</p>
Effective date. Time period.	<p>(d) REPORTS.—</p> <p>(1) IN GENERAL.—Beginning in fiscal year 2020 through the fiscal year in which the initiative under subsection (a) terminates, the Secretary of Defense shall submit to the appropriate committees of Congress an annual report on the legal institutional capacity building activities carried out under this section.</p> <p>(2) INTEGRATION INTO OTHER CAPACITY BUILDING REPORTS.—The report submitted under paragraph (1) for a fiscal year shall be integrated into the report required pursuant to subsection (b)(2) of section 332 of title 10, United States Code, for the fourth fiscal year quarter of such fiscal year.</p> <p>(3) MATTERS TO BE INCLUDED.—Each report submitted under paragraph (1) shall include the following:</p> <p>(A) The same information required under subsection (b)(2) of section 332 of title 10, United States Code.</p> <p>(B) The names of the one or more countries in which the initiative was conducted.</p> <p>(C) For each such country—</p> <p>(i) the purpose of the initiative;</p> <p>(ii) the objectives, milestones, and timeline of the initiative;</p> <p>(iii) the number and type of advisors assigned and deployed to the country, as applicable; and</p> <p>(iv) an assessment of the progress of the implementation of the initiative.</p> <p>(e) SUNSET.—The initiative under subsection (a) shall terminate on December 31, 2024.</p> <p>(f) FUNDING.—Amounts for programs carried out pursuant to subsection (a) in a fiscal year, and for other purposes in connection with such programs as authorized by this section, may be derived only from amounts authorized to be appropriated for such fiscal year for the Department of Defense for operation and maintenance, Defense-wide, and available for the Defense Security Cooperation Agency for such programs and purposes.</p>
Assessment.	
Consultation.	<p>SEC. 1210A. DEPARTMENT OF DEFENSE SUPPORT FOR STABILIZATION ACTIVITIES IN NATIONAL SECURITY INTEREST OF THE UNITED STATES.</p> <p>(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State and in consultation with the Administrator of the United States Agency for International Development, provide support for the stabilization activities of other Federal agencies specified in subsection (c)(1).</p> <p>(b) DESIGNATION OF FOREIGN AREAS.—</p> <p>(1) IN GENERAL.—Amounts authorized to be provided pursuant to this section shall be available only for support for stabilization activities—</p> <p>(A) in a country specified in paragraph (2); and</p> <p>(B) that the Secretary of Defense, with the concurrence of the Secretary of State, has determined are in the national security interest of the United States.</p>

(2) SPECIFIED COUNTRIES.—The countries specified in this paragraph are as follows:

- (A) Iraq.
- (B) Syria.
- (C) Afghanistan.
- (D) Somalia.

(c) SUPPORT TO OTHER AGENCIES.—

(1) IN GENERAL.—Support may be provided for stabilization activities under subsection (a) to the Department of State, the United States Agency for International Development, or other Federal agencies, on a reimbursable or nonreimbursable basis. The authority to provide such support under this paragraph on a reimbursable basis is in addition to other authorities to provide support on such basis.

(2) TYPE OF SUPPORT.—Support under subsection (a) may consist of logistic support, supplies, and services.

(d) REQUIREMENT FOR A STABILIZATION STRATEGY.—

(1) LIMITATION.—With respect to any country specified in subsection (b)(2), no amount of support may be provided under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate committees of Congress a detailed report setting forth a stabilization strategy for such country.

Time period.
Reports.

(2) ELEMENTS OF STRATEGY.—The stabilization strategy required by paragraph (1) shall set forth the following:

(A) The United States interests in conducting stabilization activities in the country specified in subsection (b)(2).

(B) The key foreign partners and actors in such country.

(C) The desired end states and objectives of the United States stabilization activities in such country.

(D) The Department of Defense support intended to be provided for the stabilization activities of other Federal agencies under subsection (a).

(E) Any mechanism for civil-military coordination regarding support for stabilization activities.

(F) The mechanisms for monitoring and evaluating the effectiveness of Department of Defense support for United States stabilization activities in the area.

(e) IMPLEMENTATION IN ACCORDANCE WITH GUIDANCE.—Support provided under subsection (a) shall be implemented in accordance with the guidance of the Department of Defense entitled “DoD Directive 3000.05 Stabilization”, dated December 13, 2018 (or successor guidance).

(f) REPORT.—The Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate committees of Congress on an annual basis a report that includes the following:

(1) The identification of each foreign area within countries specified in subsection (b)(2) for which support to stabilization has occurred.

(2) The total amount spent by the Department of Defense, broken out by recipient Federal agency and activity.

(3) An assessment of the contribution of each activity toward greater stability.

Assessment.

(4) An articulation of any plans for continued Department of Defense support to stabilization in the specified foreign area in order to maintain or improve stability.

(5) Other matters as the Secretary of Defense considers to be appropriate.

(g) USE OF FUNDS.—

(1) SOURCE OF FUNDS.—Amounts for activities carried out under this section in a fiscal year shall be derived only from amounts authorized to be appropriated for such fiscal year for the Department of Defense for Operation and Maintenance, Defense-wide.

(2) LIMITATION.—Not more than \$18,000,000 in each fiscal year is authorized to be used to provide nonreimbursable support under this section.

(h) EXPIRATION.—The authority provided under this section may not be exercised after December 31, 2020.

(i) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) LOGISTIC SUPPORT, SUPPLIES, AND SERVICES.—The term “logistic support, supplies, and services” has the meaning given the term in section 2350(1) of title 10, United States Code.

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1211. EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN.

(a) EXTENSION OF AUTHORITY.—Subsection (h) of section 1222 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1992) is amended by striking “December 31, 2020” and inserting “December 31, 2022”.

(b) EXCESS DEFENSE ARTICLES.—Subsection (i)(2) of such section is amended by striking “December 31, 2020” each place it appears and inserting “December 31, 2022”.

SEC. 1212. EXTENSION AND MODIFICATION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.

(a) TERMINATION OF AUTHORITY.—Subsection (f) of section 801 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399) is amended by striking “December 31, 2019” and inserting “December 31, 2021”.

(b) REPORT ON AUTHORITY.—Such section, as so amended, is further amended by adding at the end the following:

“(g) REPORT ON AUTHORITY.—

“(1) IN GENERAL.—Not later than March 1, 2020, and March 1, 2021, the Secretary of Defense shall submit to the appropriate congressional committees a report on the use of the

authority provided in subsection (a). The report shall address, at a minimum, the following:

“(A) The number of determinations made by the Secretary pursuant to subsection (b). Determinations.

“(B) A description of the products and services acquired using the authority.

“(C) The extent to which the use of the authority has met the objectives of subparagraph (A), (B), or (C) of subsection (b)(2).

“(D) A list of the countries providing products or services as a result of a determination made pursuant to subsection (b). List.

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—For purposes of this subsection, the term ‘appropriate congressional committees’ means—

“(A) the congressional defense committees; and

“(B) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.”.

SEC. 1213. AUTHORITY FOR CERTAIN PAYMENTS TO REDRESS INJURY AND LOSS. 10 USC 2731 note.

(a) **AUTHORITY.**—During the period beginning on the date of the enactment of this Act and ending on December 31, 2022, not more than \$3,000,000 for each calendar year, to be derived from funds authorized to be appropriated to the Office of the Secretary of Defense under the Operation and Maintenance, Defense-wide account, may be made available for ex gratia payments for damage, personal injury, or death that is incident to the use of force by the United States Armed Forces, a coalition that includes the United States, a military organization supporting the United States, or a military organization supporting the United States or such coalition.

(b) **CONDITIONS ON PAYMENT.**—An ex gratia payment authorized pursuant to subsection (a) may be provided only if—

(1) the prospective foreign civilian recipient is determined by the local military commander to be friendly to the United States;

(2) a claim for damages would not be compensable under chapter 163 of title 10, United States Code (commonly known as the “Foreign Claims Act”);

(3) the property damage, personal injury, or death was not caused by action by an enemy;

(4) the claimant suffered property damage, personal injury, or death that was—

(A) caused by the United States Armed Forces, a coalition that includes the United States, or a military organization supporting the United States or such a coalition; and

(B) occurred during an operation carried out by the United States, such coalition, or such military organization; and

(5) the claimant had no involvement in planning or executing an attack or other hostile action that gave rise to the use of force by the United States, such coalition, or such military organization resulting in such property damage, personal injury, or death.

(c) NATURE OF PAYMENT.—A payment provided pursuant to the authority under subsection (a) may not be construed or considered as an admission or acknowledgment of any legal obligation to provide compensation for any property damage, personal injury, or death.

Determination.
Regulations.
Assessment.
Consultation.

(d) AMOUNT OF PAYMENTS.—If the Secretary of Defense determines a payment under subsection (a) to be appropriate in a particular setting, the amounts of payments, if any, to be provided to civilians determined to have suffered harm incident to the use of force by the United States Armed Forces under the program should be determined pursuant to regulations prescribed by the Secretary and based on an assessment, conducted in consultation with the Secretary of State, that includes such factors as cultural appropriateness and prevailing economic conditions. A copy of any regulations so prescribed shall be provided to the congressional defense committees upon finalization.

Records.

(e) LEGAL ADVICE.—Local military commanders shall receive legal advice before making ex gratia payments under this subsection. The legal advisor, under regulations of the Department of Defense, shall advise on whether an ex gratia payment is proper under this section and applicable Department of Defense regulations.

Determination.

(f) WRITTEN RECORD.—A written record of any ex gratia payment offered pursuant to the authority under subsection (a), and whether accepted or denied, shall be kept by the local military commander and on a timely basis submitted to the appropriate office in the Department of Defense as determined by the Secretary of Defense.

(g) QUARTERLY REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report including the following:

(1) With respect to each ex gratia payment made under the authority in this subsection or any other authority during the preceding 90-day period, each of the following:

(A) The amount used for such payments and the country with respect to which each such payment was made.

(B) The manner in which claims for such payments were verified.

(C) The position of the official who approved the payment.

(D) The manner in which payments are made.

(2) With respect to a preceding 90-day period in which no ex gratia payments were made—

(A) whether any such payment was refused, along with the reason for such refusal; or

(B) any other reason for which no such payments were made.

(h) RELATION TO OTHER AUTHORITIES.—Notwithstanding any other provision of law, the authority provided by this section shall be construed as the sole authority available to make ex gratia payments for property damage, personal injury, or death that is incident to the use of force by the United States Armed Forces.

**SEC. 1214. EXTENSION AND MODIFICATION OF SEMIANNUAL REPORT
ON ENHANCING SECURITY AND STABILITY IN AFGHANISTAN.**

(a) **EXTENSION.**—Paragraph (2) of subsection (a) of section 1225 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 127 Stat. 3550), as most recently amended by section 1215 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1649), is further amended by striking “December 15, 2020” and inserting “December 15, 2022”.

128 Stat. 3550.

(b) **FORM.**—Paragraph (3) of such subsection is amended to read as follows:

“(3) **FORM.**—Each report required under paragraph (1) shall be submitted in unclassified form without any designation relating to dissemination control, but may include a classified annex.”.

(c) **MODIFICATION OF ELEMENTS.**—Subsection (b) of such section 1225, as amended by section 1215(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2480), is further amended—

(1) in paragraph (1)—

(A) in the paragraph heading, by inserting “AND TAKING INTO ACCOUNT THE AUGUST 2017 STRATEGY OF THE UNITED STATES” after “2014”;

(B) by amending subparagraph (A) to read as follows:

“(A) the strategy and objectives of any post-2014 United States mission, including the 2017 South Asia Strategy of the United States and any subsequent United States strategy, and any mission agreed by the North Atlantic Treaty Organization (NATO), that are pertinent to—

“(i) training, advising, and assisting the ANSF;

or

“(ii) conducting counterterrorism operations in Afghanistan; and”;

(C) in subparagraph (B)—

(i) by striking the period at the end and inserting a semicolon;

(ii) by striking “in the assessment of any such” and inserting “in the assessment of—

“(i) any such”; and

(iii) by adding at the end the following new clauses:

“(ii) the United States counterterrorism mission; and

“(iii) efforts by the Department of Defense to support reconciliation efforts and develop conditions for the expansion of the reach of the Government of Afghanistan throughout Afghanistan.”;

(2) in paragraph (2)—

(A) by inserting “, including the progress of the Government of Afghanistan on securing Afghan territory and population,” after “the current security conditions in Afghanistan”; and

(B) by striking “and the Haqqani Network” and inserting “the Haqqani Network, and the Islamic State of Iraq and Syria Khorasan”; and

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

“(9) MONITORING AND EVALUATION MEASURES RELATING TO ASFF.—A description of the monitoring and evaluation measures that the Department of Defense and the Government of Afghanistan are taking to ensure that funds of the Afghanistan Security Forces Fund provided to the Government of Afghanistan as direct government-to-government assistance are not subject to waste, fraud, or abuse.”.

SEC. 1215. SPECIAL IMMIGRANT VISA PROGRAM REPORTING REQUIREMENT.

Reports.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of State shall submit a report, which may contain a classified annex, to—

(1) the Committee on the Judiciary, the Committee on Foreign Relations, and the Committee on Armed Services of the Senate; and

(2) the Committee on the Judiciary, the Committee on Foreign Affairs, and the Committee on Armed Services of the House of Representatives.

Evaluation.

(b) CONTENTS.—The report submitted under subsection (a) shall evaluate the obstacles to effective protection of Afghan and Iraqi allies through the special immigrant visa programs and suggestions for improvements in future programs, including information relating to—

(1) the hiring of locally employed staff and contractors;

(2) documenting the identity and employment of locally employed staff and contractors of the United States Government, including the possibility of establishing a central database of employees of the United States Government and its contractors;

(3) the protection and safety of employees of locally employed staff and contractors;

(4) means of expediting processing at all stages of the process for applicants, including consideration of reducing required forms;

(5) appropriate staffing levels for expedited processing domestically and abroad;

(6) the effect of uncertainty of visa availability on visa processing;

(7) the cost and availability of medical examinations; and

(8) means to reduce delays in interagency processing and security checks.

(c) CONSULTATION.—In preparing the report under subsection (a), the Inspector General shall consult with current and, to the extent possible, former employees of—

(1) the Department of State, Bureau of Consular Affairs, Visa Office;

(2) the Department of State, Bureau of Near Eastern Affairs and South and Central Asian Affairs, Executive Office;

(3) the United States embassy in Kabul, Afghanistan, Consular Section;

(4) the United States embassy in Baghdad, Iraq, Consular Section;

(5) the Department of Homeland Security, U.S. Citizenship and Immigration Services;

(6) the Department of Defense; and

(7) non-governmental organizations providing legal aid in the special immigrant visa application process.

SEC. 1216. MEANINGFUL INCLUSION OF AFGHAN WOMEN IN PEACE NEGOTIATIONS.

Coordination.
22 USC 7511
note.

(a) **IN GENERAL.**—The Secretary of State, in coordination with the Secretary of Defense, shall seek to ensure the meaningful participation of Afghan women in the peace process in Afghanistan in a manner consistent with the Women, Peace, and Security Act of 2017 (22 U.S.C. 2152j et seq.), including through advocacy for the inclusion of Afghan women in ongoing and future negotiations to end the conflict in Afghanistan.

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

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

- (1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and
- (2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1217. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) **EXTENSION.**—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1225 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is further amended to read as follows:

132 Stat. 2032.

“(a) **AUTHORITY.**—From funds made available for the Department of Defense for the period beginning on October 1, 2019, and ending on December 31, 2020, for overseas contingency operations for operation and maintenance, Defense-wide activities, the Secretary of Defense may reimburse any key cooperating nation (other than Pakistan) for—

Time period.

“(1) logistical and military support provided by that nation to or in connection with United States military operations in Afghanistan, Iraq, or Syria; and

“(2) logistical, military, and other support, including access, provided by that nation to or in connection with United States military operations described in paragraph (1).”.

(b) **MODIFICATION TO LIMITATION.**—Subsection (d)(1) of such section is amended—

(1) by striking “October 1, 2018, and ending on December 31, 2019” and inserting “October 1, 2019, and ending on December 31, 2020”; and

(2) by striking “\$350,000,000” and inserting “\$450,000,000”.

SEC. 1218. SUPPORT FOR RECONCILIATION ACTIVITIES LED BY THE GOVERNMENT OF AFGHANISTAN.

(a) **IN GENERAL.**—The Secretary of Defense may, with the concurrence of the Secretary of State, provide covered support for

	reconciliation activities to one or more designated persons or entities or Federal agencies.
Reports.	(b) FRAMEWORK FOR USE OF AUTHORITY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate committees of Congress a report on the use of the authority under subsection (a) that includes—
	(1) a framework for use of such authority;
Evaluation.	(2) evaluation requirements; and
	(3) a prioritization of covered support.
Deadline. Notification.	(c) DESIGNATION.—Not later than 15 days before the Secretary of Defense designates an individual or organization as a designated person or entity, the Secretary shall notify the congressional defense committees of the intent of the Secretary to make such designation.
	(d) REIMBURSEMENT.—
	(1) DESIGNATED PERSONS OR ENTITIES.—The Secretary of Defense may provide covered support to a designated person or entity on a nonreimbursable basis.
	(2) FEDERAL AGENCIES.—The Secretary of Defense may provide covered support to a Federal agency on a reimbursable or nonreimbursable basis.
	(e) LOCATION OF COVERED SUPPORT.—
Afghanistan.	(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Defense may only provide covered support within Afghanistan.
Pakistan. Determination. Certification.	(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary of Defense may provide covered support in Pakistan if the Secretary of Defense, with the concurrence of the Secretary of State, determines, and certifies to the appropriate committees of Congress, that providing covered support in Pakistan is in the national security interest of the United States.
Deadline. Pakistan.	(f) NOTIFICATION.—Not later than 15 days after the date on which the Secretary of Defense provides covered support in Pakistan, or an individual expenditure for covered support reaches a monetary threshold of \$75,000 or greater, the Secretary shall submit to the appropriate committees of Congress written notice that includes—
	(1) the intended recipient of such covered support and the specific covered support to be provided; and
	(2) a description of the manner in which such covered support facilitates reconciliation.
	(g) FUNDING.—
	(1) SOURCE OF FUNDS.—Amounts for covered support may only be derived from amounts authorized to be appropriated for the Department of Defense for operation and maintenance.
	(2) LIMITATION.—Not more than \$15,000,000 may be used in each fiscal year to provide covered support under this section.
	(h) RULE OF CONSTRUCTION.—Covered support shall not be construed to violate section 2339, 2339A, or 2339B of title 18, United States Code.
	(i) REPORTS.—
	(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and quarterly thereafter, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a report on covered support during the preceding 90-day period.

(2) ELEMENTS.—Each report under this subsection shall include, for the preceding reporting period, the following:

(A) A summary of the reconciliation activities for which covered support was provided. Summary.

(B) A description of the covered support, by class or type, and the designated person or entity or Federal agency that received each class or type of covered support.

(C) The total dollar amount of each class or type of covered support, including budget details.

(D) The intended duration of each provision of covered support.

(E) Any other matter the Secretary of Defense considers appropriate.

(j) SUNSET.—The authority to carry out this section shall terminate on December 31, 2020.

(k) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations of the Senate; and

(C) the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED SUPPORT.—

(A) IN GENERAL.—The term “covered support” means logistic support, supplies, and services (as defined in section 2350 of title 10, United States Code) and security provided under this section.

(B) EXCLUSIONS.—The term “covered support” does not include the following support, supplies, or services described in section 2350 of title 10, United States Code:

(i) Ammunition, construction incident to base operations support, training services, and the temporary use of general purpose vehicles.

(ii) With respect to any member of the Taliban, transportation in vehicles or on aircraft owned by the United States Government.

(3) DESIGNATED PERSON OR ENTITY.—

(A) IN GENERAL.—The term “designated person or entity” means an individual or organization designated by the Secretary of Defense, with the concurrence of the Secretary of State, as necessary to facilitate a reconciliation activity.

(B) EXCLUSION.—The term “designated person or entity” does not include a Federal agency or department.

(4) RECONCILIATION ACTIVITY.—The term “reconciliation activity” means any activity intended to support, facilitate, or enable a political settlement between the Government of Afghanistan and the Taliban for the purpose of ending the war in Afghanistan.

(5) SECURITY.—The term “security” means any measure determined by the Secretary of Defense to be necessary to protect reconciliation activities from hostile acts.

SEC. 1219. MODIFICATION AND EXTENSION OF THE AFGHAN SPECIAL IMMIGRANT VISA PROGRAM.

(a) **PRINCIPAL ALIENS.**—Subclause (I) of section 602(b)(2)(A)(ii) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended to read as follows:

“(I) by, or on behalf of, the United States Government; or”.

(b) **EXTENSION OF AFGHAN SPECIAL IMMIGRANT PROGRAM.**—Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended—

(1) in the heading, by striking “2015, 2016, AND 2017” and inserting “2015 THROUGH 2020”;

(2) in the matter preceding clause (i), by striking “18,500” and inserting “22,500”;

(3) in clause (i), by striking “December 31, 2020” and inserting “December 31, 2021”; and

(4) in clause (ii), by striking “December 31, 2020” and inserting “December 31, 2021”.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

SEC. 1221. MODIFICATION OF AUTHORITY AND LIMITATION ON USE OF FUNDS TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND SYRIA.

Reports.

(a) **LIMITATION ON USE OF FUNDS.**—Of the amounts authorized to be appropriated for fiscal year 2020 by this Act for activities under section 1236 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3558), as amended by this section, not more than 50 percent may be obligated or expended for such activities until the date on which the Secretary of Defense submits to the congressional defense committees a report setting forth the following:

Assessment.

(1) An assessment of—

(A) security in liberated areas in Iraq;

(B) the extent to which security forces trained and equipped, directly or indirectly, by the United States are prepared to provide post-conflict stabilization and security in such liberated areas; and

(C) the effectiveness of security forces in the post-conflict environment and an identification of which such forces will provide post-conflict stabilization and security in such liberated areas.

Summary.

(2) A summary of available information relating to the disposition of militia groups throughout Iraq, with particular focus on groups in areas liberated from ISIS or in sensitive areas with historically mixed ethnic or minority communities.

Updates.

(3) Any updates to or changes in the plan, strategy, process, vetting requirements and process as described in subsection (e) of such section 1236, and end-use monitoring mechanisms and procedures.

(4) An identification of the specific units of the Iraqi Security Forces to receive training and equipment or other support in fiscal year 2020.

- (5) A plan for ensuring that any vehicles or equipment provided to the Iraqi Security Forces pursuant to such authority are maintained in subsequent fiscal years using funds of Iraq. Plan.
- (6) A description of any misuse or loss of provided equipment and how such misuse or loss is being mitigated.
- (7) An estimate, by fiscal year, of the funding anticipated to be required for support of the Iraqi Security Forces during the five fiscal years beginning in fiscal year 2020. Estimate.
Time periods.
- (8) A plan for normalizing assistance to the Iraqi Security Forces under chapter 16 of title 10, United States Code, beginning in fiscal year 2020. Plan.
- (9) A detailed plan for the obligation and expenditure of the funds requested for fiscal year 2020 for the Department of Defense for stipends. Plan.
- (10) A plan for the transition to the Government of Iraq the responsibility for funding for stipends for any fiscal year after fiscal year 2020. Transition plan.
- (11) A description of how attacks against United States or coalition personnel are being mitigated, statistics on any such attacks, including “green-on-blue” attacks.
- (12) A list of the forces or elements of forces that are restricted from receiving assistance under subsection (a) of such section 1236, other than the forces or elements of forces with respect to which the Secretary of Defense has exercised the waiver authority under subsection (j) of such section 1236, as a result of vetting required by subsection (e) of such section 1236 or by section 362 of title 10, United States Code, and a detailed description of the reasons for such restriction, including for each force or element, as applicable, the following: List.
- (A) Information relating to gross violation of human rights committed by such force or element, including the time-frame of the alleged violation.
- (B) The source of the information described in subparagraph (A) and an assessment of the veracity of the information. Assessment.
- (C) The association of such force or element with terrorist groups or groups associated with the Government of Iran.
- (D) The amount and type of any assistance provided to such force or element by the Government of Iran.
- (b) FUNDING.—Subsection (g) of section 1236 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3558) is amended—
- (1) by striking “fiscal year 2019” and inserting “fiscal year 2020”; and
- (2) by striking “\$850,000,000” and inserting “\$645,000,000”.
- (c) CLARIFICATION WITH RESPECT TO SCOPE OF AUTHORITY.—
- (1) IN GENERAL.—Subsection (j)(2) of such section 1236 is amended to read as follows:
- “(2) SCOPE OF ASSISTANCE AUTHORITY.—Notwithstanding paragraph (1), the authority granted by subsection (a) may only be exercised in consultation with the Government of Iraq.”.
- (2) TECHNICAL CORRECTION.—The heading of subsection (j) of such section 1236 is amended by inserting “; SCOPE” after “AUTHORITY”.

(d) TECHNICAL CORRECTION.—Subsection (c) of such section 1236 is amended in the matter preceding paragraph (1) by striking “subsection (a)(1)” and inserting “subsection (b)(1)(A)”.

Effective date.

(e) ADDITIONAL TECHNICAL CORRECTION.—Effective as of December 12, 2017, and as if included therein as enacted, section 1222 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1651) is amended—

- (1) by striking subsection (b); and
- (2) by striking subsection (c)(3).

SEC. 1222. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO VETTED SYRIAN GROUPS AND INDIVIDUALS.

128 Stat. 3541.

(a) EXTENSION AND MODIFICATION.—Section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3559) is amended as follows:

(1) In subsection (a)—

(A) in the matter preceding paragraph (1), by striking “with a cost” and all that follows through “through December 31, 2019” and inserting “and sustainment to appropriately vetted Syrian groups and individuals through December 31, 2020”; and

(B) by striking paragraphs (1) through (3) and inserting the following:

“(1) Defending the Syrian people from attacks by the Islamic State of Iraq and Syria.

“(2) Securing territory formerly controlled by the Islamic State of Iraq and Syria.

“(3) Protecting the United States and its partners and allies from the threats posed by the Islamic State of Iraq and Syria, al Qaeda, and associated forces in Syria.

“(4) Providing appropriate support to vetted Syrian groups and individuals to conduct temporary and humane detention and repatriation of Islamic State of Iraq and Syria foreign terrorist fighters in accordance with all laws and obligations related to the conduct of such operations, including, as applicable—

“(A) the law of armed conflict;

“(B) internationally recognized human rights;

“(C) the principle of non-refoulement;

“(D) the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984); and

“(E) the United Nations Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).”.

(2) By amending subsection (b) to read as follows:

“(b) NOTICE BEFORE PROVISION OF ASSISTANCE.—

“(1) IN GENERAL.—In accordance with the requirements under paragraph (2), the Secretary of Defense shall notify the congressional defense committees in writing of the use of the relevant authority to provide assistance and include the following:

“(A) The requirements and process used to determine appropriately vetted recipients.

“(B) The mechanisms and procedures that will be used to monitor and report to the appropriate congressional committees and leadership of the House of Representatives and Senate on unauthorized end-use of provided training and equipment or other violations of relevant law by appropriately vetted recipients. Procedures.

“(C) The amount, type, and purpose of assistance to be funded and the recipient of the assistance.

“(D) The goals and objectives of the assistance.

“(E) The number and role of United States Armed Forces personnel involved.

“(F) Any other relevant details.

“(2) TIMING OF REQUIRED NOTICE.—A notice described in paragraph (1) shall be required— Deadlines.

“(A) not later than 15 days before the expenditure of each 10-percent increment of the amount made available in fiscal year 2019 or fiscal year 2020 to carry out the authorization in this section; or

“(B) not later than 48 hours after such an expenditure, if the Secretary determines that extraordinary circumstances that affect the national security of the United States exist.”. Determination.

(3) By amending subsection (c) to read as follows:

“(c) FORM.—The notifications required under subsection (b) shall be submitted in unclassified form but may include a classified annex.”. Notifications.

(4) By amending subsection (d) to read as follows:

“(d) QUARTERLY PROGRESS REPORTS.—

“(1) IN GENERAL.—Beginning on January 15, 2020, and every 90 days thereafter, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees and leadership of the House of Representatives and the Senate a progress report. Effective date.
Time period.
Coordination.

“(2) MATTERS TO BE INCLUDED.—Each progress report under paragraph (1) shall include, based on the most recent quarterly information, the following:

“(A) A description of the appropriately vetted recipients receiving assistance under subsection (a), including a description of their geographical locations, demographic profiles, political affiliations, and current capabilities.

“(B) A description of training, equipment, supplies, stipends, and other support provided to appropriately vetted recipients under subsection (a) and a statement of the amount of funds expended for such purposes during the period covered by the report.

“(C) Any misuse or loss of provided training and equipment and how such misuse or loss is being mitigated.

“(D) An assessment of the recruitment, throughput, and retention rates of appropriately vetted recipients. Assessment.

“(E) An assessment of the operational effectiveness of appropriately vetted recipients in meeting the purposes specified in subsection (a). Assessment.

“(F) A description of the current and planned posture of United States forces and the planned level of engagement by such forces with appropriately vetted recipients,

including the oversight of equipment provided under this section and the activities conducted by such appropriately vetted recipients.

“(G) A detailed explanation of the relationship between appropriately vetted recipients and civilian governance authorities, including a description of efforts to ensure appropriately vetted recipients are subject to the control of competent civilian authorities.

“(H) A description of United States Government stabilization objectives and activities carried out in areas formerly controlled by the Islamic State of Iraq and Syria, including significant projects and funding associated with such projects.

“(I) A description of coalition contributions to the purposes specified in subsection (a) and other related stabilization activities.

Estimates.

“(J) With respect to Islamic State of Iraq and Syria foreign terrorist fighters—

“(i) an estimate of the number of such individuals being detained by appropriately vetted Syrian groups and individuals;

“(ii) an estimate of the number of such individuals that have been repatriated and the countries to which such individuals have been repatriated; and

“(iii) a description of United States Government support provided to facilitate the repatriation of such individuals.

Assessment.

“(I) An assessment of the extent to which appropriately vetted Syrian groups and individuals have enabled progress toward establishing inclusive, representative, accountable, and civilian-led governance and security structures in territories liberated from the Islamic State of Iraq and Syria.”.

(5) In subsection (e)(1)(A), by striking “include,” and all that follows through “(ISIL)” and inserting “include the Islamic State of Iraq and Syria”.

(6) By striking subsection (f) and inserting the following:

“(f) RESTRICTION ON SCOPE OF ASSISTANCE IN THE FORM OF WEAPONS.—

“(1) IN GENERAL.—The Secretary may only provide assistance in the form of weapons pursuant to the authority under subsection (a) if such weapons are small arms or light weapons.

Certification.

“(2) WAIVER.—The Secretary may waive the restriction under paragraph (1) upon certification to the appropriate congressional committees that such provision of law would (but for the waiver) impede national security objectives of the United States by prohibiting, restricting, delaying, or otherwise limiting the provision of assistance.”.

(5) In subsection (g)—

Time period.
Effective date.
Notification.

(A) by inserting “, at the end of the 15-day period beginning on the date the Secretary notifies the congressional defense committees of the amount, source, and intended purpose of such contributions” after “as authorized by this section”; and

(B) by striking “operation and maintenance accounts” and all that follows through the end of the subsection and inserting “accounts.”.

(6) By amending subsection (l) to read as follows:

“(l) LIMITATION ON COST OF CONSTRUCTION AND REPAIR PROJECTS.—

“(1) IN GENERAL.—The cost of construction and repair projects carried out under this section may not exceed, in any fiscal year—

“(A) \$4,000,000 per project; or

“(B) \$20,000,000 in the aggregate.

“(2) FOREIGN CONTRIBUTIONS.—The limitation under paragraph (1) shall not apply to the expenditure of foreign contributions in excess of the per-project or aggregate limitation set forth in that paragraph.”.

(b) AVAILABILITY OF AUTHORITY.—Not more than 10 percent of the funds authorized to be appropriated for the Department of Defense for activities under the authority provided by section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3559), as amended by subsection (a) of this section, may be obligated or expended until the first quarterly report required to be submitted pursuant to subsection (d) of such section 1209 (as so amended) has been submitted to the appropriate congressional committees and leadership in accordance with such subsection.

128 Stat. 3541.

SEC. 1223. MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) MODIFICATION.—Section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 113 note) is amended as follows:

(1) AUTHORITY.—By amending subsection (a) to read as follows:

“(a) AUTHORITY.—The Secretary of Defense may support United States Government security cooperation activities in Iraq by providing funds for the operations and activities of the Office of Security Cooperation in Iraq.”.

(2) TYPES OF SUPPORT.—In subsection (b)—

(A) by striking the comma after “life support” and inserting “and”; and

(B) by striking “, and construction and renovation of facilities”.

(3) LIMITATION ON AMOUNT.—In subsection (c)—

(A) by striking “fiscal year 2019” and inserting “fiscal year 2020”; and

(B) by striking “\$45,300,000” and inserting “\$30,000,000”.

(4) SOURCE OF FUNDS.—In subsection (d), by striking “fiscal year 2019” and inserting “fiscal year 2020”.

(5) COVERAGE OF COSTS OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.—In subsection (e)—

(A) in the heading, by striking “OF OSCI”;

(B) by inserting “appropriate administrative charges” after “includes” and

(C) by striking “, charges sufficient to recover” and all that follows through “with such sale”.

(6) **ADDITIONAL AUTHORITY.**—In subsection (f), by adding at the end the following new paragraph:

“(3) **SUNSET.**—The authority provided in this subsection shall terminate on the date that is 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020.”.

(7) **REPORTS.**—In subsection (g)—

(A) in paragraph (1), by striking “September 30, 2015” and inserting “September 30, 2020”; and

(B) in paragraph (2)—

(i) by striking “current” each place it appears;

(ii) in subparagraph (A), by striking “Iraq, including” and inserting “Iraq that also addresses”;

(iii) in subparagraph (B), by striking “the programs conducted” and all that follows through “will address” and inserting “United States security assistance and security cooperation activities are intended to address”; and

(iv) by amending subparagraph (F) to read as follows:

Evaluation.

“(F) An evaluation of the effectiveness of United States efforts to promote respect for human rights, military professionalism, and respect for legitimate civilian authority in Iraq.”.

(b) **LIMITATION ON AVAILABILITY OF FUNDS.**—Such section 1215 is further amended by adding at the end the following:

Certification.

“(h) **LIMITATION ON AVAILABILITY OF FUNDS.**—Of the amount made available for fiscal year 2020 to carry out section 1215 of the National Defense Authorization Act for Fiscal Year 2012, not more than \$20,000,000 may be obligated or expended for the Office of Security Cooperation in Iraq until the date on which the Secretary of Defense certifies to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate, that each of the following reforms relating to that Office has been completed:

Appointment.

“(1) The appointment of a Senior Defense Official/Defense Attache to oversee the Office.

Staffing plan.

“(2) The development of a staffing plan to reorganize the Office in a manner similar to that of other security cooperation offices in the region that emphasizes the placement of personnel with regional or security cooperation expertise in key leadership positions and closes duplicative or extraneous sections.

Time period.

“(3) The initiation of bilateral engagement with the Government of Iraq with the objective of establishing a joint mechanism for security assistance planning, including a five-year security assistance roadmap for developing sustainable military capacity and capabilities and enabling defense institution building and reform.”.

SEC. 1224. ESTABLISHING A COORDINATOR FOR DETAINED ISIS MEMBERS AND RELEVANT DISPLACED POPULATIONS IN SYRIA.

Deadline.
President.
Consultation.
Reports.

(a) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the President, in consultation with the Secretary of Defense, the Secretary of State, the Director of National

Intelligence, the Secretary of the Treasury, and the Attorney General, shall submit to the appropriate committees of Congress a report identifying whether a senior-level coordinator exists on all matters for the United States Government relating to ISIS members who are in Syrian Democratic Forces custody, including with respect to—

(1) the long-term disposition of such ISIS members, including in all matters in connection with—

(A) repatriation, transfer, prosecution, and intelligence-gathering;

(B) all multilateral and international engagements led by the Department of State and other agencies that are related to the current and future handling, detention, and prosecution of such ISIS members, including with the International Criminal Police Organization; and

(C) coordinating the provision of technical and evidentiary assistance to foreign countries to aid in the successful prosecution of such ISIS members, as appropriate, in accordance with international humanitarian law and other internationally recognized human rights and rule of law standards; and

Coordination.

(2) all multilateral and international engagements related to the humanitarian access, provision of basic services, freedom of movement, security and safe return of internally displaced persons and refugees at camps or facilities in Syria that hold family members of such ISIS members.

(b) DESIGNATION.—If the President is unable to identify a senior-level coordinator for all matters described in subsection (a), the President, in consultation with the Secretary of Defense, the Secretary of State, the Director of National Intelligence, the Secretary of the Treasury, and the Attorney General, shall designate an existing official within the executive branch to serve as senior-level coordinator to coordinate, in conjunction with other relevant agencies, all matters described in such subsection.

President.
Consultation.

(c) RETENTION OF AUTHORITY.—The appointment of a senior-level coordinator pursuant to subsection (b) shall not deprive any agency of any authority to independently perform functions of that agency.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than once each year thereafter through January 31, 2021, the individual designated under subsection (b) shall submit to the appropriate committees of Congress a detailed report regarding the following detained ISIS members:

(A) Alexandra Kotey.

Alexandra Kotey.

(B) El Shafee Elsheikh.

El Shafee

(C) Aine Lesley Davis.

Elsheikh.

(D) Umm Sayyaf.

Aine Lesley

(E) Any other high-value detained ISIS member that the coordinator reasonably determines to be subject to criminal prosecution.

Davis.

Umm Sayyaf.

Determination.

(2) ELEMENTS.—The report under paragraph (1) shall include, at a minimum, the following:

Analyses.

(A) A detailed description of the facilities where detained ISIS members described in paragraph (1) are being held, including security and management of such

facilities and adherence to international humanitarian law standards.

(B) An analysis of all United States efforts to prosecute detained ISIS members described in paragraph (1) and the outcomes of such efforts. Any information, the disclosure of which may violate Department of Justice policy or law, relating to a prosecution or investigation may be withheld from a report under paragraph (1).

(C) A detailed description of any option to expedite prosecution of any detained ISIS member described in paragraph (1), including in a court of competent jurisdiction outside of the United States.

(D) An analysis of factors on the ground in Syria and Iraq that may result in the unintended release of detained ISIS members described in paragraph (1), and an assessment of any measures available to mitigate such releases.

(E) A detailed description of efforts to coordinate the disposition and security of detained ISIS members described in paragraph (1) with other countries and international organizations, including the International Criminal Police Organization, to ensure secure chains of custody and locations of such ISIS members.

(F) An analysis of the manner in which the United States Government communicates on such proposals and efforts to the families of United States citizens believed to be a victim of a criminal act by a detained ISIS member.

(G) An analysis of all efforts between the United States and partner countries within the Global Coalition to Defeat ISIS or other countries to share intelligence or evidence that may aid in the prosecution of ISIS members, and any legal obstacles that may hinder such efforts.

(H) A description of all multilateral and international engagements related to the humanitarian access and provision of basic services to and freedom of movement and security and safe return of internally displaced persons and refugees at camps or facilities in Iraq, Syria, or any other area affected by ISIS activity, including—

(i) any current or future potential threats to United States national security interests emanating from such individuals (including an analysis of the Al-Hol camp and annexes); and

(ii) United States Government plans and strategies to respond to any such threats.

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

(e) SUNSET.—The requirements under this section shall sunset on January 31, 2021.

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Banking, Housing, and Urban Affairs, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

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

(2) **ISIS MEMBER.**—The term “ISIS member” means a person who was part of, or substantially supported, the Islamic State of Iraq and Syria.

Definition.

SEC. 1225. REPORT ON LESSONS LEARNED FROM EFFORTS TO LIBERATE MOSUL AND RAQQAH FROM CONTROL OF THE ISLAMIC STATE OF IRAQ AND SYRIA.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on lessons learned from coalition operations to liberate Mosul, Iraq, and Raqqah, Syria, from control of the Islamic State of Iraq and Syria (ISIS).

(b) **ELEMENTS.**—The report required by subsection (a) shall include a description of lessons learned in connection with each of the following:

(1) Combat in densely populated urban environments.

(2) Enablement of partner forces, including unique aspects of conducting combined operations with regular and irregular forces.

(3) Advise, assist, and accompany efforts, including such efforts conducted remotely.

(4) Integration of United States general purpose and special operations forces.

(5) Integration of United States and international forces.

(6) Irregular and unconventional warfare approaches, including the application of training and doctrine by special operations and general purpose forces.

(7) Use of command, control, communications, computer, intelligence, surveillance, and reconnaissance systems and techniques.

(8) Logistics.

(9) Information operations.

(10) Targeting and weaponeering, including efforts to avoid civilian casualties and other collateral damage.

(11) Facilitation of flows of internally displaced people and humanitarian assistance.

(12) Such other matters as the Secretary considers appropriate and could benefit training, doctrine, and resourcing of future operations.

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

SEC. 1226. EXPANSION OF AVAILABILITY OF FINANCIAL ASSETS OF IRAN TO VICTIMS OF TERRORISM.

Section 502 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8772) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “in the United States” and inserting “by or”;

(B) in subparagraph (B), by inserting “, or an asset that would be blocked if the asset were located in the United States,” after “unblocked”; and

(C) in the flush text at the end—

(i) by inserting after “in aid of execution” the following: “, or to an order directing that the asset be brought to the State in which the court is located and subsequently to execution or attachment in aid of execution,”; and

(ii) by inserting “, without regard to concerns relating to international comity” after “resources for such an act”; and

(2) in subsection (b)—

(A) by striking “that are identified” and inserting the following: “that are—

“(1) identified”;

(B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(2) identified in and the subject of proceedings in the United States District Court for the Southern District of New York in Peterson et al. v. Islamic Republic of Iran et al., Case No. 13 Civ. 9195 (LAP).”.

SEC. 1227. REPORT ON THE STATUS OF DECONFLICTION CHANNELS WITH IRAN.

President.

(a) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the President shall submit to Congress a report on the status of deconfliction channels with Iran.

(b) **MATTERS TO BE INCLUDED.**—The report required by subsection (a) shall include the following:

(1) The status of United States diplomatic deconfliction channels with Iran to prevent miscalculation, define ambiguities, and correct misunderstandings that could otherwise lead to unintended consequences, including unnecessary or harmful military activity.

(2) The status of United States military-to-military deconfliction channels with Iran to prevent military and diplomatic miscalculation.

Analysis.
Assessment.

(3) An analysis of the need and rationale for bilateral and multilateral deconfliction channels, including an assessment of recent United States experience with such channels of communication with Iran.

SEC. 1228. PROHIBITION ON PROVISION OF WEAPONS AND OTHER FORMS OF SUPPORT TO CERTAIN ORGANIZATIONS.

None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2020 may be used to knowingly provide weapons or any other form of support to Al Qaeda, the Islamic State of Iraq and Syria (ISIS), Jabhat Fateh al Sham, Hamas, Hizballah, Palestine Islamic Jihad, al-Shabaab, Islamic Revolutionary Guard Corps, or any individual or group affiliated with any such organization.

Subtitle D—Matters Relating to the Russian Federation

SEC. 1231. EXTENSION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND RUSSIA.

Section 1232(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2488), is amended by striking “or 2019” and inserting “, 2019, or 2020”.

SEC. 1232. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF RUSSIA OVER CRIMEA.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Department of Defense may be obligated or expended to implement any activity that recognizes the sovereignty of Russia over Crimea.

(b) WAIVER.—The Secretary of Defense, with the concurrence of the Secretary of State, may waive the prohibition under subsection (a) if the Secretary of Defense—

(1) determines that a waiver is in the national security interest of the United States; and

Determination.

(2) on the date on which the waiver is invoked, submits a notification of the waiver and a justification of the reason for seeking the waiver to—

Notification.

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1233. SENSE OF CONGRESS ON UPDATING AND MODERNIZING EXISTING AGREEMENTS TO AVERT MISCALCULATION BETWEEN THE UNITED STATES AND RUSSIA.

It is the sense of Congress that—

(1) conventional arms control and confidence and security building measures have played an important role in helping to increase military transparency and reduce the risk of miscalculation;

(2) Russia’s violations of the sovereignty and territorial integrity of Georgia and Ukraine, and Russia’s ongoing destabilizing and aggressive behavior, has undermined peace, security, and stability in Europe and beyond;

(3) Russia’s unilateral suspension and violation of the Treaty on Conventional Armed Forces in Europe, done at Vienna November 19, 1990, and entered into force November 9, 1992, and selective implementation of the Vienna Document of the Organization for Security and Cooperation in Europe 2011 have contributed to a greater risk of miscalculation;

(4) Russia’s unsafe and unprofessional interactions with United States aircraft and vessels—

(A) are contrary to the spirit of—

(i) the Agreement Between the Government of the United States and the Government of the Union of Soviet Socialist Republics on the Prevention of Incidents On and Over the High Seas, done at Moscow May 25, 1972, and entered into force May 25, 1972; and

- (ii) the Agreement on the Prevention of Dangerous Military Activities Agreement, done at Moscow June 12, 1989, and entered into force January 1, 1990; and
- (B) erode military transparency, predictability, and trust;
- (5) the United States remains committed to upholding its current treaty obligations and commitments with respect to conventional arms control and confidence and security building measures; and
- (6) the Secretary of Defense and the Secretary of State should explore options, as practicable, for updated or new frameworks for increasing military transparency, stability, and reducing the risk of miscalculation, including through enhanced diplomatic engagement and military-to-military dialogue.

SEC. 1234. UNITED STATES PARTICIPATION IN OPEN SKIES TREATY.

Deadline.
22 USC 2593a
note.

(a) **NOTIFICATION REQUIRED.**—Not later than 120 days before the provision of notice of intent to withdraw the United States from the Open Skies Treaty to either treaty depository pursuant to Article XV of the Treaty, the Secretary of Defense and the Secretary of State shall jointly submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a notification that—

(1) such withdrawal is in the best interests of the United States national security; and

(2) the other state parties to the Treaty have been consulted with respect to such withdrawal.

(b) **REPEAL OF LIMITATION ON USE OF FUNDS TO VOTE TO APPROVE OR OTHERWISE ADOPT ANY IMPLEMENTING DECISION OF THE OPEN SKIES CONSULTATIVE COMMISSION AND MODIFICATIONS TO REPORT.**—

(1) **IN GENERAL.**—Section 1236 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2491) is amended—

(A) by striking subsections (a) and (b); and

(B) by redesignating subsections (c), (d), (e), and (f) as subsections (a), (b), (c), and (d), respectively.

(2) **MODIFICATIONS TO REPORT.**—Subsection (a) of such section, as so redesignated, is amended—

(A) in the heading, by striking “Quarterly” and inserting “Annual”;

(B) in paragraph (1)—

(i) by inserting “the Secretary of State,” before “the Secretary of Energy”;

(ii) by striking “quarterly basis” and inserting “annual basis”;

(iii) by striking “by the Russian Federation over the United States” and inserting “by all parties to the Open Skies Treaty, including the United States, under the Treaty”; and

(iv) by striking “calendar quarter” and inserting “preceding calendar year”; and

(C) in paragraph (2), by striking subparagraphs (B), (C), and (D) and inserting the following:

“(B) In the case of an observation flight by the United States, including an observation flight over the territory of Russia—

Data.

“(i) an analysis of data collected that supports United States intelligence and military collection goals; and

Analysis.

“(ii) an assessment of data collected regarding military activity that could not be collected through other means.

Assessment.

“(C) In the case of an observation flight over the territory of the United States—

“(i) an analysis of whether and the extent to which any United States critical infrastructure was the subject of image capture activities of such observation flight;

Analysis.

“(ii) an estimate for the mitigation costs imposed on the Department of Defense or other United States Government agencies by such observation flight; and

Estimate.

“(iii) an assessment of how such information is used by the parties conducting the observation flight, for what purpose, and how the information fits into the overall collection posture.”.

Assessment.

(3) FORM.—Subsection (c) of such section, as so redesignated, is amended by striking “certification, report, and notice” and inserting “report”.

(4) DEFINITIONS.—Subsection (d) of such section, as so redesignated, is amended—

(A) by striking paragraphs (3) and (6); and

(B) by redesignating paragraphs (4), (5), and (7) as paragraphs (3), (4), and (5), respectively.

(c) OPEN SKIES: IMPLEMENTATION PLAN.—Section 1235(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1660) is amended—

(1) in paragraph (1)—

(A) by striking “during such fiscal year” and inserting “during a calendar year”; and

(B) by striking “the President submits” and all that follows and inserting “the Secretary of Defense provides to the appropriate congressional committees a report on a plan described in paragraph (2) with respect to such calendar year.”;

(2) in paragraph (2), by striking “such fiscal year” and inserting “such calendar year”; and

(3) in paragraph (3), by striking “a fiscal year and submit the updated plan” and inserting “a calendar year and provide a report on the updated plan”.

(d) DEFINITION OF OPEN SKIES TREATY; TREATY.—In this section, the term “Open Skies Treaty” or “Treaty” means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

22 USC 2593a
note.

SEC. 1235. MODIFICATIONS OF BRIEFING, NOTIFICATION, AND REPORTING REQUIREMENTS RELATING TO NON-COMPLIANCE BY THE RUSSIAN FEDERATION WITH ITS OBLIGATIONS UNDER THE INF TREATY.

(a) BRIEFING REQUIREMENT.—Section 1244(d) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization

Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3565; 22 U.S.C. 2593a note) is amended—

(1) by striking “At the time” and inserting the following:

“(1) IN GENERAL.—At the time”; and

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

“(2) SUNSET.—The briefing requirement under paragraph (1) shall be in effect so long as the INF Treaty remains in force.”.

(b) NOTIFICATION REQUIREMENT RELATING TO COORDINATION WITH ALLIES.—Section 1243(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1601) is amended by adding at the end the following new paragraph:

“(3) SUNSET.—The notification requirement under paragraph (1) shall be in effect so long as the INF Treaty remains in force.”.

(c) NOTIFICATION REQUIREMENT RELATING TO DEVELOPMENT, DEPLOYMENT, OR TEST OF A SYSTEM INCONSISTENT WITH INF TREATY.—Section 1244(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1673; 22 U.S.C. 2593a note) is amended by adding at the end the following new paragraph:

“(3) SUNSET.—The notification requirement under paragraph (1) shall be in effect so long as the INF Treaty remains in force.”.

(d) REPORTING REQUIREMENT UNDER UKRAINE FREEDOM SUPPORT ACT OF 2014.—Section 10(c) of the Ukraine Freedom Support Act of 2014 (22 U.S.C. 8929) is amended by adding at the end the following new paragraph:

“(3) SUNSET.—The reporting requirement under paragraph (1) shall be in effect so long as the INF Treaty remains in force.”.

SEC. 1236. REPORT ON TREATIES RELATING TO NUCLEAR ARMS CONTROL.

(a) FINDINGS.—Congress finds the following:

(1) On October 24, 2018, the House Committee on Armed Services and House Committee on Foreign Affairs wrote to the Secretary of Defense requesting information regarding the Administration’s policies and strategies related to nuclear arms control.

(2) The Committees did not receive the requested information from the Secretary of Defense.

(b) ASSESSMENT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate an assessment that includes each of the following:

(1) The implications, in terms of military threat to the United States or its allies in Europe, of Russian deployment of intermediate-range cruise and ballistic missiles without restriction.

(2) What new capabilities the United States might need in order to pursue additional technologies or programs to offset

Consultation.

such Russian capabilities, and the costs associated with such capabilities, technologies, and programs.

(3) An assessment of the threat to the United States of Russia’s strategic nuclear force in the event the New START Treaty lapses.

(4) What measures could have been taken short of withdrawal, including economic, military, and diplomatic options, to increase pressure on Russia for violating the INF Treaty.

(5) The status of all consultations with allies pertaining to the INF Treaty and the threat posed by Russian forces that are noncompliant with the obligations of such treaty.

Consultations.

(6) The impact that Russian withdrawal from the INF Treaty and the expiration of the New START Treaty could have on long-term United States-Russia strategic stability.

(c) WITHHOLDING OF FUNDS.—Until the date of the submission of the assessment required by subsection (b), an amount that is equal to 20 percent of the total amount authorized to be appropriated to the Office of the Secretary of Defense under the Operations and Maintenance, Defense-Wide account for the travel of persons shall be withheld from obligation or expenditure.

(d) DEFINITIONS.—In this section:

(1) NEW START TREATY.—The term “New START Treaty” means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed at Prague April 8, 2010, and entered into force February 5, 2011.

(2) INF TREATY.—The term “INF Treaty” means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, signed at Washington December 8, 1987, and entered into force June 1, 1988.

SEC. 1237. REPORTS RELATING TO THE NEW START TREATY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that legally binding, verifiable limits on Russian strategic nuclear forces are in the national security interest of the United States.

(b) PRIOR NOTIFICATION FOR WITHDRAWAL.—Not later than 120 days before the provision to Russia, pursuant to Article XIV of the New Start Treaty, of notice of intent to withdraw the United States from the Treaty, the Secretary of Defense and the Secretary of State shall jointly submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a notification that includes a description of the extraordinary events jeopardizing the United States’ supreme interests accompanying such notice of intent to withdraw in accordance with the requirements of such Article XIV.

(c) ASSESSMENTS FROM DIRECTOR OF NATIONAL INTELLIGENCE.—

(1) RELATING TO EXPIRATION OF NEW START TREATY.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees an assessment of the implications of the expiration of the New START Treaty without the United States and Russia having entered into a new arms control agreement. The assessment shall include the following elements:

(A) An assessment of possible changes to the Russian nuclear force structure through 2026, if the Treaty expires in 2021 without replacement, including Russia's ability and intent to deploy strategic nuclear warheads and delivery vehicles above the central limits of the Treaty and with respect to possible future strategic nuclear weapons research and development programs.

(B) An assessment of the verification and transparency benefits of the Treaty and a description of the Treaty's impact on the United States' understanding of Russia's nuclear forces.

(C) An assessment of what actions would be necessary for the United States to remediate the loss of the Treaty's verification and transparency benefits if the Treaty is not extended and a new arms control agreement is not concluded, and an estimate of the remedial resources required to ensure no concomitant loss of understanding of Russia's nuclear forces as practicable.

(2) RELATING TO RUSSIA'S WILLINGNESS TO ENGAGE IN NUCLEAR ARMS CONTROL NEGOTIATIONS.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees an assessment of Russia's willingness to engage in nuclear arms control negotiations and Russia's priorities in these negotiations. The assessment shall include the following elements:

(A) An assessment of Russia's willingness to extend the New START Treaty and its likely negotiating position to discuss such an extension with the United States.

(B) An assessment of Russia's interest in negotiating a broader arms control agreement that would include nuclear weapons systems not accountable under the New START Treaty, including non-strategic nuclear weapons.

(C) An assessment of what concessions Russia would likely seek from the United States during such negotiations, including what additional United States' military capabilities Russia would seek to limit, in any broader arms control negotiation.

(D) Any other matter the Director determines to be relevant.

(d) REPORTS AND BRIEFING FROM SECRETARY OF STATE.—

Consultation.

(1) RELATING TO NATO, NATO MEMBER COUNTRIES, AND OTHER UNITED STATES ALLIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit a report and provide a briefing to the appropriate congressional committees that includes—

Assessment.

(A) an assessment of the likely reactions of the North Atlantic Treaty Organization (NATO), NATO member countries, and other United States allies and partners to the expiration of the New START Treaty without the entry into force of a new nuclear arms control agreement between the United States and Russia; and

(B) a description of the consultations undertaken with allies relating to the Treaty.

Consultation.

(2) RELATING TO ONGOING IMPLEMENTATION OF THE NEW START TREATY.—Not later than 60 days after the date of the

enactment of this Act, and again not later than September 1, 2020, the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the appropriate congressional committees with an assessment of the following elements:

(A) Whether the Russian Federation remains in compliance with its obligations under the New START Treaty.

(B) Whether continuing implementation of the New START Treaty remains in the national security interest of the United States.

(3) RELATING TO OTHER MATTERS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until the New START Treaty is extended beyond February 2021 or expires, the Secretary of State, in consultation with the Secretary of Defense, shall provide a briefing to the appropriate congressional committees that includes the following elements:

Consultation.

(A) A description of any discussions with Russia on the Treaty or a multilateral arms control treaty with Russia and other countries on the reduction and limitation of strategic offensive arms, and discussions addressing the disparity between the non-strategic nuclear weapons stockpiles of Russia and of the United States, at the Assistant Secretary level, Ambassadorial level, or higher.

(B) The dates, locations, discussion topics, and Russian interlocutors involved in those discussions.

(C) An identification of the United States Government departments and agencies involved in the discussions.

(D) The types of systems, both nuclear and nonnuclear, discussed by either side in such discussions as the potential subjects of an agreement.

(E) Whether formal negotiations to extend the Treaty or negotiate a new agreement have occurred.

(e) REPORT AND BRIEFING FROM SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Energy, shall submit a report to the congressional defense committees that includes an assessment of the manner and extent to which the United States nuclear force structure could change if the New START Treaty expires in 2021, including current and planned nuclear modernization programs, and associated costs.

Consultation.
Assessment.

(2) ADDITIONAL REPORT UPON EXPIRATION.—Not later than April 5, 2021, the Secretary of Defense, in consultation with the Secretary of Energy, shall, if the New START Treaty has expired prior to such date, submit a plan describing the manner in which the United States nuclear force structure will change, including current and planned nuclear modernization programs and associated costs.

Consultation.
Plan.

(f) FORM.—Each report, plan, or assessment required by this section shall be submitted in unclassified form, but may include a classified annex.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) NEW START TREATY; TREATY.—The terms “New START Treaty” and “Treaty” mean the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

SEC. 1238. REPORT ON MILITARY ACTIVITIES OF THE RUSSIAN FEDERATION AND THE PEOPLE’S REPUBLIC OF CHINA IN THE ARCTIC REGION.

Consultation.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the appropriate committees of Congress the following:

(1) A report on any military activities of the Russian Federation in the Arctic region.

(2) A report on any military activities of the People’s Republic of China in the Arctic region.

(b) MATTERS TO BE INCLUDED.—The reports under subsection (a) shall include, with respect to the Russian Federation or the People’s Republic of China, as applicable, the following:

(1) A description of military activities of such country in the Arctic region, including—

(A) the emplacement of military infrastructure, equipment, or forces;

(B) any exercises or other military activities; and

(C) activities that are non-military in nature, but are considered to have military or other strategic implications.

Assessment.

(2) An assessment of—

(A) the intentions of such activities;

(B) the extent to which such activities affect or threaten the interests of the United States and allies in the Arctic region; and

(C) any response to such activities by the United States or allies.

(3) A description of future plans and requirements with respect to such activities.

(c) FORM.—Each report under subsection (a) shall be submitted in classified form, but may include an unclassified executive summary.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1239. UPDATED STRATEGY TO COUNTER THE THREAT OF MALIGN INFLUENCE BY THE RUSSIAN FEDERATION AND OTHER COUNTRIES.

(a) **IN GENERAL.**—The Secretary of Defense and the Secretary of State, in coordination with the appropriate United States Government officials, shall jointly update, with the additional elements described in subsection (b), the comprehensive strategy to counter the threat of malign influence developed pursuant to section 1239A of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1667).

Coordination.

(b) **ADDITIONAL ELEMENTS.**—The updated strategy required under subsection (a) shall include the following:

(1) With respect to each element specified in paragraphs (1) through (7) of subsection (b) of such section 1239A, actions to counter the threat of malign influence operations by the People’s Republic of China and any other country engaged in significant malign influence operations.

(2) A description of the interagency organizational structures and procedures for coordinating the implementation of the comprehensive strategy for countering malign influence by the Russian Federation, China, and any other country engaged in significant malign influence operations.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report detailing the updated strategy required under subsection (a).

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” has the meaning given the term in subsection (e) of such section 1239A.

Subtitle E—Matters Relating to Europe and NATO

SEC. 1241. SENSE OF CONGRESS ON SUPPORT FOR THE NORTH ATLANTIC TREATY ORGANIZATION.

It is the sense of Congress that—

(1) the North Atlantic Treaty Organization (NATO) is critical to achieving United States national security interests and defense objectives around the world;

(2) NATO is the most successful military alliance in history, founded on the principles of democracy, individual liberty, and the rule of law, and its contributions to the collective defense are indispensable to the security, prosperity, and freedom of its members;

(3) membership in NATO is a cornerstone of the security and national defense of the United States;

(4) the United States commitment to the NATO alliance has been foundational to the rules-based international order for seven decades, helping to sustain a system of mutual security and shared values and enhance the United States security through common defense;

(5) the United States must remain ironclad in its commitment to uphold its obligations under the North Atlantic Treaty, including Article 5 of such Treaty;

(6) the United States should deepen strategic and defense cooperation with non-NATO European partners, and encourage NATO cooperation with such partners;

(7) the United States should encourage defense cooperation that complements and strengthens NATO collective defense, interoperability, and allies' commitment to Article 3 of the North Atlantic Treaty; and

(8) the United States should pursue a long-term policy to strengthen relationships with NATO allies, oppose efforts to undermine and divide the NATO alliance, invest in long-term efforts to deter aggression against NATO allies and counter campaigns aimed at eroding shared values of the alliance, and enhance interoperability and planning for collective defense.

Time period.

SEC. 1242. PROHIBITION ON THE USE OF FUNDS TO SUSPEND, TERMINATE, OR PROVIDE NOTICE OF DENUNCIATION OF THE NORTH ATLANTIC TREATY.

Notwithstanding any other provision of law, no funds may be obligated, expended, or otherwise made available during the period beginning on the date of the enactment of this Act and ending on December 31, 2020, to take any action to suspend, terminate, or provide notice of denunciation of the North Atlantic Treaty, done at Washington, D.C. on April 4, 1949.

SEC. 1243. FUTURE YEARS PLANS AND PLANNING TRANSPARENCY FOR THE EUROPEAN DETERRENCE INITIATIVE.

10 USC 221 note.

(a) AMENDMENTS.—Section 1273 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1696) is amended as follows:

(1) In the section heading, by striking “PLAN” and inserting “PLANS”.

(2) In subsection (a) to read as follows:

Deadline.
Consultation.
Time period.

“(a) INITIAL PLAN.—Not later than December 31, 2019, the Secretary of Defense, in consultation with the Commander of the United States European Command, shall submit to the congressional defense committees a future years plan on activities and resources of the European Deterrence Initiative (EDI) for fiscal year 2020 and not fewer than the four succeeding fiscal years.”.

(3) MATTERS TO BE INCLUDED.—In subsection (b)—

(A) in paragraph (1) to read as follows:

“(1) A description of the objectives of the EDI, including a description of—

“(A) the intended force structure and posture of the assigned and allocated forces within the area of responsibility of the United States European Command for the last fiscal year of the plan; and

“(B) the manner in which such force structure and posture support the implementation of the National Defense Strategy.”;

(B) in paragraph (5), by striking “required infrastructure investments” and inserting “required infrastructure and military construction investments”; and

(C) in paragraph (8)—

(i) in subparagraph (E), by striking “and” at the end;

(ii) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(G) a detailed assessment of the resources necessary to achieve the requirements of the plan, including specific cost estimates for each project under the EDI to support increased presence, exercises and training, enhanced prepositioning, improved infrastructure, and building partnership capacity; Assessment.

“(H) a detailed timeline to achieve the force posture and capabilities, including permanent force posture requirements; and Timeline.

“(I) a detailed explanation of any significant modifications to activities and resources as compared to the future years plan on activities and resources of the EDI submitted for the previous year.”.

(4) By redesignating subsections (c) and (d) as subsections (d) and (e), respectively.

(5) By inserting after subsection (b) the following:

“(c) SUBSEQUENT PLANS.—

“(1) IN GENERAL.—Not later than the date on which the Secretary of Defense submits to Congress the budget request for the Department of Defense for fiscal year 2021 and each fiscal year thereafter, the Secretary, in consultation with the Commander of the United States European Command, shall submit to the congressional defense committees a future years plan on activities and resources of the European Deterrence Initiative for such fiscal year and not fewer than the four succeeding fiscal years. Deadline. Consultation. Time period.

“(2) MATTERS TO BE INCLUDED.—The plan required under paragraph (1) shall include—

“(A) the matters described in subsection (b); and

“(B) a detailed explanation of any significant modifications in requirements or resources, as compared to the plan submitted under such subsection (b).”.

(6) In subsection (d), as redesignated, by striking “The plan required under subsection (a)” and inserting “The plans required under subsections (a) and (c)”.

(7) In subsection (e), as redesignated, by striking “LIMITATIONS” and all that follows through “In the case of” and inserting “LIMITATIONS.—In the case of”.

(b) BUDGET DISPLAY INFORMATION.—The Secretary of Defense shall include in the materials submitted to Congress by the Secretary in support of the budget of the President for fiscal year 2021 and each fiscal year thereafter (as submitted under section 1105 of title 31, United States Code), a detailed budget display for the European Deterrence Initiative that includes the following information (regardless of whether the funding line is for overseas contingency operations): 10 USC 221 note.

(1) With respect to procurement accounts—

(A) amounts displayed by account, budget activity, line number, line item, and line item title; and

(B) a description of the requirements for each such amounts specific to the Initiative.

(2) With respect to research, development, test, and evaluation accounts—

(A) amounts displayed by account, budget activity, line number, program element, and program element title; and

(B) a description of the requirements for each such amounts specific to the Initiative.

(3) With respect to operation and maintenance accounts—

(A) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

(B) a description of how such amounts will specifically be used.

(4) With respect to military personnel accounts—

(A) amounts displayed by account, budget activity, budget subactivity, and budget subactivity title; and

(B) a description of the requirements for each such amounts specific to the Initiative.

(5) With respect to each project under military construction accounts (including with respect to unspecified minor military construction and amounts for planning and design), the country, location, project title, and project amount by fiscal year.

10 USC 221 note.

(c) END OF FISCAL YEAR REPORT.—Not later than November 30, 2020, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report that contains—

Summary.

(1) a detailed summary of funds obligated for the European Deterrence Initiative for the preceding fiscal year; and

(2) a detailed comparison of funds obligated for the European Deterrence Initiative for the preceding fiscal year to amounts requested for the Initiative for that fiscal year in the materials submitted to Congress by the Secretary in support of the budget of the President for that fiscal year as required by subsection (c), including with respect to each of the accounts described in paragraphs (1), (2), (3), (4), and (5) of subsection (b) and the information required under each such paragraph.

Deadlines.

10 USC 221 note.

(d) INTERIM BRIEFING.—Not later than March 30, 2021, and annually thereafter, the Secretary of Defense shall provide the congressional defense committees with an interim briefing on the status of all matters covered by the end of fiscal year report required by section (c).

SEC. 1244. MODIFICATION AND EXTENSION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

Section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068) is amended—

(1) in subsection (a), by striking “in coordination with the Secretary of State” and inserting “with the concurrence of the Secretary of State”;

(2) in subsection (b)—

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

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

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

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

“(14) Coastal defense and anti-ship missile systems.”; and

(D) in paragraph (15), as so redesignated, by striking “paragraphs (1) through (13)” and inserting “paragraphs (1) through (14)”;

(3) in subsection (c)—

(A) in paragraph (1), by striking “50 percent of the funds available for fiscal year 2019 pursuant to subsection (f)(4)” and inserting “50 percent of the funds available for fiscal year 2020 pursuant to subsection (f)(5)”;

(B) in paragraph (3), by striking “fiscal year 2019” and inserting “fiscal year 2020”; and

(C) in paragraph (5), by striking “Of the funds available for fiscal year 2019 pursuant to subsection (f)(4)” and inserting “Of the funds available for fiscal year 2020 pursuant to subsection (f)(5)”;

(4) in subsection (f), by adding at the end the following: “(5) For fiscal year 2020, \$300,000,000.”; and

(5) in subsection (h), by striking “December 31, 2021” and inserting “December 31, 2022”.

SEC. 1245. LIMITATION ON TRANSFER OF F-35 AIRCRAFT TO TURKEY.

(a) **LIMITATION.**—None of the funds authorized to be appropriated or otherwise made available for the Department of Defense may be used to do the following, and the Department may not otherwise do the following:

(1) Transfer, facilitate the transfer, or authorize the transfer of, any F-35 aircraft or related support equipment or parts to Turkey.

(2) Transfer intellectual property, technical data, or material support necessary for, or related to, any maintenance or support of the F-35 aircraft necessary to establish Turkey’s indigenous F-35 capability.

(3) Construct a storage facility for, or otherwise facilitate the storage in Turkey of, any F-35 aircraft transferred to Turkey.

(b) **WAIVER.**—

(1) **CERTIFICATION.**—The Secretary of Defense, jointly with the Secretary of State, may waive the limitation under subsection (a) only if the Secretaries submit to the appropriate committees of Congress a written certification that contains a determination by the Secretaries, and any relevant documentation on which the determination is based, that the Government of Turkey, having previously accepted delivery of the S-400 air and missile defense system from the Russian Federation—

Determination.

(A) no longer possesses the S-400 air and missile defense system or any other equipment, materials, or personnel associated with such system;

(B) has provided credible assurances that the Government of Turkey will not in the future accept delivery of such system; and

(C) has not, since July 31, 2019, purchased or accepted delivery of defense equipment from the Russian Federation in addition to the S-400 air and missile defense system that would increase the risk of compromising the capabilities of the F-35 aircraft and its associated systems.

(2) **NOTICE AND WAIT REQUIREMENT.**—The Secretary of Defense and the Secretary of State may not waive the limitation under subsection (a) until 90 days after the date on which the Secretaries submit the certification under paragraph (1).

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) Turkey’s possession of the S–400 air and missile defense system adversely affects the national security of Turkey, the United States, and all members of the North Atlantic Treaty Alliance;

(2) the United States offer of the Patriot air and missile defense system to Turkey constituted a viable alternative to Turkey’s acquisition of the S–400 air and missile defense system;

(3) acceptance of the S–400 air and missile defense system by Turkey constitutes a significant transaction within the meaning of section 231(a) of the Countering Russian Influence in Europe and Eurasia Act of 2017 (22 U.S.C. 9525(a)); and

(4) the President should implement the Countering Russian Influence in Europe and Eurasia Act of 2017 (Public Law 115–44; 131 Stat. 886) by imposing and applying sanctions under section 235 of that Act (22 U.S.C. 9529) with respect to any individual or entity determined to have engaged in such significant transaction as if such person were a sanctioned person for purposes of such section.

(d) AUTHORIZATION OF EXPENDITURE.—

(1) IN GENERAL.—The Secretary of Defense is authorized—

(A) to fly up to 6 Turkish F–35 aircraft (tail numbers AT–1 thru AT–6) to a storage location in the United States; and

(B) to induct these aircraft into a long-term storage condition.

(2) STORAGE, PLAN, AND DISPOSITION OF AIRCRAFT AND EQUIPMENT.—The Secretary of Defense may expend up to \$30,000,000 of funds authorized to be appropriated for fiscal year 2020 for the Department of Defense to conduct activities associated with storage, preservation, and developing a plan for the final disposition of such F–35 aircraft and Turkish F–35 aircraft equipment, including full mission simulators, helmet mounted display systems, air system maintenance trainer, and ancillary mission equipment, as a result of efforts taken by the United States to limit, reduce, or terminate Turkey’s status as a member of the F–35 Joint Strike Fighter cooperative program.

(3) REPORT REQUIRED.—Not later than 90 days after the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a report outlining the long-term plan for the disposition of such assets, including options for recovery of costs from Turkey and for unilateral use of such assets by the Department of Defense.

(4) NOTIFICATION REQUIRED.—Not later than 15 days before any expenditure of funds in an amount of \$15,000,000 or more pursuant to the authority described in paragraph (1), the Secretary shall provide to the congressional defense committees a written notification describing the activities to be conducted.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

Deadline.

SEC. 1246. BALTIC DEFENSE ASSESSMENT; EXTENSION AND MODIFICATION OF SECURITY ASSISTANCE FOR BALTIC COUNTRIES FOR JOINT PROGRAM FOR INTEROPERABILITY AND DETERRENCE AGAINST AGGRESSION.

(a) **BALTIC DEFENSE ASSESSMENT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly conduct a comprehensive, multilateral assessment of the military requirements of Lithuania, Latvia, and Estonia to deter and resist aggression by Russia that—

Deadline.

(1) provides an assessment of past and current initiatives to improve the efficiency, effectiveness, readiness and interoperability of Lithuania, Latvia, and Estonia’s national defense capabilities; and

(2) assesses the manner in which to achieve such improvements, including future resource requirements and recommendations, by undertaking activities in the following areas:

(A) Activities to increase the rotational and forward presence, improve the capabilities, and enhance the posture and response readiness of the United States or NATO forces in the Baltic region.

(B) Activities to improve air defense systems, including modern air-surveillance capabilities.

(C) Activities to improve counter-unmanned aerial system capabilities.

(D) Activities to improve command and control capabilities through increasing communications, technology, and intelligence capacity and coordination, including secure and hardened communications.

(E) Activities to improve intelligence, surveillance, and reconnaissance capabilities.

(F) Activities to enhance maritime domain awareness.

(G) Activities to improve military and defense infrastructure, logistics, and access, particularly transport of military supplies and equipment.

(H) Investments to ammunition stocks and storage.

(I) Activities and training to enhance cyber security and electronic warfare capabilities.

(J) Bilateral and multilateral training and exercises.

(K) New and existing cost-sharing mechanisms with United States and NATO allies to reduce financial burden.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State jointly shall submit to the appropriate congressional committees a report, which shall be submitted in unclassified form but may include a classified annex, that includes each of the following:

(1) A report on the findings of the assessment conducted pursuant to subsection (a).

(2) A list of any recommendations resulting from such assessment.

List.
Recommendations.

(3) An assessment of the resource requirements to achieve the objectives described in subsection (a)(1) with respect to the national defense capability of Baltic countries, including potential investments by host countries.

(4) A plan for the United States to use appropriate security cooperation authorities or other authorities to—

Plan.

(A) facilitate relevant recommendations included in the list described in paragraph (2);

- (B) expand joint training between the Armed Forces and the military of Lithuania, Latvia, or Estonia, including with the participation of other NATO allies; and
- (C) support United States foreign military sales and other equipment transfers to Baltic countries, especially for the activities described in subparagraphs (A) through (I) of subsection (a)(2).
- List. (5) A comprehensive list of authorities and funding sources used for security cooperation with the Baltic countries, including—
- (A) a description of the funds made available and used to provide assistance through each authority, if any, during the last two years;
- (B) whether the authority to provide assistance pursuant to section 1279D of the National Defense Authorization Act for Fiscal Year 2018 (22 U.S.C. 2753 note) was used, and whether any alternative authorities exist under which the Secretary can provide such assistance; and
- Determination. (C) a determination whether any new authorities or funds are needed to achieve the objectives described in subsection (a)(1).
- (c) MODIFICATION OF SECURITY ASSISTANCE AUTHORITIES.—Subsection (c) of section 1279D of the National Defense Authorization Act for Fiscal Year 2018 (22 U.S.C. 2753 note) is amended by inserting after paragraph (4) the following:
- “(5) Command, control, communications, computers, intelligence, surveillance, and reconnaissance (C4ISR) equipment.”.
- (d) FUNDING.—Subsection (f) of such section 1279D is amended—
- (1) in paragraph (2), by striking “\$100,000,000” and inserting “\$125,000,000”; and
- (2) by adding at the end the following new paragraph:
- “(3) MATCHING AMOUNT.—The amount of assistance provided under subsection (a) for procurement described in subsection (b) may not exceed the aggregate amount contributed to such procurement by the Baltic nations.”.
- (e) EXTENSION.—Subsection (g) of such section 1279D is amended by striking “December 31, 2020” and inserting “December 31, 2021”.
- Definition. (f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—
- (1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and
- (2) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.
- SEC. 1247. EXTENSION OF AUTHORITY FOR AND REPORT ON TRAINING FOR EASTERN EUROPEAN NATIONAL SECURITY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.**
- (a) EXTENSION.—Subsection (h) of section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amended—
- (1) in the first sentence, by striking “December 31, 2020” and inserting “December 31, 2021”; and

(2) in the second sentence, by striking “for for the period beginning on October 1, 2015, and ending on December 31, 2020” and inserting “for the period beginning on October 1, 2015, and ending on December 31, 2021”.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Commander of United States European Command, shall submit to the congressional defense committees a report on the authority for training Eastern European national security forces in the course of multilateral exercises under the authority of such section.

Consultation.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include the following:

(A) For each recipient country, a description of—

(i) the training provided pursuant to such authority beginning in fiscal year 2016; and

(ii) payments of incremental expenses incurred by the country as the direct result of such training.

(B) A description of the elements of the U.S. European Command theater campaign plan advanced by such authority.

(C) An assessment whether the training and payment of the incremental expenses incurred by each recipient country as the direct result of participation in such training could be provided pursuant to other training or security cooperation authorities of the Department of Defense.

Assessment.

(D) Any recommendations of the Secretary of Defense regarding such authority.

Recommendations.

(E) Any other matter the Secretary of Defense considers appropriate.

SEC. 1248. EXTENSION AND MODIFICATION OF NATO SPECIAL OPERATIONS HEADQUARTERS.

(a) AUTHORIZATION.—Subsection (a) of section 1244 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2541) is amended by striking “2020” and inserting “2024”.

(b) REPEAL OF CERTIFICATION; LIMITATION.—Such section is amended—

(1) by striking subsection (c); and

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

“(c) LIMITATION.—Of the amounts made available under subsection (a) for fiscal year 2020, not more than 90 percent of such amounts may be obligated or expended until the Secretary of Defense, acting through the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, submits to the congressional defense committees a report on the decision to realign responsibilities for overseeing and supporting NSHQ from U.S. Special Operations Command to U.S. European Command, including—

Reports.

“(1) a justification and description of the impact of such realignment; and

“(2) a description of how such realignment will strengthen the role of the NSHQ in fostering special operations capabilities within NATO.”.

(c) ANNUAL REPORT.—Such section, as so amended, is further amended by adding at the end the following new subsection:

“(d) ANNUAL REPORT.—Not later than March 1 of each year until 2024, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report regarding support for the NSHQ. Each report shall include the following:

“(1) The total amount of funding provided by the United States and other NATO nations to the NSHQ for operating costs of the NSHQ.

“(2) A description of the activities carried out with such funding, including—

“(A) the amount of funding allocated for each such activity;

“(B) the extent to which other NATO nations participate in each such activity;

“(C) the extent to which each such activity is carried out in coordination or cooperation with the Joint Special Operations University;

“(D) the extent to which each such activity is carried out in relation to other security cooperation activities, exercises, or operations of the Department of Defense;

“(E) the extent to which each such activity is designed to meet the purposes set forth in paragraphs (1) through (5) of subsection (b); and

Assessment.

“(F) an assessment of the extent to which each such activity will promote the mission of the NSHQ.

“(3) Other contributions, financial or in kind, provided by the United States and other NATO nations in support of the NSHQ.

“(4) Any other matters that the Secretary of Defense considers appropriate.”.

SEC. 1249. NORTH ATLANTIC TREATY ORGANIZATION JOINT FORCE COMMAND.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 2350n.

“§ 2350n North Atlantic Treaty Organization Joint Force Command

“(a) AUTHORIZATION.—The Secretary of Defense shall authorize the establishment of, and the participation by members of the armed forces in, the North Atlantic Treaty Organization Joint Force Command (in this section referred to as the ‘Joint Force Command’), to be established in the United States.

“(b) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—The Secretary may use facilities and equipment of the Department of Defense to support the Joint Force Command.

“(c) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated to the Department of Defense shall be available to carry out the purposes of this section.”.

10 USC
prec. 2350a.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new item:

“2350n. North Atlantic Treaty Organization Joint Force Command.”.

SEC. 1250. REPORT ON NORTH ATLANTIC TREATY ORGANIZATION READINESS INITIATIVE.

(a) **REPORT.**—Not later than October 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report on the North Atlantic Treaty Organization (NATO) Readiness Initiative, which shall include assessments of the following:

Assessments.

(1) The number of units North Atlantic Treaty Organization allies have pledged against the benchmark to provide an additional 30 air attack squadrons, 30 naval combat vessels, and 30 mechanized battalions ready to fight in not more than 30 days.

(2) The procedure by which the North Atlantic Treaty Organization certifies, reports, and ensures that the Supreme Allied Commander Europe (SACEUR) maintains a detailed understanding of the readiness of the forces described in paragraph (1).

Procedure.
Certification.

(3) The North Atlantic Treaty Organization plan to maintain the readiness of such forces in future years.

Plan.

(b) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1250A. REPEAL OF PROHIBITION ON TRANSFER OF ARTICLES ON THE UNITED STATES MUNITIONS LIST TO THE REPUBLIC OF CYPRUS.22 USC 2373
note.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) allowing for the export, re-export or transfer of arms subject to the United States Munitions List (part 121 of title 22, Code of Federal Regulations) to the Republic of Cyprus would advance United States security interests in Europe by helping to reduce the dependence of the Government of the Republic of Cyprus on other countries, including countries that pose challenges to United States interests around the world, for defense-related materiel; and

(2) it is in the interest of the United States to continue to support United Nations-facilitated efforts toward a comprehensive solution to the division of Cyprus.

(b) **MODIFICATION OF PROHIBITION.**—Section 620C(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2373(e)) is amended—

(1) in paragraph (1), by striking “Any agreement” and inserting “Except as provided in paragraph (3), any agreement”; and

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

“(3) The requirement under paragraph (1) shall not apply to any sale or other provision of any defense article or defense service to Cyprus if the end-user of such defense article or defense service is the Government of the Republic of Cyprus.”.

(c) **EXCLUSION OF THE GOVERNMENT OF THE REPUBLIC OF CYPRUS FROM CERTAIN RELATED REGULATIONS.**—

(1) **IN GENERAL.**—Subject to subsection (d) and except as provided in paragraph (2), beginning on the date of the enactment of this Act, the Secretary of State shall not apply a policy of denial for exports, re-exports, or transfers of defense articles and defense services destined for or originating in the Republic of Cyprus if—

(A) the request is made by or on behalf of the Government of the Republic of Cyprus; and

(B) the end-user of such defense articles or defense services is the Government of the Republic of Cyprus.

(2) EXCEPTION.—This exclusion shall not apply to any denial based upon credible human rights concerns.

(d) LIMITATIONS ON THE TRANSFER OF ARTICLES ON THE UNITED STATES MUNITIONS LIST TO THE REPUBLIC OF CYPRUS.—

(1) IN GENERAL.—The policy of denial for exports, re-exports, or transfers of defense articles on the United States Munitions List to the Republic of Cyprus shall remain in place unless the President determines and certifies to the appropriate congressional committees not less than annually that—

(A) the Government of the Republic of Cyprus is continuing to cooperate with the United States Government in efforts to implement reforms on anti-money laundering regulations and financial regulatory oversight; and

(B) the Government of the Republic of Cyprus has made and is continuing to take the steps necessary to deny Russian military vessels access to ports for refueling and servicing.

President.

(2) WAIVER.—The President may waive the limitations contained in this subsection for one fiscal year if the President determines that it is essential to the national security interests of the United States to do so.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

Subtitle F—Matters Relating to the Indo-Pacific Region

SEC. 1251. MODIFICATION OF INDO-PACIFIC MARITIME SECURITY INITIATIVE.

10 USC 333 note. (a) TYPES OF ASSISTANCE AND TRAINING.—Subsection (c)(2)(A) of section 1263 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2282 note) is amended by inserting “the law of armed conflict, the rule of law, and” after “respect for”.

(b) NOTICE TO CONGRESS ON ASSISTANCE AND TRAINING.—Subsection (g)(1) of such section is amended—

(1) in subparagraph (A), by inserting at the end before the period the following: “, the specific unit or units whose capacity to engage in activities under a program of assistance or training to be provided under subsection (a) will be built under the program, and the amount, type, and purpose of the support to be provided”;

(2) by redesignating subparagraph (F) as subparagraph (J); and

(3) by inserting after subparagraph (E) the following new subparagraphs:

“(F) Information, including the amount, type, and purpose, on assistance and training provided under subsection

(a) during the three preceding fiscal years, if applicable.

“(G) A description of the elements of the theater campaign plan of the geographic combatant command concerned and the interagency integrated country strategy that will be advanced by the assistance and training provided under subsection (a).

“(H) A description of whether assistance and training provided under subsection (a) could be provided pursuant to—

“(i) section 333 of title 10, United States Code, or other security cooperation authorities of the Department of Defense; or

“(ii) security cooperation authorities of the Department of State.

“(I) An identification of each such authority described in subparagraph (H).”.

(c) ANNUAL MONITORING REPORTS.—Such section is amended—
(1) by redesignating subsection (h) as subsection (j); and
(2) by inserting after subsection (g) the following new subsection:

“(h) ANNUAL MONITORING REPORTS.—

“(1) IN GENERAL.—Not later than March 1, 2020, and annually thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth, for the preceding calendar year, the following:

“(A) An assessment, by recipient foreign country, of—

Assessment.

“(i) the country’s capabilities relating to maritime security and maritime domain awareness;

“(ii) the country’s capability enhancement priorities, including how such priorities relate to the theater campaign strategy, country plan, and theater campaign plan relating to maritime security and maritime domain awareness;

“(B) A discussion, by recipient foreign country, of—

“(i) priority capabilities that the Department of Defense plans to enhance under the authority under subsection (a) and priority capabilities the Department plans to enhance under separate United States security cooperation and security assistance authorities; and

“(ii) the anticipated timeline for assistance and training for each such capability.

“(C) Information, by recipient foreign country, on the status of funds allocated for assistance and training provided under subsection (a), including funds allocated but not yet obligated or expended.

“(D) Information, by recipient foreign country, on the delivery and use of assistance and training provided under subsection (a).

“(E) Information, by recipient foreign country, on the timeliness of the provision of assistance and training under subsection (a) as compared to the timeliness of the provision of assistance and training previously provided to the foreign country under subsection (a).

“(F) A description of the reasons the Department of Defense chose to utilize the authority for assistance and training under subsection (a) in the preceding calendar year.

“(G) An explanation of any impediments to timely obligation or expenditure of funds allocated for assistance and training under subsection (a) or any significant delay in the delivery of such assistance and training.

“(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘appropriate committees of Congress’ has the meaning given the term in subsection (g)(2).”.

(d) LIMITATION.—Such section, as so amended, is further amended by inserting after subsection (h), as added by subsection (c)(2), the following:

“(i) LIMITATION.—The provision of assistance and training pursuant to a program under subsection (a) shall be subject to the provisions of section 383 of title 10, United States Code.”.

SEC. 1252. EXPANSION OF INDO-PACIFIC MARITIME SECURITY INITIATIVE AND LIMITATION ON USE OF FUNDS.

(a) EXPANSION OF RECIPIENT COUNTRIES.—Subsection (b) of section 1263 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amended by adding at the end the following new paragraphs:

“(8) The Federated States of Micronesia.

“(9) The Independent State of Samoa.

“(10) The Kingdom of Tonga.

“(11) Papua New Guinea.

“(12) The Republic of Fiji.

“(13) The Republic of Kiribati.

“(14) The Republic of the Marshall Islands.

“(15) The Republic of Nauru.

“(16) The Republic of Palau.

“(17) The Republic of Vanuatu.

“(18) The Solomon Islands.

“(19) Tuvalu.”.

(b) LIMITATION ON USE OF FUNDS.—

Reports.

(1) IN GENERAL.—None of the funds authorized to be appropriated for the Indo-Pacific Maritime Security Initiative under such section may be obligated or expended to provide training or assistance to a recipient country described in any of paragraphs (8) through (19) of subsection (b) of such section until the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate committees of Congress a report on security cooperation with and security assistance to such countries.

(2) REPORT.—The report referred to in paragraph (1) shall include the following:

(A) An identification of elements of the theater campaign plan of the geographic combatant command concerned and the interagency integrated country strategy that will be advanced by expansion of security cooperation and assistance programs and activities to such recipient countries.

Assessment.

(B) An assessment of the capabilities, and a description of the capability enhancement priorities, of each such country.

(C) A description of the manner in which United States security cooperation and assistance authorities, including assistance provided pursuant to other security cooperation

authorities of the Department of Defense or security assistance authorities of the Department of State, may be used to enhance the priority capabilities of each such country.

(D) A description, as appropriate, of the manner in which the Secretary of Defense, together with the Secretary of State, shall ensure that security cooperation with and security assistance to such countries complement regional engagement efforts undertaken by United States allies, including the Pacific Step-Up efforts of the Government of Australia and the “Pacific Reset” efforts of the Government of New Zealand.

(E) A description of absorption capacity and sustainability issues for each such country and a plan to resolve such issues.

(F) An identification of the estimated annual cost for such assistance and training for fiscal years 2020 through 2025.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the congressional defense committees;

(2) the Committee on Foreign Relations and the Subcommittee on State, Foreign Operations, and Related Programs of the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs and the Subcommittee on State, Foreign Operations, and Related Programs of the Committee on Appropriations of the House of Representatives.

SEC. 1253. REPORT ON RESOURCING UNITED STATES DEFENSE REQUIREMENTS FOR THE INDO-PACIFIC REGION AND STUDY ON COMPETITIVE STRATEGIES.

Assessments.

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than March 15, 2020, the Commander of United States Indo-Pacific Command shall submit to the congressional defense committees a report containing the independent assessment of the Commander with respect to the activities and resources required, for fiscal years 2022 through 2026, to achieve the following objectives:

Time periods.

(A) The implementation of the National Defense Strategy with respect to the Indo-Pacific region.

(B) The maintenance or restoration of the comparative military advantage of the United States with respect to the People’s Republic of China.

(C) The reduction of the risk of executing contingency plans of the Department of Defense.

(2) **MATTERS TO BE INCLUDED.**—The report required under paragraph (1) shall include the following:

(A) A description of the intended force structure and posture of assigned and allocated forces within the area of responsibility of United States Indo-Pacific Command for fiscal year 2026 to achieve the objectives described in paragraph (1).

(B) An assessment of capabilities requirements to achieve such objectives.

(C) An assessment of logistics requirements, including personnel, equipment, supplies, storage, and maintenance needs to achieve such objectives.

(D) An identification of required infrastructure and military construction investments to achieve such objectives.

(E) An assessment of security cooperation activities or resources required to achieve such objectives.

Plan.

(F)(i) A plan to fully resource United States force posture and capabilities, including—

Cost estimates.

(I) a detailed assessment of the resources necessary to address the elements described in subparagraphs (A) through (E), including specific cost estimates for recommended investments or projects—

(aa) to increase joint force lethality;

(bb) to enhance force design and posture;

(cc) to support a robust exercise, experimentation, and innovation program; and

(dd) to strengthen cooperation with allies and partners; and

Timeline.

(II) a detailed timeline to achieve the intended force structure and posture described in subparagraph (A).

(ii) The specific cost estimates required by clause (i)(I) shall, to the maximum extent practicable, include the following:

(I) With respect to procurement accounts—

(aa) amounts displayed by account, budget activity, line number, line item, and line item title; and

(bb) a description of the requirements for each such amount.

(II) With respect to research, development, test, and evaluation accounts—

(aa) amounts displayed by account, budget activity, line number, program element, and program element title; and

(bb) a description of the requirements for each such amount.

(III) With respect to operation and maintenance accounts—

(aa) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

(bb) a description of the specific manner in which each such amount would be used.

(IV) With respect to military personnel accounts—

(aa) amounts displayed by account, budget activity, budget subactivity, and budget subactivity title; and

(bb) a description of the requirements for each such amount.

(V) With respect to each project under military construction accounts (including unspecified minor military construction and amounts for planning and design), the country, location, project title, and project amount for each fiscal year.

(VI) With respect to any expenditure or proposed appropriation not described in subclause (I) through (V), a level of detail equivalent or greater than the

level of detail provided in the future-years defense program submitted pursuant to section 221(a) of title 10, United States Code.

(3) **FORM.**—The report required under paragraph (1) may be submitted in classified form, but shall include an unclassified summary.

(4) **AVAILABILITY.**—Not later than March 15, 2020, the Commander of United States Indo-Pacific Command shall make the report available to the Secretary of Defense, the Under Secretary of Defense for Policy, the Under Secretary of Defense (Comptroller), the Director of Cost Assessment and Program Evaluation, the Chairman of the Joint Chiefs of Staff, the Secretaries of the military departments, and the chiefs of staff of each military service.

(b) **BRIEFINGS REQUIRED.**—

(1) **INITIAL BRIEFING.**—Not later than April 15, 2020, the Secretary of Defense (acting through the Under Secretary of Defense for Policy, the Under Secretary of Defense (Comptroller), and the Director of Cost Assessment and Program Evaluation) and the Chairman of the Joint Chiefs of Staff shall provide to the congressional defense committees a joint briefing, and any written comments the Secretary of Defense and the Chairman of the Joint Chiefs of Staff consider necessary, with respect to their assessments of the report submitted under subsection (a), including their assessments of the feasibility and advisability of the plan required by paragraph (2)(F) of that subsection.

(2) **SUBSEQUENT BRIEFING.**—Not later than April 30, 2020, the Secretary of the Air Force, the Secretary of the Army, and the Secretary of the Navy shall provide to the congressional defense committees a joint briefing, and documents as appropriate, with respect to their assessments of the report submitted under subsection (a), including their assessments of the feasibility and advisability of the plan required by paragraph (2)(F) of that subsection.

(c) **STUDY ON COMPETITIVE STRATEGIES WITH RESPECT TO THE PEOPLE’S REPUBLIC OF CHINA.**—

(1) **IN GENERAL.**—The Secretary of Defense, acting through the Director of the Office of Net Assessment, shall conduct a study on not fewer than three possible long-term competitive strategies with respect to the People’s Republic of China that focuses on the identification of opportunities to shape strategic competition to the advantage of the United States.

(2) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the results of the study required under paragraph (1).

SEC. 1254. LIMITATION ON USE OF FUNDS TO REDUCE THE TOTAL NUMBER OF MEMBERS OF THE ARMED FORCES SERVING ON ACTIVE DUTY WHO ARE DEPLOYED TO SOUTH KOREA.

Time period.
Certification.

None of the funds authorized to be appropriated by this Act may be used to reduce the total number of members of the Armed Forces serving on active duty who are deployed to South Korea below 28,500 until 90 days after the date on which the Secretary of Defense certifies to the congressional defense committees the following:

Consultation.

(1) Such a reduction is in the national security interest of the United States and will not significantly undermine the security of United States allies in the region.

(2) The Secretary has appropriately consulted with allies of the United States, including South Korea and Japan, regarding such a reduction.

SEC. 1255. REPORT ON DIRECT, INDIRECT, AND BURDEN-SHARING CONTRIBUTIONS OF JAPAN AND SOUTH KOREA.

(a) IN GENERAL.—Not later than the date agreed to in accordance with subsection (e)(2), the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the direct, indirect, and burden-sharing contributions of Japan and South Korea to support overseas military installations of the United States and United States Armed Forces deployed to or permanently stationed in Japan and South Korea, respectively.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The benefits to United States national security and regional security derived from the forward presence of the Armed Forces in the Indo-Pacific region, including Japan and South Korea.

(2) For calendar year 2016 and each subsequent calendar year, the overall cost for the presence of the Armed Forces in Japan and South Korea and the breakdown of such costs between the United States and the respective host nations.

(3) For calendar year 2016 and each subsequent calendar year, a description of the one-time and recurring costs associated with the presence of the Armed Forces in Japan and South Korea, including—

(A) costs to relocate the Armed Forces within Japan and South Korea and to realign the Armed Forces from Japan and South Korea;

(B) military personnel costs;

(C) operation and maintenance costs; and

(D) military construction costs.

(4) A description of direct, indirect, and burden-sharing contributions of Japan and South Korea, including—

(A) contributions for labor costs associated with the presence of the Armed Forces;

(B) contributions to military construction projects of the Department of Defense, including planning, design, environmental reviews, construction, construction management costs, rents on privately-owned land, facilities, labor, utilities, and vicinity improvements;

(C) contributions such as loan guarantees on public-private venture housing and payment-in-kind for facilities returned to Japan and South Korea;

(D) contributions accepted for labor, logistics, utilities, facilities, and any other purpose; and

(E) other contributions, such as Camp Humphreys and the Futenma Replacement Facility, as determined appropriate by the Comptroller General.

(5) The methodology and accounting procedures used to measure and track direct, indirect, and burden-sharing contributions made by Japan and South Korea.

(c) **DESCRIPTION OF CONTRIBUTIONS IN UNITED STATES DOLLARS.**—The report required by subsection (a) shall describe the direct, indirect, and burden-sharing contributions of Japan and South Korea in United States dollars and shall specify the exchange rates used to determine the United States dollar value of such contributions. Determination.

(d) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form without any designation relating to dissemination control, but may contain a classified annex.

(e) **BRIEFING.**—Not later than March 2, 2020, the Comptroller General shall provide to the appropriate congressional committees an interim briefing— Deadline.

(1) on the status of the report and initial findings; and

(2) to agree on the date on which to submit the report required by subsection (a).

(f) **SUPPORT FROM THE DEPARTMENT OF DEFENSE.**—The Secretary of Defense shall provide the Comptroller General with timely access to the appropriate information, data, and analyses necessary to fulfill the requirement under subsection (a) in a timely, thorough, and independent manner.

(g) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1256. SENSE OF CONGRESS ON SECURITY COMMITMENTS TO THE GOVERNMENTS OF JAPAN AND THE REPUBLIC OF KOREA AND TRILATERAL COOPERATION AMONG THE UNITED STATES, JAPAN, AND THE REPUBLIC OF KOREA.

It is the sense of Congress that—

(1) the United States remains committed to its alliances with Japan and the Republic of Korea, which are—

(A) essential to the peace and stability in the Indo-Pacific region; and

(B) based on the shared values of democracy, the rule of law, free and open markets, and respect for human rights;

(2) cooperation among the United States, Japan, and the Republic of Korea is essential for confronting regional and global challenges, including—

(A) preventing the proliferation of weapons of mass destruction;

(B) combating piracy;

(C) assisting victims of conflict and disaster worldwide;

(D) protecting maritime security; and

(E) ensuring freedom of navigation, commerce, and overflight in the Indo-Pacific region;

(3) the United States, Japan, and the Republic of Korea share deep concern that the nuclear and ballistic missile programs, the conventional military capabilities, and the chemical and biological weapons programs of the Democratic People’s Republic of Korea, together with the long history of aggression and provocation by the Democratic People’s Republic of Korea,

pose grave threats to peace and stability on the Korean Peninsula and in the Indo-Pacific region;

(4) the United States views security cooperation between Japan and the Republic of Korea as essential to maintaining peace and stability in the Indo-Pacific region, promoting mutual interests, and addressing shared concerns;

(5) the bilateral military intelligence-sharing pact between Japan and the Republic of Korea, signed on November 23, 2016, and the trilateral intelligence sharing agreement among the United States, Japan, and the Republic of Korea, signed on December 29, 2015, are critical to security in the Indo-Pacific region and should be maintained; and

(6) recognizing that the security of the United States, Japan, and the Republic of Korea are intertwined by common threats, including from the Democratic People's Republic of Korea, the United States strongly encourages—

(A) strengthened bilateral security ties between Japan and the Republic of Korea; and

(B) deeper trilateral defense coordination and cooperation, including through expanded exercises, training, senior-level exchanges, and information sharing.

SEC. 1257. SENSE OF CONGRESS ON NORTH KOREA.

It is the sense of Congress that—

(1) diplomacy, economic sanctions, and credible deterrence are essential to address North Korea's illicit weapons of mass destruction program and the conventional threat that North Korea poses to United States forces on the Korean Peninsula and to United States allies in the region;

(2) North Korea's recent missile tests are destabilizing, increase regional tensions, and run counter to the spirit of diplomatic negotiations;

(3) every effort should be made to deter actions by North Korea that could lead to a military confrontation, which would pose extreme risks to—

(A) United States military personnel;

(B) noncombatants, including United States citizens and citizens of United States allies; and

(C) regional security;

(4) a sustained and credible diplomatic process based on concrete measures to achieve the denuclearization of North Korea and an eventual end to the Korean War should be pursued;

(5) continued actions by North Korea that run counter to diplomatic negotiations call into question North Korea's intentions and commitment to a diplomatic solution; and

(6) until such time as North Korea no longer poses a threat to the United States or United States allies, the United States should, in concert with such allies, continue to deter North Korea through credible defense and deterrence posture.

22 USC note
prec. 1971.

SEC. 1258. STATEMENT OF POLICY AND SENSE OF CONGRESS ON, AND STRATEGY TO FULFILL OBLIGATIONS UNDER, MUTUAL DEFENSE TREATY WITH THE REPUBLIC OF THE PHILIPPINES.

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

(1) while the United States has long adopted an approach that takes no position on the ultimate disposition of the disputed sovereignty claims in the South China Sea, disputing states should—

(A) resolve their disputes peacefully without the threat or use of force; and

(B) ensure that their maritime claims are consistent with international law; and

(2) an armed attack on the armed forces, public vessels, or aircraft of the Republic of the Philippines in the Pacific, including the South China Sea, would trigger the mutual defense obligations of the United States under Article IV of the Mutual Defense Treaty “to meet common dangers in accordance with its constitutional processes”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State and the Secretary of Defense should—

(1) affirm the commitment of the United States to the Mutual Defense Treaty;

(2) preserve and strengthen the military alliance of the United States with the Republic of the Philippines;

(3) prioritize efforts to develop a shared understanding of alliance commitments and defense planning; and

(4) provide appropriate support to the Republic of the Philippines to strengthen the self-defense capabilities of the Republic of the Philippines, particularly in the maritime domain.

(c) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a report that sets forth the strategy of the Department of Defense for achieving the objectives described in subsection (b).

Consultation.
Reports.

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

(A) A description of the national security interests and objectives of the United States furthered by the Mutual Defense Treaty.

(B) A description of the regional security environment, including—

(i) an assessment of threats to both the United States and the Republic of the Philippines national security interests in the region and the role of the Department in addressing such threats;

Assessment.

(ii) a description of the strategic security challenges that are detrimental to regional peace and global stability, including challenges posed by the People’s Republic of China, violent extremist organizations, and natural disasters; and

(iii) a description of each violent extremist organization that presents a threat to the Republic of the Philippines, including, with respect to each such organization—

(I) the primary objectives of the organization;

(II) an assessment of—

Assessment.

(aa) the capacity and capability of the organization;

(bb) the transnational threat posed by the organization;

(cc) recent trends in the capability and influence of the organization;

(dd) the potential for the organization to reconstitute, expand, or otherwise pose a significant transnational threat; and

(ee) the conditions that contribute to efforts of the organization to reconstitute, expand, or pose such a threat; and

(III) a description of the metrics used to assess the capability and influence of the organization.

(C) A description of Department objectives with the Republic of the Philippines, including—

(i) the benchmarks for assessing progress towards such objectives; and

(ii) the Department strategy to achieve such objectives, including through—

(I) defense cooperation;

(II) use of security cooperation authorities; and

(III) other support or activities in the Republic of the Philippines.

(D) An identification of all current and planned Department resources, programs, and activities to support the strategy required by paragraph (1), including a review of the necessity of an ongoing named operation and the criteria used to determine such necessity.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) MUTUAL DEFENSE TREATY.—The term “Mutual Defense Treaty” means the Mutual Defense Treaty between the Republic of the Philippines and the United States of America, done at Washington August 30, 1951.

SEC. 1259. REPORT ON SECURITY COOPERATION WITH THE PHILIPPINE NATIONAL POLICE.

(a) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense, in concurrence with the Secretary of State, shall submit to the appropriate congressional committees a report concerning security sector assistance programs with the Philippine National Police.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) A description of current and planned security sector assistance programs with the Philippine National Police.

(2) The purpose, objectives, and type of training, equipment, or assistance provided under each such program or activity.

(3) An identification of the lead agency responsible for each such program or activity.

(4) An identification of the authority or authorities under which each such program or activity is conducted.

Review.
Criteria.
Determination.

(5) A description of the process and criteria used to determine utilization of each such authority or authorities.

(6) A description of how each such program or activity advances United States national security interests as it relates to the Department’s strategy regarding the Philippines.

(7) An identification of the specific units of the Philippine National Police to receive training, equipment, or assistance under each such program.

(8) A description of the process and criteria by which specific units of the Philippine National Police are selected as recipients of such programs and activities, including an assessment of the comparative value of working with units of law enforcement and units of the military forces of the Philippines.

Assessment.

(9) An assessment of the current operational effectiveness of such units and a description of the metrics used to make such assessment.

Assessment.

(10) An identification of priority capabilities of such units to enhance through training, equipment, or assistance under each such program or activity.

(11) A plan to identify, monitor, track, and assess the ability of each such program or activity to meet each of the objectives described pursuant to paragraph (2) to enhance the capabilities of each such unit.

Plan.

(12) An identification of any units of the Philippine National Police that are determined or credibly alleged to have committed human rights abuses.

(13) A description of the relationship between any units of the Philippine National Police identified pursuant to paragraph (12) and any unit identified pursuant to paragraph (7).

(14) A description of the current or previous role, if any, of each unit identified pursuant to paragraph (7) in the anti-drug campaign.

(15) An assessment of the ability of the United States to identify the units described in paragraph (12).

Assessment.

(16) Any other matters the Secretary of Defense determines should be included.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form without any designation relating to dissemination control, but may contain a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1260. MODIFICATION OF ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE’S REPUBLIC OF CHINA.

(a) MODIFICATION TO ANNUAL REPORT REQUIREMENTS.—Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 113 note) is amended as follows:

(1) In subsection (a), by inserting “, in consultation with the heads of other Federal departments and agencies as appropriate,” after “the Secretary of Defense”.

Consultation.

(2) In subsection (b)—

- Assessments. (A) by amending paragraph (26) to read as follows:
- “(26) The relationship between Chinese overseas investment, including the Belt and Road Initiative, the Digital Silk Road, and any state-owned or controlled digital or physical infrastructure projects of China, and Chinese security and military strategy objectives, including—
- “(A) an assessment of the Chinese investments or projects likely, or with significant potential, to be converted into military assets of China;
- “(B) an assessment of the Chinese investments or projects of greatest concern with respect to United States national security interests;
- “(C) a description of any Chinese investment or project located in another country that is linked to military cooperation with such country, such as cooperation on satellite navigation or arms production;
- “(D) an assessment of any Chinese investment, project, or associated agreement in or with another country that presents significant financial risk for the country or may undermine the sovereignty of such country; and
- “(E) an assessment of the implications for United States military or governmental interests related to denial of access, compromised intelligence activities, and network advantages of Chinese investments or projects in other countries.”; and
- (B) by adding at the end the following:
- Assessment. “(29) Developments relating to the China Coast Guard, including an assessment of—
- “(A) how the change in the Guard’s command structure to report to China’s Central Military Commission affects the Guard’s status as a law enforcement entity;
- “(B) the implications of such command structure with respect to the use of the Guard as a coercive tool to conduct ‘gray zone’ activities in the East China Sea and the South China Sea; and
- “(C) how the change in such command structure may affect interactions between the Guard and the United States Navy.
- Assessment. “(30) An assessment of the military-to-military relations between China and Russia, including an identification of mutual and competing interests.
- Assessment. “(31) An assessment of China’s expansion of its surveillance state, including—
- “(A) any correlation of such expansion with its oppression of its citizens or its threat to United States national security interests around the world; and
- “(B) an overview of the extent to which such surveillance corresponds to an overall respect, or lack thereof, for human rights in China, especially for religious and ethnic minorities.”.
- (3) In subsection (c)—
- (A) by striking “and the” each place it appears and inserting “, the”;
- (B) in paragraph (1), by striking “of the Senate.” and inserting “, and the Select Committee on Intelligence of the Senate.”; and

(C) in paragraph (2), by striking “Committee on International Relations of the House of Representatives.” and inserting “Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.”

(b) **ADDITIONAL DEFINED TERM.**—Such section 1202, as so amended, is further amended by adding at the end the following:

“(d) **STATE-OWNED OR CONTROLLED DIGITAL OR PHYSICAL INFRASTRUCTURE PROJECT OF CHINA.**—

“(1) **IN GENERAL.**—For purposes of subsection (b)(26), the term ‘state-owned or controlled digital or physical infrastructure project of China’ means a transportation, energy, or information technology infrastructure project that is—

“(A) owned, controlled, under the direct or indirect influence of, or subsidized by—

“(i) the Government of the People’s Republic of China, including any agency within such Government and any subdivision or other unit of government at any level of jurisdiction within China;

“(ii) any agent or instrumentality of such Government, including such agencies or subdivisions; or

“(iii) the Chinese Communist Party; or

“(B) a project of any Chinese company operating in a sector identified as a strategic industry in the Chinese Government’s ‘Made in China 2025’ strategy to make China a ‘manufacturing power’ as a core national interest.

“(2) **OWNED; CONTROLLED.**—For purposes paragraph (1)(A), with respect to a project—

“(A) the term ‘owned’ means a majority or controlling interest, whether by value or voting interest, in that project, including through fiduciaries, agents, or other means; and

“(B) the term ‘controlled’ means the power by any means to determine or influence, directly or indirectly, important matters affecting the project, regardless of the level of ownership and whether or not that power is exercised.”.

SEC. 1260A. REPORT ON FOREIGN MILITARY ACTIVITIES IN PACIFIC ISLAND COUNTRIES.

(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense for Intelligence, in coordination with the Director of the Defense Intelligence Agency and the Director of National Intelligence, shall submit to the congressional defense committees a report specifying and analyzing—

(1) strategic interests of foreign militaries in Pacific Island countries, known or emerging foreign partnerships or alliances with non-Pacific Island countries, and foreign military training, exercises, or operations in the region, excluding with countries who are members of the Southeast Asia Treaty Organization;

(2) gaps in intelligence collection capabilities and activities that prevent or may prevent a comprehensive understanding of current intelligence assessments for Pacific Island countries; and

(3) plans to overcome any current intelligence collection deficiencies, including an analysis of both United States and

Definition.

Definition.

Coordination.
Analysis.

Plans.

allied and partner intelligence collection capabilities and activities.

(b) **PACIFIC ISLAND COUNTRY DEFINED.**—In this section, the term “Pacific Island country” includes any of the following countries: The Republic of Fiji, the Republic Kiribati, the Marshall Islands, the Federated States of Micronesia, the Republic of Nauru, the Republic of Palau, the Independent State of Samoa, the Solomon Islands, the Kingdom of Tonga, Tuvalu, and the Republic of Vanuatu.

SEC. 1260B. REPORT ON CYBERSECURITY ACTIVITIES WITH TAIWAN.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the following:

(1) The feasibility of establishing a high-level, interagency United States-Taiwan working group for coordinating responses to emerging issues related to cybersecurity.

(2) A discussion of the Department of Defense’s current and future plans to engage with Taiwan in cybersecurity activities.

(3) A discussion of obstacles encountered in forming, executing, or implementing agreements with Taiwan for cybersecurity activities.

(4) Any other matters the Secretary of Defense determines should be included.

SEC. 1260C. REVIEW AND REPORT RELATED TO THE TAIWAN RELATIONS ACT.

Coordination.

(a) **REVIEW.**—The Secretary of Defense, in coordination with the Secretary of State, shall conduct a review of—

(1) whether, and the means by which, as applicable, the Government of the People’s Republic of China or the Chinese Communist Party are affecting, including through military, economic, information, digital, diplomatic, or any other form of coercion—

(A) the security, or the social and economic system, of the people of Taiwan;

(B) the military balance of power between the People’s Republic of China and Taiwan; or

(C) the expectation that the future of Taiwan will continue to be determined by peaceful means; and

(2) the role of United States policy toward Taiwan with respect to the implementation of the 2017 National Security Strategy and the 2018 National Defense Strategy.

(b) **REPORT.**—

Coordination.

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall provide to the appropriate committees of Congress a report on the review under subsection (a).

(2) **MATTERS TO BE INCLUDED.**—The report under paragraph (1) shall include the following:

Assessments.
Recommendations.

(A) The assessments resulting from the review.

(B) Recommendations on legislative changes or Department of Defense or Department of State policy changes necessary to ensure that the United States continues to meet its obligations to Taiwan under the Taiwan Relations Act (22 U.S.C. 3301 et seq.).

(C) Guidelines for—

(i) new defense requirements, including requirements relating to information and digital space;

(ii) exchanges between senior-level civilian and military officials of the United States and Taiwan; and

(iii) the regular transfer of defense articles, especially defense articles that are mobile, survivable, and cost effective, to most effectively deter attacks and support the asymmetric defense strategy of Taiwan.

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

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1260D. SENSE OF CONGRESS ON ENHANCEMENT OF THE UNITED STATES-TAIWAN DEFENSE RELATIONSHIP.

It is the sense of Congress that—

(1) Taiwan is a vital partner of the United States and is critical to a free and open Indo-Pacific region;

(2) the Taiwan Relations Act (22 U.S.C. 3301 et seq.) and the “Six Assurances” are both cornerstones of United States relations with Taiwan;

(3) the United States should continue to strengthen defense and security cooperation with Taiwan to support the development of capable, ready, and modern defense forces necessary for Taiwan to maintain a sufficient self-defense capability;

(4) consistent with the Taiwan Relations Act (22 U.S.C. 3301 et seq.), the United States should strongly support the acquisition by Taiwan of defense articles and services through foreign military sales, direct commercial sales, and industrial cooperation, with an emphasis on anti-ship, coastal defense, anti-armor, air defense, defensive naval mining, and resilient command and control capabilities that support the asymmetric defense strategy of Taiwan;

(5) the President and Congress should determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan, as required by the Taiwan Relations Act and in accordance with procedures established by law;

(6) the United States should continue efforts to improve the predictability of United States arms sales to Taiwan by ensuring timely review of and response to requests of Taiwan for defense articles and services;

(7) the Secretary of Defense should promote policies concerning exchanges that enhance the security of Taiwan, including—

(A) opportunities with Taiwan for practical training and military exercises that—

(i) enable Taiwan to maintain a sufficient self-defense capability, as described in section 3(a) of the Taiwan Relations Act (22 U.S.C. 3302(a)); and

(ii) emphasize capabilities consistent with the asymmetric defense strategy of Taiwan;

(B) exchanges between senior defense officials and general officers of the United States and Taiwan, consistent with the Taiwan Travel Act (Public Law 115–135), especially for the purpose of enhancing cooperation on defense planning and improving the interoperability of United States and Taiwan forces; and

(C) opportunities for exchanges between junior officers and senior enlisted personnel of the United States and Taiwan;

(8) the United States and Taiwan should expand cooperation in humanitarian assistance and disaster relief;

(9) the Secretary of Defense should consider options, including exercises and ship visits, as appropriate, to expand the scale and scope of humanitarian assistance and disaster response cooperation with Taiwan and other regional partners so as to improve disaster response planning and preparedness; and

(10) the Secretary of Defense should continue regular transits of United States Navy vessels through the Taiwan Strait, commend the armed forces of France for their April 6, 2019, legal transit of the Taiwan Strait, and encourage allies and partners to follow suit in conducting such transits, in order to demonstrate the commitment of the United States and its allies and partners to fly, sail, and operate anywhere international law allows.

SEC. 1260E. CHINESE FOREIGN DIRECT INVESTMENT IN COUNTRIES OF THE ARCTIC REGION.

(a) INDEPENDENT STUDY.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally-funded research and development center described in paragraph (2) to complete an independent study of Chinese foreign direct investment in countries of the Arctic region, with a focus on the effects of such foreign direct investment on United States national security and near-peer competition in the Arctic region.

(2) FEDERALLY-FUNDED RESEARCH AND DEVELOPMENT CENTER DESCRIBED.—A federally-funded research and development center described in this paragraph is a federally-funded research and development center that—

(A) has access to relevant data and demonstrated datasets regarding foreign direct investment in the Arctic region; and

(B) has access to policy experts throughout the United States and the Arctic region.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) Projects in the Arctic that are directly or indirectly funded by public and private Chinese entities, to—

(A) build public infrastructure;

(B) finance infrastructure;

(C) lease mineral and oil and gas leases;

(D) purchase real estate;

(E) extract or process, including smelting, minerals and oil and gas;

Deadline.
Contracts.

(F) engage in shipping or to own and operate or construct shipping infrastructure, including ship construction;

(G) lay undersea cables; and

(H) manufacture, own or operate telecommunications capabilities and infrastructure.

(2) An analysis of the legal environment in which Chinese foreign direct investment are occurring in the United States, Russia, Canada, Greenland, Norway, and Iceland. The analysis should include—

Analysis.
Assessments.

(A) an assessment of the efficacy of mechanisms for screening foreign direct investment in the United States, Russia, Canada, Greenland, Norway, and Iceland;

(B) an assessment of the degree to which there is transparency in Chinese foreign direct investment in countries of the Arctic region;

(C) an assessment of the criteria used to assess potential Chinese foreign direct investment in countries of the Arctic region;

(D) an assessment of the efficacy of methods for monitoring approved Chinese foreign direct investment in countries of the Arctic region; and

(E) an assessment of public reporting of the decision to approve such Chinese foreign direct investment.

(3) A comparison of Chinese foreign direct investment in countries of the Arctic region to other countries with major investments in such countries, including India, Japan, South Korea, the Netherlands, and France.

(4) An assessment of the environmental impact of past Chinese investments in oil and gas, mineral, and infrastructure projects in the Arctic region, including the degree to which Chinese investors are required to comply with local environmental laws and post bonds to assure remediation if a project becomes bankrupt.

Assessment.

(5) A review of the 2018 Chinese Arctic Policy and other relevant public and nonpublic Chinese policy documents to determine the following:

Review.
Determination.

(A) China's strategic objectives in the Arctic region from a military, economic, territorial, and political perspective.

(B) China's goals in the Arctic region with respect to its relations with the United States and Russia, including the degree to which activities of China in the region are an extension of China's strategic competition with the United States.

(C) Whether any active or planned infrastructure investments are likely to result in a regular presence of Chinese military vessels or the establishment of military bases in the Arctic region.

(D) The extent to which Chinese research activities in the Arctic region are a front for economic activities, including illegal economic espionage, intelligence gathering, and support for future Chinese military activities in the region.

(E) The degree to which Arctic littoral states are susceptible to the political and economic risks of unregulated foreign direct investment.

Recommendations.

(F) The vulnerability of semi-autonomous regions, such as tribal lands, to Chinese foreign direct investment, including the influence of legal controls and political or economic manipulation with respect to such vulnerability.

(G) The implications of China's Arctic development and participation model with respect to forecasting China's military, economy, territorial, and political activities.

(6) Policy and legislative recommendations to enhance the position of the United States in affairs of the Arctic region, including—

(A) recommendations for how the United States would best interact with nongovernmental organizations such as the World Bank, Arctic Council, United Nations General Assembly, and International Maritime Organization;

(B) recommendations to pursue or not pursue the formation of an Arctic Development Bank and, if pursued, how to organize, fund, and operate the bank;

(C) measures the United States can take to promote regional governance and eliminate the soft-power influence from Chinese foreign direct investment, in particular, steps where the United States and Russia should cooperate; and

(D) the possibility of negotiating a regional arrangement to regulate foreign direct investment in countries of the Arctic region.

(c) REPORT TO DEPARTMENT OF DEFENSE.—Not later than 720 days after the date of the enactment of this Act, the federally-funded research and development center with respect to which the Secretary of Defense has entered into a contract under subsection (a) shall submit to the Secretary a report containing the study under subsections (a) and (b).

(d) REPORT TO CONGRESS.—Not later than 750 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees the report under subsection (c), without change.

(e) APPROPRIATE CONGRESSIONAL COMMITTEE DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees;

(2) the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate; and

(3) the Committee on Foreign Affairs and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 1260F. SENSE OF CONGRESS ON POLICY TOWARD HONG KONG.

It is the sense of Congress that—

(1) Congress stands unequivocally with the people of Hong Kong as they defend their rights and freedoms and preserve their autonomy against the People's Republic of China;

(2) the Government of the People's Republic of China should—

(A) abide fully by its commitments in the Sino-British Joint Declaration of 1984 to allow the people of Hong Kong a high degree of autonomy to govern Hong Kong;

(B) adhere fully to Hong Kong's Basic Law of 1997; and

(C) immediately cease and desist in its interference in the political and legal affairs of Hong Kong;

(3) the decision of authorities of the Hong Kong Special Autonomous Region in September 2019 to fully withdraw the proposed amendments to the Fugitive Offenders Ordinance of Hong Kong is a necessary first step and should be followed by efforts to resolve the remaining demands raised by protestors who represent a broad cross-section of Hong Kong, which are that authorities—

(A) drop all charges against individuals who have been arrested for participating in political protests;

(B) retract the proclamation that the protests were riots;

(C) establish a thorough and independent investigation into police brutality; and

(D) implement genuine universal suffrage for the election of the Chief Executive and all Legislative Council members of Hong Kong;

(4) the United States should—

(A) work with like-minded countries to stand with the people of Hong Kong;

(B) encourage more responsible behavior by the People's Republic of China; and

(C) impose consequences in the event that the authorities of the People's Republic of China and Hong Kong continue to violate fundamental agreements regarding the autonomy of Hong Kong;

(5) the People's Republic of China should refrain from use of any organization within the military, paramilitary, or law enforcement apparatus of the People's Republic of China to engage in violent suppression in Hong Kong;

(6) in the event of use of force by the Government of the People's Republic of China against protestors in Hong Kong, Congress will recommend swift action by the United States, including—

(A) a fundamental reevaluation of the special treatment of Hong Kong under the Hong Kong Policy Act of 1992 (Public Law 102–383; 106 Stat. 1448) and other United States law, particularly in areas of law in which the People's Republic of China is exploiting Hong Kong to the detriment of United States interests and values; and

(B) coordinated actions with like-minded countries to impose meaningful costs on the People's Republic of China, including the imposition of sanctions, travel restrictions, and other actions against responsible senior officials in the Chinese Communist Party, the People's Liberation Army, and the People's Armed Police; and

(7) if at any point the Government of Hong Kong implements legislation that affects, directly or indirectly, the interests of the United States with respect to an agreement the United States maintains with Hong Kong, including a future reconsideration of amendments to the Fugitive Offenders Ordinance of Hong Kong, the United States should conduct a full review of all relevant agreements between the United States and Hong Kong and make necessary adjustments to those agreements to safeguard United States interests.

SEC. 1260G. SENSE OF CONGRESS ON ENHANCING DEFENSE AND SECURITY COOPERATION WITH THE REPUBLIC OF SINGAPORE.

It is the sense of Congress that—

(1) the United States and the Republic of Singapore have built a strong, enduring, and forward-looking strategic partnership based on long-standing and mutually beneficial cooperation, including through security, defense, economic, and people-to-people ties;

(2) robust security cooperation between the United States and the Republic of Singapore is crucial to promoting peace and stability in the Indo-Pacific region;

(3) the status of the Republic of Singapore as a major security cooperation partner of the United States, as recognized in the 2005 Strategic Framework Agreement between the United States and the Republic of Singapore for a Closer Partnership in Defense and Security, plays an important role in the global network of strategic partnerships, especially in promoting maritime security and countering terrorism;

(4) the United States values the Republic of Singapore's provision of access to its military facilities, which supports the continued security presence of the United States in Southeast Asia and across the Indo-Pacific region;

(5) the United States should continue to welcome the presence of the military forces of the Republic of Singapore in the United States for exercises and training, and should consider opportunities to expand such activities at additional locations in the United States, as appropriate; and

(6) as the United States and the Republic of Singapore have renewed the 1990 Memorandum of Understanding Regarding the United States Use of Facilities in Singapore, the United States should—

(A) continue to enhance defense and security cooperation with the Republic of Singapore to promote peace and stability in the Indo-Pacific region based on common interests and shared values;

(B) reinforce the status of the Republic of Singapore as a major security cooperation partner of the United States; and

(C) explore additional steps to better facilitate interoperability between the United States Armed Forces and the military forces of the Republic of Singapore to promote peace and stability in the Indo-Pacific region.

Vietnam.

SEC. 1260H. AUTHORITY TO TRANSFER FUNDS FOR BIEN HOA DIOXIN CLEANUP.

(a) **TRANSFER AUTHORITY.**—Notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer to the Secretary of State, for use by the United States Agency for International Development, amounts to be used for the Bien Hoa dioxin cleanup in Vietnam.

(b) **LIMITATION ON AMOUNT.**—Not more than \$15,000,000 may be transferred in fiscal year 2020 under the transfer authority in subsection (a).

(c) **ADDITIONAL TRANSFER AUTHORITY.**—The transfer authority in subsection (a) is in addition to any other transfer authority available to the Department of Defense.

(d) NOTICE ON EXERCISE OF AUTHORITY.—If the Secretary of Defense determines to use the transfer authority in subsection (a), the Secretary shall notify the congressional defense committees of that determination not later than 30 days before the Secretary uses the transfer authority.

Determination.
Deadline.

SEC. 1260I. LIMITATION ON REMOVAL OF HUAWEI TECHNOLOGIES CO. LTD. FROM ENTITY LIST OF BUREAU OF INDUSTRY AND SECURITY.

(a) IN GENERAL.—The Secretary of Commerce may not remove Huawei Technologies Co. Ltd. or any of its affiliates (in this section collectively referred to as “Huawei”) from the entity list unless and until the Secretary certifies to the appropriate congressional committees that—

Certification.

(1) Huawei has sufficiently resolved or settled the charges that were the basis for the addition of Huawei to the entity list in a manner that is consistent with the standards for the removal of an entity from the entity list under the Export Administration Regulations;

(2) Huawei has sufficiently resolved or settled any other charges that Huawei violated sanctions imposed by the United States;

(3) regulations have been implemented that sufficiently restrict exporting to, and importing from, the United States items that would pose a national security threat to telecommunications systems in the United States; and

(4) the Department of Commerce has mitigated, to the maximum extent possible, other threats to the national security of the United States posed by Huawei.

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Commerce shall submit to the appropriate congressional committees a report on licenses issued for exports to Huawei.

(2) MATTERS TO BE INCLUDED.—For each such license, the report required by paragraph (1) shall describe—

(A) the items authorized for export;

(B) the end-uses of the items;

(C) the identities of the companies granted the license;

and

(D) how the approval of the license is consistent with the national security licensing policy set forth in the Export Administration Regulations.

(3) DISCLOSURE BY APPROPRIATE CONGRESSIONAL COMMITTEES.—Subclause (ii) of section 1761(h)(2)(B) of the Export Control Reform Act of 2018 (50 U.S.C. 4820(h)(2)(B)) shall apply with respect to information in a report received by the appropriate congressional committees under paragraph (1) to the same extent and in the same manner as such subclause (ii) applies with respect to information made available under subclause (i) of such section 1761(h)(2)(B).

Applicability.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) ENTITY LIST.—The term “entity list” means the list maintained by the Bureau of Industry and Security and set forth in Supplement No. 4 to part 744 of title 15, Code of Federal Regulations.

(3) EXPORT ADMINISTRATION REGULATIONS.—The term “Export Administration Regulations” means subchapter C of chapter VII of title 15, Code of Federal Regulations.

SEC. 1260J. REPORT ON ZTE COMPLIANCE WITH SUPERSEDING SETTLEMENT AGREEMENT AND SUPERSEDING ORDER.

President.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report on the compliance of Zhongxing Telecommunications Equipment Corporation (ZTE Corporation) and ZTE Kangxun Telecommunications Ltd. (ZTE Kangxun) (collectively, “ZTE”) with the Superseding Settlement Agreement and Superseding Order reached with the Department of Commerce on June 8, 2018.

Public
information.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form and publicly accessible, but may include a classified annex.

SEC. 1260K. REPORT ON THE LAY-DOWN OF UNITED STATES MARINES IN THE INDO-PACIFIC REGION.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the planned distributed lay-down of members of the United States Marine Corps in Okinawa, Guam, Hawaii, Australia, and other locations.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the relationship between the planned distributed lay-down in the Indo-Pacific region and the implementation of the National Defense Strategy with respect to such region.

Assessment.

(2) An assessment of the impact of the planned distributed lay-down on the ability of the Armed Forces to respond to current and future contingencies in the area of responsibility of United States Indo-Pacific Command that reflects contingency plans of the Department of Defense.

(3) A description of—

(A) the implementation timeline for the planned distributed lay-down; and

(B) progress made on the planned distributed lay-down, as compared with such timeline.

(4) A description of the adequacy of current and expected training resources at each location associated with the planned distributed lay-down, including—

(A) the ability to train against the full spectrum of threats from near-peer or peer threats; and

(B) any projected limitation due to political, environmental, or other limiting factors.

(5) A description of sustainment concepts to support the planned distributed lay-down, including an assessment of the manner in which the planned distributed lay-down will impact logistics and sustainment requirements in support of contingency plans of the Department of Defense.

(6) An updated and detailed description of any military construction projects required to execute the distributed lay-down.

(7) A description of any recommended revision to the current implementation plan, including any recommended new investment associated with any such revision relating to basing, access, and prepositioning in the Indo-Pacific region.

Subtitle G—Other Matters

SEC. 1261. MODIFICATION TO REPORT ON LEGAL AND POLICY FRAMEWORKS FOR THE USE OF MILITARY FORCE.

Section 1264 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1689) is amended— 50 USC 1549.

(1) in the heading for subsection (a), by striking “Initial” and inserting “Annual”;

(2) in subsection (a)(1), by striking “90 days after the date of the enactment of this Act” and inserting “March 1 of each year”;

(3) in subsection (a)(2), by striking “during the period” and all that follows to the end and inserting: “from the preceding year, including—

“(A) a list of all foreign forces, irregular forces, groups, or individuals for which a determination has been made that force could legally be used under the Authorization for Use of Military Force (Public Law 107–40), including—

“(i) the legal and factual basis for such determination; and

“(ii) a description of whether force has been used against each such foreign force, irregular force, group, or individual; and

“(B) the criteria and any changes to the criteria for designating a foreign force, irregular force, group, or individual as lawfully targetable, as a high value target, and as formally or functionally a member of a group covered under the Authorization for Use of Military Force.”; and

(4) in subsection (c), by adding at the end the following: “The unclassified portion of each report shall, at a minimum, include each change made to the legal and policy frameworks during the preceding year and the legal, factual, and policy justifications for such changes, and shall be made available to the public at the same time it is submitted to the appropriate congressional committees.”. Public information.

SEC. 1262. INDEPENDENT REVIEW OF SUFFICIENCY OF RESOURCES AVAILABLE TO UNITED STATES SOUTHERN COMMAND AND UNITED STATES AFRICA COMMAND.

(a) IN GENERAL.—The Secretary of Defense shall seek to enter into a contract with a not-for-profit entity or federally funded Contracts.

research and development center independent of the Department of Defense to conduct a review of the sufficiency of resources available to United States Southern Command and United States Africa Command to carry out their respective missions in support of United States national security objectives.

(b) MATTERS TO BE INCLUDED.—The review described in subsection (a) shall include—

(1) a review of current and emerging United States national security interests in the United States Southern Command and United States Africa Command areas of responsibilities;

(2) a review of the National Defense Strategy and its implications for United States presence and activities in the United States Southern Command and United States Africa Command areas of responsibilities;

Analysis. (3) a comparative analysis of the National Defense Strategy and the Theater Campaign Plans of United States Southern Command and United States Africa Command, which shall include a description of differences, if any, between the guidance and objectives outlined in the National Defense Strategy and those of the respective Theater Campaign Plans;

(4) a review of the sufficiency of the resources available to United States Southern Command and United States Africa Command, including personnel, human resources, and financial resources as well as other non-Department of Defense resources available to United States Southern Command and United States Africa Command, in promoting United States national security interests;

Assessment. (5) an assessment of the level of regional expertise and experience of the leadership of each such combatant command and their subordinate organizations, service components, and task forces, to include personnel from agencies other than the Department of Defense;

(6) a description of the strategic objectives and end states in the geographic region for which each such combatant command has responsibility and a comparison of the importance and priority of the resources available to each such combatant command to perform its mission; and

Assessment. (7) an assessment of the ability of each such combatant command to carry out their respective missions based on available resources, including non-Department of Defense resources.

(c) ACCESS TO INFORMATION.—The not-for-profit entity or federally funded research and development center with which the Secretary enters into the contract under subsection (a) shall have full and direct access to all information related to resources available to United States Southern Command and United States Africa Command.

(d) REPORT.—

Assessment. (1) IN GENERAL.—The Secretary of Defense shall require, as a term of the contract entered into under subsection (a), that not later than 240 days after the date of the enactment of this Act, the not-for-profit entity or federally funded research and development center with which the Secretary of Defense enters into the contract under subsection (a) shall submit to the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development a report that contains the assessment required by subsection (a).

(2) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees—

(A) a copy of such report without change; and

(B) any comments the Secretary of Defense considers appropriate.

Records.

SEC. 1263. UNITED STATES CENTRAL COMMAND POSTURE ASSESSMENT AND REVIEW.

(a) ASSESSMENT AND REVIEW REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center to conduct an independent assessment and comprehensive review of United States military force posture and capabilities in the United States Central Command area of responsibility for the purpose of clarifying and evolving United States military force posture and basing throughout such area of responsibility in accordance with the strategic guidance of the National Defense Strategy during the posture review period.

Deadline.
Contracts.

(2) MATTERS TO BE INCLUDED.—The assessment and review conducted under paragraph (1) shall include, for the posture review period, the following:

(A) An assessment of the threats and challenges in the United States Central Command area of responsibility, including threats and challenges posed to United States interests by near-peer competitors.

(B) An explanation of the policy and strategic frameworks for addressing the threats and challenges identified under subparagraph (A).

(C) An identification of current and future United States military force posture and capabilities necessary to counter threats, deter conflict, and defend United States national security interests in the United States Central Command area of responsibility.

(D) An assessment of threats and vulnerabilities to current basing, posture, and readiness in the United States Central Command area of responsibility.

(E) An assessment of the basing, cooperative security locations, and other infrastructure necessary to support steady state operations in support of the theater campaign plan and potential contingencies that may arise in or affect the United States Central Command area of responsibility, including any potential efficiencies and risk mitigation measures to be taken.

(F) An assessment of the risks and tradeoffs to United States Central Command priorities resulting from the reorientation of resources toward National Defense Strategy priorities and a description of methods to mitigate any negative impact of such reorientation.

(G) An explanation of the manner in which a modernized global operating model or dynamic force employment approach may yield efficiencies and increase strategic flexibility while achieving United States military objectives in the United States Central Command area of responsibility.

(H) An articulation of the United States nonmilitary efforts and activities necessary to enable the achievement of United States national security interests in the United States Central Command area of responsibility.

(I) Any other matter considered relevant.

Recommendations.

(b) **RESULTS.**—The federally funded research and development center concerned shall submit to the Secretary the results of the assessment and review under subsection (a), which shall include the following:

(1) Considerations and recommendations for improving posture, basing, and readiness in the United States Central Command area of responsibility.

(2) Alternative basing and posture options to reduce costs, enhance readiness, improve posture, and align with National Defense Strategy priorities.

(3) Any legislative recommendations—

(A) to support and facilitate National Defense Strategy implementation with respect to United States Central Command; and

(B) to modernize or improve basing, posture, and readiness in the United States Central Command area of responsibility.

(c) **SUBMITTAL TO CONGRESS.**—

Deadline.
Records.

(1) **IN GENERAL.**—Not later than July 1, 2020, the Secretary shall submit to the congressional defense committees an unaltered copy of the results under subsection (b), together with the written perspectives of the Secretary and the Chairman of the Joint Chiefs of Staff with respect to such results.

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

(d) **POSTURE REVIEW PERIOD DEFINED.**—In this section, the term “posture review period” means the period beginning on the date that is five years after the date of the enactment of this Act and ending on the date that is 15 years after such date of enactment.

42 USC 2153
note.

SEC. 1264. LIMITATION ON PRODUCTION OF NUCLEAR PROLIFERATION ASSESSMENT STATEMENTS.

President.

(a) **LIMITATION.**—The Secretary of State may not provide to the President, and the President may not submit to Congress, a Nuclear Proliferation Assessment Statement described in subsection a. of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) with respect to a proposed cooperation agreement with any country that has not signed and implemented an Additional Protocol with the International Atomic Energy Agency, other than a country with which, as of June 19, 2019, there is in effect a civilian nuclear cooperation agreement pursuant to such section 123.

Effective date.
President.
Reports.

(b) **WAIVER.**—The limitation under subsection (a) shall be waived with respect to a particular country beginning on the date that is 90 days after the date on which the President submits to the appropriate congressional committees a report describing the manner in which such agreement would advance the national security and defense interests of the United States and not contribute to the proliferation of nuclear weapons.

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1265. WESTERN HEMISPHERE RESOURCE ASSESSMENT.

(a) IN GENERAL.—The Secretary of Defense shall seek to enter into a contract with an independent, non-governmental institute described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from tax under section 501(a) of such Code, that has recognized credentials and expertise in national security and military affairs to conduct an accounting of and an assessment of the sufficiency of resources available to the United States Southern Command (SOUTHCOM), United States Northern Command (NORTHCOM), Department of State, and United States Agency for International Development (USAID) to carry out their respective missions in the Western Hemisphere. Contracts.

(b) MATTERS TO BE INCLUDED.—The assessment described in subsection (a) shall include each of the following:

(1) An accounting and description of the funds available to SOUTHCOM, NORTHCOM, the Department of State, and USAID.

(2) A list of bilateral and multilateral military training and exercises with allies and partner countries in the Western Hemisphere. List.

(3) A description of the security force activities of the United States in the Western Hemisphere.

(4) A description of the activities of the Departments of State and Defense in addressing security challenges in the Western Hemisphere.

(5) Cyber domain activities of the United States and those actions in concert with allied and partner countries in the Western Hemisphere.

(6) A description of the funding for all international military education and training programs.

(7) An overview of all foreign military sales and foreign military financing programs with partner countries in the Western Hemisphere. Overview.

(8) A list of investments, programs, or partnerships in the Western Hemisphere by China, Iran, Russia, or other adversarial groups or countries that threaten the national security of the United States. List.

(9) Recommendations for actions the Department of Defense, the Department of State, and USAID could take to advance United States national security interests in the Western Hemisphere. Recommendations.

(c) ACCESS TO INFORMATION.—The independent, non-governmental institute described in subsection (a) with which the Secretary enters into a contract pursuant to such subsection shall have full and direct access to all information related to resources available to SOUTHCOM, NORTHCOM, the Department of State, and USAID.

(d) REPORTS REQUIRED.—

(1) REPORT OF ASSESSMENT.—The Secretary of Defense shall include as a term in the contract entered into pursuant to subsection (a) that the independent, non-governmental institute shall submit to the Secretary of Defense, the Secretary of State, and the Administrator of the USAID a report containing the assessment described in such subsection not later than 240 days after the date of the enactment of this Act.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report that includes—

Records.

(A) an unedited copy of the report submitted in accordance to paragraph (1); and

Recommendations.

(B) any comments, changes, recommendations, or other information of the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development determine appropriate that relates to the assessment required by subsection (a) and contained in such report.

(3) FORM.—The report required by paragraph (2) shall be submitted in unclassified form but may include a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1266. HUMAN RIGHTS IN BRAZIL.

Coordination.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report that includes the following:

(1) A description of the security cooperation relationship between the United States and Brazil, including a description of United States objectives, any ongoing or planned security cooperation activities with the military forces of Brazil, and an identification of priority capabilities of the military forces of Brazil that the Department could enhance.

Assessment.

(2) An assessment of the capabilities of the military forces of Brazil.

(3) A description of the human rights climate in Brazil, an assessment of the Brazilian military forces’ adherence to human rights, and a description of any ongoing or planned cooperative activities between the United States and Brazil focused on human rights.

(4) An identification of any Brazilian military and security force units that are determined or credibly alleged to have engaged in human rights violations and have received or purchased United States equipment or training.

(5) A description of the manner and extent to which a security cooperation strategy between the United States and

Brazil could address any human rights abuses identified pursuant to paragraph (3) or (4), encourage accountability, and promote reform through training on human rights, rule of law, and rules of engagement.

(6) Any other matter the Secretary determines to be relevant.

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1267. CERTIFICATION RELATING TO ASSISTANCE FOR GUATEMALA.

(a) **IN GENERAL.**—Prior to the transfer of any vehicles by the Department of Defense to a joint task force of the Ministry of Defense or the Ministry of the Interior of Guatemala during fiscal year 2020, the Secretary of Defense shall certify to the appropriate congressional committees that such ministries have made a credible commitment to use such equipment only for the uses for which they were intended.

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1268. INDEPENDENT ANALYSIS OF HUMAN RIGHTS SITUATION IN HONDURAS.

(a) **ANALYSIS REQUIRED.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall select and enter into an agreement with an independent think tank or a federally funded research and development center to conduct an analysis of the compliance of the military and security forces of Honduras with international human rights laws and standards.

Deadline.
Contracts.

(2) **MATTERS TO BE INCLUDED.**—The analysis under paragraph (1) shall include the following:

(A) A description of the military-to-military activities between the United States and Honduras, including the manner in which Department of Defense engagement with the military and security forces of Honduras supports the National Defense Strategy.

(B) An analysis of the activities of the military and security forces of Honduras with respect to human rights activists, including—

(i) a description of the processes and procedures of the Department to identify human rights violations; and

(ii) an analysis of whether such processes and procedures comply with Department policy on adherence to human rights and international law.

(C) With respect to United States national security interests, an analysis of the challenges posed by corruption within the military and security forces of Honduras, including—

(i) an analysis of participation, if any, by the military and security forces of Honduras in illegal narcotics trafficking activities; and

(ii) the processes and procedures within the military and security forces of Honduras to ensure accountability for such activities.

(D) An analysis of—

(i) the security cooperation provided to Honduras by the Department during the 3-year period preceding the date of the enactment of this Act; and

(ii) the extent to which such cooperation has improved accountability, transparency, and compliance to international human rights laws and standards in the security and military operations of the Government of Honduras.

(E)(i) An identification of the units of the military and security forces of Honduras trained by the Department.

(ii) An analysis of the role such units have had, if any, in the training, deployment, and command of the Military Police for Public Order (PMOP) in Honduras.

(F) An analysis of the security cooperation of the Department with military intelligence and special forces units of Honduras.

(G) An analysis of the relative importance of providing development assistance to Honduras to achieve United States national security objectives, including countering the proliferation of illegal narcotics flows through Honduras.

(H) Recommendations on the development of future security cooperation with Honduras that prioritizes—

(i) compliance of the military and security forces of Honduras with human rights laws and standards;

(ii) citizen security; and

(iii) the advancement of United States national security interests with respect to countering the proliferation of illegal narcotics flows through Honduras.

(I) Any other matters the Secretary considers necessary and relevant to United States national security interests.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the entity selected under subsection (a) shall submit to the appropriate committees of Congress a report on the results of the analysis conducted under that subsection.

(c) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary shall provide the entity selected under subsection (a) with timely access to appropriate information, data, and analyses necessary to carry out such analysis in a thorough and independent manner.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

Procedures.

Recommendations.

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1269. BRIEFING ON STRATEGY TO IMPROVE THE EFFORTS OF THE NIGERIAN MILITARY TO PREVENT, MITIGATE, AND RESPOND TO CIVILIAN HARM. Assessments.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly provide to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a briefing on— Deadline.

(1) the current strategy to improve defense institutions and security sector forces in Nigeria required by section 1279A of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1701);

(2) any efforts planned or under way to assist the Nigerian military to improve its efforts to prevent, mitigate, and respond to civilian harm;

(3) an assessment of the effectiveness of such training; and

(4) an overall assessment of efforts by the Government of Nigeria to improve civilian protection, accountability for human rights violations, and transparency in the defense institutions and security sector force.

SEC. 1270. REPORT ON IMPLICATIONS OF CHINESE MILITARY PRESENCE IN DJIBOUTI.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains a comprehensive strategy to address security concerns posed by the Chinese People’s Liberation Army Support Base in Djibouti to United States military installations and logistics chains in sub-Saharan Africa and the Middle East.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) An assessment of the potential military, intelligence, and logistical threats facing regional United States military infrastructure, supply chains, and operations due to Chinese military presence in Djibouti and a description of any efforts to mitigate such threats. Assessment.

(2) An assessment of Djibouti’s Chinese-held public debt as well as any other potential means of Chinese economic coercion, and a description of the strategic vulnerabilities posed to the United States if China moves to claim the Port of Djibouti or other key logistical assets in repayment. Assessment.

(3) A description of the specific operational challenges facing the United States military in the Horn of Africa and the Middle East in the event that access to the Port of Djibouti becomes limited or lost in its entirety, as well as a description of any contingency plans in the event of such scenarios.

(4) An identification of the measures in place to mitigate risk of escalation between United States and Chinese military assets in Djibouti or any additional mechanisms that may be advisable.

(5) Any other matters the Secretary of Defense considers appropriate.

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

50 USC 1541
note.

SEC. 1271. RULE OF CONSTRUCTION ON THE PERMANENT STATIONING OF UNITED STATES ARMED FORCES IN SOMALIA.

Nothing in this Act may be construed to authorize the permanent stationing of members of the Armed Forces in Somalia.

SEC. 1272. DEFENSE AND DIPLOMATIC STRATEGY FOR LIBYA.

(a) REPORT REQUIRED.—Not later than 270 days after the date of enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees a report that contains a description of the United States defense and diplomatic strategy for Libya.

(b) ELEMENTS.—The report required by subsection (a) shall include the following elements:

(1) An explanation of the defense and diplomatic strategy for Libya, including a description of the ends, ways, and means inherent to the strategy, and the role of the Armed Forces in supporting the strategy.

(2) An explanation of the policy and legal authorities of the Department of Defense and the Department of State required to support the strategy.

(3) A detailed description of Department of Defense security partnerships with Libyan actors.

(4) A detailed description of Libyan and external security actors and an assessment of how those actors advance or undermine stability in Libya and United States strategic interests in Libya, including United States interests in a political settlement to the conflict in Libya.

(5) A detailed description of the military activities of external actors in Libya, including assessments of whether those activities—

(A) have undermined progress towards stabilization of Libya, including the United Nations-led negotiations;

(B) involve United States-origin equipment and violate contractual conditions of acceptable use of such equipment; or

(C) violate or seek to violate the United Nations arms embargo on Libya imposed pursuant to United Nations Security Council Resolution 1970 (2011).

(6) A description of any plans to integrate the United States defense and diplomatic resources necessary to implement the strategy.

(7) Any other matters the Secretaries considers appropriate.

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1273. PROHIBITION ON IN-FLIGHT REFUELING TO NON-UNITED STATES AIRCRAFT THAT ENGAGE IN HOSTILITIES IN THE ONGOING CIVIL WAR IN YEMEN. Time period.

For the two-year period beginning on the date of the enactment of this Act, the Department of Defense may not provide in-flight refueling pursuant to section 2342 of title 10, United States Code, or any other applicable statutory authority, to non-United States aircraft that engage in hostilities in the ongoing civil war in Yemen unless and until a declaration of war or a specific statutory authorization for such use of United States Armed Forces has been enacted.

SEC. 1274. REPORT ON SAUDI-LED COALITION STRIKES IN YEMEN.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for two years, the Secretary of Defense, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the appropriate congressional committees a report on civilian casualties caused by the Saudi-led coalition and by the Houthis as part of the civil war in Yemen.

(b) **MATTERS TO BE INCLUDED.**—Each such report shall contain the following: Assessments.

(1) An estimate of the number of civilian casualties resulting from operations by the Saudi-led coalition and by the Houthis during the preceding year.

(2) An assessment of whether members of the Saudi-led coalition and the Houthis followed the norms and practices the United States military employs to avoid civilian casualties and ensure proportionality.

(3) An assessment of whether operations executed by members of the Saudi-led coalition and by the Houthis are in compliance with the United States' interpretation of the laws governing armed conflict and proportionality.

(4) Any other matters the Secretary determines to be relevant.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEE DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

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

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

SEC. 1275. REPORTS ON EXPENSES INCURRED FOR IN-FLIGHT REFUELING OF SAUDI COALITION AIRCRAFT CONDUCTING MISSIONS RELATING TO CIVIL WAR IN YEMEN.

(a) **REPORTS REQUIRED.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Defense shall submit a report to the appropriate committees of Congress detailing the expenses incurred by the United States in providing in-flight refueling services for Saudi or Saudi-led coalition non-United States aircraft conducting missions as part of the civil war in Yemen during the period of March 1, 2015, through November 11, 2018, Time period.

and the extent to which such expenses have been reimbursed by members of the Saudi-led coalition.

(2) ELEMENTS.—Each report required under paragraph (1) shall include the following:

(A) The total expenses incurred by the United States in providing in-flight refueling services, including fuel, flight hours, and other applicable expenses, to Saudi or Saudi-led coalition, non-United States aircraft conducting missions as part of the civil war in Yemen.

(B) The amount of the expenses described in subparagraph (A) that has been reimbursed by each member of the Saudi-led coalition.

Reimbursement.

(C) Any action taken by the United States to recoup the remaining expenses described in subparagraph (A), including any commitments by members of the Saudi-led coalition to reimburse the United States for such expenses.

Certification.
Time period.

(3) SUNSET.—The reporting requirement under paragraph (1) shall cease to be effective on the date on which the Secretary certifies to the appropriate committees of Congress that all expenses incurred by the United States in providing in-flight refueling services for Saudi or Saudi-led coalition non-United States aircraft conducting missions as part of the civil war in Yemen during the period of March 1, 2015, through November 11, 2018, have been reimbursed.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Armed Services of the House of Representatives;

(3) the Committee on Foreign Relations of the Senate; and

(4) the Committee on Foreign Affairs of the House of Representatives.

SEC. 1276. REPORT ON SAUDI ARABIA’S HUMAN RIGHTS RECORD.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report in writing that—

(1) describes the extent to which officials of the Government of Saudi Arabia, including members of the military or security services, are responsible for or complicit in gross violations of internationally recognized human rights, including violations of the human rights of journalists, bloggers, human rights defenders, and those who support women’s rights or religious freedom;

(2) describes violations of human rights in Saudi Arabia by officials of the Government of Saudi Arabia, including against journalists, bloggers, human rights defenders, and civil society activists;

(3) describes United States actions to address Saudi violations of human rights, including against journalists, bloggers, human rights defenders, and civil society activists, including demands for clemency review of these cases;

(4) describes any intolerant content in educational materials published by Saudi Arabia’s Ministry of Education that

are used in schools both inside Saudi Arabia and at schools throughout the world; and

(5) describes United States actions to encourage Saudi Arabia to retrieve and destroy materials with intolerant material and revise teacher manuals and retrain teachers to reflect changes in educational materials and promote tolerance.

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

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In the section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1277. REPORT ON INTELLIGENCE COMMUNITY ASSESSMENT RELATING TO THE KILLING OF WASHINGTON POST COLUMNIST JAMAL KHASHOGGI.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report consisting of—

(1) a determination and presentation of evidence with respect to the advance knowledge and role of any current or former official of the Government of Saudi Arabia or any current or former senior Saudi political figure over the directing, ordering, or tampering of evidence in the killing of Washington Post columnist Jamal Khashoggi; and

Determination.

(2) a list of foreign persons that the Director of National Intelligence has high confidence—

List.

(A) were responsible for, or complicit in, ordering, controlling, or otherwise directing an act or acts contributing to or causing the death of Jamal Khashoggi;

(B) knowingly and materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, an activity described in subparagraph (A); or

(C) impeded the impartial investigation of the killing of Jamal Khashoggi, including through the tampering of evidence relating to the investigation.

(b) FORM.—

(1) IN GENERAL.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(2) NAMES OF FOREIGN PERSONS LISTED.—The name of each foreign person listed in the report described in subsection (a)(2) shall be included in the unclassified portion of the report unless the Director of National Intelligence determines that such disclosure would undermine United States intelligence sources and methods or threaten the national security interests of the United States.

Determination.

(c) DEFINED.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

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

22 USC 8606
note.

SEC. 1278. UNITED STATES-ISRAEL COOPERATION TO COUNTER UNMANNED AERIAL SYSTEMS.

(a) AUTHORITY TO ESTABLISH CAPABILITIES TO COUNTER UNMANNED AERIAL SYSTEMS.—

Consultation.
Research and
development.
Evaluation.

(1) IN GENERAL.—The Secretary of Defense, upon request of the Ministry of Defense of Israel and in consultation with the Secretary of State and the Director of National Intelligence, is authorized to carry out research, development, test, and evaluation activities, on a joint basis with Israel, to establish capabilities for countering unmanned aerial systems that threaten the United States or Israel. Any activities carried out pursuant to such authority shall be conducted in a manner that appropriately protects sensitive technology and information and the national security interests of the United States and Israel.

(2) REPORT.—The activities described in paragraph (1) and subsection (b) may not be carried out until after the Secretary of Defense submits to the appropriate committees of Congress a report setting forth the following:

Memorandums.

(A) A memorandum of agreement between the United States and Israel regarding sharing of research and development costs for the capabilities described in paragraph (1), and any supporting documents.

Certification.

(B) A certification that the memorandum of agreement—

(i) requires sharing of costs of projects, including in-kind support, between the United States and Israel;

(ii) establishes a framework to negotiate the rights to any intellectual property developed under the memorandum of agreement; and

(iii) requires the United States Government to receive semiannual reports on expenditure of funds, if any, by the Government of Israel, including a description of what the funds have been used for, when funds were expended, and an identification of entities that expended the funds.

(b) SUPPORT IN CONNECTION WITH THE PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense is authorized to provide maintenance and sustainment support to Israel for the research, development, test, and evaluation activities authorized in subsection (a)(1). Such authority includes authority to install equipment necessary to carry out such research, development, test, and evaluation activities.

Time period.

(2) REPORT.—Support may not be provided under paragraph (1) until 15 days after the Secretary submits to the appropriate committees of Congress a report setting forth a detailed description of the support to be provided.

(3) MATCHING CONTRIBUTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), support may not be provided under this subsection unless the Government of Israel contributes an amount not less than the amount of support to be so provided to the program, project, or activity for which the support is to be so provided in the calendar year in which the support is provided.

(B) EXCEPTION.—Subject to paragraph (4), the Secretary may use amounts available to the Secretary in excess of the amount contributed by the Government of Israel to provide support under this subsection for costs associated with any unique national requirement identified by the United States with respect to countering unmanned aerial systems.

(4) ANNUAL LIMITATION ON AMOUNT.—The amount of support provided under this subsection in any year may not exceed \$25,000,000.

(5) USE OF CERTAIN AMOUNTS FOR RDT&E ACTIVITIES IN THE UNITED STATES.—Of the amount provided by the United States in support under paragraph (1), not less than 50 percent of such amount shall be used for research, development, test, and evaluation activities in the United States in connection with such support.

(c) LEAD AGENCY.—The Secretary of Defense shall designate an appropriate research and development entity of a military department as the lead agency of the Department of Defense in carrying out this section.

(d) SEMIANNUAL REPORTS.—The Secretary of Defense shall submit to the appropriate committees of Congress on a semiannual basis a report that contains a copy of the most recent semiannual report provided by the Government of Israel to the Department of Defense pursuant to subsection (a)(2)(B)(iii).

Records.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(f) SUNSET.—The authority in this section to carry out activities described in subsection (a), and to provide support described in subsection (b), shall expire on December 31, 2024.

SEC. 1279. EXTENSION AND MODIFICATION OF AUTHORITY FOR UNITED STATES-ISRAEL ANTI-TUNNEL COOPERATION ACTIVITIES.

(a) MODIFICATION OF AUTHORITY.—Subsection (a) of section 1279 of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 8606 note) is amended, in the first sentence, by striking “and to establish capabilities for countering unmanned aerial systems”.

(b) EXCEPTION TO MATCHING CONTRIBUTION REQUIREMENT.—Subsection (b)(3) of such section is amended—

(1) by striking “Support” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), support”; and

(2) by adding at the end the following:

“(B) EXCEPTION.—Subject to paragraph (4), the Secretary may use amounts available to the Secretary in excess of the amount contributed by the Government of Israel to provide support under this subsection for costs associated with any unique national requirement identified by the United States with respect to anti-tunnel capabilities.”.

(c) EXTENSION.—Subsection (f) of such section is amended by striking “December 31, 2020” and inserting “December 31, 2024”.

SEC. 1280. REPORT ON COST IMPOSITION STRATEGY.

Consultation.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the heads of other Federal departments and agencies, as appropriate, shall submit to the congressional defense committees a report describing the cost imposition strategies of the Department of Defense with respect to the People’s Republic of China and the Russian Federation.

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

(1) A description of the manner in which the future-years defense program and current operational concepts of the Department are designed to impose costs on the People’s Republic of China and the Russian Federation, including—

(A) political, economic, budgetary, human capital, and technology costs; and

(B) costs associated with military efficiency and effectiveness.

(2) A description of the policies and processes of the Department relating to the development and execution of cost imposition strategies.

(c) FORM.—The report under subsection (a) shall be submitted in classified form, and shall include an unclassified summary.

SEC. 1281. MODIFICATION OF INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS.

10 USC 2358
note.

(a) IN GENERAL.—Subsection (a) of section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended, in the matter preceding paragraph (1), by striking “academic institutions” and inserting “institutions of higher education”.

(b) ADDITIONAL REQUIREMENTS.—Subsection (c) of such section is amended—

Consultation.

(1) by amending paragraph (2) to read as follows:

“(2) Training developed and delivered in consultation with institutions of higher education and appropriate Government agencies, and other support to institutions of higher education, to promote security and limit undue influence on institutions of higher education and personnel, including Department of Defense financial support to carry out such activities, that—

“(A) emphasizes best practices for protection of sensitive national security information; and

“(B) includes the dissemination of unclassified materials and resources for identifying and protecting against

emerging threats to institutions of higher education, including specific counterintelligence information and advice developed specifically for faculty and academic researchers based on actual identified threats.”;

(2) in paragraph (3), by striking “and academic institutions”;

(3) in paragraph (7), by striking “academic institution” and inserting “institution of higher education”; and

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

“(8) A list, developed and continuously updated in consultation with the Bureau of Industry and Security of the Department of Commerce, the Director of National Intelligence, United States institutions of higher education that conduct significant Department of Defense research or engineering activities, and other appropriate individuals and organizations, of academic institutions of the People’s Republic of China, the Russian Federation, and other countries, that—

List.
Consultation.

“(A) have a history of improper technology transfer, intellectual property theft, or cyber or human espionage;

“(B) operate under the direction of the military forces or intelligence agency of the applicable country;

“(C) are known—

“(i) to recruit foreign individuals for the purpose of transferring knowledge to advance military or intelligence efforts; or

“(ii) to provide misleading information or otherwise attempt to conceal the connections of an individual or institution to a defense or an intelligence agency of the applicable country; or

“(D) pose a serious risk of improper technology transfer of data, technology, or research that is not published or publicly available.”.

(c) PROCEDURES FOR ENHANCED INFORMATION SHARING.—Subsection (d) of such section is amended to read as follows:

“(d) PROCEDURES FOR ENHANCED INFORMATION SHARING.—

“(1) IN GENERAL.—Not later than October 1, 2020, for the purpose of maintaining appropriate security controls over research activities, technical information, and intellectual property, the Secretary, in conjunction with appropriate public and private entities, shall establish streamlined procedures to collect appropriate information relating to individuals, including United States citizens and foreign nationals, who participate in defense research and development activities (other than basic research).

Deadline.

“(2) PROTECTION FROM RELEASE.—The procedures required by paragraph (1) shall include procedures to protect such information from release, consistent with applicable regulations.

“(3) REPORTING TO GOVERNMENT INFORMATION SYSTEMS AND REPOSITORIES.—The procedures required by paragraph (1) may include procedures developed, in coordination with appropriate public and private entities, to report such information to existing Government information systems and repositories.”.

Coordination.

(d) ANNUAL REPORT.—Subsection (e) of such section is amended—

(1) in the subsection heading, by inserting “ANNUAL” before “REPORT”;

(2) in paragraph (1), by striking “one year after the date of the enactment” and all that follows through “the Secretary” and inserting “April 30, 2020, and annually thereafter, the Secretary, acting through appropriate Government officials (including the Under Secretary for Research and Engineering),”; and

(3) in paragraph (2), by adding at the end the following new subparagraph:

“(F) Identification of any incident relating to undue influence to security threats to academic research activities funded by the Department of Defense, including theft of property or intellectual property relating to a project funded by the Department at an institution of higher education.”.

SEC. 1282. MODIFICATION OF RESPONSIBILITY FOR POLICY ON CIVILIAN CASUALTY MATTERS.

Section 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 134 note) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by inserting “appropriate to the specific regional circumstances” after “publicly available means”; and

(B) in paragraph (5)—

(i) in subparagraph (A), by inserting “, including for acknowledging the status of any individuals killed or injured who were believed to be enemy combatants, but subsequently determined to be non-combatants” after “operations”; and

(ii) in subparagraph (B)—

(I) by inserting “or other assistance” after “payments”; and

(II) by striking “necessary” and inserting “reasonable and culturally appropriate”; and

(C) in paragraph (7), by striking “and” at the end;

(D) by redesignating paragraph (8) as paragraph (9);

and

(E) by inserting after paragraph (7) the following:

“(8) cultivating, developing, retaining, and disseminating—

“(A) lessons learned for integrating civilian protection into operational planning and identifying the proximate cause or causes of civilian casualties; and

“(B) practices developed to prevent, mitigate, or respond to such casualties;”;

(2) by redesignating subsection (c) as subsection (d);

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

“(c) COORDINATION.—The senior civilian official designated under subsection (a) shall develop and implement steps to increase coordination with the relevant Chiefs of Mission and other appropriate positions in the Department of State with respect to the policies required pursuant to subsection (a) and other matters or assistance related to civilian harm, resulting from military operations.”; and

(4) by inserting after subsection (d), as so redesignated, the following:

“(e) BRIEFING.—Not later than 180 days after the date of the enactment of this subsection, the senior civilian official designated

Deadline.

under subsection (a) shall provide to the congressional defense committees a briefing on—

“(1) the updates made to the policy developed by the senior civilian official pursuant to this section; and

“(2) the efforts of the Department to implement such updates.”.

SEC. 1283. REPORT ON EXPORT OF CERTAIN SATELLITES TO ENTITIES WITH CERTAIN BENEFICIAL OWNERSHIP STRUCTURES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the heads of appropriate agencies, shall submit to the appropriate congressional committees a report on addressing the threat or potential threat posed by the export, reexport, or in-country transfer of satellites described in section 1261(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 22 U.S.C. 2778 note) to entities described in subsection (b). Consultation.

(b) ENTITIES DESCRIBED.—

(1) IN GENERAL.—An entity described in this subsection is an entity the beneficial owner of which is—

(A) an individual who is a citizen or national of a country described in section 1261(c)(2) of the National Defense Authorization Act for Fiscal Year 2013;

(B) an entity organized under the laws of or otherwise subject to the jurisdiction of such a country;

(C) the government of such a country; or

(D) any other individual or entity the Secretary determines would detrimentally affect the national security of the United States.

(2) DETERMINATION OF BENEFICIAL OWNERSHIP.—For purposes of paragraph (1), the Secretary shall identify a person as the beneficial owner of an entity—

(A) in a manner that is not less stringent than the manner set forth in section 240.13d–3 of title 17, Code of Federal Regulations (as in effect on the date of the enactment of this Act); and

(B) based on a threshold, to be determined by the Secretary, based on an assessment of whether the person’s position would give the person an opportunity to control the use of a satellite described in section 1261(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 and exported, reexported, or transferred in country to the entity. Assessment.

(c) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An evaluation of whether satellites described in section 1261(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 have been exported, reexported, or transferred in-country, directly or indirectly, to entities described in subsection (b). Evaluation.

(2) An examination of the effect on national security of the potential export, reexport, or in-country transfer of satellites in compliance with section 1261(c) of the National Defense Authorization Act for Fiscal Year 2013 in circumstances in which the services, bandwidth, or functions of the satellites Examination.

- could subsequently be leased or sold to, or otherwise used by, an entity described in subsection (b).
- Examination. (3) An examination of the effect on national security of not limiting the export, reexport, or in-country transfer of such satellites to entities described in subsection (b).
- Recommendations. (4) Recommendations for, and an assessment of the effectiveness of, a licensing condition that would prohibit or limit the export, reexport, or in-country transfer of such satellites to, or the use of such satellites by, entities described in subsection (b).
- Assessment. (5) An assessment, based on realistic and justifiable assumptions and forecasts, of the economic implications of and potential harm caused by a licensing condition described in paragraph (4) on the United States industries that develop or produce satellites and commercial telecommunications equipment that do not have direct national security ties.
- Evaluation. (6) An evaluation of the resources necessary to ensure the ability of the Bureau of Industry and Security of the Department of Commerce—
- (A) to adequately identify and analyze the beneficial owners of entities in decisions relating to—
 - (i) issuing licenses for the export, reexport, or in-country transfer of such satellites to such entities; or
 - (ii) the ultimate end uses and end-users of such satellites; and
 - (B) when evaluating such a decision—
 - (i) to have full knowledge of the potential end-user of the satellite and the current beneficial owner of the entity; and
 - (ii) to be able to determine whether issuing the license would be inconsistent with the goal of preventing entities described in subsection (b) from accessing or using such satellites.
- (d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.
- (e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—
- (1) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and
 - (2) the Committee on Armed Services, the Committee on Financial Services, the Committee on Energy and Commerce, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

22 USC 8784
note.

SEC. 1284. RULE OF CONSTRUCTION RELATING TO THE USE OF MILITARY FORCE.

Nothing in this Act, or any amendment made by this Act, may be construed to authorize the use of military force, including the use of military force against Iran or any other country.

SEC. 1285. REPORTS AND BRIEFINGS ON USE OF MILITARY FORCE AND SUPPORT OF PARTNER FORCES. 50 USC 1550.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on actions taken pursuant to the Authorization for Use of Military Force (Public Law 107–40) against those countries or organizations described in such law, as well as any actions taken to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such forces are engaged in hostilities or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, during the preceding 180-day period. Time period.

(b) **MATTERS TO BE INCLUDED.**—The report required by subsection (a) shall include, with respect to the time period for which the report was submitted, the following: Lists.

(1) A list of each country or organization with respect to which force has been used pursuant to the Authorization for Use of Military Force, including the legal and factual basis for the determination that authority under such law applies with respect to each such country or organization.

(2) An intelligence assessment of the risk to the United States posed by each such country or organization. Assessment.

(3) A list of each country in which operations were conducted pursuant to such law and a description of the circumstances necessitating the use of force pursuant to such law, including whether the country is designated as an area of active hostilities.

(4) A general description of the status of operations conducted pursuant to such law as well as a description of the expected scope and duration of such operations.

(5) A list of each partner force and country with respect to which United States Armed Forces have commanded, coordinated, participated in the movement of, or accompanied the regular or irregular forces of any foreign country or government that have engaged in hostilities or there existed an imminent threat that such forces would become engaged in hostilities, including—

(A) a delineation of any such instances in which such United States Armed Forces were or were not operating under the Authorization for Use of Military Force; and

(B) a determination of whether the foreign forces, irregular forces, groups, or individuals against which such hostilities occurred are covered by such law. Determination.

(6) A description of the actual and proposed contributions, including financing, equipment, training, troops, and logistical support, provided by each foreign country that participates in any international coalition with the United States to combat a country or organization described in the Authorization for Use of Military Force.

(c) **FORM.**—The information required under paragraphs (1) and (2) of subsection (b) shall be submitted in unclassified form.

(d) **OTHER REPORTS.**—If United States Armed Forces are introduced into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, against President. Compliance.

any country, organization, or person pursuant to statutory or constitutional authorities other than Authorization for Use of Military Force, the President shall comply with the reporting requirements under—

(1) this section to the same extent and in the same manner as if such actions had been taken under Authorization for Use of Military Force;

(2) the War Powers Resolution (50 U.S.C. 1541 et seq.); and

(3) any other applicable provision of law.

Time period.
President.

(e) BRIEFINGS.—At least once during each 180-day period described in subsection (a), the President shall provide to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a briefing on the matters covered by the report required under this section for such period.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Funding allocations; specification of cooperative threat reduction funds.

SECTION 1301. FUNDING ALLOCATIONS; SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.

(a) FUNDING ALLOCATIONS.—Of the \$338,700,000 authorized to be appropriated to the Department of Defense for fiscal year 2010 in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, \$492,000.

(2) For chemical weapons destruction, \$12,856,000.

(3) For global nuclear security, \$33,919,000.

(4) For cooperative biological engagement, \$183,642,000.

(5) For proliferation prevention, \$79,869,000.

(6) For activities designated as Other Assessments/Administrative Costs, \$27,922,000.

(b) SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2020, 2021, and 2022.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.

Sec. 1402. Chemical agents and munitions destruction, defense.

Sec. 1403. Drug interdiction and counter-drug activities, defense-wide.

Sec. 1404. Defense inspector general.

Sec. 1405. Defense health program.

Subtitle B—Other Matters

- Sec. 1411. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.
- Sec. 1412. Authorization of appropriations for Armed Forces Retirement Home.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2020 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2020 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1404. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2020 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2020 for the Defense Health Program for use of the Armed Forces and other activities and agencies of the Department of Defense for providing for the health of eligible beneficiaries, as specified in the funding table in section 4501.

Subtitle B—Other Matters

SEC. 1411. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the funds authorized to be appropriated by section 1405 and available for the Defense Health Program for operation and maintenance, \$127,000,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) **USE OF TRANSFERRED FUNDS.**—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

SEC. 1412. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2020 from the Armed Forces Retirement Home Trust Fund the sum of \$64,300,000 for the operation of the Armed Forces Retirement Home.

State listing.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Sec. 1501. Purpose.

Sec. 1502. Treatment as additional authorizations.

Subtitle A—Authorization of Appropriations for Overseas Contingency Operations

Sec. 1511. Overseas contingency operations.

Sec. 1512. Procurement.

Sec. 1513. Research, development, test, and evaluation.

Sec. 1514. Operation and maintenance.

Sec. 1515. Military personnel.

Sec. 1516. Working capital funds.

Sec. 1517. Drug interdiction and counter-drug activities, defense-wide.

Sec. 1518. Defense inspector general.

Sec. 1519. Defense health program.

Sec. 1520. Afghanistan security forces fund.

Sec. 1520A. Special transfer authority.

Subtitle B—Authorization of Appropriations for Emergency Funds for Recovery and Restoration

Sec. 1521. Procurement.

Sec. 1522. Research, development, test, and evaluation.

Sec. 1523. Operation and maintenance.

Sec. 1524. Restriction on transfer of funds authorized by this subtitle.

SEC. 1501. PURPOSE.

The purposes of this title are to authorize appropriations for the Department of Defense for fiscal year 2020—

(1) to provide additional funds for overseas contingency operations being carried out by the Armed Forces; and

(2) to provide additional emergency funds for the recovery and restoration of military missions and activities at military installations in California, Florida, North Carolina, and Nebraska that were impacted by natural disasters.

SEC. 1502. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

Subtitle A—Authorization of Appropriations for Overseas Contingency Operations

SEC. 1511. OVERSEAS CONTINGENCY OPERATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2020 for the Department of Defense for overseas contingency operations in such amounts as may be designated as provided in section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(ii)).

SEC. 1512. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2020 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1513. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1514. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1515. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, military personnel accounts, as specified in the funding table in section 4402.

SEC. 1516. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

SEC. 1517. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2020 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1518. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2020 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

SEC. 1519. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2020 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

SEC. 1520. AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF PRIOR AUTHORITIES AND NOTICE AND REPORTING REQUIREMENTS.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2020 shall be subject to the conditions contained in—

(1) subsections (b) through (f) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428); and

(2) section 1521(d)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2577).

(b) EQUIPMENT DISPOSITION.—

(1) ACCEPTANCE OF CERTAIN EQUIPMENT.—Subject to paragraph (2), the Secretary of Defense may accept equipment that is procured using amounts authorized to be appropriated for the Afghanistan Security Forces Fund by this Act and is intended for transfer to the security forces of the Ministry of Defense and the Ministry of the Interior of the Government of Afghanistan, but is not accepted by such security forces.

(2) CONDITIONS ON ACCEPTANCE OF EQUIPMENT.—Before accepting any equipment under the authority provided by paragraph (1), the Commander of United States forces in Afghanistan shall make a determination that such equipment was procured for the purpose of meeting requirements of the security forces of the Ministry of Defense and the Ministry of the Interior of the Government of Afghanistan, as agreed to by both the Government of Afghanistan and the Government of the United States, but is no longer required by such security forces or was damaged before transfer to such security forces.

(3) ELEMENTS OF DETERMINATION.—In making a determination under paragraph (2) regarding equipment, the Commander of United States forces in Afghanistan shall consider alternatives to the acceptance of such equipment by the Secretary.

Determination.

An explanation of each determination, including the basis for the determination and the alternatives considered, shall be included in the relevant quarterly report required under paragraph (5).

(4) TREATMENT AS DEPARTMENT OF DEFENSE STOCKS.— Notification.
Equipment accepted under the authority provided by paragraph (1) may be treated as stocks of the Department of Defense upon notification to the congressional defense committees of such treatment.

(5) QUARTERLY REPORTS ON EQUIPMENT DISPOSITION.—

(A) IN GENERAL.—Not later than 90 days after the Time period.
date of the enactment of this Act and every 90-day period thereafter during which the authority provided by paragraph (1) is exercised, the Secretary shall submit to the congressional defense committees a report describing the equipment accepted during the period covered by such report under the following:

(i) This subsection.

(ii) Section 1521(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2575).

(iii) Section 1531(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1088).

(iv) Section 1532(b) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3613).

(v) Section 1531(d) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 938; 10 U.S.C. 2302 note).

(B) ELEMENTS.—Each report under subparagraph (A) List.
shall include a list of all equipment that was accepted Records.
during the period covered by such report and treated as stocks of the Department of Defense and copies of the determinations made under paragraph (2), as required by paragraph (3).

(c) SECURITY OF AFGHAN WOMEN.—

(1) IN GENERAL.—Of the funds available to the Department of Defense for the Afghan Security Forces Fund for fiscal year 2020, it is the goal that \$45,500,000, but in no event less than \$10,000,000, shall be used for—

(A) the recruitment, integration, retention, training, and treatment of women in the Afghan National Defense and Security Forces; and

(B) the recruitment, training, and contracting of female security personnel for future elections.

(2) TYPES OF PROGRAMS AND ACTIVITIES.—Such programs and activities may include—

(A) efforts to recruit and retain women into the Afghan National Defense and Security Forces, including the special operations forces;

(B) programs and activities of the Directorate of Human Rights and Gender Integration of the Ministry of Defense of Afghanistan and the Office of Human Rights, Gender and Child Rights of the Ministry of Interior of Afghanistan;

(C) development and dissemination of gender and human rights educational and training materials and programs within the Ministry of Defense and the Ministry of Interior of Afghanistan;

(D) efforts to address harassment and violence against women within the Afghan National Defense and Security Forces;

(E) improvements to infrastructure that address the requirements of women serving in the Afghan National Defense and Security Forces, including appropriate equipment for female security and police forces, and transportation for policewomen to their station;

(F) support for Afghanistan National Police Family Response Units;

(G) security provisions for high-profile female police and military officers;

(H) programs to promote conflict prevention, management, and resolution through the meaningful participation of Afghan women in the Afghan National Defense and Security Forces, by exposing Afghan women and girls to the activities of and careers available with such forces, encouraging their interest in such careers, or developing their interest and skills necessary for service in such forces; and

(I) enhancements to Afghan National Defense and Security Forces recruitment programs for targeted advertising with the goal of increasing the number of female recruits.

(d) ASSESSMENT OF AFGHANISTAN PROGRESS ON OBJECTIVES.—

(1) ASSESSMENT REQUIRED.—Not later than June 1, 2020, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate an assessment describing—

(A) the progress of the Government of the Islamic Republic of Afghanistan toward meeting shared security objectives; and

(B) the efforts of the Government of the Islamic Republic of Afghanistan to manage, employ, and sustain the equipment and inventory provided under subsection (a).

(2) MATTERS TO BE INCLUDED.—In conducting the assessment required by paragraph (1), the Secretary of Defense shall include each of the following:

(A) The extent to which the Government of Afghanistan has a strategy for, and has taken steps toward, increased accountability and the reduction of corruption within the Ministry of Defense and the Ministry of Interior of Afghanistan.

(B) The extent to which the capability and capacity of the Afghan National Defense and Security Forces have improved as a result of Afghanistan Security Forces Fund investment, including through training, and an articulation of the metrics used to assess such improvements.

Deadline.
Consultation.

(C) The extent to which the Afghan National Defense and Security Forces have been able to increase pressure on the Taliban, al-Qaeda, the Haqqani network, the Islamic State of Iraq and Syria-Khorasan, and other terrorist organizations, including by re-taking territory, defending territory, and disrupting attacks.

(D) The distribution practices of the Afghan National Defense and Security Forces and whether the Government of Afghanistan is ensuring that supplies, equipment, and weaponry supplied by the United States are appropriately distributed to, and employed by, security forces charged with fighting the Taliban and other terrorist organizations.

(E) A description of—

(i) the policy governing the use of Acquisition and Cross Servicing Agreements (ACSA) in Afghanistan;

(ii) each ACSA transaction by type, amount, and recipient for the period beginning on October 1, 2018, and ending December 31, 2019; and

(iii) for any transactions from the United States to Afghan military forces, an explanation for why such transaction was not carried out under the authorities of the Afghanistan Security Forces Fund.

(F) The extent to which the Government of Afghanistan has designated the appropriate staff, prioritized the development of relevant processes, and provided or requested the allocation of resources necessary to support a peace and reconciliation process in Afghanistan.

(G) A description of the ability of the Ministry of Defense and the Ministry of Interior of Afghanistan to manage and account for previously divested equipment, including a description of any vulnerabilities or weaknesses of the internal controls of such Ministry of Defense and Ministry of Interior and any plan in place to address shortfalls.

(H) A description of any significant irregularities in the divestment of equipment to the Afghan National Defense and Security Forces during the period beginning on May 1, 2019, and ending on May 1, 2020, including any major losses of such equipment or any inability on the part of the Afghan National Defense and Security Forces to account for equipment so procured.

Time period.

(I) A description of the sustainment and maintenance costs required during the 5-year period beginning on the date of the enactment of this Act, for major weapons platforms previously divested, and a description of the plan for the Afghan National Defense and Security Forces to maintain such platforms in the future.

(J) The extent to which the Government of Afghanistan is adhering to conditions for receiving assistance established in annual financial commitment letters or any other bilateral agreements with the United States.

(K) The extent to which the Government of Afghanistan has made progress in achieving security sector benchmarks as outlined by the United States-Afghan Compact (commonly known as the “Kabul Compact”) and a description of any other documents, plans, or agreements used by the United States to measure security sector progress.

(L) Such other factors as the Secretaries consider appropriate.

(3) FORM.—The assessment required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

Determinations.
Coordination.
Certifications.
Deadlines.

(4) WITHHOLDING OF ASSISTANCE FOR INSUFFICIENT PROGRESS.—

(A) IN GENERAL.—If the Secretary of Defense determines, in coordination with the Secretary of State and pursuant to the assessment under paragraph (1), that the Government of Afghanistan has made insufficient progress in the areas described in paragraph (2), the Secretary of Defense shall—

(i) withhold \$480,000,000, to be derived from amounts made available for assistance for the Afghan National Defense and Security Forces, from expenditure or obligation until the date on which the Secretary certifies to the congressional defense committees that the Government of Afghanistan has made sufficient progress; and

Notification.

(ii) notify the congressional defense committees not later than 30 days before withholding such funds.

(B) WAIVER.—If the Secretary of Defense determines that withholding such assistance would impede the national security objectives of the United States by prohibiting, restricting, delaying, or otherwise limiting the provision of assistance, the Secretary may waive the withholding requirement under subparagraph (A) if the Secretary, in coordination with the Secretary of State, certifies such determination to the congressional defense committees not later than 30 days before the effective date of the waiver.

(e) ADDITIONAL REPORTING REQUIREMENTS.—The Secretary of Defense shall include in the materials submitted in support of the budget for fiscal year 2021 that is submitted by the President under section 1105(a) of title 31, United States Code, each of the following:

(1) The amount of funding provided in fiscal year 2019 through the Afghanistan Security Forces Fund to the Government of Afghanistan in the form of direct government-to-government assistance or on-budget assistance for the purposes of supporting any entity of such government, including the Afghan National Defense and Security Forces, the Afghan Ministry of Interior, or the Afghan Ministry of Defense.

(2) The amount of funding provided and anticipated to be provided, as of the date of the submission of the materials, in fiscal year 2020 through such Fund in such form.

(3) To the extent the amount described in paragraph (2) exceeds the amount described in paragraph (1), an explanation as to the reason why the such amount is greater and the specific entities and purposes that were supported by such increase.

SEC. 1520A. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

Determination.

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made

available to the Department of Defense in this subtitle for fiscal year 2020 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **LIMITATION.**—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed \$2,000,000,000.

(b) **TERMS AND CONDITIONS.**—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) **ADDITIONAL AUTHORITY.**—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle B—Authorization of Appropriations for Emergency Funds for Recovery and Restoration

SEC. 1521. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2020 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4103.

SEC. 1522. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4203.

SEC. 1523. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4303.

SEC. 1524. RESTRICTION ON TRANSFER OF FUNDS AUTHORIZED BY THIS SUBTITLE.

(a) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this subtitle for fiscal year 2020 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with the authorization to which transferred and shall be available for the recovery and restoration of military missions and activities at military installations in California, Florida, North Carolina, and Nebraska impacted by natural disasters.

Determination.

State listing.

(b) **ADDITIONAL AUTHORITY.**—The transfer authority provided by this section is in addition to the transfer authority provided under sections 1001 and 1520A.

(c) **TERMS AND CONDITIONS.**—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

- Sec. 1601. Repeal of requirement to establish United States Space Command as a subordinate unified command of the United States Strategic Command.
- Sec. 1602. Coordination of modernization efforts relating to military-code capable GPS receiver cards.
- Sec. 1603. Demonstration of backup and complementary positioning, navigation, and timing capabilities of Global Positioning System.
- Sec. 1604. Annual determination on plan on full integration and exploitation of overhead persistent infrared capability.
- Sec. 1605. Space-based environmental monitoring mission requirements.
- Sec. 1606. Resilient enterprise ground architecture.
- Sec. 1607. Prototype program for multi-global navigation satellite system receiver development.
- Sec. 1608. Commercial space situational awareness capabilities.
- Sec. 1609. Program to enhance and improve launch support and infrastructure.
- Sec. 1610. Preparation to implement plan for use of allied launch vehicles.
- Sec. 1611. Independent study on plan for deterrence in space.
- Sec. 1612. Study on leveraging diverse commercial satellite remote sensing capabilities.
- Sec. 1613. Annual report on Space Command and Control program.
- Sec. 1614. Report on space debris.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

- Sec. 1621. Redesignation of Under Secretary of Defense for Intelligence as Under Secretary of Defense for Intelligence and Security.
- Sec. 1622. Modifications to ISR Integration Council and annual briefing requirements.
- Sec. 1623. Modification of annual authorization of appropriations for National Flagship Language Initiative.
- Sec. 1624. Improving the onboarding methodology for intelligence personnel.
- Sec. 1625. Defense Counterintelligence and Security Agency activities on facilitating access to local criminal records historical data.
- Sec. 1626. Survey and report on alignment of intelligence collections capabilities and activities with Department of Defense requirements.
- Sec. 1627. Reports on Consolidated Adjudication Facility of the Defense Counterintelligence and Security Agency.
- Sec. 1628. Report on the expanded purview of the Defense Counterintelligence and Security Agency.
- Sec. 1629. Termination of requirement for Department of Defense facility access clearances for joint ventures composed of previously-cleared entities.

Subtitle C—Cyberspace-Related Matters

- Sec. 1631. Matters relating to military operations in the information environment.
- Sec. 1632. Notification requirements for sensitive military cyber operations.
- Sec. 1633. Evaluation of cyber vulnerabilities of major weapon systems of the Department of Defense.
- Sec. 1634. Quarterly assessments of the readiness of Cyber Mission Forces.
- Sec. 1635. Cyber posture review.
- Sec. 1636. Modification of elements of assessment required for termination of dual-hat arrangement for Commander of the United States Cyber Command.
- Sec. 1637. Modification of cyber scholarship program.
- Sec. 1638. Tier 1 exercise of support to civil authorities for a cyber incident.
- Sec. 1639. Extension of the Cyberspace Solarium Commission.
- Sec. 1640. Authority to use operation and maintenance funds for cyber operations-peculiar capability development projects.
- Sec. 1641. Role of Chief Information Officer in improving enterprise-wide cybersecurity.
- Sec. 1642. Notification of delegation of authorities to the Secretary of Defense for military operations in cyberspace.
- Sec. 1643. Limitation of funding for Consolidated Afloat Networks and Enterprise Services.
- Sec. 1644. Annual military cyberspace operations report.
- Sec. 1645. Annual report on cyber attacks and intrusions against the Department of Defense by certain foreign entities.
- Sec. 1646. Control and analysis of Department of Defense data stolen through cyberspace.

- Sec. 1647. Use of National Security Agency cybersecurity expertise to support evaluation of commercial cybersecurity products.
- Sec. 1648. Framework to enhance cybersecurity of the United States defense industrial base.
- Sec. 1649. Report on cybersecurity training programs.
- Sec. 1650. National Security Presidential Memorandums relating to Department of Defense operations in cyberspace.
- Sec. 1651. Reorientation of Big Data Platform program.
- Sec. 1652. Zero-based review of Department of Defense cyber and information technology personnel.
- Sec. 1653. Study on improving cyber career paths in the Navy.
- Sec. 1654. Accreditation standards and processes for cybersecurity and information technology products and services.
- Sec. 1655. Study on future cyber warfighting capabilities of Department of Defense.
- Sec. 1656. Study to determine the optimal strategy for structuring and manning elements of the Joint Force Headquarters–Cyber Organizations, Joint Mission Operations Centers, and Cyber Operations–Integrated Planning Elements.
- Sec. 1657. Cyber governance structures and Principal Cyber Advisors on military cyber force matters.
- Sec. 1658. Designation of test networks for testing and accreditation of cybersecurity products and services.
- Sec. 1659. Consortia of universities to advise Secretary of Defense on cybersecurity matters.
- Sec. 1660. Joint assessment of Department of Defense cyber red team capabilities, capacity, demand, and requirements.

Subtitle D—Nuclear Forces

- Sec. 1661. Conforming amendment to Council on Oversight of the National Leadership Command, Control, and Communications System.
- Sec. 1662. Modification of authorities relating to nuclear command, control, and communications system.
- Sec. 1663. Briefings on meetings held by Nuclear Weapons Council.
- Sec. 1664. Consideration of budget matters at meetings of Nuclear Weapons Council.
- Sec. 1665. Improvement to annual report on the modernization of the nuclear weapons enterprise.
- Sec. 1666. Expansion of officials required to conduct biennial assessments of delivery platforms for nuclear weapons and nuclear command and control system.
- Sec. 1667. Extension of annual briefing on costs of forward-deploying nuclear weapons in Europe.
- Sec. 1668. Elimination of conventional requirement for long-range standoff weapon.
- Sec. 1669. Briefing on long-range standoff weapon and sea-launched cruise missile.
- Sec. 1670. Extension of prohibition on availability of funds for mobile variant of ground-based strategic deterrent missile.
- Sec. 1671. Reports on development of ground-based strategic deterrent weapon.
- Sec. 1672. Prohibition on reduction of the intercontinental ballistic missiles of the United States.
- Sec. 1673. Independent study on policy of no-first-use of nuclear weapons.
- Sec. 1674. Independent study on risks of nuclear terrorism and nuclear war.
- Sec. 1675. Report on military-to-military dialogue to reduce risks of miscalculation leading to nuclear war.
- Sec. 1676. Report on nuclear forces of the United States and near-peer countries.
- Sec. 1677. Report on operation of conventional forces of military departments under employment or threat of employment of nuclear weapons.
- Sec. 1678. Report on operation of conventional forces of certain combatant commands under employment or threat of employment of nuclear weapons.
- Sec. 1679. Briefings on plan for future-systems-level architecture of nuclear command, control, and communications systems.
- Sec. 1680. Sense of Congress on nuclear deterrence commitments of the United States.

Subtitle E—Missile Defense Programs

- Sec. 1681. National missile defense policy.
- Sec. 1682. Development of space-based ballistic missile intercept layer.
- Sec. 1683. Development of hypersonic and ballistic missile tracking space sensor payload.
- Sec. 1684. Modifications to required testing by Missile Defense Agency of ground-based midcourse defense element of ballistic missile defense system.
- Sec. 1685. Iron Dome short-range rocket defense system and Israeli cooperative missile defense program co-development and co-production.

- Sec. 1686. Limitation on availability of funds for lower tier air and missile defense sensor.
- Sec. 1687. Plan for the redesigned kill vehicle replacement.
- Sec. 1688. Organization, authorities, and billets of the Missile Defense Agency.
- Sec. 1689. Annual assessment of ballistic missile defense system.
- Sec. 1690. Command and control, battle management, and communications program.
- Sec. 1691. Missile defense interceptor site in contiguous United States.
- Sec. 1692. Independent study on impacts of missile defense development and deployment.
- Sec. 1693. Report and briefing on multi-volume kill capability.

Subtitle F—Other Matters

- Sec. 1694. Extension of authorization for protection of certain facilities and assets from unmanned aircraft.
- Sec. 1695. Repeal of requirement for commission on electromagnetic pulse attacks and similar events.
- Sec. 1696. Repeal of review requirement for ammonium perchlorate report.
- Sec. 1697. Transferability of conventional prompt global strike weapon system technologies to surface-launched platforms.
- Sec. 1698. Prohibition on availability of funds for certain offensive ground-launched ballistic or cruise missile systems.
- Sec. 1699. Hard and deeply buried targets.

Subtitle A—Space Activities

SEC. 1601. REPEAL OF REQUIREMENT TO ESTABLISH UNITED STATES SPACE COMMAND AS A SUBORDINATE UNIFIED COMMAND OF THE UNITED STATES STRATEGIC COMMAND.

(a) IN GENERAL.—Section 169 of title 10, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 6 of title 10, United States Code, is amended by striking the item relating to section 169.

(2) Section 2273a(d)(3) of title 10, United States Code, is amended by striking “The Commander of the United States Strategic Command, acting through the United States Space Command,” and inserting “The Commander of the United States Space Command, or, if no such command exists, the Commander of the United States Strategic Command,”.

SEC. 1602. COORDINATION OF MODERNIZATION EFFORTS RELATING TO MILITARY-CODE CAPABLE GPS RECEIVER CARDS.

Section 1610 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2111; 10 U.S.C. 2281 note) is amended—

(1) in subsection (b)(2), by striking the period at the end and inserting “, including with respect to each program of the Department that requires M-code capable receiver cards.”; and

(2) in subsection (c), by striking the period at the end and inserting “, and shall clarify the roles of the Chief Information Officer and the Council on Oversight of the Department of Defense Positioning, Navigation, and Timing Enterprise with respect to M-code modernization efforts.”.

SEC. 1603. DEMONSTRATION OF BACKUP AND COMPLEMENTARY POSITIONING, NAVIGATION, AND TIMING CAPABILITIES OF GLOBAL POSITIONING SYSTEM.

Effective on June 1, 2019, section 1606 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1725) is amended—

Effective date.

(1) in subsection (c)(2), by striking “the date that is 18 months after the date of the enactment of this Act” and inserting “December 31, 2020”; and

(2) in subsection (d), by striking “18 months after the date of the enactment of this Act” and inserting “December 31, 2020”.

SEC. 1604. ANNUAL DETERMINATION ON PLAN ON FULL INTEGRATION AND EXPLOITATION OF OVERHEAD PERSISTENT INFRARED CAPABILITY.

Section 1618(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2431 note) is amended by striking “for a fiscal year” and inserting “for each of fiscal years 2021 through 2028”.

SEC. 1605. SPACE-BASED ENVIRONMENTAL MONITORING MISSION REQUIREMENTS.

10 USC 2271 note.

(a) **PROCUREMENT OF MODERNIZED PATHFINDER PROGRAM SATELLITE.**—

(1) **IN GENERAL.**—The Secretary of the Air Force shall procure a modernized pathfinder program satellite that—

(A) addresses space-based environmental monitoring mission requirements;

(B) reduces the risk that the Department of Defense experiences a gap in meeting such requirements during the period beginning January 1, 2023, and ending December 31, 2025; and

(C) is launched not later than January 1, 2023.

Time period.

Deadline.

(2) **TYPE OF SATELLITE.**—The satellite described in paragraph (1) may be a free-flyer or a hosted payload satellite.

(3) **PLAN.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the appropriate congressional committees a plan to procure and launch the satellite described in paragraph (1), including with respect to—

Deadline.

(A) the requirements for such satellite, including operational requirements;

(B) timelines for such procurement and launch;

(C) costs for such procurement and launch; and

(D) the launch plan.

Timelines.

(4) **PROCEDURES.**—The Secretary of the Air Force shall ensure that the satellite described in paragraph (1) is procured using full and open competition through the use of competitive procedures.

(5) **WITHHOLDING OF FUNDS.**—The amount equal to 10 percent of the total amount authorized to be appropriated to the Office of the Secretary of Air Force for the travel of persons under the Operations and Maintenance, Defense-Wide account shall be withheld from obligation or expenditure until the date on which a contract is awarded for the procurement of the satellite described in paragraph (1).

(b) **WEATHER SYSTEM SATELLITE.**—The Secretary of the Air Force shall ensure that the electro-optical/infrared weather system satellite—

(1) meets space-based environmental monitoring mission requirements;

(2) is procured using full and open competition through the use of competitive procedures; and

(3) is launched not later than September 30, 2025.

Deadline.

(c) **DEFINITIONS.**—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term “space-based environmental monitoring mission requirements” means the national security requirements for cloud characterization and theater weather imagery.

10 USC 2271
note.

SEC. 1606. RESILIENT ENTERPRISE GROUND ARCHITECTURE.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of the Air Force, to advance the security of the space assets of the Department of Defense, should—

(1) expand on complementary efforts within the Air Force that promote the adoption of a resilient enterprise ground architecture that is responsive to new and changing threats and can rapidly integrate new capabilities to make the warfighting force of the United States more resilient in a contested battlespace; and

(2) prioritize the swift transition of space ground architecture to a common platform and leverage commercial capabilities in concurrence with the 2015 intent memorandum of the Commander of the Air Force Space Command.

(b) **FUTURE ARCHITECTURE.**—The Secretary of Defense shall, to the extent practicable—

(1) develop future satellite ground architectures of the Department of Defense to be compatible with complementary commercial systems that can support uplink and downlink capabilities with dual-band spacecraft; and

(2) emphasize that future ground architecture transition away from stove-piped systems to a service-based platform that provides members of the Armed Forces with flexible and adaptable capabilities that—

(A) use, as applicable, commercially available capabilities and technologies for increased resiliency and cost savings; and

(B) build commercial opportunity and integration across the range of resilient space systems.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the future architecture described in subsection (b).

10 USC 2281
note.

SEC. 1607. PROTOTYPE PROGRAM FOR MULTI-GLOBAL NAVIGATION SATELLITE SYSTEM RECEIVER DEVELOPMENT.

(a) **PROTOTYPE MULTI-GNSS PROGRAM.**—The Secretary of the Air Force shall carry out a program to prototype an M-code based, multi-global navigation satellite system receiver that is capable

of receiving covered signals to increase the resilience and capability of military position, navigation, and timing equipment against threats to the Global Positioning System and to deter the likelihood of attack on the worldwide Global Positioning System by reducing the benefits of such an attack.

(b) ELEMENTS.—In carrying out the program under subsection (a), the Secretary shall— Assessments.

(1) with respect to each covered signal that could be received by the prototype receiver under such program, conduct an assessment of the relative benefits and risks of using that signal, including with respect to any existing or needed monitoring infrastructure that would alert users of the Department of Defense of potentially corrupted signal information, and the cyber risks and challenges of incorporating such signals into a properly designed receiver;

(2) ensure that monitoring systems are able to include any monitoring network of the United States or allies of the United States;

(3) conduct an assessment of the benefits and risks, including with respect to the compatibility of non-United States global navigation satellite system signals with existing position, navigation, and timing equipment of the United States, and the extent to which the capability to receive such signals would impact current receiver or antenna design; and

(4) conduct an assessment of the desirability of establishing a program for the development and deployment of the receiver system described in subsection (a) in a manner that— Coordination.

(A) is a cooperative effort, coordinated with the Secretary of State, between the United States and the allies of the United States that may also have interest in funding a multi-global navigation satellite system and M-code program; and

(B) the Secretary of Defense, in coordination with the Secretary of State, ensures that the United States has access to sufficient insight into trusted signals of allied systems to assure potential reliance by the United States on such signals.

(c) BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Secretary, in coordination with the Air Force GPS User Equipment Program office, shall provide to the congressional defense committees a briefing on a plan to carry out the program under subsection (a) that includes— Deadline.
Coordination.
Plans.

(1) the estimated cost, including total cost and out-year funding requirements for a program to develop and deploy the receiver system described in subsection (a); Cost estimate.

(2) the schedule for such program; Schedule.

(3) a plan for how the results of the program could be incorporated into future blocks of the Global Positioning System military user equipment program; and

(4) the recommendations and analysis contained in the study sponsored by the Department of Defense conducted by the MITRE Corporation on the risks, benefits, and approaches to adding multi-global navigation satellite system capabilities to military user equipment. Recommendations.
Analysis.

(d) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing— Assessments.

Compliance.

(1) an explanation of how the Secretary intends to comply with section 1609 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2281 note);

(2) an outline of any potential cooperative efforts acting in accordance with the North Atlantic Treaty Organization, the European Union, or Japan that would support such compliance;

(3) an assessment of the potential to host, or incorporate through software-defined payloads, Global Positioning System M-code functionality onto allied global navigation satellite system systems; and

(4) an assessment of new or enhanced monitoring capabilities that would be needed to incorporate global navigation satellite system functionality into weapon systems of the Department.

(e) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for increment 2 of the acquisition of military Global Positioning System user equipment terminals, not more than 90 percent may be obligated or expended until the date on which the briefing has been provided under subsection (c) and the report has been submitted under subsection (d).

(f) WAIVER AUTHORITY FOR TRUSTED SIGNALS CAPABILITIES.—Section 1609(a)(2)(B) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2281 note) is amended by striking “such capability” and inserting “the capability to add multi-Global Navigation Satellite System signals to provide substantive military utility”.

(g) DEFINITIONS.—In this section:

(1) The term “allied systems” means—

(A) the Galileo system of the European Union;

(B) the QZSS system of Japan; and

(C) upon designation by the Secretary of Defense, in consultation with the Director of National Intelligence—

(i) the NAVIC system of India; and

(ii) any similarly associated wide area augmentation systems.

(2) The term “covered signals”—

(A) means global navigation satellite system signals from—

(i) allied systems; and

(ii) non-allied systems; and

(B) includes both encrypted signals and open signals.

(3) The term “encrypted signals” means global navigation satellite system signals that incorporate encryption or other internal methods to authenticate signal information.

(4) The term “M-code” means, with respect to global navigation satellite system signals, military code that provides enhanced positioning, navigation, and timing capabilities and improved resistance to existing and emerging threats, such as jamming.

(5) The term “non-allied systems” means—

(A) the Russian GLONASS system; and

(B) the Chinese Beidou system.

Consultation.

(6) The term “open signals” means global navigation satellite system that do not include encryption or other internal methods to authenticate signal information.

SEC. 1608. COMMERCIAL SPACE SITUATIONAL AWARENESS CAPABILITIES.

(a) **CERTIFICATION.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force, without delegation, shall certify to the congressional defense committees that the Air Force is using commercial space situational awareness services. Deadline.

(b) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the enterprise space battle management command and control, not more than 85 percent may be obligated or expended until the date on which the Secretary of the Air Force makes the certification under subsection (a).

(c) **REPORT.**—Not later than March 1, 2020, the Secretary of the Air Force shall submit to the congressional defense committees a report on using commercial space situational awareness services to fill the space situational awareness requirements that were not filled in the Joint Space Operations Center Mission Center. The report shall include the following:

(1) A description of current domestic commercial capabilities to detect and track space objects in low-Earth orbit below the 10 centimeter threshold of legacy systems.

(2) A description of current domestic best-in-breed commercial capabilities that can meet such requirements.

(3) Estimates of the timelines, milestones, and funding requirements to procure a near-term solution to meet such requirements until the development programs of the Air Force are projected to be operationally fielded. Estimates.

(d) **COMMERCIAL SPACE SITUATIONAL AWARENESS SERVICES DEFINED.**—In this section, the term “commercial space situational awareness services” means commercial space situational awareness processing software and data from commercial sensors to address warfighter requirements and fill gaps in current space situational capabilities of the Air Force.

SEC. 1609. PROGRAM TO ENHANCE AND IMPROVE LAUNCH SUPPORT AND INFRASTRUCTURE. 10 USC 2273 note.

(a) **IN GENERAL.**—In support of the policy described in section 2273(a) of title 10, United States Code, the Secretary of Defense, in coordination with the Administrator of the Federal Aviation Administration, may carry out a program to enhance infrastructure and improve support activities for the processing and launch of Department of Defense small-class and medium-class payloads. Coordination.

(b) **PROGRAM.**—The program under subsection (a) shall include improvements to operations at launch ranges and Federal Aviation Administration-licensed spaceports that are consistent with, and necessary to permit, the use of such launch ranges and spaceports by the Department.

(c) **CONSULTATION.**—In carrying out the program under subsection (a), the Secretary may consult with current and anticipated users of launch ranges and Federal Aviation Administration-licensed spaceports, including the Space Rapid Capabilities Office.

(d) COOPERATION.—In carrying out the program under subsection (a), the Secretary may enter into a contract or agreement under section 2276 of title 10, United States Code.

(e) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report describing a plan for the program under subsection (a).

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

- (1) the congressional defense committees;
- (2) the Committee on Commerce, Science, and Transportation and the Select Committee on Intelligence of the Senate; and
- (3) the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1610. PREPARATION TO IMPLEMENT PLAN FOR USE OF ALLIED LAUNCH VEHICLES.

Coordination.

(a) PREPARATION.—The Secretary of Defense, in coordination with the Director of National Intelligence, shall take actions necessary to prepare to implement the plan developed pursuant to section 1603 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2584) regarding using allied launch vehicles to meet the requirements for achieving the policy relating to assured access to space set forth in section 2273 of title 10, United States Code.

(b) ACTIONS REQUIRED.—In carrying out subsection (a), the Secretary shall—

Assessment.
Determination.

(1) identify the satellites of the United States that would be appropriate to be launched on an allied launch vehicle;

(2) assess the relevant provisions of Federal law, regulations, and policies governing the launch of national security satellites and determine whether any legislative, regulatory, or policy actions (including with respect to waivers) would be necessary to allow for the launch of a national security satellite on an allied launch vehicle; and

Certification.
Estimates.

(3) address any certification requirements necessary for such use of allied launch vehicles and the estimated cost, schedule, and actions necessary to certify allied launch vehicles for such use.

Reports.

(c) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on preparing to implement the plan described in subsection (a), including information regarding each action required by paragraphs (1), (2), and (3) of subsection (b).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

- (1) the congressional defense committees; and
- (2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1611. INDEPENDENT STUDY ON PLAN FOR DETERRENCE IN SPACE.**(a) INDEPENDENT STUDY.—**

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center or other independent entity to conduct a study on deterrence in space.

Deadline.
Contracts.

(2) **MATTERS INCLUDED.**—The study under paragraph (1) shall include, at a minimum, the following:

Assessment.

(A) An assessment of the existing range of major studies and writings on space deterrence and a comprehensive comparative analysis of the conclusions of such studies and writings.

(B) An examination, using appropriate analytical tools, of the approaches proposed by such studies and writings with respect to creating conditions of deterrence suitable for use in the space domain, including, at a minimum, an assessment of all aspects of deterrence in space, including varying classification, strategies to deny benefit or impose cost, and space mission assurance (including resilience, active defense, and reconstitution).

Examination.

(C) A determination, made either by extending such studies and writings or through new analysis, of a holistic and comprehensive theory of deterrence in space appropriate for use in defense planning.

Determination.

(D) An evaluation of existing policies, programs, and plans of the Department of Defense to provide an assessment of the likely effectiveness of those policies, programs, and plans to achieve effective space deterrence.

Evaluation.

(b) **ASSESSMENT BY DEFENSE POLICY BOARD.**—Not later than 180 days after the date of the enactment of this Act, the Defense Policy Board shall submit to the Secretary of Defense an assessment of the study under subsection (a)(1), including, at a minimum—

Deadline.

(1) a determination of the soundness of the study;

Determination.

(2) a description of any disagreements the Board has with the conclusions of such study, including recommended changes or clarifications to such conclusions the Board determines appropriate; and

(3) changes to the policies, programs, and plans of the Department of Defense that the Board recommends based on such study and the changes and clarifications described in paragraph (2).

(c) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report that contains the following:

(1) The study under subsection (a)(1), without change.

(2) The assessment under subsection (b), without change.

(3) Based on such study and assessment, a description of any changes to the policies, programs, and plans of the Department of Defense that the Secretary recommends to enhance deterrence in space, including with respect to—

Recommendations.

(A) considerations and decision on reducing the opportunities and incentives for adversaries to attack space systems of the United States or allies of the United States;

(B) new architectures, including proliferated systems, hosted payloads, nontraditional orbits, and reconstitution among others;

(C) appropriate uses of partnering with both commercial entities and allies to improve deterrence in space;

(D) necessary capabilities to enhance the protection of space systems to achieve improved deterrence;

(E) bilateral, multilateral, and unilateral measures, including confidence-building measures, that could be taken to reduce the risk of miscalculation that would lead to an attack in space;

(F) policies and capability requirements with regard to attribution of an attack in space;

(G) policies with regard to retaliatory measures either in space or on the ground;

(H) authorities with regard to decisions and actions to defend assets of the United States in space; and

(I) changes to current war plans, routine operations (including information sharing), and demonstration and test procedures that could enhance the capability of the United States to signal the intentions and capabilities of the United States in an effective manner.

Deadline.

(d) BRIEFING.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall provide to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a briefing on the study under subsection (a)(1) and the assessment under subsection (b).

SEC. 1612. STUDY ON LEVERAGING DIVERSE COMMERCIAL SATELLITE REMOTE SENSING CAPABILITIES.

Consultation.

(a) STUDY.—The Secretary of Defense, in consultation with the Director of National Intelligence, shall conduct a study on the status of the transition from the National Geospatial-Intelligence Agency to the National Reconnaissance Office of the leadership role in acquiring commercial satellite remote sensing data on behalf of the Department of Defense and the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(b) ELEMENTS.—In conducting the study under subsection (a), the Secretary shall study—

(1) commercial geospatial intelligence requirements for the National Geospatial-Intelligence Agency and the combatant commands;

(2) plans of the National Reconnaissance Office to meet the requirements specified in paragraph (1) through the acquisition of all levels of resolution data from multiple commercial providers; and

(3) plans of the National Reconnaissance Office to further develop such programs with commercial companies to continue to support, while also expanding, adoption by the geospatial intelligence user community of the Department of Defense.

Reports.

(c) SUBMISSION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees, the Permanent Select Committee on

Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report on the study conducted under subsection (a).

SEC. 1613. ANNUAL REPORT ON SPACE COMMAND AND CONTROL PROGRAM.

(a) **REPORTS REQUIRED.**—

(1) **INITIAL REPORT.**—Not later than May 1, 2020, the Secretary of the Air Force shall submit to the Under Secretary of Defense for Acquisition and Sustainment, the congressional defense committees, and the Comptroller General of the United States, a report on the Space Command and Control program for fiscal year 2021.

(2) **SUBSEQUENT REPORTS.**—For each of fiscal years 2022 through 2025, concurrent with the submittal to Congress of the budget of the Department of Defense with the budget of the President for the subsequent fiscal year under section 1105(a) of title 31, United States Code, the Secretary of the Air Force shall submit to the Under Secretary of Defense for Acquisition and Sustainment, the congressional defense committees, and the Comptroller General of the United States, an annual report on the Space Command and Control program.

(b) **MATTERS TO BE INCLUDED.**—Each report required by subsection (a) shall include the following:

(1) A description of any modification to the metrics established by the Secretary in the acquisition strategy for the program.

(2) The short-term objectives for the subsequent fiscal year.

(3) For the preceding fiscal year—

(A) a description of—

(i) the ongoing, achieved, and deferred objectives;

(ii) the challenges encountered and the lessons learned;

(iii) the modifications made or planned so as to incorporate such lessons learned into subsequent efforts to address challenges; and

(iv) the cost, schedule, and performance effects of such modifications; and

(B) a full survey of combatant command requirements, including Commanders' Integrated Priorities Lists, and impacts with respect to the program.

Survey.

(4) A description of potential future combatant command requirements being considered with respect to the program.

(c) **REVIEW OF REPORTS AND BRIEFING BY COMPTROLLER GENERAL.**—With respect to each report submitted under this section, the Comptroller General shall review and provide to the congressional defense committees a briefing on a date mutually agreed on by the Comptroller General and the congressional defense committees.

SEC. 1614. REPORT ON SPACE DEBRIS.

(a) **IN GENERAL.**—Not later than 240 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the risks posed by man-made space debris in low-Earth orbit, including—

(1) recommendations with respect to the remediation of such risks; and

Recommendations.

(2) outlines of plans to reduce the incidence of such space debris.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Science, Space, and Technology of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

SEC. 1621. REDESIGNATION OF UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE AS UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE AND SECURITY.

10 USC 137 note.

(a) REDESIGNATION OF UNDER SECRETARY.—

(1) IN GENERAL.—The Under Secretary of Defense for Intelligence is hereby redesignated as the Under Secretary of Defense for Intelligence and Security.

(2) SERVICE OF INCUMBENT IN POSITION.—The individual serving as Under Secretary of Defense for Intelligence as of the date of the enactment of this Act may serve as Under Secretary of Defense for Intelligence and Security commencing as of that date without further appointment under section 137 of title 10, United States Code (as amended by subsection (c)(1)(A)(ii)).

(3) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the Under Secretary of Defense for Intelligence shall be deemed to be a reference to the Under Secretary of Defense for Intelligence and Security.

10 USC 137 note.

(b) REDESIGNATION OF RELATED DEPUTY UNDER SECRETARY.—

(1) IN GENERAL.—The Deputy Under Secretary of Defense for Intelligence is hereby redesignated as the Deputy Under Secretary of Defense for Intelligence and Security.

(2) SERVICE OF INCUMBENT IN POSITION.—The individual serving as Deputy Under Secretary of Defense for Intelligence as of the date of the enactment of this Act may serve as Deputy Under Secretary of Defense for Intelligence and Security commencing as of that date without further appointment under section 137a of title 10, United States Code (as amended by subsection (c)(1)(B)).

(3) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the Deputy Under Secretary of Defense for Intelligence shall be deemed to be a reference to the Deputy Under Secretary of Defense for Intelligence and Security.

10 USC 137 note.

(c) RULE OF CONSTRUCTION REGARDING EFFECTS OF REDESIGNATION.—Nothing in this section shall be construed to modify or expand the authorities, resources, responsibilities, roles, or missions of the Under Secretary of Defense for Intelligence and Security, as redesignated by this section.

(d) PROTECTION OF PRIVACY AND CIVIL LIBERTIES.—Section 137 of title 10, United States Code, is amended—

- (1) by redesignating subsection (c) as subsection (d); and
- (2) by inserting after subsection (b) the following new subsection (c):

“(c) The protection of privacy and civil liberties in accordance with Federal law and the regulations and directives of the Department of Defense shall be a top priority for the Under Secretary of Defense for Intelligence and Security.”.

(e) CONFORMING AMENDMENTS.—

(1) TITLE 10.—Title 10, United States Code, is amended as follows:

(A) In each provision as follows, by striking “Under Secretary of Defense for Intelligence” and inserting “Under Secretary of Defense for Intelligence and Security”:

- (i) Section 131(b)(3)(F).
- (ii) Section 137, each place it appears.
- (iii) Section 139a(d)(6).
- (iv) Section 139b(c)(2)(E).
- (v) Section 181(d)(1)(B).
- (vi) Section 393(b)(2)(C).
- (vii) Section 426, each place it appears.
- (viii) Section 430(a).

(B) In section 137a(c)(6), by striking “Deputy Under Secretary of Defense for Intelligence” and inserting “Deputy Under Secretary of Defense for Intelligence and Security”.

(C) The heading of section 137 is amended to read as follows:

“§ 137. Under Secretary of Defense for Intelligence and Security”.

(D) The table of sections at the beginning of chapter 4 is amended by striking the item relating to section 137 and inserting the following new item:

10 USC
prec. 131.

“137. Under Secretary of Defense for Intelligence and Security.”.

(2) TITLE 5.—Title 5, United States Code, is amended as follows:

(A) In section 5314, by striking “Under Secretary of Defense for Intelligence” and inserting “Under Secretary of Defense for Intelligence and Security”.

(B) In section 5315, by striking “Deputy Under Secretary of Defense for Intelligence” and inserting “Deputy Under Secretary of Defense for Intelligence and Security”.

SEC. 1622. MODIFICATIONS TO ISR INTEGRATION COUNCIL AND ANNUAL BRIEFING REQUIREMENTS.

(a) ISR INTEGRATION COUNCIL.—Subsection (a) of section 426 of title 10, United States Code, is amended to read as follows:

“(a) ISR INTEGRATION COUNCIL.—(1) The Under Secretary of Defense for Intelligence and Security shall establish an Intelligence, Surveillance, and Reconnaissance Integration Council—

“(A) to assist the Secretary of Defense in carrying out the responsibilities of the Secretary under section 105(a) of the National Security Act of 1947 (50 U.S.C. 3038(a));

“(B) to assist the Under Secretary with respect to matters relating to—

“(i) integration of intelligence and counterintelligence capabilities and activities under section 137(b) of this title

of the military departments, intelligence agencies of the Department of Defense, and relevant combatant commands; and

“(ii) coordination of related developmental activities of such departments, agencies, and combatant commands; and

“(C) to otherwise provide a means to facilitate such integration and coordination.

“(2) The Council shall be composed of—

“(A) the Under Secretary, who shall chair the Council;

“(B) the directors of the intelligence agencies of the Department of Defense;

“(C) the senior intelligence officers of the armed forces and the regional and functional combatant commands;

“(D) the Director for Intelligence of the Joint Chiefs of Staff; and

“(E) the Director for Operations of the Joint Chiefs of Staff.

“(3) The Under Secretary shall invite the participation of the Director of National Intelligence (or a representative of the Director) in the proceedings of the Council.

“(4) The Under Secretary may designate additional participants to attend the proceedings of the Council, as the Under Secretary determines appropriate.”.

(b) ANNUAL BRIEFINGS.—Such section is further amended by striking subsections (b) and (c) and inserting the following new subsection (b):

“(b) ANNUAL BRIEFINGS ON THE INTELLIGENCE AND COUNTER-INTELLIGENCE REQUIREMENTS OF THE COMBATANT COMMANDS.—

(1) The Chairman of the Joint Chiefs of Staff shall provide to the congressional defense committees and the congressional intelligence committees a briefing on the following:

“(A) The intelligence and counterintelligence requirements, by specific intelligence capability type, of each of the relevant combatant commands.

“(B) For the year preceding the year in which the briefing is provided, the fulfillment rate for each of the relevant combatant commands of the validated intelligence and counterintelligence requirements, by specific intelligence capability type, of such combatant command.

“(C) A risk analysis identifying the critical gaps and shortfalls in efforts to address operational and strategic requirements of the Department of Defense that would result from the failure to fulfill the validated intelligence and counterintelligence requirements of the relevant combatant commands.

“(D) A mitigation plan to balance and offset the gaps and shortfalls identified under subparagraph (C), including with respect to spaceborne, airborne, ground, maritime, and cyber intelligence, surveillance, and reconnaissance capabilities.

“(E) For the year preceding the year in which the briefing is provided—

“(i) the number of intelligence and counterintelligence requests of each commander of a relevant combatant command determined by the Joint Chiefs of Staff to be a validated requirement, and the total of capacity of such requests provided to each such commander;

“(ii) with respect to such validated requirements—

“(I) the quantity of intelligence and counterintelligence capabilities or activities, by specific intelligence capability type, that the Joint Chiefs of Staff requested each military department to provide; and

“(II) the total of capacity of such requests so provided by each such military department; and

“(iii) a qualitative assessment of the alignment of intelligence and counterintelligence capabilities and activities with the program of analysis for each combat support agency and intelligence center of a military service that is part of—

“(I) the Defense Intelligence Enterprise; and

“(II) the intelligence community.

“(2) The Under Secretary of Defense for Intelligence and Security shall provide to the congressional defense committees and the congressional intelligence committees a briefing on short-, mid-, and long-term strategies to address the validated intelligence and counterintelligence requirements of the relevant combatant commands, including with respect to spaceborne, airborne, ground, maritime, and cyber intelligence, surveillance, and reconnaissance capabilities.

“(3) The briefings required by paragraphs (1) and (2) shall be provided at the same time that the President’s budget is submitted pursuant to section 1105(a) of title 31 for each of fiscal years 2021 through 2025.

“(4) In this subsection:

Definitions.

“(A) The term ‘congressional intelligence committees’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

“(B) The term ‘Defense Intelligence Enterprise’ means the organizations, infrastructure, and measures, including policies, processes, procedures, and products, of the intelligence, counterintelligence, and security components of each of the following:

“(i) The Department of Defense.

“(ii) The Joint Staff.

“(iii) The combatant commands.

“(iv) The military departments.

“(v) Other elements of the Department of Defense that perform national intelligence, defense intelligence, intelligence-related, counterintelligence, or security functions.

“(C) The term ‘fulfillment rate’ means the percentage of combatant command intelligence and counterintelligence requirements satisfied by available, acquired, or realigned intelligence and counterintelligence capabilities or activities.

“(D) The term ‘intelligence community’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).”.

SEC. 1623. MODIFICATION OF ANNUAL AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL FLAGSHIP LANGUAGE INITIATIVE.

Section 811(a) of the Fair Chance Act (50 U.S.C. 1911(a)) is amended—

(1) by striking “fiscal year 2003” and inserting “fiscal year 2020”; and

(2) by striking “\$10,000,000” and inserting “\$16,000,000”.

SEC. 1624. IMPROVING THE ONBOARDING METHODOLOGY FOR INTELLIGENCE PERSONNEL.

Reports.

(a) **IN GENERAL.**—The Secretary of Defense and the Director of National Intelligence shall, consistent with Department of Defense Instruction 1400.25, as in effect on the day before the date of the enactment of this Act—

(1) not later than 180 days after the date of the enactment of this Act, submit to the appropriate committees of Congress a report that outlines a common methodology for measuring onboarding in elements of the intelligence community, including human resources and security processes;

Deadline.
Assessment.
Time period.

(2) not later than one year after the date of the enactment of this Act, issue metrics for assessing key phases in the onboarding described in paragraph (1) for which results will be reported by the date that is 90 days after the date of such issuance;

(3) not later than 180 days after the date of the enactment of this Act, submit to the appropriate committees of Congress a report on collaboration among elements of the intelligence community on their onboarding processes;

(4) not later than 180 days after the date of the enactment of this Act, submit to the appropriate committees of Congress a report on employment of automated mechanisms in elements of the intelligence community, including for tracking personnel as they pass through each phase of the onboarding process; and

Survey.

(5) not later than December 31, 2020, distribute surveys to human resources offices and applicants about their experiences with the onboarding process in elements of the intelligence community.

(b) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Select Committee on Intelligence and the Committee on Armed Services of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives.

(2) The term “intelligence community” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

10 USC 1564
note.**SEC. 1625. DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY ACTIVITIES ON FACILITATING ACCESS TO LOCAL CRIMINAL RECORDS HISTORICAL DATA.**

(a) **ACTIVITY AUTHORIZED.**—Subject to subsection (c), the Director of the Defense Counterintelligence and Security Agency may carry out a set of activities to reduce the time and cost of accessing State, local, and tribal law enforcement records for the background investigations required for current and prospective Federal Government employees and contractors.

(b) **ACTIVITIES CHARACTERIZED.**—The activities carried out under subsection (a) shall include only that training, education, and direct assistance to State, local, and tribal communities needed for the purpose of streamlining access to historical criminal record data.

(c) **LIMITATIONS.**—

(1) COMMENCEMENT OF ACTIVITIES.—The Director may not commence carrying out any activities under subsection (a) until the date that is 90 days after the date on which the Director submits the report required by subsection (d)(1). Time period.

(2) LEGAL AND REPORTING OBLIGATIONS.—The Director shall ensure that no activity carried out under subsection (a) obligates a State, local, or tribal entity to any additional legal or reporting obligation to the Defense Counterintelligence and Security Agency.

(3) SCOPE.—No activity may be carried out under subsection (a) that applies to any matter outside the limited purpose of conducting background investigations for current and prospective Federal Government employees and contractors.

(4) CONSISTENCY WITH ACCESS PROVIDED.—The Director shall ensure that the activities carried out under subsection (a) are carried out in a manner that is consistent with the access provided by Federal law enforcement entities to the Defense Counterintelligence and Security Agency.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report that details a concept of operation for the set of activities authorized by subsection (a).

(2) ANNUAL REPORTS.—Not later than one year after the date on which the Director submits a report pursuant to paragraph (1) and not less frequently than once each year thereafter, the Director shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a detailed report on the activities carried out by the Director under subsection (a). Time period.

SEC. 1626. SURVEY AND REPORT ON ALIGNMENT OF INTELLIGENCE COLLECTIONS CAPABILITIES AND ACTIVITIES WITH DEPARTMENT OF DEFENSE REQUIREMENTS.

(a) SURVEY AND REVIEW.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense for Intelligence and Security, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of National Intelligence, shall— Coordination.

(A) review the organization, posture, current and planned investments, and processes of the intelligence collections capabilities and activities, for the purpose of assessing the sufficiency, integration, and interoperability of such capabilities and activities to support the current and future requirements of the Department of Defense; and

(B) conduct a survey of each geographic and functional combatant command, with respect to intelligence collections capabilities and activities, to assess— Assessment.

(i) the current state of the support of such capabilities and activities to military operations;

(ii) whether the posture of such capabilities and activities is sufficient to address the requirements of the Department of Defense;

(iii) the extent to which such capabilities and activities address gaps and deficiencies with respect to the operational requirements of the Global Campaign Plans, as identified in the most recent readiness reviews conducted by the Joint Staff; and

(iv) whether current and planned investments in such capabilities and activities are sufficient to address near-, mid-, and long-term spaceborne, airborne, terrestrial, and human collection capability requirements.

(2) ELEMENTS.—The survey and review under paragraph (1) shall include the following:

Assessment.

(A) A comprehensive assessment of intelligence collections capabilities and activities, and whether such capabilities and activities—

(i) are appropriately postured and sufficiently resourced to meet current and future requirements of the Department of Defense;

(ii) are appropriately balanced to address operational and strategic defense intelligence requirements; and

(iii) are sufficiently integrated and interoperable between activities of the Military Intelligence Program and the National Intelligence Program to respond to emerging requirements of the Department of Defense.

(B) With respect to each geographic and functional combatant command—

(i) information on the gaps and deficiencies, by specific intelligence capability type, described in paragraph (1)(B)(iii);

Time period.

(ii) a review of the alignment of such gaps and deficiencies with the intelligence, surveillance, and reconnaissance submissions to the integrated priorities list for the period beginning with the completion of the most recent readiness reviews conducted by the Joint Staff and ending on the date of the commencement of the survey and review under subsection (a); and

(iii) detailed information on the allocation and realignment of intelligence collections capabilities and activities to address—

(I) such gaps and deficiencies; and

(II) such intelligence, surveillance, and reconnaissance submissions.

(b) REPORT.—

(1) SUBMISSION.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Intelligence and Security shall submit to the appropriate congressional committees a report on the findings of the Under Secretary with respect to the survey and review under subsection (a)(1).

(2) CONTENT.—The report under paragraph (1) shall include—

Evaluation.

(A) an evaluation of—

(i) the organization, posture, current and planned investments, and processes of the intelligence collections capabilities and activities, including the extent to which such capabilities and activities enable the geographic and functional combatant commands to meet the operational and strategic requirements of the Department of Defense;

(ii) the use or planned use by each geographic and functional combatant command of intelligence collections capabilities and activities available to such command to address operational and strategic requirements of the Department of Defense;

(iii) the gaps and deficiencies described in subsection (a)(1)(B)(iii), if any, that prohibit each geographic and functional combatant command from the most effective use of the intelligence collections capabilities and activities to address priority requirements of the Department of Defense;

(iv) the accepted risk by the Secretary of Defense from the prioritization of certain Department of Defense requirements with respect to the allocation of intelligence collections capabilities and activities; and

(v) the alignment and responsiveness of intelligence collections capabilities and activities with respect to the planning requirements for the Program of Analysis of each combat support agency that is part of—

(I) the Defense Intelligence Enterprise; and

(II) the intelligence community; and

(B) recommendations, if any, to improve the sufficiency, responsiveness, and interoperability of intelligence collections capabilities and activities to fulfill the operational and strategic requirements of the Department of Defense.

Recommendations.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form without any designation relating to dissemination control, but may contain a classified annex.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the congressional intelligence committees.

(2) The term “combat support agency” has the meaning given that term in section 193(f) of title 10, United States Code.

(3) The term “Defense Intelligence Enterprise” has the meaning given that term in section 1633(c)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2600).

(4) The term “intelligence collections capabilities and activities” means the totality of intelligence collections systems and processes which enable the tasking, processing, exploitation, and dissemination capabilities, capacity, and activities of the Defense Intelligence Enterprise.

(5) The term “intelligence community” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(6) The term “congressional intelligence committees” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

10 USC 1564
note.

SEC. 1627. REPORTS ON CONSOLIDATED ADJUDICATION FACILITY OF THE DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY.

Time period.

(a) **REPORTS.**—On a semiannual basis during the period beginning on the date of the enactment of this Act and ending on the date specified in subsection (b), and annually thereafter, the Director of the Defense Counterintelligence and Security Agency shall submit to the congressional defense committees a report on the processes in place for adjudicating security clearances and the progress made to address the backlog of security clearance applications, including—

(1) metrics used by the Director to evaluate the inventory and timeliness of adjudicating security clearance cases; and

(2) details on the resources used by the Director in carrying out the security clearance mission of the Consolidated Adjudication Facility.

(b) **DETERMINATION AND BRIEFING.**—Upon the date on which the Director of the Defense Counterintelligence and Security Agency determines both that the backlog of security clearance adjudications has been substantially eliminated and that the timeline to conduct background investigations reflects the type of investigation being conducted and the level of clearance required, the Director shall—

Notification.

(1) notify the congressional defense committees of such determination; and

(2) provide to such committees a briefing on the progress made by the Director with respect to security clearance adjudications.

SEC. 1628. REPORT ON THE EXPANDED PURVIEW OF THE DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY.

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the Defense Counterintelligence and Security Agency.

Assessments.

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

(1) Identification of the resources and authorities appropriate for the inspector general for the expanded purview of the Defense Counterintelligence and Security Agency.

(2) Identification of the resources and authorities needed to perform the civil liberties and privacy officer function of the Defense Counterintelligence and Security Agency.

(3) An assessment of the security protocols in effect for personally identifiable information held by the Defense Counterintelligence and Security Agency.

(4) An assessment of the governance structure of the Defense Counterintelligence and Security Agency as it relates to the Department of Defense, including with respect to status, authorities, and leadership.

(5) An assessment of the governance structure of the Defense Counterintelligence and Security Agency as it relates to interagency partners, including the Office of Management and Budget, the Office of the Director of National Intelligence, and the Office of Personnel Management.

(6) The methodology the Defense Counterintelligence and Security Agency will prioritize requests for background investigation requests from government agencies and industry.

SEC. 1629. TERMINATION OF REQUIREMENT FOR DEPARTMENT OF DEFENSE FACILITY ACCESS CLEARANCES FOR JOINT VENTURES COMPOSED OF PREVIOUSLY-CLEARED ENTITIES.

10 USC 1564
note.

A clearance for access to a Department of Defense installation or facility may not be required for a joint venture if that joint venture is composed entirely of entities that are currently cleared for access to such installation or facility.

Subtitle C—Cyberspace-Related Matters

SEC. 1631. MATTERS RELATING TO MILITARY OPERATIONS IN THE INFORMATION ENVIRONMENT.

(a) PRINCIPAL INFORMATION OPERATIONS ADVISOR.—

(1) IN GENERAL.—Chapter 19 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 397. Principal Information Operations Advisor

10 USC 397.

“(a) DESIGNATION.—Not later than 30 days after the enactment of this Act, the Secretary of Defense shall designate, from among officials appointed to a position in the Department of Defense by and with the advice and consent of the Senate, a Principal Information Operations Advisor to act as the principal advisor to the Secretary on all aspects of information operations conducted by the Department.

Deadline.

“(b) RESPONSIBILITIES.—The Principal Information Operations Advisor shall have the following responsibilities:

“(1) Oversight of policy, strategy, planning, resource management, operational considerations, personnel, and technology development across all the elements of information operations of the Department.

“(2) Overall integration and supervision of the deterrence of, conduct of, and defense against information operations.

“(3) Promulgation of policies to ensure adequate coordination and deconfliction with the Department of State, the intelligence community (as such term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), and other relevant agencies and departments of the Federal Government.

“(4) Coordination with the head of the Global Engagement Center to support the purpose of the Center (as set forth by section 1287(a)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2656 note)) and liaison with the Center and other relevant Federal Government entities to support such purpose.

Coordination.

“(5) Establishing and supervising a rigorous risk management process to mitigate the risk of potential exposure of United States Persons to information intended exclusively for foreign audiences.

“(6) Promulgation of standards for the attribution or public acknowledgment, if any, of operations in the information environment.

Standards.

Guidance.

“(7) Development of guidance for, and promotion of, the capability of the Department to liaison with the private sector and academia on matters relating to the influence activities of malign actors.

“(8) Such other matters relating to information operations as the Secretary shall specify for purposes of this subsection.”.

(2) CLERICAL AMENDMENTS.—

(A) CHAPTER 19.—

10 USC
prec. 391.

(i) CHAPTER HEADING.—The heading of chapter 19 of such title is amended to read as follows:

“CHAPTER 19—CYBER AND INFORMATION OPERATIONS MATTERS”.

(ii) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 19 of such title is amended by inserting at the end the following new item:

“397. Principal Information Operations Advisor.”.

10 USC
prec. 101.

(B) TABLE OF CHAPTERS.—The table of chapters for part I of subtitle A of such title is amended by striking the item relating to chapter 19 and inserting the following new item:

“19. Cyber and Information Operations Matters 391”.

10 USC 397 note.

(b) AFFIRMING THE AUTHORITY OF THE SECRETARY OF DEFENSE TO CONDUCT MILITARY OPERATIONS IN THE INFORMATION ENVIRONMENT.—(1) Congress affirms that the Secretary of Defense is authorized to conduct military operations, including clandestine operations, in the information environment to defend the United States, allies of the United States, and interests of the United States, including in response to malicious influence activities carried out against the United States or a United States person by a foreign power.

(2) The military operations referred to in paragraph (1), when appropriately authorized include the conduct of military operations short of hostilities and in areas outside of areas of active hostilities for the purpose of preparation of the environment, influence, force protection, and deterrence of hostilities.

10 USC 397 note.

(c) TREATMENT OF CLANDESTINE MILITARY OPERATIONS IN THE INFORMATION ENVIRONMENT AS TRADITIONAL MILITARY ACTIVITIES.—A clandestine military operation in the information environment shall be considered a traditional military activity for the purposes of section 503(e)(2) of the National Security Act of 1947 (50 U.S.C. 3093(e)(2)).

10 USC 397 note.

(d) QUARTERLY INFORMATION OPERATIONS BRIEFINGS.—(1) Not less frequently than once each quarter, the Secretary of Defense shall provide the congressional defense committees a briefing on significant military operations, including all clandestine operations in the information environment, carried out by the Department of Defense during the immediately preceding quarter.

(2) Each briefing under paragraph (1) shall include, with respect to the military operations in the information environment described in such paragraph, the following:

Updates.

(A) An update, disaggregated by geographic and functional command, that describes the operations carried out by the commands.

(B) An overview of authorities and legal issues applicable to the operations, including any relevant legal limitations.

(C) An outline of any interagency activities and initiatives relating to the operations.

(D) Such other matters as the Secretary considers appropriate.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to limit, expand, or otherwise alter the authority of the Secretary to conduct military operations, including clandestine operations, in the information environment, to authorize specific military operations, or to limit, expand, or otherwise alter or otherwise affect the War Powers Resolution (50 U.S.C. 1541 et seq.) or an authorization for use of military force that was in effect on the day before the date of the enactment of this Act. 10 USC 397 note.

(f) **CROSS-FUNCTIONAL TEAM.**—

(1) **ESTABLISHMENT.**—The Principal Information Operations Advisor shall integrate the expertise in all elements of information operations and perspectives of appropriate organizations within the Office of the Secretary of Defense, Joint Staff, military departments, Defense Agencies, and combatant commands by establishing and maintaining a full-time cross-functional team composed of subject-matter experts selected from those organizations. 10 USC 397 note.

(2) **SELECTION AND ORGANIZATION.**—The cross-functional team established under paragraph (1) shall be selected, organized, and managed in a manner consistent with section 911 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note).

(g) **STRATEGY AND POSTURE REVIEW.**—

(1) **STRATEGY AND POSTURE REVIEW REQUIRED.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Principal Information Operations Advisor under section 397 of title 10, United States Code (as added by subsection (a)) and the cross-functional team established under subsection (f)(1), shall— 10 USC 397 note. Deadline.

(A) develop or update, as appropriate, a strategy for operations in the information environment, including how such operations will be synchronized across the Department of Defense and the global, regional, and functional interests of the combatant commands; Updates.

(B) conduct an information operations posture review, including an analysis of capability gaps that inhibit the Department’s ability to successfully execute the strategy developed or updated pursuant to subparagraph (A); Analysis.

(C) designate Information Operations Force Providers and Information Operations Joint Force Trainers for the Department of Defense; Designation.

(D) develop and persistently manage a joint lexicon for terms related to information operations, including “information operations”, “information environment”, “operations in the information environment”, and “information related capabilities”; and

(E) determine the collective set of combat capabilities that will be treated as part of operations in the information environment, including cyber warfare, space warfare, military information support operations, electronic warfare, public affairs, and civil affairs. Determination.

(2) COORDINATION ON CERTAIN CYBER MATTERS.—For any matters in the strategy and posture review under paragraph (1) that involve or relate to Department of Defense cyber capabilities, the Principal Information Operations Advisor shall fully collaborate with the Principal Cyber Advisor to the Secretary of Defense.

(3) ELEMENTS.—At a minimum, the strategy developed or updated pursuant to paragraph (1)(A) shall include the following:

(A) The establishment of lines of effort, objectives, and tasks that are necessary to implement such strategy and eliminate the capability gaps identified under paragraph (1)(B).

Coordination.
Evaluation.

(B) In partnership with the Principal Cyber Advisor to the Secretary of Defense and in coordination with any other component or Department of Defense entity as selected by the Secretary of Defense, an evaluation of any organizational changes that may be required within the Office of the Secretary of Defense, including potential changes to Under Secretary or Assistant Secretary-level positions to comprehensively conduct oversight of policy development, capabilities, and other aspects of operations in the information environment as determined pursuant to the information operations posture review under paragraph (1)(B).

Assessment.

(C) An assessment of various models for operationalizing information operations, including the feasibility and advisability of establishing an Army Information Warfare Command.

Review.

(D) A review of the role of information operations in combatant commander operational planning, the ability of combatant commanders to respond to hostile acts by adversaries, and the ability of combatant commanders to engage and build capacity with allies.

Review.

(E) A review of the law, policies, and authorities relating to, and necessary for, the United States to conduct military operations, including clandestine military operations, in the information environment.

(4) SUBMISSION TO CONGRESS.—Upon completion, the Secretary of Defense shall present the strategy for operations in the information environment and the information operations posture review under subparagraphs (A) and (B), respectively, of paragraph (1) to the Committees on Armed Services of the House of Representatives and the Senate.

10 USC 397 note.
Plan.

(h) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report for the structuring and manning of information operations capabilities and forces across the Department of Defense. The Secretary shall provide such Committees with quarterly updates on such plan.

(2) ELEMENTS.—The plan required under paragraph (1) shall address the following:

(A) How the Department of Defense will organize to develop a combined information operations strategy and posture review under subsection (g).

(B) How the Department will fulfill the roles and responsibilities of the Principal Information Operations Advisor under section 397 of title 10, United States Code (as added by subsection (a)).

(C) How the Department will establish the information operations cross-functional team under subsection (f)(1).

(D) How the Department will utilize boards and working groups involving senior-level Department representatives on information operations.

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

(i) **DEFINITIONS.**—In this section:

10 USC 397 note.

(1) The terms “foreign person” and “United States person” have the meanings given such terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(2) The term “hostilities” has the same meaning as such term is used in the War Powers Resolution (50 U.S.C. 1541 et seq.).

(3) The term “clandestine military operation in the information environment” means an operation or activity, or associated preparatory actions, authorized by the President or the Secretary of Defense, that—

(A) is marked by, held in, or conducted with secrecy, where the intent is that the operation or activity will not be apparent or acknowledged publicly; and

(B) is to be carried out—

(i) as part of a military operation plan approved by the President or the Secretary of Defense;

(ii) to deter, safeguard, or defend against attacks or malicious influence activities against the United States, allies of the United States, and interests of the United States;

(iii) in support of hostilities or military operations involving the United States armed forces; or

(iv) in support of military operations short of hostilities and in areas where hostilities are not occurring for the purpose of preparation of the environment, influence, force protection, and deterrence.

SEC. 1632. NOTIFICATION REQUIREMENTS FOR SENSITIVE MILITARY CYBER OPERATIONS.

Section 395 of title 10, United States Code, is amended—

(1) in subsection (b)(3), by inserting “, signed by the Secretary, or the Secretary’s designee,” after “written notification”; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “and” after the semicolon at the end;

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

(iii) by inserting after subparagraph (A) the following new subparagraph:

“(B) is determined to—

“(i) have a medium or high collateral effects estimate;

“(ii) have a medium or high intelligence gain or loss;

“(iii) have a medium or high probability of political retaliation, as determined by the political military assessment contained within the associated concept of operations;

“(iv) have a medium or high probability of detection when detection is not intended; or

“(v) result in medium or high collateral effects; and”;

(B) in paragraph (2)(B), by striking “outside the Department of Defense Information Networks to defeat an ongoing or imminent threat”.

SEC. 1633. EVALUATION OF CYBER VULNERABILITIES OF MAJOR WEAPON SYSTEMS OF THE DEPARTMENT OF DEFENSE.

10 USC 2224
note.

Determination.

Section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended by adding at the end the following new subsections:

“(f) WRITTEN NOTIFICATION.—If the Secretary determines that the Department will not complete an evaluation of the cyber vulnerabilities of each major weapon system of the Department by the date specified in subsection (a)(1), the Secretary shall provide to the congressional defense committees written notification relating to each such incomplete evaluation. Such a written notification shall include the following:

“(1) An identification of each major weapon system for which an evaluation will not be complete by the date specified in subsection (a)(1), the anticipated date of completion of the evaluation of each such weapon system, and a description of the remaining work to be done for the evaluation of each such weapon system.

“(2) A justification for the inability to complete such an evaluation by the date specified in subsection (a)(1).

“(g) REPORT.—The Secretary, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall provide a report to the congressional defense committees upon completion of the requirement for an evaluation of the cyber vulnerabilities of each major weapon system of the Department under this section. Such report shall include the following:

“(1) An identification of cyber vulnerabilities of each major weapon system requiring mitigation.

“(2) An identification of current and planned efforts to address the cyber vulnerabilities of each major weapon system requiring mitigation, including efforts across the doctrine, organization, training, materiel, leadership and education, personnel, and facilities of the Department.

“(3) A description of joint and common cyber vulnerability mitigation solutions and efforts, including solutions and efforts across the doctrine, organization, training, materiel, leadership and education, personnel, and facilities of the Department.

“(4) A description of lessons learned and best practices regarding evaluations of the cyber vulnerabilities and cyber vulnerability mitigation efforts relating to major weapon systems, including an identification of useful tools and technologies

for discovering and mitigating vulnerabilities, such as those specified in section 1657 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), and steps taken to institutionalize the use of these tools and technologies.

“(5) A description of efforts to share lessons learned and best practices regarding evaluations of the cyber vulnerabilities and cyber vulnerability mitigation efforts of major weapon systems across the Department.

“(6) An identification of measures taken to institutionalize evaluations of cyber vulnerabilities of major weapon systems, including an identification of which major weapon systems evaluated under this section will be reevaluated in the future, when these evaluations will occur, and how evaluations will occur for future major weapon systems.

“(7) Information relating to guidance, processes, procedures, or other activities established to mitigate or address the likelihood of cyber vulnerabilities of major weapon systems by incorporation of lessons learned in the research, development, test, evaluation, and acquisition cycle, including promotion of cyber education of the acquisition workforce.

“(8) An identification of systems to be incorporated into or that have been incorporated into the National Security Agency’s Strategic Cybersecurity Program and the status of these systems in the Program.

“(9) Any other matters the Secretary determines relevant.”.

SEC. 1634. QUARTERLY ASSESSMENTS OF THE READINESS OF CYBER MISSION FORCES.

(a) **IN GENERAL.**—Section 484(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and
(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) An overview of the readiness of the Cyber Mission Forces to perform assigned missions that—

“(A) address all of the abilities of such Forces to conduct cyberspace operations based on capability and capacity of personnel, equipment, training, and equipment condition—

“(i) using both quantitative and qualitative metrics; and

“(ii) in a way that is common to all military departments; and

“(B) is consistent with readiness reporting pursuant to section 482 of this title.”.

(b) **METRICS.**—

(1) **ESTABLISHMENT REQUIRED.**—The Secretary of Defense shall establish metrics for the assessment of the readiness of the Cyber Mission Forces of the Department of Defense.

(2) **BRIEFINGS REQUIRED.**—Not later than 90 days after the date of the enactment of this Act and quarterly thereafter until completion of the establishment of the metrics under paragraph (1), the Secretary shall provide a briefing to the congressional defense committees on such metrics, including progress as required pursuant to subsection (c).

(c) **MODIFICATION OF READINESS REPORTING SYSTEM.**—Not later than 180 days after the date of the enactment of this Act, the

10 USC 117 note.
Assessment.

Deadline.
Time period.

10 USC 117 note.

Secretary shall take such actions as the Secretary considers appropriate to ensure that the comprehensive readiness reporting system established pursuant to section 117(a) of title 10, United States Code, covers matters relating to the readiness of the Cyber Mission Forces—

(1) using the metrics established pursuant to subsection (b)(1); and

(2) in a manner that is consistent with sections 117 and 482 of such title.

Effective date.
10 USC 484 note.

(d) **FIRST QUARTERLY BRIEFING ASSESSING CYBER READINESS.**—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 1635. CYBER POSTURE REVIEW.

10 USC 394 note. Section 1644 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) is amended—

(1) in subsection (a), by inserting “, not later than December 31, 2022, and quadrennially thereafter,” before “conduct”;

(2) in subsection (b), by striking “the review” and inserting “each review”;

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “The review” and inserting “Each review”;

(B) by redesignating paragraph (9) as paragraph (11); and

(C) by inserting after paragraph (8) the following new paragraphs:

“(9) An assessment of the potential costs, benefits, and value, if any, of establishing a cyber force as a separate uniformed service.

“(10) Any recurrent problems or capability gaps that remain unaddressed since the previous posture review.”;

(4) in subsection (d)—

(A) in paragraph (1), by striking “the cyber” and inserting “each cyber”;

(B) in paragraph (2), by striking “The report” and inserting “Each report”; and

(C) by striking paragraph (3); and

(5) in subsection (e), by striking “period beginning on the date that is five years after the date of the enactment of this Act and ending on the date that is 10 years after such date of enactment” and inserting “eight-year period that begins on the date of each review conducted under subsection (a)”.

SEC. 1636. MODIFICATION OF ELEMENTS OF ASSESSMENT REQUIRED FOR TERMINATION OF DUAL-HAT ARRANGEMENT FOR COMMANDER OF THE UNITED STATES CYBER COMMAND.

Section 1642 of the National Defense Authorization Act for Fiscal Year 2017 (130 Stat. 2601; Public Law 114–328) is amended—

(1) in subsection (b)(2)(C)—

(A) in clause (ii), by inserting “and national intelligence operations” after “operations”;

(B) by amending clause (iii) to read as follows:

“(iii) The tools, weapons, and accesses used in and available for military cyber operations are sufficient for achieving required effects and United States Cyber

Command is capable of acquiring or developing such tools, weapons, and accesses.”; and

(C) by amending clause (vi) to read as follows:

“(vi) The Cyber Mission Force has achieved full operational capability and has demonstrated the capacity to execute the cyber missions of the Department, including the following:

“(I) Execution of national-level missions through cyberspace, including deterrence and disruption of adversary cyber activity.

“(II) Defense of the Department of Defense Information Network.

“(III) Support for other combatant commands, including targeting of adversary military assets.”;

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

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

“(c) BIENNIAL BRIEFING.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this subsection and biennially thereafter, the Secretary of Defense and the Director of National Intelligence shall provide to the appropriate committees of Congress briefings on the nature of the National Security Agency and United States Cyber Command’s current and future partnership. Briefings under this subsection shall not terminate until the certification specified in subsection (a) is issued.

Deadline.

“(2) ELEMENTS.—Each briefing under this subsection shall include status updates on the current and future National Security Agency–United States Cyber Command partnership efforts, including relating to the following:

Termination date.

“(A) Common infrastructure and capability acquisition.

“(B) Operational priorities and partnership.

“(C) Research and development partnership.

“(D) Executed documents, written memoranda of agreements or understandings, and policies issued governing such current and future partnership.

“(E) Projected long-term efforts.”.

SEC. 1637. MODIFICATION OF CYBER SCHOLARSHIP PROGRAM.

Section 2200a(a)(1) of title 10, United States Code, is amended by striking “or advanced degree, or a certification,” and inserting “advanced degree, or certificate”.

SEC. 1638. TIER 1 EXERCISE OF SUPPORT TO CIVIL AUTHORITIES FOR A CYBER INCIDENT.

Section 1648 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended—

132 Stat. 2137.

(1) in subsection (a), by striking “The” and inserting “Not later than May 1, 2020, the”; and

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

“(c) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Department of Defense for the White House Communications Agency, not more than 90 percent of such funds may be obligated or expended until the initiation of the tier 1 exercise required under subsection (a).”.

SEC. 1639. EXTENSION OF THE CYBERSPACE SOLARIUM COMMISSION.

132 Stat. 2146. Paragraph (1) of section 1652(k) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended by striking “September 1, 2019” and inserting “April 30, 2020”.

SEC. 1640. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CYBER OPERATIONS-PECULIAR CAPABILITY DEVELOPMENT PROJECTS.

(a) **IN GENERAL.**—The Secretary of Defense and each Secretary of the military departments concerned may obligate and expend not more than \$3,000,000 of amounts authorized to be appropriated for operation and maintenance per service in each of fiscal years 2020 through 2022 to carry out cyber operations-peculiar capability development projects.

Deadline. (b) **NOTIFICATION.**—Not later than 15 days after exercising the authority provided for in subsection (a), the Secretary of Defense, or his designee, and each Secretary of the military departments concerned, or their designees, shall notify the congressional defense committees of such exercise for projects exceeding \$500,000.

Time period. (c) **REPORT.**—Not later than December 31 of each year through 2022, the Secretary of Defense shall submit to the congressional defense committees a report on obligations and expenditures made pursuant to the authority provided for in subsection (a). Each such report shall include a full description and evaluation of each of the cyber operations-peculiar capability development projects that is the subject of each such obligation or expenditure, definitions and standards for cyber operations-peculiar requirements, transition plans, and any other matters the Secretary determines relevant.

10 USC 2224
note.

SEC. 1641. ROLE OF CHIEF INFORMATION OFFICER IN IMPROVING ENTERPRISE-WIDE CYBERSECURITY.

(a) **IN GENERAL.**—In carrying out the responsibilities established in section 142 of title 10, United States Code, the Chief Information Officer of the Department of Defense shall, to the maximum extent practicable, ensure that the cybersecurity programs and capabilities of the Department—

- (1) fit into an enterprise-wide cybersecurity architecture;
- (2) are maximally interoperable with each other, including those programs and capabilities deployed by the components of the Department;

(3) enhance enterprise-level visibility and responsiveness to threats; and

(4) are developed, procured, instituted, and managed in a cost-efficient manner, exploiting economies of scale and enterprise-wide services and discouraging unnecessary customization and piecemeal acquisition.

(b) **REQUIREMENTS.**—In carrying out subsection (a), the Chief Information Officer shall—

(1) manage and modernize the cybersecurity architecture of the Department, including—

(A) ensuring the cybersecurity architecture of the Department maximizes cybersecurity capability, network, and endpoint activity data sharing across Department components;

(B) ensuring the cybersecurity architecture of the Department supports improved automaticity of cybersecurity detection and response; and

(C) modernizing and configuring the Department's standardized deployed perimeter, network-level, and endpoint capabilities to improve interoperability, meet pressing capability needs, and negate common adversary tactics, techniques, and procedures;

(2) establish mechanisms to enable and mandate, as necessary, cybersecurity capability and network and endpoint activity data-sharing across Department components;

(3) make mission data, through data tagging, automatic transmission, and other means, accessible and discoverable by Department components other than owners of such mission data;

(4) incorporate into the cybersecurity architecture of the Department emerging cybersecurity technologies from the Defense Advanced Research Projects Agency, the Strategic Capabilities Office, the Defense Innovation Unit, the laboratories of the military departments, and the commercial sector;

(5) ensure that the Department possesses the necessary computing infrastructure, through technology refresh, installation or acquisition of bandwidth, and the use of cloud computing power, to host and enable necessary cybersecurity capabilities; and

(6) utilize the Department's cybersecurity expertise to improve cybersecurity performance, operations, and acquisition, including—

(A) the cybersecurity testing, architecting, and engineering expertise of the National Security Agency; and

(B) the technology policy, workforce, and engineering expertise of the Defense Digital Service.

SEC. 1642. NOTIFICATION OF DELEGATION OF AUTHORITIES TO THE SECRETARY OF DEFENSE FOR MILITARY OPERATIONS IN CYBERSPACE.

Deadlines.
10 USC 394 note.

(a) **IN GENERAL.**—The Secretary of Defense shall provide written notification to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate of the following:

(1) Authorities delegated to the Secretary by the President for military operations in cyberspace that are otherwise held by the National Command Authority, not later than 15 days after any such delegation. A notification under this paragraph shall include a description of the authorities delegated to the Secretary.

(2) Concepts of operations approved by the Secretary pursuant to delegated authorities described in paragraph (1), not later than 15 days after any such approval. A notification under this paragraph shall include the following:

(A) A description of authorized activities to be conducted or planned to be conducted pursuant to such authorities.

(B) The defined military objectives relating to such authorities.

(C) A list of countries in which such authorities may be exercised.

List.

(D) A description of relevant orders issued by the Secretary in accordance with such authorities.

(b) PROCEDURES.—

Notification.

(1) IN GENERAL.—The Secretary of Defense shall establish and submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate procedures for complying with the requirements of subsection (a), consistent with the national security of the United States and the protection of operational integrity. The Secretary shall promptly notify such committees in writing of any changes to such procedures at least 14 days prior to the adoption of any such changes.

(2) SUFFICIENCY.—The Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate shall ensure that committee procedures designed to protect from unauthorized disclosure classified information relating to national security of the United States are sufficient to protect the information that is submitted to such committees pursuant to this section.

(3) NOTIFICATION IN EVENT OF UNAUTHORIZED DISCLOSURE.—In the event of an unauthorized disclosure of authorities covered by this section, the Secretary of Defense shall ensure, to the maximum extent practicable, that the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate are notified immediately. Notification under this paragraph may be verbal or written, but in the event of a verbal notification, a written notification signed by the Secretary shall be provided by not later than 48 hours after the provision of such verbal notification.

Certification.

SEC. 1643. LIMITATION OF FUNDING FOR CONSOLIDATED AFLOAT NETWORKS AND ENTERPRISE SERVICES.

Of the funds authorized to be appropriated by this Act for fiscal year 2020 for the Consolidated Afloat Networks and Enterprise Services, not more than 85 percent of such funds may be obligated or expended until the Secretary of the Navy and the Chief Information Officer of the Department of Defense independently certify to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate that recommendations in the Audit of Consolidated Afloat Networks and Enterprise Services Security Safeguards (DODIG-2019-072) have been implemented.

10 USC 394 note.

SEC. 1644. ANNUAL MILITARY CYBERSPACE OPERATIONS REPORT.

(a) IN GENERAL.—Not later than March 1 of each year, the Secretary of Defense shall provide to the congressional defense committees a written report summarizing all named military cyberspace operations conducted in the previous calendar year, including cyber effects, operations, cyber effects enabling operations, and cyber operations conducted as defensive operations. Each such summary should be organized by adversarial country and should include the following for each named operation:

(1) An identification of the objective and purpose.

(2) Descriptions of the impacted countries, organizations, or forces, and nature of the impact.

(3) A description of methodologies used for the cyber effects operation or cyber effects enabling operation.

(4) An identification of the Cyber Mission Force teams, or other Department of Defense entity or units, that conducted such operation, and supporting teams, entities, or units.

(5) An identification of the infrastructures on which such operations occurred.

(6) A description of relevant legal, operational, and funding authorities.

(7) Additional costs beyond baseline operations and maintenance and personnel costs directly associated with the conduct of the cyber effects operation or cyber effects enabling operation.

(8) Any other matters the Secretary determines relevant.

(b) CLASSIFICATION.—The Secretary of Defense shall provide each report required under subsection (a) at a classification level the Secretary determines appropriate.

(c) LIMITATION.—This section does not apply to cyber-enabled military information support operations or military deception operations.

SEC. 1645. ANNUAL REPORT ON CYBER ATTACKS AND INTRUSIONS AGAINST THE DEPARTMENT OF DEFENSE BY CERTAIN FOREIGN ENTITIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and each fiscal year thereafter through fiscal year 2023, the Principal Cyber Advisor to the Secretary of Defense and Chief Information Officer of the Department of Defense shall submit to the congressional defense committees a report on cyber attacks and intrusions in the previous 12 months by agents or associates of the Governments of the Russian Federation, the People’s Republic of China, the Islamic Republic of Iran, and the Democratic People’s Republic of Korea against or into the information systems (as such term is defined in section 3502 of title 44, United States Code) of—

Time period.

(1) the Department of Defense; and

(2) any contractor of the Department of Defense that works on sensitive United States military technology.

(b) FORM.—The report required by subsection (a) shall be submitted in classified form. The data in such report shall be aggregated from U.S. Cyber Command, the Defense Information Systems Agency, the military services and Department of Defense agencies, the Joint Staff, and the Office of the Secretary of Defense.

SEC. 1646. CONTROL AND ANALYSIS OF DEPARTMENT OF DEFENSE DATA STOLEN THROUGH CYBERSPACE.

10 USC 2224
note.

(a) REQUIREMENTS.—If the Secretary of Defense determines that significant Department of Defense data may have been stolen through cyberspace and evidence of theft of the data in question—

Determination.

(1) is in the possession of a component of the Department, the Secretary shall—

(A) either transfer or replicate and transfer such Department data in a prompt and secure manner to a secure repository with access by Department personnel appropriately limited on a need-to-know basis or otherwise ensure such consistent access to the relevant data by other means;

(B) ensure the Department applies such automated analytic tools and capabilities to the repository of potentially compromised data as are necessary to rapidly understand the scope and effect of the potential compromise;

(C) for high priority and mission critical Department systems, develop analytic products that characterize the scope of data compromised;

(D) ensure that relevant mission-affected entities in the Department are made aware of the theft or possible theft and, as damage assessment and mitigation proceeds, are kept apprised of the extent of the data stolen; and

(E) ensure that Department counterintelligence organizations are—

(i) fully integrated with any damage assessment team assigned to the breach;

(ii) fully informed of the data that have or potentially have been stolen and the effect of such theft; and

(iii) provided resources and tasked, in conjunction with subject matter experts and responsible authorities, to immediately and appropriately respond, including through the development and execution of relevant countermeasures, to any breach involving espionage and data theft; or

(2) is in the possession of or under controls or restrictions imposed by the Federal Bureau of Investigation, or a national counterintelligence or intelligence organization, the Secretary shall determine, jointly with the Director of the Federal Bureau of Investigation or the Director of National Intelligence, as appropriate, the most expeditious process, means, and conditions for carrying out the activities otherwise required by paragraph (1).

Deadline.

(b) RECOMMENDATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees such recommendations as the Secretary may have for legislative or administrative action to address such barriers that may be inhibiting the implementation of this section.

10 USC 2224
note.

SEC. 1647. USE OF NATIONAL SECURITY AGENCY CYBERSECURITY EXPERTISE TO SUPPORT EVALUATION OF COMMERCIAL CYBERSECURITY PRODUCTS.

(a) ADVISORY MISSION.—The National Security Agency shall, as a mission in its role in securing the information systems of the Department of Defense, advise and assist the Department of Defense in its evaluation and adoption of cybersecurity products and services from industry, especially the commercial cybersecurity sector.

(b) PROGRAM TO IMPROVE ACQUISITION OF CYBERSECURITY PRODUCTS AND SERVICES.—

(1) ESTABLISHMENT.—Consistent with subsection (a), the Director of the National Security Agency shall establish a permanent program consisting of market research, testing, and expertise transmission, or augments to existing programs, to improve the evaluation by the Department of Defense of cybersecurity products and services.

(2) REQUIREMENTS.—Under the program established pursuant to paragraph (1), the Director shall, independently and at the request of the components of the Department of Defense—

(A) test and evaluate commercially available cybersecurity products and services using—

Test.

(i) generally known cyber operations techniques; and

(ii) tools and cyber operations techniques and advanced tools and techniques available to the National Security Agency;

(B) develop and establish standard procedures, techniques, and threat-informed metrics to perform the testing and evaluation required by subparagraph (A); and

Procedures.

(C) advise the Chief Information Officer and the components of the Department of Defense on the merits and disadvantages of evaluated cybersecurity products, including with respect to—

(i) any synergies between products;

(ii) value;

(iii) matters relating to operation and maintenance; and

(iv) matters relating to customization requirements.

(3) LIMITATIONS.—The program established under paragraph (1) may not—

(A) be used to accredit cybersecurity products and services for use by the Department;

(B) create approved products lists; or

(C) be used for the procurement and fielding of cybersecurity products on behalf of the Department.

SEC. 1648. FRAMEWORK TO ENHANCE CYBERSECURITY OF THE UNITED STATES DEFENSE INDUSTRIAL BASE.

Contracts.
10 USC 2224
note.
Deadline.

(a) FRAMEWORK REQUIRED.—Not later than February 1, 2020, the Secretary of Defense shall develop a consistent, comprehensive framework to enhance cybersecurity for the United States defense industrial base.

(b) ELEMENTS.—The framework developed pursuant to subsection (a) shall include the following:

(1) Identification of unified cybersecurity standards, regulations, metrics, ratings, third-party certifications, or requirements to be imposed on the defense industrial base for the purpose of assessing the cybersecurity of individual contractors.

Assessment.

(2) Roles and responsibilities of the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Intelligence and Security, the Chief Information Officer, the Director of the Protecting Critical Technologies Task Force, and the Secretaries of the military departments relating to the following:

(A) Establishing and ensuring compliance with cybersecurity standards, regulations, and policies.

(B) Deconflicting existing cybersecurity standards, regulations, and policies.

Coordination.

(C) Coordinating with and providing assistance to the defense industrial base for cybersecurity matters, particularly as relates to the programs and processes described in paragraphs (8) and (9).

(D) Management and oversight of the acquisition process, including responsibility determination, solicitation, award, and contractor management, relating to cybersecurity standards, regulations, metrics, ratings, third-party certifications, or requirements.

(3) The responsibilities of the prime contractors, and all subcontractors in the supply chain, for implementing the required cybersecurity standards, regulations, metrics, ratings, third-party certifications, and requirements identified under paragraph (1).

(4) Definitions for “Controlled Unclassified Information” (CUI) and “For Official Use Only” (FOUO), as well as policies regarding protecting information designated as either of such.

(5) Methods and programs for managing controlled unclassified information, and for limiting the presence of unnecessary sensitive information on contractor networks.

Plan.

(6) A plan to provide implementation guidance, education, manuals, and, as necessary, direct technical support or assistance, to contractors on matters relating to cybersecurity.

Assessment.

(7) Quantitative metrics for assessing the effectiveness of the overall framework over time, with respect to the exfiltration of controlled unclassified information from the defense industrial base.

Lists.

(8) A comprehensive list of current and planned Department of Defense programs to assist the defense industrial base with cybersecurity compliance requirements of the Department, including those programs that provide training, expertise, and funding, and maintain approved security products lists and approved providers lists.

(9) Processes for enhanced threat information sharing between the Department of Defense and the defense industrial base.

(c) MATTERS FOR CONSIDERATION.—In developing the framework pursuant to subsection (a), the Secretary shall consider the following:

(1) Designating an official to be responsible for the cybersecurity of the defense industrial base.

(2) Risk-based methodologies, standards, metrics, and tiered cybersecurity requirements for the defense industrial base, including third-party certifications such as the Cybersecurity Maturity Model Certification pilot program, as the basis for a mandatory Department standard.

(3) Tailoring cybersecurity requirements for small- and medium-sized contractors based on a risk-based approach.

(4) Ensuring a consistent approach across the Department to cybersecurity standards, regulations, metrics, ratings, third-party certifications, or requirements of the defense industrial base.

(5) Ensuring the Department’s traceability and visibility of cybersecurity compliance of suppliers to all levels of the supply chain.

(6) Evaluating incentives and penalties for cybersecurity performance of suppliers.

(7) Integrating cybersecurity and traditional counterintelligence measures, requirements, and programs.

(8) Establishing a secure software development environment (DevSecOps) in a cloud environment inside the perimeter of the Department for contractors to perform their development work.

(9) Establishing a secure cloud environment through which contractors may access the data of the Department needed for their contract work.

(10) An evaluation of the resources and utilization of Department programs to assist the defense industrial base in complying with cybersecurity compliance requirements referred to in subsection (b)(1).

(11) Technological means, operational concepts, reference architectures, offensive counterintelligence operation concepts, and plans for operationalization to complicate adversary espionage, including honeypotting and data obfuscation.

(12) Implementing enhanced security vulnerability assessments for contractors working on critical acquisition programs, technologies, manufacturing capabilities, and research areas.

(13) Identifying ways to better leverage technology and employ machine learning or artificial intelligence capabilities, such as Internet Protocol monitoring and data integrity capabilities, to be applied to contractor information systems that host, receive, or transmit controlled unclassified information.

(14) Developing tools to easily segregate program data to only allow subcontractors access to their specific information.

(15) Appropriate communications of threat assessments of the defense industrial base to the acquisition workforce at all classification levels.

(16) A single Sector Coordinating Council for the defense industrial base.

(17) Appropriate communications with the defense industrial base on the impact of cybersecurity requirements in contracting and procurement decisions.

(d) CONSULTATION.—In developing the framework required pursuant to subsection (a), the Secretary shall consult with the following:

(1) Industry groups representing the defense industrial base.

(2) Contractors in the defense industrial base.

(3) The Director of the National Institute of Standards and Technology.

(4) The Secretary of Energy.

(5) The Director of National Intelligence.

(6) Relevant Federal regulatory agencies.

(e) BRIEFING.—

(1) IN GENERAL.—Not later than March 11, 2020, the Secretary of Defense shall provide the congressional defense committees with a briefing on the framework developed pursuant to subsection (a). Deadline.

(2) CONTENTS.—The briefing required by paragraph (1) shall include the following:

(A) An overview of the framework developed pursuant to subsection (a).

	(B) Identification of such pilot programs as the Secretary considers may be required to improve the cybersecurity of the defense industrial base.
Timelines.	(C) Implementation timelines and identification of costs.
Recommendations.	(D) Such recommendations as the Secretary may have for legislative action to improve the cybersecurity of the defense industrial base.
Termination date.	(f) QUARTERLY BRIEFINGS.— (1) IN GENERAL.—Not less frequently than once each quarter after the briefing provided pursuant to subsection (e) until February 1, 2022, the Secretary of Defense shall brief the congressional defense committees on the status of development and implementation of the framework developed pursuant to subsection (a). (2) COORDINATION WITH OTHER BRIEFINGS.—Each briefing under paragraph (1) shall be conducted in conjunction with a quarterly briefing under section 484(a) of title 10, United States Code. (3) ELEMENTS.—Each briefing under paragraph (1) shall include the following: (A) The current status of the development and implementation of the framework developed pursuant to subsection (a). (B) A description of the efforts undertaken by the Secretary to evaluate the matters for consideration set forth in subsection (c). (C) The current status of any pilot programs the Secretary is carrying out to develop the framework.

SEC. 1649. REPORT ON CYBERSECURITY TRAINING PROGRAMS.

Not later than 240 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report that accounts for all of the efforts, programs, initiatives, and investments of the Department of Defense to train elementary, secondary, and postsecondary students in fields related to cybersecurity, cyber defense, and cyber operations. The report shall—

(1) include information on the metrics used to evaluate such efforts, programs, initiatives, and investments, and identify overlaps or redundancies across the such efforts, programs, initiatives, and investments; and

(2) address how the Department leverages such efforts, programs, initiatives, and investments in the recruitment and retention of both the civilian and military cyber workforces.

Deadline.
President.
Records.

SEC. 1650. NATIONAL SECURITY PRESIDENTIAL MEMORANDUMS RELATING TO DEPARTMENT OF DEFENSE OPERATIONS IN CYBERSPACE.

Not later than 30 days after the date of the enactment of this Act, upon request of the congressional defense committees, the President shall allow for such committees to read a copy of all National Security Presidential Memorandums relating to Department of Defense operations in cyberspace at an appropriately cleared facility of the requesting committee's choosing. At the conclusion of such reading, such documents shall be collected and returned to the President.

SEC. 1651. REORIENTATION OF BIG DATA PLATFORM PROGRAM.

Deadlines.
10 USC 2223a
note.

(a) REORIENTATION OF PROGRAM.—

(1) **IN GENERAL.**—Not later than January 1, 2021, the Secretary of Defense shall—

(A) reorient the Big Data Platform program as specified in this section; and

(B) align the reorientation effort under an existing line of effort of the Cyber Strategy of the Department of Defense.

(2) **OVERSIGHT OF IMPLEMENTATION.**—The Secretary shall act through the Principal Cyber Advisor and the supporting Cross Functional Team in the oversight of the implementation of paragraph (1).

(b) COMMON BASELINE AND SECURITY CLASSIFICATION SCHEME.—

(1) **IN GENERAL.**—Not later than January 1, 2021, the Secretary shall establish a common baseline and security classification scheme for the collection, storage, processing, querying, analysis, and accessibility of a common and comprehensive set of metadata from sensors, applications, appliances, products, and systems deployed across the Department of Defense Information Network (DODIN) to enable the discovery, tracking, and remediation of cybersecurity threats.

(2) **REQUIREMENTS.**—In carrying out paragraph (1), the Secretary shall—

(A) take such actions as the Secretary considers necessary to standardize deployed infrastructure, including the Department of Defense’s perimeter capabilities at the Internet Access Points, the Joint Regional Security Stacks, or other approved solutions, and the routing of data laterally and vertically from Department of Defense Information Network segments and tiers, to enable standard and comprehensive metadata collection;

(B) take such actions as the Secretary considers necessary to standardize deployed cybersecurity applications, products, and sensors and the routing of data laterally and vertically from Department of Defense Information Network segments and tiers, to enable standard and comprehensive metadata collection;

(C) develop an enterprise-wide architecture and strategy for—

Strategy.

(i) where to place sensors or extract data from network information technology, operational technology, and cybersecurity appliances, applications, products, and systems for cybersecurity purposes;

(ii) which metadata data records should be universally sent to Big Data Platform instances and which metadata data records, if any, should be locally retained; and

(iii) expeditiously and efficiently transmitting metadata records to the Big Data Platform instances, including the acquisition and installation of further data bandwidth;

(D) determine the appropriate number, organization, and functions of separate Big Data Platform instances, and whether the Big Data Platform instances that are currently managed by Department of Defense components,

Determination.

Determination.

including the military services, should instead be jointly and regionally organized, or terminated;

(E) determine the appropriate roles of the Defense Information Systems Agency's Acropolis, United States Cyber Command's Scarif, and any similar Big Data Platforms as enterprise-wide real-time cybersecurity situational awareness capabilities or as complements or replacements for component level Big Data Platform instances;

(F) ensure that all Big Data Platform instances are engineered and approved to enable standard access and expeditious query capabilities by the Unified Platform, the network defense service providers, and the Cyber Mission Forces, with centrally managed authentication and authorization services;

(G) prohibit and remove barriers to information sharing, distributed query, data analysis, and collaboration across Big Data Platform instances, such as incompatible interfaces, interconnection service agreements, and the imposition of accreditation boundaries;

(H) transition all Big Data Platform instances to a cloud computing environment in alignment with the cloud strategy of the Chief Information Officer of the Department of Defense;

(I) consider whether packet capture databases should continue to be maintained separately from the Big Data Platform instances, managed at the secret level of classification, and treated as malware-infected when the packet data are copies of packets extant in the Department of Defense Information Network;

(J) in the case that the Secretary decides to sustain the status quo on packet capture databases, ensure that analysts operating on or from the Unified Platform, the Big Data Platform instances, the network defense services providers, and the Cyber Mission Forces can directly access packets and query the database; and

(K) consider whether the Joint Artificial Intelligence Center's cybersecurity artificial intelligence national mission initiative, and any other similar initiatives, should include an application for the metadata residing in the Big Data Platform instances.

(c) **LIMIT ON DATA AND DATA INDEXING SCHEMA.**—The Secretary shall ensure that the Unified Platform and the Big Data Platform programs achieve data and data indexing schema standardization and integration to ensure interoperability, access, and sharing by and between Big Data Platform and other data sources and stores.

(d) **ANALYTICS AND APPLICATION SOURCING AND COLLABORATION.**—The Secretary shall ensure that the services, U.S. Cyber Command, and Defense Information Systems Agency—

(1) seek advanced analytics and applications from Government and commercial sources that can be executed on the deployed Big Data Platform architecture; and

(2) collaborate with vendors offering commercial analytics and applications, including support to refactoring commercial capabilities to the Government platform where industry can still own the intellectual property embedded in the analytics and applications.

(e) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once every 180 days thereafter until the activities required by subsection (a)(1) are completed, the Secretary shall brief the congressional defense committees on the activities of the Secretary in carrying out subsection (b).

SEC. 1652. ZERO-BASED REVIEW OF DEPARTMENT OF DEFENSE CYBER AND INFORMATION TECHNOLOGY PERSONNEL.

Assessment.
10 USC 1599f
note.
Deadline.

(a) REVIEW REQUIRED.—Not later than January 1, 2021, each head of a covered department, component, or agency shall—

(1) complete a zero-based review of the cyber and information technology personnel of the head's covered department, component, or agency; and

(2) provide the Principal Cyber Advisor, the Chief Information Officer of the Department of Defense, and the Under Secretary of Defense for Personnel and Readiness the findings of the head with respect to the head's covered department, component, or agency.

(b) COVERED DEPARTMENTS, COMPONENTS, AND AGENCIES.—For purposes of this section, a covered department, component, or agency is—

(1) an independent Department of Defense component or agency;

(2) the Office of the Secretary of Defense;

(3) a component of the Joint Staff;

(4) a military department or an armed force; or

(5) a reserve component of the Armed Forces.

(c) SCOPE OF REVIEW.—As part of a review conducted pursuant to subsection (a)(1), the head of a covered department, component, or agency shall, with respect to the covered department, component, or agency of the head—

(1) assess military, civilian, and contractor positions and personnel performing cyber and information technology missions;

(2) determine the roles and functions assigned by reviewing existing position descriptions and conducting interviews to quantify the current workload performed by military, civilian, and contractor workforce;

(3) compare the Department's manning with the manning of comparable industry organizations;

(4) include evaluation of the utility of cyber- and information technology-focused missions, positions, and personnel within such components—

(A) to assess the effectiveness and efficiency of current activities;

(B) to assess the necessity of increasing, reducing, or eliminating resources; and

(C) to guide prioritization of investment and funding;

(5) develop recommendations and objectives for organizational, manning, and equipping change, taking into account anticipated developments in information technologies, workload projections, automation and process enhancements, and Department requirements;

(6) develop a gap analysis, contrasting the current organization and the objectives developed pursuant to paragraph (5); and

Determination.

Evaluation.

Recommendations.

Analysis.

Timeline.

(7) develop roadmaps of prioritized activities and a timeline for implementing the activities to close the gaps identified pursuant to paragraph (6).

(d) ELEMENTS.—In carrying out a review pursuant to subsection (a)(1), the head of a covered department, component, or agency shall consider the following:

(1) Whether position descriptions and coding designators for given cybersecurity and information technology roles are accurate indicators of the work being performed.

(2) Whether the function of any cybersecurity or information technology position or personnel can be replaced by acquisition of cybersecurity or information technology products or automation.

(3) Whether a given component or subcomponent is over- or under-resourced in terms of personnel, using industry standards as a benchmark where applicable.

(4) Whether cybersecurity service provider positions and personnel fit coherently into the enterprise-wide cybersecurity architecture and with the Department's cyber protection teams.

(5) Whether the function of any cybersecurity or information technology position or personnel could be conducted more efficiently or effectively by enterprise-level cyber or information technology personnel.

(e) FURNISHING DATA AND ANALYSIS.—

(1) DATA AND ANALYSIS.—In carrying out subsection (a)(2), each head of a covered department, component, or agency, shall furnish to the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary a description of the analysis that led to the findings submitted under such subsection and the data used in such analysis.

(2) CERTIFICATION.—The Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary of Defense shall jointly review each submittal under subsection (a)(2) and certify whether the findings and analysis are in compliance with the requirements of this section.

(f) RECOMMENDATIONS.—After receiving findings submitted by a head of a covered department, component, or agency pursuant to paragraph (2) of subsection (a) with respect to a review conducted by the head pursuant to paragraph (1) of such subsection, the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary shall jointly provide to such head such recommendations as the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary may have for changes in manning or acquisition that proceed from such review.

(g) IMPLEMENTATION.—The Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary shall jointly oversee and assist in the implementation of the roadmaps developed pursuant to subsection (c)(7) and the recommendations developed pursuant to subsection (f).

Deadline.
Time period.

(h) IN-PROGRESS REVIEWS.—Not later than six months after the date of the enactment of this Act and not less frequently than once every six months thereafter until the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary give the briefing required by subsection (i), the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary shall jointly—

(1) conduct in-progress reviews of the status of the reviews required by subsection (a)(1); and

(2) provide the congressional defense committees with a briefing on such in-progress reviews. Briefing.

(i) FINAL BRIEFING.—After all of the reviews have been completed under paragraph (1) of subsection (a), after receiving all of the findings pursuant to paragraph (2) of such subsection, and not later than June 1, 2021, the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary shall jointly provide to the congressional defense committees a briefing on the findings of the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary with respect to such reviews, including such recommendations as the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary may have for changes to the budget of the Department as a result of such reviews. Deadline. Recommendations.

(j) DEFINITION OF ZERO-BASED REVIEW.—In this section, the term “zero-based review” means a review in which an assessment is conducted with each item, position, or person costed anew, rather than in relation to its size or status in any previous budget.

SEC. 1653. STUDY ON IMPROVING CYBER CAREER PATHS IN THE NAVY.

(a) STUDY REQUIRED.—Not later than October 1, 2020, the Secretary of the Navy and the Chief of Naval Operations shall jointly— Deadline.

(1) complete a study on methods to improve military and civilian cyber career paths within the Navy; and

(2) submit to the congressional defense committees a report on the findings of the Secretary and Chief with respect to the study completed pursuant to paragraph (1), including all of the data used in such study. Reports.

(b) ELEMENTS.—The report submitted pursuant to subsection (a)(2) shall include the following:

(1) A plan for implementing career paths for civilian and military personnel tailored to develop expertise in cyber skill sets, including skill sets appropriate for offensive and defensive military cyber operations. Such plan should also evaluate the current Cyber Warfare Engineer career field for officers, including options for expanding the career field beyond current plans. Plan.

(2) Suggested changes to the processes that govern the identification of talent and career progression of the civilian and military workforce. Evaluation.

(3) A methodology for a cyber workforce assignment policy that deliberately builds depth and breadth of knowledge regarding the conduct of cyber operations throughout an entire career.

(4) Possible enhancements to identifying, recruiting, training, and retaining the civilian and military cyber workforce, especially for Interactive On-Net operators and tool developers.

(5) Recommendations for legislative and administrative actions to address the findings and recommendations of the Secretary and the Chief with respect to the study completed pursuant to subsection (a)(1). Recommendations.

(c) **CONSULTATION.**—In conducting the study required by subsection (a)(1), the Secretary and the Chief shall consult with the following:

- (1) The Principal Cyber Advisor of the Department of Defense.
- (2) The Secretary of the Air Force.
- (3) The Commander of the United States Cyber Command.
- (4) The Air Force Chief of Staff.
- (5) The Secretary of the Army.
- (6) The Army Chief of Staff.
- (7) The Commandant of the Marine Corps.
- (8) The Under Secretary of Defense for Personnel and Readiness.
- (9) The Chief Information Officer of the Department of Defense.

SEC. 1654. ACCREDITATION STANDARDS AND PROCESSES FOR CYBER-SECURITY AND INFORMATION TECHNOLOGY PRODUCTS AND SERVICES.

(a) **ASSESSMENT.**—Consistent with the responsibilities and duties outlined in section 142 of title 10, United States Code, the Chief Information Officer of the Department of Defense shall conduct an enterprise assessment of accreditation standards and processes for cybersecurity and information technology products and services.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than April 1, 2020, the Chief Information Officer shall submit to the congressional defense committees a report on the assessment conducted under subsection (a).

(2) **CONTENTS.**—The report submitted under paragraph (1) shall include the following:

(A) The findings of the Chief Information Officer with respect to the assessment conducted under subsection (a).

(B) A description of the modifications proposed or implemented to accreditation standards and processes arising out of the assessment.

(C) A description of how the Department will increasingly automate accreditation processes, pursue agile development, incorporate machine learning, and foster reciprocity across authorizing officials.

SEC. 1655. STUDY ON FUTURE CYBER WARFIGHTING CAPABILITIES OF DEPARTMENT OF DEFENSE.

Deadline.

(a) **STUDY REQUIRED.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall direct the Defense Science Board to carry out a study on the future cyber warfighting capabilities of the Department of Defense.

(b) **PARTICIPATION.**—Participants in the study shall include the following:

(1) Such members of the Board, including members of the Task Force on Cyber Deterrence of the Board, as the Chairman of the Board considers appropriate for the study.

(2) Such additional temporary members or contracted support as the Secretary—

(A) selects from those recommended by the Chairman for purposes of the study; and

(B) considers to have significant technical, policy, or military expertise.

(c) ELEMENTS.—The study conducted pursuant to subsection (a) shall include the following: Evaluations.

(1) A technical evaluation of the Joint Cyber Warfighting Architecture of the Department, especially the Unified Platform, Joint Cyber Command and Control, and Persistent Cyber Training Environment, including with respect to the following:

(A) The suitability of the requirements and, as relevant, the delivered capability of such architecture to modern cyber warfighting.

(B) Such requirements or capabilities as may be absent or underemphasized in such architecture.

(C) The speed of development and acquisition as compared to mission need.

(D) Identification of potential duplication of efforts among the programs and concepts evaluated.

(E) The coherence of such architecture with the National Mission Teams and Combat Mission Teams of the Cyber Mission Force, as constituted and organized on the day before the date of the enactment of this Act.

(F) The coherence of such architecture with the Cyber Protection Teams of the Cyber Mission Force and the cybersecurity service providers of the Department, as constituted and organized on the day before the date of the enactment of this Act.

(G) The coherence of such architecture with the concepts of persistent engagement and defending forward as incorporated in the 2018 Department of Defense Cyber Strategy, including with respect to operational concepts such as consistent spy-on-spy engagement, securing adversary operating pictures, and preemptively feeding indicators and warning to defensive operators.

(2) A technical evaluation of the tool development and acquisition programs of the Department, including with respect to the following:

(A) The suitability of planned tool suite and cyber armory constructs of the United States Cyber Command to modern cyber warfighting.

(B) The speed of development and acquisition as compared to mission need.

(C) The resourcing and effectiveness of the internal tool development of the United States Cyber Command as compared to the tool development of the National Security Agency.

(D) The resourcing and effectiveness of the internal tool development of the United States Cyber Command as compared to its acquisition.

(E) The coherence of such programs with the concepts of persistent engagement and defending forward as incorporated in the 2018 Department of Defense Cyber Strategy, including with respect to operational concepts such as consistent spy-on-spy engagement, securing adversary operating pictures, and preemptively feeding indicators and warning to defensive operators.

(3) An evaluation of the operational planning and targeting of the United States Cyber Command, including support for

- regional combatant commands, and suitability for modern cyber warfighting.
- Recommendations. (4) Development of such recommendations as the Board may have for legislative or administrative action relating to the future cyber warfighting capabilities of the Department.
- Analysis. (d) ACCESS TO INFORMATION.—The Secretary shall provide the Board with timely access to appropriate information, data, resources, and analysis so that the Board may conduct a thorough and independent analysis as required under this section.
- (e) REPORT.—
- (1) TRANSMITTAL TO SECRETARY.—Not later than November 1, 2021, the Board shall transmit to the Secretary a final report on the study conducted pursuant to subsection (a).
- (2) TRANSMITTAL TO CONGRESS.—Not later than 30 days after the date on which the Secretary receives the final report under paragraph (1), the Secretary shall submit to the congressional defense committees such report and such comments as the Secretary considers appropriate.
- SEC. 1656. STUDY TO DETERMINE THE OPTIMAL STRATEGY FOR STRUCTURING AND MANNING ELEMENTS OF THE JOINT FORCE HEADQUARTERS-CYBER ORGANIZATIONS, JOINT MISSION OPERATIONS CENTERS, AND CYBER OPERATIONS-INTEGRATED PLANNING ELEMENTS.**
- (a) STUDY.—
- (1) IN GENERAL.—The Principal Cyber Advisor of the Department of Defense shall conduct a study to determine the optimal strategy for structuring and manning elements of the following:
- (A) Joint Force Headquarters–Cyber organizations.
 - (B) Joint Mission Operations Centers.
 - (C) Cyber Operations–Integrated Planning Elements.
 - (D) Joint Cyber Centers.
- Assessment. (2) ELEMENTS.—The study conducted under subsection (a) shall include assessment of the following:
- (A) Operational effects on the military services if the entities listed in subparagraphs (A) through (C) of paragraph (1) are restructured from organizations that are service component organizations to joint organizations.
 - (B) Organizational effects on the military services if the billets associated with the entities listed in subparagraphs (A) through (C) of paragraph (1) are transferred to United States Cyber Command and designated as joint billets for joint qualification purposes.
 - (C) Operational and organizational effects on the military services, United States Cyber Command, other combatant commands, and the Joint Staff if the entities listed in subparagraphs (A) through (D) of paragraph (1) are realigned, restructured, or consolidated.
- (b) REPORT.—
- (1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Principal Cyber Advisor shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall contain the following:

(A) The findings of the Principal Cyber Advisor with respect to the study conducted under subsection (a).

(B) Details of the operational and organizational effects assessed under subsection (a)(2).

(C) A plan to carry out the transfer described in subsection (a)(2)(B) and the associated costs, as appropriate. Plan.

(D) A plan to realign, restructure, or consolidate the entities listed in subparagraphs (A) through (D) of subsection (a)(1). Plan.

(E) Such other matters as the Principal Cyber Advisor considers appropriate.

SEC. 1657. CYBER GOVERNANCE STRUCTURES AND PRINCIPAL CYBER ADVISORS ON MILITARY CYBER FORCE MATTERS. 10 USC 391 note.

(a) DESIGNATION.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, each of the secretaries of the military departments, in consultation with the service chiefs, shall appoint an independent Principal Cyber Advisor for each service to act as the principal advisor to the relevant secretary on all cyber matters affecting that military service. Deadline. Consultation.

(2) NATURE OF POSITION.—Each Principal Cyber Advisor position under paragraph (1) shall—

(A) be a senior civilian leadership position, filled by a senior member of the Senior Executive Service, not lower than the equivalent of a 3-star general officer, or by exception a comparable military officer with extensive cyber experience;

(B) exclusively occupy the Principal Cyber Advisor position and not assume any other position or responsibility in the relevant military department;

(C) be independent of the relevant service's chief information officer; and

(D) report directly to and advise the secretary of the relevant military department and advise the relevant service's senior uniformed officer.

(3) NOTIFICATION.—Each of the secretaries of the military departments shall notify the Committees on Armed Services of the Senate and House of Representatives of his or her Principal Cyber Advisor appointment. In the case that the appointee is a military officer, the notification shall include a justification for the selection and an explanation of the appointee's ability to execute the responsibilities of the Principal Cyber Advisor.

(b) RESPONSIBILITIES OF PRINCIPAL CYBER ADVISORS.—Each Principal Cyber Advisor under subsection (a) shall be responsible for advising both the secretary of the relevant military department and the senior uniformed military officer of the relevant military service and implementing the Department of Defense Cyber Strategy within the service by coordinating and overseeing the execution of the service's policies and programs relevant to the following: Coordination.

(1) The recruitment, resourcing, and training of military cyberspace operations forces, assessment of these forces against standardized readiness metrics, and maintenance of these forces at standardized readiness levels. Assessment.

(2) Acquisition of offensive, defensive, and Department of Defense Information Networks cyber capabilities for military cyberspace operations.

(3) Cybersecurity management and operations.

(4) Acquisition of cybersecurity tools and capabilities, including those used by cybersecurity service providers.

Evaluation.

(5) Evaluating, improving, and enforcing a culture of cybersecurity warfighting and accountability for cybersecurity and cyberspace operations.

(6) Cybersecurity and related supply chain risk management of the industrial base.

(7) Cybersecurity of Department of Defense information systems, information technology services, and weapon systems, including the incorporation of cybersecurity threat information as part of secure development processes, cybersecurity testing, and the mitigation of cybersecurity risks.

(c) COORDINATION.—To ensure service compliance with the Department of Defense Cyber Strategy, each Principal Cyber Advisor under subsection (a) shall work in close coordination with the following:

(1) Service chief information officers.

(2) Service cyber component commanders.

(3) Principal Cyber Advisor to the Secretary of Defense.

(4) Department of Defense Chief Information Officer.

(5) Defense Digital Service.

(d) BUDGET CERTIFICATION AUTHORITY.—

Requirement.

(1) IN GENERAL.—Each of the secretaries of the military departments shall require service components with responsibilities associated with cyberspace operations forces, offensive or defensive cyberspace operations and capabilities, and cyberspace issues relevant to the duties specified in subsection (b) to transmit the proposed budget for such responsibilities for a fiscal year and for the period covered by the future-years defense program submitted to Congress under section 221 of title 10, United States Code, for that fiscal year to the relevant service's Principal Cyber Advisor for review under subparagraph (B) before submitting the proposed budget to the department's comptroller.

Reports.

(2) REVIEW.—Each Principal Cyber Advisor under subsection (a)(1) shall review each proposed budget transmitted under paragraph (1) and submit to the secretary of the relevant military department a report containing the comments of the Principal Cyber Advisor with respect to all such proposed budgets, together with the certification of the Principal Cyber Advisor regarding whether each proposed budget is adequate.

(3) REPORT.—Not later than March 31 of each year, each of the secretaries of the military departments shall submit to the congressional defense committees a report specifying each proposed budget for the subsequent fiscal year contained in the most-recent report submitted under paragraph (2) that the Principal Cyber Advisor did not certify to be adequate. The report of the secretary shall include a discussion of the actions that the secretary took or proposes to take, together with any additional comments that the Secretary considers appropriate regarding the adequacy or inadequacy of the proposed budgets.

(e) **PRINCIPAL CYBER ADVISORS’ BRIEFING TO CONGRESS.**—Not later than February 1, 2021, and biannually thereafter, each Principal Cyber Advisor under subsection (a) shall brief the Committees on Armed Services of the Senate and House of Representatives on that Advisor’s activities and ability to perform the functions specified in subsection (b). Deadline.

(f) **REVIEW OF CURRENT RESPONSIBILITIES.**—

(1) **IN GENERAL.**—Not later than January 1, 2021, each of the secretaries of the military departments shall review the relevant military department’s current governance model for cybersecurity with respect to current authorities and responsibilities. Deadline.

(2) **ELEMENTS.**—Each review under paragraph (1) shall include the following:

(A) An assessment of whether additional changes beyond the appointment of a Principal Cyber Advisor pursuant to subsection (a) are required. Assessment.

(B) Consideration of whether the current governance structure and assignment of authorities—

(i) enable effective governance;

(ii) enable effective Chief Information Officer and Chief Information Security Officer action;

(iii) are adequately consolidated so that the authority and responsibility for cybersecurity risk management are clear and at an appropriate level of seniority;

(iv) provide authority to a single individual to certify compliance of Department of Defense information systems and information technology services with all current cybersecurity standards; and

(v) support efficient coordination across the military services, the Office of the Secretary of Defense, the Defense Information Systems Agency, and United States Cyber Command.

(3) **BRIEFING.**—Not later than October 1, 2020, each of the secretaries of the military departments shall brief the Committees on Armed Services of the Senate and House of Representatives on the findings of the Secretary with respect to the review conducted by the Secretary pursuant to paragraph (1). Deadline.

SEC. 1658. DESIGNATION OF TEST NETWORKS FOR TESTING AND ACCREDITATION OF CYBERSECURITY PRODUCTS AND SERVICES. 10 USC 2224 note.

(a) **DESIGNATION.**—Not later than April 1, 2020, the Secretary of Defense shall designate, for use by the Defense Information Systems Agency and such other components of the Department of Defense as the Secretary considers appropriate, three test networks for the testing and accreditation of cybersecurity products and services. Deadline.

(b) **REQUIREMENTS.**—The networks designated under subsection (a) shall—

(1) be of sufficient scale to realistically test cybersecurity products and services;

(2) feature substantially different architectures and configurations;

(3) be live, operational networks; and

(4) feature cybersecurity processes, tools, and technologies that are appropriate for test purposes and representative of the processes, tools, and technologies that are widely used throughout the Department.

(c) ACCESS.—Upon request, information generated in the testing and accreditation of cybersecurity products and services shall be made available to the Office of the Director, Operational Test and Evaluation.

10 USC 391 note.

SEC. 1659. CONSORTIA OF UNIVERSITIES TO ADVISE SECRETARY OF DEFENSE ON CYBERSECURITY MATTERS.

(a) ESTABLISHMENT AND FUNCTION.—The Secretary of Defense shall establish one or more consortia of universities to assist the Secretary on cybersecurity matters relating to the following:

(1) To provide the Secretary a formal mechanism to communicate with consortium or consortia members regarding the Department of Defense’s cybersecurity strategic plans, cybersecurity requirements, and priorities for basic and applied cybersecurity research.

(2) To advise the Secretary on the needs of academic institutions related to cybersecurity and research conducted on behalf of the Department and provide feedback to the Secretary from members of the consortium or consortia.

(3) To serve as a focal point or focal points for the Secretary and the Department for the academic community on matters related to cybersecurity, cybersecurity research, conceptual and academic developments in cybersecurity, and opportunities for closer collaboration between academia and the Department.

(4) To provide to the Secretary access to the expertise of the institutions of the consortium or consortia on matters relating to cybersecurity.

(5) To align the efforts of such members in support of the Department.

(b) MEMBERSHIP.—The consortium or consortia established under subsection (a) shall be open to all universities that have been designated as centers of academic excellence by the Director of the National Security Agency or the Secretary of Homeland Security.

(c) ORGANIZATION.—

(1) DESIGNATION OF ADMINISTRATIVE CHAIR AND TERMS.—For each consortium established under subsection (a), the Secretary of Defense, based on recommendations from the members of the consortium, shall designate one member of the consortium to function as an administrative chair of the consortium for a term with a specific duration specified by the Secretary.

(2) SUBSEQUENT TERMS.—No member of a consortium designated under paragraph (1) may serve as the administrative chair of that consortium for two consecutive terms.

(3) DUTIES OF ADMINISTRATIVE CHAIR.—Each administrative chair designated under paragraph (1) for a consortium shall—

(A) act as the leader of the consortium for the term specified by the Secretary under paragraph (1);

(B) be the liaison between the consortium and the Secretary;

(C) distribute requests from the Secretary for advice and assistance to appropriate members of the consortium and coordinate responses back to the Secretary; and

Recommendations.

(D) act as a clearinghouse for Department of Defense requests relating to assistance on matters relating to cybersecurity and to provide feedback to the Secretary from members of the consortium.

(4) EXECUTIVE COMMITTEE.—For each consortium, the Secretary, in consultation with the administrative chair, may form an executive committee comprised of university representatives to assist the chair with the management and functions of the consortia. Executive committee institutions may not serve consecutive terms before all other consortium institutions have been afforded the opportunity to hold the position.

Consultation.

(d) CONSULTATION.—The Secretary, or a senior level designee, shall meet with each consortium not less frequently than twice per year, or at a periodicity agreed to between the Department and each such consortium.

(e) PROCEDURES.—The Secretary shall establish procedures for organizations within the Department to access the work product produced by and the research, capabilities, and expertise of a consortium established under subsection (a) and the universities that constitute such consortium.

SEC. 1660. JOINT ASSESSMENT OF DEPARTMENT OF DEFENSE CYBER RED TEAM CAPABILITIES, CAPACITY, DEMAND, AND REQUIREMENTS.

(a) JOINT ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Chief Information Officer of the Department of Defense, Principal Cyber Advisor, and the Director of Operational Test and Evaluation—

Deadline.
Coordination.

(1) conduct a joint assessment of Department cyber red team capabilities, capacity, demand, and future requirements that affect the Department’s ability to develop, test, and maintain secure systems in a cyber environment; and

(2) brief the congressional defense committees on the results of the joint assessment.

Briefing.

(b) ELEMENTS.—The joint assessment required by subsection (a)(1) shall—

(1) specify demand for cyber red team support for acquisition and operations;

(2) specify shortfalls in meeting demand and future requirements, disaggregated by the Department of Defense component or agency and by military department;

(3) examine funding and retention initiatives to increase cyber red team capacity to meet demand and future requirements identified to support the testing, training, and development communities;

Examination.

(4) examine the feasibility and benefit of developing and procuring a common Red Team Integrated Capabilities Stack that better utilizes increased capacity of cyber ranges and better models the capabilities and tactics, techniques, and procedures of adversaries;

Examination.

(5) examine the establishment of oversight and assessment metrics for Department cyber red teams;

Examination.

(6) assess the implementation of common development efforts for tools, techniques, and training;

(7) assess potential industry and academic partnerships and services;

(8) assess the mechanisms and procedures in place to deconflict red-team activities and defensive cyber operations on active networks;

(9) assess the use of Department cyber personnel in training as red team support;

(10) assess the use of industry and academic partners and contractors as red team support and the cost- and resource-effectiveness of such support; and

(11) assess the need for permanent, high-end dedicated red-teaming activities to model sophisticated adversaries' attacking critical Department systems and infrastructure.

Subtitle D—Nuclear Forces

SEC. 1661. CONFORMING AMENDMENT TO COUNCIL ON OVERSIGHT OF THE NATIONAL LEADERSHIP COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.

Section 171a of title 10, United States Code, is amended by striking “, Technology, and Logistics” each place it appears and inserting “and Sustainment”.

SEC. 1662. MODIFICATION OF AUTHORITIES RELATING TO NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.

(a) DUTIES AND POWERS OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT.—Section 133b(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively;

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

“(4) establishing policies for, and providing oversight, guidance, and coordination with respect to, the nuclear command, control, and communications system;”;

(3) in paragraph (6), as redesignated by paragraph (1), by inserting after “overseeing the modernization of nuclear forces” the following: “, including the nuclear command, control, and communications system.”.

(b) DUTIES AND RESPONSIBILITIES OF CHIEF INFORMATION OFFICER.—Section 142(b)(1) of such title is amended—

(1) by striking subparagraph (G); and

(2) by redesignating subparagraphs (H) and (I) as subparagraphs (G) and (H), respectively.

SEC. 1663. BRIEFINGS ON MEETINGS HELD BY NUCLEAR WEAPONS COUNCIL.

Section 179 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g) SEMIANNUAL BRIEFINGS.—(1) Not later than February 1 and August 1 of each year, the Council shall provide to the congressional defense committees a briefing on, with respect to the six-month period preceding the briefing—

“(A) the dates on which the Council met; and

“(B) except as provided by paragraph (2), a summary of any decisions made by the Council pursuant to subsection (d) at each such meeting and the rationale for and options that informed such decisions.

Deadlines.

Summary.

“(2) The Council shall not be required to include in a briefing under paragraph (1) the matters described in subparagraph (B) of that paragraph with respect to decisions of the Council relating to the budget of the President for a fiscal year if the budget for that fiscal year has not been submitted to Congress under section 1105 of title 31 as of the date of the briefing.”.

SEC. 1664. CONSIDERATION OF BUDGET MATTERS AT MEETINGS OF NUCLEAR WEAPONS COUNCIL. 10 USC 179 note.

(a) ATTENDANCE.—

(1) REQUIREMENT.—Except as provided by subsection (b), each official described in paragraph (2) shall attend the meetings of the Nuclear Weapons Council established by section 179 of title 10, United States Code, and the meetings of the Standing and Safety Committee of the Council, or such a successor committee. Each such official shall attend such meetings as advisors on matters within the authority and expertise of the official.

(2) OFFICIALS DESCRIBED.—The officials described in this paragraph are each of the following officials (or the designees of the officials):

(A) The Director of Cost Assessment and Program Evaluation of the Department of Defense.

(B) The Director of the Office of Management and Budget of the National Nuclear Security Administration.

(C) The Director for Cost Estimating and Program Evaluation of the National Nuclear Security Administration.

(D) The Director of the Office of Management and Budget.

(b) EXCEPTION.—On a case-by-case basis, the Chairman of the Nuclear Weapons Council, without delegation, may exclude the attendance of an official at a meeting pursuant to subsection (a) because of specific requirements relating to classified information or other exigent circumstances as determined by the Chairman.

Determination.

SEC. 1665. IMPROVEMENT TO ANNUAL REPORT ON THE MODERNIZATION OF THE NUCLEAR WEAPONS ENTERPRISE.

(a) EXTENSION.—Subsection (a) of section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1576), as most recently amended by section 1670 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2157), is further amended in paragraph (1) by striking “2023” and inserting “2024”.

(b) ACQUISITION COSTS.—Subsection (b)(1) of such section is amended—

(1) in subparagraph (B), by striking “; and” and inserting the following: “, including an estimate of the acquisition costs during such period for programs relating to such life extension, modernization, or replacement;”;

(2) in subparagraph (C), by striking the end period and inserting “; and”; and

(3) by adding at the end the following:

“(D) an estimate of the relative percentage of total acquisition costs of the military departments and of the Department of Defense during such period represented by the acquisition costs estimated under subparagraph (B).”.

Cost estimate.

(c) TRANSFER OF PROVISION.—

10 USC 492a.

(1) CODIFICATION.—Such section 1043, as amended by subsections (a) and (b), is—

(A) transferred to chapter 24 of title 10, United States Code;

(B) inserted after section 492;

(C) redesignated as section 492a; and

(D) amended—

(i) in the enumerator, by striking “SEC.” and inserting “§”; and

(ii) in the section heading—

(I) by striking the period at the end; and

(II) by conforming the typeface and typestyle, including capitalization, to the typeface and typestyle as used in the section heading of section 491 of such title.

10 USC
prec. 491.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 10, United States Code, is amended by inserting after the item relating to section 492 the following new item:

“492a. Annual report on the plan for the nuclear weapons stockpile, nuclear weapons complex, nuclear weapons delivery systems, and nuclear weapons command and control system.”.

SEC. 1666. EXPANSION OF OFFICIALS REQUIRED TO CONDUCT BIENNIAL ASSESSMENTS OF DELIVERY PLATFORMS FOR NUCLEAR WEAPONS AND NUCLEAR COMMAND AND CONTROL SYSTEM.

Section 492(d) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking “; and” and inserting a semicolon;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

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

“(4) the Commander of the United States Air Forces in Europe.”.

SEC. 1667. EXTENSION OF ANNUAL BRIEFING ON COSTS OF FORWARD-DEPLOYING NUCLEAR WEAPONS IN EUROPE.

Section 1656(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1124) is amended by striking “2021” and inserting “2024”.

SEC. 1668. ELIMINATION OF CONVENTIONAL REQUIREMENT FOR LONG-RANGE STANDOFF WEAPON.

Subsection (a) of section 217 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 706), as amended by section 1662 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2152), is amended to read as follows:

“(a) LONG-RANGE STANDOFF WEAPON.—The Secretary of the Air Force shall develop a follow-on air-launched cruise missile to the AGM–86 that—

“(1) achieves initial operating capability for nuclear missions prior to the retirement of the nuclear-armed AGM–86; and

“(2) is capable of internal carriage and employment for nuclear missions on the next-generation long-range strike bomber.”.

SEC. 1669. BRIEFING ON LONG-RANGE STANDOFF WEAPON AND SEA-LAUNCHED CRUISE MISSILE.Deadline.
Consultation.

Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Administrator for Nuclear Security, shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on potential opportunities—

- (1) to increase commonality between the long-range stand-off weapon and the sea-launched cruise missile; and
- (2) to leverage, in the development of the sea-launched cruise missile, technologies developed, or under development as of the date of the briefing, as part of the long-range standoff weapon program.

SEC. 1670. EXTENSION OF PROHIBITION ON AVAILABILITY OF FUNDS FOR MOBILE VARIANT OF GROUND-BASED STRATEGIC DETERRENT MISSILE.

Section 1664 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2615), as most recently amended by section 1666 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2155), is further amended by striking “for any of fiscal years 2017 through 2020” and inserting “for any of fiscal years 2017 through 2024”.

SEC. 1671. REPORTS ON DEVELOPMENT OF GROUND-BASED STRATEGIC DETERRENT WEAPON.

(a) **ANNUAL REPORT REQUIRED.**—Not later than February 15, 2020, and annually thereafter until the date on which the ground-based strategic deterrent weapon receives Milestone C approval (as defined in section 2366 of title 10, United States Code), the Secretary of the Air Force, in coordination with the Administrator for Nuclear Security and the Chairman of the Nuclear Weapons Council established by section 179 of title 10, United States Code, shall submit to the congressional defense committees a report describing the joint development of the ground-based strategic deterrent weapon, including the missile developed by the Air Force and the W87–1 warhead modification program conducted by the National Nuclear Security Administration.

Coordination.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

- (1) An estimate of the date on which the ground-based strategic deterrent weapon will reach initial operating capability.
- (2) A description of any development milestones for the missile developed by the Air Force or the warhead developed by the National Nuclear Security Administration that depend on corresponding progress at the other agency.
- (3) A description of coordination efforts between the Air Force and the National Nuclear Security Administration during the year preceding submission of the report.
- (4) A description of any schedule delays projected by the Air Force or the National Nuclear Security Administration, including delays related to infrastructure capacity and sub-component production, associated costs, and the anticipated

Estimate.

effect such delays would have on the schedule of work of the other agency.

Plans.

(5) Plans to mitigate the effects of any delays described in paragraph (4).

Contracts.
Assessment.

(c) **ADDITIONAL REPORT.**—If the Air Force receives only one bid for the engineering and manufacturing development phase of the ground-based strategic deterrent program, the Secretary shall, not later than 60 days after awarding a contract for that phase, submit to the congressional defense committees a report assessing the risks and costs resulting from receiving only one bid for that phase and plans to mitigate such risks and costs.

(d) **FORM.**—Each report required by subsection (a) or (c) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1672. PROHIBITION ON REDUCTION OF THE INTERCONTINENTAL BALLISTIC MISSILES OF THE UNITED STATES.

(a) **PROHIBITION.**—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense may be obligated or expended for the following, and the Department may not otherwise take any action to do the following:

(1) Reduce, or prepare to reduce, the responsiveness or alert level of the intercontinental ballistic missiles of the United States.

(2) Reduce, or prepare to reduce, the quantity of deployed intercontinental ballistic missiles of the United States to a number less than 400.

(b) **EXCEPTION.**—The prohibition in subsection (a) shall not apply to any of the following activities:

(1) The maintenance or sustainment of intercontinental ballistic missiles.

(2) Ensuring the safety, security, or reliability of intercontinental ballistic missiles.

Deadlines.

SEC. 1673. INDEPENDENT STUDY ON POLICY OF NO-FIRST-USE OF NUCLEAR WEAPONS.

Contracts.

(a) **STUDY.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct a study on the United States adopting a policy to not use nuclear weapons first.

Assessments.

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

(1) An assessment of the benefits and risks of adopting a policy to not use nuclear weapons first to reduce the risk of miscalculation in a crisis.

(2) An assessment of the views of the allies of the United States with respect to the United States adopting such a policy, including whether, and if so how, any concerns regarding such a policy could be mitigated, including the value of engaging such allies to offer credible extended deterrence assurances.

(3) An assessment of which foreign countries have stated or adopted such a policy, including the credibility of any such policies and how they affect planning and operations.

(4) An assessment of how adversaries of the United States might view a declaration of such a policy.

(5) An assessment of the benefits and risks of such a policy with respect to nuclear nonproliferation.

(6) An assessment of changes in force posture and force requirements, if any, and costs or savings, that such a policy would require or allow.

(7) Any other matters the Secretary determines appropriate.

(c) SUBMISSION TO DOD.—Not later than 240 days after the date of the enactment of this Act, the federally funded research and development center shall submit to the Secretary the study under subsection (a).

(d) SUBMISSION TO CONGRESS.—

(1) INTERIM BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall provide to the appropriate congressional committees an interim briefing on the study under subsection (a).

(2) STUDY.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees the study under subsection (a), without change.

(e) FORM.—The study under subsection (a) shall be submitted under subsections (c) and (d)(2) in unclassified form, but may include a classified annex.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

- (1) the congressional defense committees; and
- (2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 1674. INDEPENDENT STUDY ON RISKS OF NUCLEAR TERRORISM AND NUCLEAR WAR.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an agreement with the National Academy of Sciences to conduct a study on—

Deadline.
Contracts.

(1) whether a risk assessment framework is applicable to determining the potential risks of nuclear terrorism and nuclear war; and

Assessment.

(2) the implications for national security of assumptions in nuclear policy and doctrine.

(b) MATTERS INCLUDED.—The study under subsection (a) shall—

(1) identify risks described in paragraph (1) of that subsection;

(2) assess prior literature on such risks;

Assessment.

(3) assess the role that quantitative and nonquantitative analytical methods can play in assessing such risks, including the limitations of such analysis;

Assessment.

(4) identify and examine the assumptions about nuclear risks that underlie the national security strategy of the United States; and

Examination.

(5) describe the consequences of the methods and assumptions that have been, are, or could be used in developing the nuclear security strategy of the United States.

(c) RECOMMENDATIONS.—Based on findings under subsection (b), the study may provide recommendations with respect to

improving the use of a risk assessment framework described in subsection (a)(1).

Deadline.

(d) **SUBMISSION.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the study under subsection (a), without change.

(e) **FORM.**—The study shall be submitted in unclassified form, but may include a classified annex.

SEC. 1675. REPORT ON MILITARY-TO-MILITARY DIALOGUE TO REDUCE RISKS OF MISCALCULATION LEADING TO NUCLEAR WAR.

Coordination.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report containing the following:

(1) A description of—

(A) current discussions between the United States Armed Forces and military counterparts from governments of foreign countries to reduce the risks of miscalculation, unintended consequences, or accidents that could precipitate the use of one or more nuclear weapons; and

(B) bilateral and multilateral agreements to which the United States is a party that provide for or facilitate military-to-military dialogue to address such risks.

(2) An assessment of the extent to which, if any, that military-to-military dialogue to reduce such risks is consistent with or supportive of other efforts conducted between the United States Government and foreign governments, or between nongovernmental organizations and foreign counterparts, to reduce such risks.

Consultation.

(3) An assessment conducted jointly by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and in consultation with the Director of National Intelligence—

(A) on the risks and benefits of establishing, in addition to the discussions described in paragraph (1)(A), military-to-military discussions with the Russian Federation, Iran, the People's Republic of China, and North Korea to address the risks described in that paragraph, including with respect to policy, cost, and operational matters; and

(B) of the willingness of the governments of those countries to engage in such discussions.

SEC. 1676. REPORT ON NUCLEAR FORCES OF THE UNITED STATES AND NEAR-PEER COUNTRIES.

Coordination.

(a) **REPORT.**—Not later than February 15, 2020, the Secretary of Defense, in coordination with the Director of National Intelligence, shall submit to the appropriate committees of Congress a report on the nuclear forces of the United States and near-peer countries.

Assessments.

(b) **ELEMENTS.**—The report under subsection (a) shall include the following:

(1) An assessment of the current and planned nuclear systems of the United States, including with respect to research and development timelines, deployment timelines, and force size.

(2) An assessment of the current and planned nuclear systems of the People’s Republic of China, including with respect to research and development timelines, deployment timelines, and force size. China.

(3) An assessment of the current and planned nuclear systems of the Russian Federation, including with respect to research and development timelines, deployment timelines, and force size, including— Russia.

(A) deployed nuclear weapons not covered by the New START Treaty;

(B) nuclear weapons in development that would not be covered by the New START Treaty; and

(C) strategic nuclear weapons that are not deployed.

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

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) NEW START TREATY.—The term “New START Treaty” means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed at Prague April 8, 2010, and entered into force February 5, 2011.

SEC. 1677. REPORT ON OPERATION OF CONVENTIONAL FORCES OF MILITARY DEPARTMENTS UNDER EMPLOYMENT OR THREAT OF EMPLOYMENT OF NUCLEAR WEAPONS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of the Air Force, the Secretary of the Army, and the Secretary of the Navy, shall submit to the congressional defense committees a report detailing the views of each such Secretary on the ability of conventional forces under the authority of that Secretary to operate effectively under employment or threat of employment of nuclear weapons by the United States, an ally of the United States, or an adversary of the United States, including with respect to— Coordination.

(1) measures taken to maximize the likelihood that such forces could continue to operate;

(2) risks or gaps in the capabilities of such forces that would result from the employment or threat of employment of nuclear weapons; and

(3) how the capabilities and limitations of such forces would impact decisions to continue or terminate operations.

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in classified form but shall be accompanied by an unclassified summary appropriate for release to the public.

SEC. 1678. REPORT ON OPERATION OF CONVENTIONAL FORCES OF CERTAIN COMBATANT COMMANDS UNDER EMPLOYMENT OR THREAT OF EMPLOYMENT OF NUCLEAR WEAPONS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Coordination.

Staff, in coordination with the Commander of the United States European Command, the Commander of the United States Indo-Pacific Command, and the Commander of the United States Strategic Command, shall submit to the congressional defense committees a report detailing the views of the Chairman and each such Commander on the ability of conventional forces under the authority of that Commander to execute contingency plans under employment or threat of employment of nuclear weapons by the United States, an ally of the United States, or an adversary of the United States, including with respect to—

(1) measures taken to maximize the likelihood that such forces could continue to operate;

(2) risks or gaps in the capabilities of such forces that would result from the employment or threat of employment of nuclear weapons; and

(3) how the capabilities and limitations of such forces would impact decisions to continue or terminate operations.

Classified
information.
Summary.
Public
information.

(b) **FORM OF REPORT.**—The report required by subsection (a) shall be submitted in classified form but shall be accompanied by an unclassified summary appropriate for release to the public.

SEC. 1679. BRIEFINGS ON PLAN FOR FUTURE-SYSTEMS-LEVEL ARCHITECTURE OF NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS SYSTEMS.

Deadline.
Time periods.
Coordination.

(a) **IN GENERAL.**—Not later than February 15, 2020, and every 180 days thereafter through fiscal year 2025, the Commander of the United States Strategic Command, in coordination with the Under Secretary of Defense for Acquisition and Sustainment, shall provide to the congressional defense committees a briefing on the plan of the Department of Defense for the future-systems-level architecture of the nuclear command, control, and communications systems.

(b) **ELEMENTS.**—Each briefing required by subsection (a) shall address the following:

Determination.

(1) Near- and long-term plans and options considered as of the date of the briefing in determining the future-systems-level architecture of the nuclear command, control, and communications systems, including options to maximize resilience of such systems.

Requirements.

(2) Requirements, including with respect to cybersecurity, survivability, and reliability, including levels of redundancy.

(3) The risks and benefits of replicating the legacy architecture for such systems.

(4) The risks and benefits of using different architectures for such systems, including using hosted payloads in space payloads.

(5) Security considerations for such systems, including classification and requirements and plans to ensure supply chain security.

(6) Classification options and decisions with respect to such architecture and systems to deter attacks on such systems.

Timelines.
Cost estimates.

(7) Timelines and general cost estimates for long-term investments in such systems, to the extent possible at the time of the briefing.

(8) Risks and benefits of pursuing agreements with adversaries of the United States, including potential agreements

not to target nuclear command, control, and communications systems through kinetic, nonkinetic, or cyber attacks.

(9) Required levels of civilian and military staffing within the United States Strategic Command, the Office of the Secretary of Defense, and any other relevant component of the Department of Defense to evaluate or execute such architecture, and an estimate of when such levels of staffing will be achieved.

Evaluation.
Estimate.

(10) Any other matters the Secretary considers appropriate.

SEC. 1680. SENSE OF CONGRESS ON NUCLEAR DETERRENCE COMMITMENTS OF THE UNITED STATES.

It is the sense of Congress that—

(1) credible extended deterrence commitments make key contributions to the security of the United States, international stability, and the nonproliferation objectives of the United States;

(2) the nuclear forces of the United States, as well as the independent nuclear forces of other members of the North Atlantic Treaty Organization (in this section referred to as “NATO”), continue to play a critical role in the security of the NATO alliance;

(3) United States forward-deployed nuclear weapons and dual-capable aircraft in Europe contribute to the assurance of allies of the United States of the commitment of the United States to their security and to the deterrence and defense posture of NATO; and

(4) nuclear-certified F–35A aircraft will provide the most advanced nuclear fighter capability in the current and future anti-access area denial environments.

Subtitle E—Missile Defense Programs

SEC. 1681. NATIONAL MISSILE DEFENSE POLICY.

(a) **POLICY.**—Subsection (a) of section 1681 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2431 note) is amended to read as follows:

“(a) **POLICY.**—It is the policy of the United States to—

“(1) maintain and improve, with funding subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense—

“(A) an effective, layered missile defense system capable of defending the territory of the United States against the developing and increasingly complex missile threat posed by rogue states; and

“(B) an effective regional missile defense system capable of defending the allies, partners, and deployed forces of the United States against increasingly complex missile threats; and

“(2) rely on nuclear deterrence to address more sophisticated and larger quantity near-peer intercontinental missile threats to the homeland of the United States.”.

(b) **REDESIGNATION REQUIREMENT.**—Not later than the date on which the President submits to Congress the annual budget request of the President for fiscal year 2021 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense

Deadline.
10 USC 2431
note.

shall, as the Secretary considers appropriate, redesignate all strategies, policies, programs, and systems under the jurisdiction of the Secretary to reflect that missile defense programs of the United States defend against ballistic, cruise, and hypersonic missiles in all phases of flight.

SEC. 1682. DEVELOPMENT OF SPACE-BASED BALLISTIC MISSILE INTERCEPT LAYER.

Section 1688 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note) is amended—

- (1) by striking subsection (c); and
- (2) by redesignating subsection (d) as subsection (c).

SEC. 1683. DEVELOPMENT OF HYPERSONIC AND BALLISTIC MISSILE TRACKING SPACE SENSOR PAYLOAD.

(a) DEVELOPMENT.—Section 1683 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note) is amended—

- (1) by redesignating subsections (d), (e), (f), (g), and (h), as subsections (e), (f), (g), (h), and (j), respectively; and
- (2) by inserting after subsection (c) the following new subsection (d):

“(d) HYPERSONIC AND BALLISTIC MISSILE TRACKING SPACE SENSOR PAYLOAD.—

Coordination.

“(1) DEVELOPMENT.—The Director of the Missile Defense Agency, in coordination with the Director of the Space Development Agency and the Secretary of the Air Force, as appropriate, shall—

“(A) develop a hypersonic and ballistic missile tracking space sensor payload; and

“(B) include such payload as a component of the sensor architecture developed under subsection (a).

Deadline.

“(2) ASSIGNMENT OF PRIMARY RESPONSIBILITY.—Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, the Secretary of Defense shall—

“(A) assign the Director of the Missile Defense Agency with the principal responsibility for the development and deployment of a hypersonic and ballistic tracking space sensor payload; and

Certification.

“(B) submit to the congressional defense committees a certification of such assignment.”.

(b) UPDATED PLAN.—Such section is further amended by inserting after subsection (h), as redesignated by subsection (a), the following new subsection:

Deadline.

“(i) UPDATED PLAN.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, the Secretary of Defense shall submit to the appropriate congressional committees an update to the plan under subsection (h), including with respect to the following:

“(1) How the Director of the Missile Defense Agency, the Director of the Defense Advanced Research Projects Agency, the Secretary of the Air Force, and the Director of the Space Development Agency, will each participate in the development of the sensor architecture under subsection (a) and the inclusion of the hypersonic and ballistic missile tracking space sensor

payload as a component of such architecture pursuant to subsection (d), with respect to both prototype and operational capabilities, including how each such official will work together to avoid duplication of efforts.

“(2) How such payload will address the requirement of the United States Strategic Command for a hypersonic and ballistic missile tracking space sensing capability.

“(3) The estimated costs (in accordance with subsection (e)) to develop, acquire, and deploy, and the lifecycle costs to operate and sustain, the payload under subsection (d) and include such payload in the sensor architecture developed under subsection (a).”.

Cost estimates.

(c) CONFORMING AMENDMENT.—Subsection (h)(1) of such section, as redesignated by subsection (a), is amended by striking “with subsection (d)” and inserting “with subsection (e)”.

SEC. 1684. MODIFICATIONS TO REQUIRED TESTING BY MISSILE DEFENSE AGENCY OF GROUND-BASED MIDCOURSE DEFENSE ELEMENT OF BALLISTIC MISSILE DEFENSE SYSTEM.

Section 1689(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2631; 10 U.S.C. 2431 note) is amended—

(1) in the matter preceding paragraph (1), by striking “, when possible,”; and

(2) in paragraph (3), by inserting “, including the use of threat-representative countermeasures” before the period.

SEC. 1685. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM AND ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CO-DEVELOPMENT AND CO-PRODUCTION.

(a) IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.—

(1) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act for fiscal year 2020 for procurement, Defense-wide, and available for the Missile Defense Agency, not more than \$95,000,000 may be provided to the Government of Israel to procure components for the Iron Dome short-range rocket defense system through co-production of such components in the United States by industry of the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, as amended to include co-production for Tamir interceptors.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Director of the Missile Defense Agency and the Under Secretary of Defense for Acquisition and Sustainment shall jointly submit to the appropriate congressional committees—

Deadline.

(i) a certification that the amended bilateral international agreement specified in subparagraph (A) is being implemented as provided in such agreement; and

Assessment.

(ii) an assessment detailing any risks relating to the implementation of such agreement.

(b) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, DAVID'S SLING WEAPON SYSTEM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (3), of the funds authorized to be appropriated for fiscal year 2020 for procurement, Defense-wide, and available for the Missile Defense Agency not more than \$50,000,000 may be provided to the Government of Israel to procure the David's Sling Weapon System, including for co-production of parts and components in the United States by United States industry.

(2) AGREEMENT.—Provision of funds specified in paragraph (1) shall be subject to the terms and conditions in the bilateral co-production agreement, including—

(A) a one-for-one cash match is made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel); and

(B) co-production of parts, components, and all-up rounds (if appropriate) in the United States by United States industry for the David's Sling Weapon System is not less than 50 percent.

(3) CERTIFICATION AND ASSESSMENT.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees—

(A) a certification that the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreement and the bilateral co-production agreement for the David's Sling Weapon System; and

(B) an assessment detailing any risks relating to the implementation of such agreement.

(c) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, ARROW 3 UPPER TIER INTERCEPTOR PROGRAM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (2), of the funds authorized to be appropriated for fiscal year 2020 for procurement, Defense-wide, and available for the Missile Defense Agency not more than \$55,000,000 may be provided to the Government of Israel for the Arrow 3 Upper Tier Interceptor Program, including for co-production of parts and components in the United States by United States industry.

(2) CERTIFICATION.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees a certification that—

(A) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreement for the Arrow 3 Upper Tier Interceptor Program;

(B) funds specified in paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel);

(C) the United States has entered into a bilateral international agreement with Israel that establishes, with respect to the use of such funds—

(i) in accordance with subparagraph (D), the terms of co-production of parts and components on the basis of the greatest practicable co-production of parts, components, and all-up rounds (if appropriate) by United States industry and minimizes nonrecurring engineering and facilitization expenses to the costs needed for co-production;

(ii) complete transparency on the requirement of Israel for the number of interceptors and batteries that will be procured, including with respect to the procurement plans, acquisition strategy, and funding profiles of Israel;

(iii) technical milestones for co-production of parts and components and procurement;

(iv) a joint affordability working group to consider cost reduction initiatives; and

(v) joint approval processes for third-party sales; and

(D) the level of co-production described in subparagraph (C)(i) for the Arrow 3 Upper Tier Interceptor Program is not less than 50 percent.

(d) **NUMBER.**—In carrying out paragraph (2) of subsection (b) and paragraph (2) of subsection (c), the Under Secretary may submit—

(1) one certification covering both the David’s Sling Weapon System and the Arrow 3 Upper Tier Interceptor Program; or

(2) separate certifications for each respective system.

(e) **TIMING.**—The Under Secretary shall submit to the congressional defense committees the certification and assessment under subsection (b)(3) and the certification under subsection (c)(2) by not later than 30 days before the funds specified in paragraph (1) of subsections (b) and (c) for the respective system covered by the certification are provided to the Government of Israel.

(f) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1686. LIMITATION ON AVAILABILITY OF FUNDS FOR LOWER TIER AIR AND MISSILE DEFENSE SENSOR.

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Army for the lower tier air and missile defense sensor, not more than 75 percent may be obligated or expended until the Secretary of the Army submits the report under subsection (b).

(b) **REPORT.**—The Secretary of the Army shall submit to the congressional defense committees a report on the test and demonstration of lower tier air and missile defense sensors that occurred during the third quarter of fiscal year 2019. Such report shall include the following:

(1) An explanation of how the test and demonstration was conducted and what the test and demonstration set out to achieve, including—

(A) an explanation of the performance specifications used; and

(B) a description of the emulated threats used in the test and demonstration and how such threats compare to emerging regional air and missile threats.

(2) An explanation of the capability of the sensor system that the Secretary determined to be the winner of the test and demonstration, including with respect to—

(A) the capability of such sensor system against key threats and requirements, including whether such sensor system will be delivered with full 360-degree coverage and the ability of such sensor system to detect, track, and surveil targets;

(B) the estimated procurement and life-cycle costs of operating such sensor system; and

(C) the cost, timeline, and approach that will be used to integrate the lower tier air and missile defense sensor with other sensors using the Integrated Air and Missile Defense Battle Command System.

(3) An explanation of whether future performance improvements to the lower tier air and missile defense sensor are conditional on intellectual property and how such improvements will be made if the United States does not own such intellectual property.

Alaska.

SEC. 1687. PLAN FOR THE REDESIGNED KILL VEHICLE REPLACEMENT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the decision by the Department of Defense to terminate the redesigned kill vehicle contract on August 22, 2019, due to technological problems encountered during development will result in a delay to the fielding of an additional 20 ground-based interceptors at Fort Greely, Alaska, which had been planned to be emplaced by the end of calendar year 2023;

(2) to ensure that the future next-generation improved homeland defense interceptor program will deliver the required capability, have rigorous technical and acquisition oversight, and maintain schedule milestones, thereby mitigating the risk of similar issues as experienced with the redesigned kill vehicle, the acquisition strategy for such program should be reviewed and jointly approved by both the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Acquisition and Sustainment, with input by stakeholders across the Department of Defense prior to proceeding with development efforts and awarding a contract; and

(3) the Department, including the Missile Defense Agency, should uphold “fly before you buy” principles in such new acquisition strategy to ensure the overall system and components have been rigorously flight-tested prior to making procurement decisions.

(b) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Missile Defense Agency for the next-generation improved homeland defense interceptor, not more than 50 percent may be obligated

or expended until the date on which the Secretary of Defense submits the report under subsection (c).

(c) **REPORT.**—The Secretary of Defense shall submit to the congressional defense committees a report on the next-generation improved homeland defense interceptor program to replace the redesigned kill vehicle. The report shall include the following:

- (1) Updated threat assessments by the intelligence community informing system threshold and objective requirements. Assessments.
- (2) Updated requirements to address current and emerging threats. Requirements.
- (3) Technical, programmatic, and cost analyses conducted on courses of action and alternatives to meet capability requirements, including—
 - (A) an independent cost estimate for each course of action considered; and Cost estimate.
 - (B) an evaluation of the technical readiness level of the overall system and the components for each course of action considered. Evaluation.
- (4) Options considered to address reliability efforts of the current fleet, understanding known deficiencies, and the impact of not addressing such efforts and deficiencies until the delivery of the next-generation improved homeland defense interceptors.
- (5) An obsolescence, refurbishment, and sustainment plan for all ground-based interceptor silos, including any impacts to the construction, delivery, and sustainment of missile field 4 located at Fort Greely, Alaska, taking into account the delay to emplacing additional interceptors. Plan.
- (6) Possible opportunities as a result of the impacts described in paragraph (4) for improvements to missile fields located at Fort Greely other than missile field 4, including additional infrastructure or components required, and estimated schedules and costs for such opportunities.
- (7) A determination of the appropriate fleet mix of ground-based interceptor kill vehicles and boosters to maximize overall system effectiveness and increase capacity and capability, including the costs and benefits of continued inclusion of capability enhancement II block 1 interceptors after the fielding of the next-generation improved homeland defense interceptor. Determination.

SEC. 1688. ORGANIZATION, AUTHORITIES, AND BILLETS OF THE MISSILE DEFENSE AGENCY.

(a) **INDEPENDENT STUDY.**—

(1) **ASSESSMENT.**—In accordance with paragraph (2), the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct a study assessing—

(A) the organization of the Missile Defense Agency under the Under Secretary of Defense for Research and Engineering pursuant to section 205(b) of title 10, United States Code;

(B) alternative ways to organize the Agency under other officials of the Department of Defense, including the Under Secretary for Acquisition and Sustainment and any other official of the Department the federally funded research and development center determines appropriate; and

- (C) transitioning the Agency to the standard acquisition process pursuant to Department of Defense Instruction 5000, including both the risks and benefits of making such a transition.
- Update. (2) SCOPE OF STUDY.—Before entering into the contract with a federally funded research and development center to conduct the study under paragraph (1), the Secretary shall provide to the congressional defense committees an update on the scope of such study.
- Deadline. (3) SUBMISSION TO DOD.—Not later than 180 days after the date of the enactment of this Act, the federally funded research and development center shall submit to the Secretary the study conducted under paragraph (1).
- Deadline. (4) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the federally funded research and development center submits to the Secretary the study under paragraph (1), the Secretary shall submit to the congressional defense committees the study, without change.
- (b) NOTIFICATION ON CHANGES TO NON-STANDARD ACQUISITION PROCESSES AND RESPONSIBILITIES.—
- (1) REQUIREMENTS.—The Secretary may not make any changes to the missile defense non-standard acquisition processes and responsibilities described in paragraph (2) until the Secretary, without delegation—
- Consultation. (A) has consulted with the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Policy, the secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, the Commander of United States Strategic Command, the Commander of United States Northern Command, and the Director of the Missile Defense Agency;
- Certification. (B) certifies to the congressional defense committees that the Secretary has coordinated the changes with and received the views of the individuals referred to in subparagraph (A);
- Reports. (C) submits to the congressional defense committees a report describing the changes, the rationale for the changes, and the views of the individuals referred to in subparagraph (A) with respect to such changes; and
- Time period. (D) a period of 120 days has elapsed following the date on which the Secretary submits such report.
- (2) NON-STANDARD ACQUISITION PROCESSES AND RESPONSIBILITIES DESCRIBED.—The non-standard acquisition processes and responsibilities described in this paragraph are such processes and responsibilities described in—
- (A) the memorandum of the Secretary of Defense titled “Missile Defense Program Direction” signed on January 2, 2002;
- (B) Department of Defense Directive 5134.09, as in effect on the date of the enactment of this Act; and
- (C) United States Strategic Command Instruction 583–3.
- (c) LIMITATION ON CERTAIN TRANSFERS OF BILLETS.—During fiscal year 2020, the Secretary of Defense may not transfer civilian or military billets from the Missile Defense Agency to any element

of the Department under the Under Secretary of Defense for Research and Engineering until, for each such transfer—

- (1) the Secretary notifies the congressional defense committees of such proposed transfer; and Notification.
- (2) a period of 90 days has elapsed following the date of such notification. Time period.

SEC. 1689. ANNUAL ASSESSMENT OF BALLISTIC MISSILE DEFENSE SYSTEM. 10 USC 139 note.

(a) **ANNUAL ASSESSMENT.**—As part of the annual report of the Director of Operational Test and Evaluation submitted to Congress under section 139 of title 10, United States Code, the Director shall include an assessment of the ballistic missile defense system and all of the elements of the system that have been fielded or are planned, as of the date of the assessment, including—

- (1) the operational effectiveness, suitability, and survivability of the ballistic missile defense system and the elements of the system that have been fielded or tested; and
- (2) the adequacy and sufficiency of the test program of such system as of the date of the assessment, including with respect to the operational realism of the tests.

(b) **FORM.**—Each assessment under subsection (a) may be submitted in unclassified form, and may include a classified annex.

SEC. 1690. COMMAND AND CONTROL, BATTLE MANAGEMENT, AND COMMUNICATIONS PROGRAM.

(a) **LIMITATION ON SALE.**—The Director of the Missile Defense Agency may not release the command and control, battle management, and communications program for export until the date on which the Director submits the report under subsection (b).

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Director shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report containing the following:

- (1) An explanation of the rationale of the Director for considering to export the command and control, battle management, and communications program (or any variants thereof) in light of the critical role of the program in the strategic national defense of the United States and the allies of the United States against ballistic missile attack.
- (2) The findings of the market research and analysis conducted by the Director regarding exportable command and control solutions for ballistic missile defense, including such solutions that are internationally available.

SEC. 1691. MISSILE DEFENSE INTERCEPTOR SITE IN CONTIGUOUS UNITED STATES.

(a) **REPORT.**—Not later than January 31, 2020, the Secretary of Defense shall submit to the congressional defense committees a report on the designation made on June 26, 2019, of a preferred potential future missile field site in the contiguous United States from the sites evaluated pursuant to section 227 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1678). The report shall address the following:

- (1) The environmental impact statement prepared pursuant to such section 227.

(2) The strategic and operational effectiveness of the site, including with respect to the location that is the most advantageous site in providing coverage to the entire contiguous United States, including having the capability to provide shoot-assess-shoot coverage to the entire contiguous United States.

(3) Construction remediation efforts and impacts to the existing environment at the site.

(4) The existing infrastructure at the site.

(5) The costs to construct, equip, and operate the site.

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

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

(1) as requiring the Secretary of Defense to begin a military construction project relating to the missile defense site in the contiguous United States; or

(2) as a statement that there is any current military requirement for such a site.

(d) CONFORMING REPEAL.—Section 1681 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1776) is repealed.

SEC. 1692. INDEPENDENT STUDY ON IMPACTS OF MISSILE DEFENSE DEVELOPMENT AND DEPLOYMENT.

Deadline.
Contracts.

(a) STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center to conduct a study on the impacts of the development and deployment of homeland missile defenses of the United States on the security of the United States as a whole.

(b) MATTERS INCLUDED.—The study under subsection (a) shall—

(1) consider whether security benefits obtained by the deployment of homeland missile defenses of the United States are undermined or counterbalanced by adverse reactions of potential adversaries, including both rogue states and near-peer adversaries; and

(2) consider the effectiveness of the homeland missile defense efforts of the United States to deter the development of ballistic missiles, in particular by both rogue states and near-peer adversaries.

(c) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the study under subsection (a), without change.

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

SEC. 1693. REPORT AND BRIEFING ON MULTI-VOLUME KILL CAPABILITY.

Coordination.

Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense for Research and Engineering, in coordination with the Director of the Missile Defense Agency, the Under Secretary of Defense for Acquisition and Sustainment, and the Director of Cost Assessment and Program Evaluation, shall submit to the congressional defense committees a report, and shall provide to such committees a briefing, on an assessment of potential roles for a multi-volume kill capability

in a future architecture of the ballistic missile defense system. Such report and briefing shall include the following:

Assessments.

(1) An assessment of the current technology readiness level of necessary components and the technology readiness levels needed for an operational system.

(2) An assessment of the costs and a comprehensive development and testing schedule to deploy a multi-volume kill capability.

(3) A concept of operations with respect to how a multi-volume kill capability could be employed and how such a capability compares to single-kill ground-based midcourse defense system interceptors.

Subtitle F—Other Matters

SEC. 1694. EXTENSION OF AUTHORIZATION FOR PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

(a) IN GENERAL.—Subsection (i) of section 130i of title 10, United States Code, is amended by striking “2020” both places it appears and inserting “2023”.

(b) TECHNICAL CORRECTIONS.—Such section is amended—

(1) in subsection (i)(1), as amended by subsection (a), by striking “of subsection (j)(3)” and inserting “of subsection (j)(3)(C)”; and

(2) in subsection (j)(6), by striking “in” and all that follows through the period at the end and inserting “in section 44801 of title 49”.

SEC. 1695. REPEAL OF REQUIREMENT FOR COMMISSION ON ELECTROMAGNETIC PULSE ATTACKS AND SIMILAR EVENTS.

Section 1691 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1786) is repealed.

SEC. 1696. REPEAL OF REVIEW REQUIREMENT FOR AMMONIUM PERCHLORATE REPORT.

Section 1694 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1792) is amended by striking subsection (d).

SEC. 1697. TRANSFERABILITY OF CONVENTIONAL PROMPT GLOBAL STRIKE WEAPON SYSTEM TECHNOLOGIES TO SURFACE-LAUNCHED PLATFORMS.

(a) SURFACE-LAUNCHED TECHNOLOGIES.—The Secretary of the Navy shall ensure that the technologies developed for the conventional prompt global strike weapon system are transferrable to a surface-launched platform.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the programmatic changes required to integrate the conventional prompt global strike weapon system into current or future surface combatant ships.

SEC. 1698. PROHIBITION ON AVAILABILITY OF FUNDS FOR CERTAIN OFFENSIVE GROUND-LAUNCHED BALLISTIC OR CRUISE MISSILE SYSTEMS.

(a) **PROHIBITION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Department of Defense may be obligated or expended for the procurement or deployment of an offensive ground-launched ballistic or cruise missile system with a range between 500 and 5,500 kilometers.

Briefing.
Evaluations.

(b) **REPORT.**—Not later than January 31, 2020, the Secretary of Defense shall submit to the congressional defense committees a report, and provide a briefing, that includes the following:

(1) An evaluation of the capabilities required to execute contingency plans in the areas of responsibility of the United States European Command and the United States Indo-Pacific Command using offensive ground-launched missile systems of ranges in excess of 500 kilometers.

(2) An evaluation of what types of systems (including the range and flight profile of such systems), if any, could be used to meet the required capabilities identified under paragraph (1).

Analysis.

(3) The results of an analysis of alternatives conducted by the Chairman of the Joint Chiefs of Staff and the Director of Cost Assessment and Program Evaluation that considers—

(A) conventional missile systems, including ground-, sea-, and air-launched missiles, that could be deployed to meet the required capabilities identified under paragraph (1);

(B) the cost, schedule, and feasibility of tailored acquisition strategies for each such system considered;

(C) simulations and games that were performed to inform the analysis of alternatives;

(D) benefits and risks of such different types of systems, including operational considerations in contested environments; and

(E) any other operational or programmatic considerations determined relevant by the Chairman or the Director.

(4) Options for basing any such missile system in, or deploying any such missile system to, Europe or the Indo-Pacific region, including any agreements required for such options and potential timelines to implement such options.

List.

(5) A list of any governments of a foreign country consulted about such possible deployments, and a summary of the reaction of each such government.

(6) A discussion of whether deploying such missile systems on the territory of a NATO ally would require a consensus decision by NATO.

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

SEC. 1699. HARD AND DEEPLY BURIED TARGETS.

Deadline.
Consultation.
Classified
information.

(a) **BRIEFING REQUIRED.**—

(1) **IN GENERAL.**—Not later than December 1, 2019, the Chairman of the Joint Chiefs of Staff shall, in consultation with the Commander of the United States Strategic Command,

provide to the congressional defense committees a classified briefing on hard and deeply buried targets.

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

(A) An estimate of the total number of high-value hard and deeply buried targets associated with United States military operations plans. Estimate.

(B) A description of the contents, functions, and hardening characteristics of the targets described in subparagraph (A), as well as their level of protection by anti-access and area denial capabilities.

(C) An assessment of the current ability of, and requirement, cost, and implications for deterrence and strategic stability for, the United States to hold such targets at risk using existing conventional and nuclear capabilities.

(D) An assessment of the potential ability of, and requirement, cost, and implications for deterrence and strategic stability for, the United States to hold such targets at risk using projected conventional and nuclear capabilities as of 2030.

(b) PLAN REQUIRED.—Not later than February 15, 2020, the Secretary of Defense shall develop a plan detailing the requirement, cost, and implications for deterrence and strategic stability for the United States to possess by 2025 the capabilities to pose a credible threat against targets described in the briefing required by subsection (a). Deadlines.

TITLE XVII—REPORTS AND OTHER MATTERS

Subtitle A—Studies and Reports

- Sec. 1701. Modification of annual reporting requirements on defense manpower.
- Sec. 1702. Termination of requirement for submittal to Congress of certain recurring reports.
- Sec. 1703. Modification of annual report on civilian casualties in connection with United States military operations.
- Sec. 1704. Extension of requirement for briefings on the national biodefense strategy.
- Sec. 1705. Authorization of appropriations for title III of the Defense Production Act of 1950.
- Sec. 1706. Report on the Department of Defense plan for mass-casualty disaster response operations in the Arctic.
- Sec. 1707. Transmittal to Congress of requests for assistance from other departments of the Federal Government that are approved by the Department of Defense.
- Sec. 1708. Report and briefing on implementation of national defense strategy.
- Sec. 1709. Actions to increase analytic support.
- Sec. 1710. Inclusion of certain individuals investigated by Inspectors General in the semiannual report.
- Sec. 1711. Annual report on Joint Military Information Support Operations Web Operations Center.
- Sec. 1712. Mobility capability requirements study.
- Sec. 1713. Assessment of special operations force structure.
- Sec. 1714. Army aviation strategic plan and modernization roadmap.
- Sec. 1715. Report on ground-based long-range artillery to counter land and maritime threats.
- Sec. 1716. Independent review of transportation working-capital fund.
- Sec. 1717. Geographic command risk assessment of proposed use of certain aircraft capabilities.
- Sec. 1718. Report on backlog of personnel security clearance adjudications.
- Sec. 1719. Report regarding outstanding Government Accountability Office recommendations.

- Sec. 1720. Report on National Guard and United States Northern Command capacity to meet homeland defense and security incidents.
- Sec. 1721. Assessment of standards, processes, procedures, and policy relating to civilian casualties.
- Sec. 1722. Report on transfers of equipment to prohibited entities.
- Sec. 1723. Annual report on strikes undertaken by the United States against terrorist targets outside areas of active hostilities.
- Sec. 1724. Review and assessment of mitigation of military helicopter noise.

Subtitle B—Other Matters

- Sec. 1731. Technical, conforming, and clerical amendments.
- Sec. 1732. Establishment of lead Inspector General for an overseas contingency operation based on Secretary of Defense notification.
- Sec. 1733. Clarification of authority of Inspectors General for overseas contingency operations.
- Sec. 1734. Employment status of annuitants for Inspectors General for overseas contingency operations.
- Sec. 1735. Extension of National Security Commission on Artificial Intelligence.
- Sec. 1736. Exemption from calculation of monthly income, for purposes of bankruptcy laws, of certain payments from the Department of Veterans Affairs and the Department of Defense.
- Sec. 1737. Extension of postage stamp for breast cancer research.
- Sec. 1738. National Commission on Military Aviation Safety.
- Sec. 1739. Guarantee of residency for spouses of members of the uniformed services.
- Sec. 1740. Electromagnetic pulses and geomagnetic disturbances.
- Sec. 1741. Improvements to Manufacturing USA Program.
- Sec. 1742. Regional innovation program.
- Sec. 1743. Aviation workforce development.
- Sec. 1744. Oversight of Department of Defense execute orders.
- Sec. 1745. Processes and procedures for notifications regarding special operations forces.
- Sec. 1746. Securing American science and technology.
- Sec. 1747. Standardized policy guidance for calculating aircraft operation and sustainment costs.
- Sec. 1748. Special Federal Aviation Regulation Working Group.
- Sec. 1749. Prohibition on names related to the Confederacy.
- Sec. 1750. Support for National Maritime Heritage Grants program.
- Sec. 1751. Support for world language advancement and readiness.
- Sec. 1752. Designation of Department of Defense strategic Arctic ports.
- Sec. 1753. Independent studies regarding potential cost savings with respect to the nuclear security enterprise and force structure .
- Sec. 1754. Comprehensive Department of Defense policy on collective self-defense.
- Sec. 1755. Policy regarding the transition of data and applications to the cloud.
- Sec. 1756. Integrated public alert and warning system.
- Sec. 1757. Improving quality of information in background investigation request packages.
- Sec. 1758. Parole in place for members of the Armed Forces and certain military dependents.
- Sec. 1759. Report on reducing the backlog in legally required historical declassification obligations of the Department of Defense.
- Sec. 1760. Military type certification for light attack experimentation aircraft.

Subtitle A—Studies and Reports

SEC. 1701. MODIFICATION OF ANNUAL REPORTING REQUIREMENTS ON DEFENSE MANPOWER.

(a) CONVERSION OF ANNUAL REQUIREMENTS REPORT INTO ANNUAL PROFILE REPORT.—Section 115a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking the first two sentences and inserting the following new sentence: “Not later than April 1 each year, the Secretary of Defense shall submit to Congress a defense manpower profile report.”;

(B) in paragraph (1), by adding “and” at the end;

(C) in paragraph (2), by striking “; and” and inserting a period; and

(D) by striking paragraph (3);

(2) in subsection (b)—

(A) by striking “(1)”; and

(B) by striking paragraphs (2) and (3); and

(3) in subsection (c), by striking “the following:” and all that follows and inserting “the manpower required for support and overhead functions within the armed forces and the Department of Defense.”

(b) CONVERSION OF CERTAIN CURRENT REPORT ELEMENTS INTO SEPARATE, MODIFIED REPORTS.—Such section is further amended—

(1) in subsection (d), by striking “The Secretary shall also include in each such report” and inserting “Not later than April 1 each year, the Secretary shall submit to Congress a report that sets forth”; and

(2) in subsection (e)(1), by striking “In each such report, the Secretary shall also include” and inserting “Not later than April 1 each year, the Secretary shall submit to Congress a report that sets forth”; and

(3) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking “The Secretary shall also include in each such report” and inserting “Not later than June 1 each year, the Secretary shall submit to Congress a report that sets forth”; and

(B) in paragraph (1), by striking “and estimates of such numbers for the current fiscal year and subsequent fiscal years”; and

(4) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking “In each report submitted under subsection (a), the Secretary shall also include a detailed discussion” and inserting “Not later than September 1 each year, the Secretary shall submit to Congress a report that sets forth a detailed discussion, current as of the preceding fiscal year,”; and

(B) by striking “the year” each place it appears and inserting “the fiscal year”; and

(5) in subsection (h), by striking “In each such report, the Secretary shall include a separate report” and inserting “Not later than April 1 each year, the Secretary shall submit to Congress a report”.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

“§ 115a. Annual defense manpower profile report and related reports”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 115a and inserting the following new item:

“115a. Annual defense manpower profile report and related reports.”

10 USC
prec. 111.

SEC. 1702. TERMINATION OF REQUIREMENT FOR SUBMITTAL TO CONGRESS OF CERTAIN RECURRING REPORTS.

Effective date.
10 USC 111 note. (a) **TERMINATION.**—Effective on December 30, 2021, each report described in subsection (b) that is still required to be submitted to Congress as of such effective date shall no longer be required to be submitted to Congress.

10 USC 111 note. (b) **COVERED REPORTS.**—A report described in this subsection is any of the following:

(1) The report required by section 1696(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

(2) The report required by section 1071(b)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91).

(3) The report required by section 1788a(d) of title 10, United States Code, as added by section 555 of such Act.

(4) The report required under section 709(g) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 1071 note).

(5) The report required by section 1292(a)(2) of such Act (22 U.S.C. 2751 note).

(6) The quarterly report required by section 1236(c) of such Act.

(7) The annual certification required by section 1666 of such Act (10 U.S.C. 2431 note).

(8) The updates required under paragraph (3) of subsection (a) of section 1694 of such Act to the report required under paragraph (1) of such subsection.

(9) The notifications required by section 1695 of such Act.

(10) The report required under section 522(g) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92).

(c) **CONFORMING REPEAL.**—

(1) **IN GENERAL.**—Section 1788a of title 10, United States Code, is amended by striking subsection (d).

10 USC 1788a
note. (2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect on December 30, 2021.

10 USC 111 note. (d) **REQUIREMENT FOR PREPARATION OF CERTAIN REPORTS TO CONGRESS BY CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT AND MEMBERS OF THE ARMED FORCES.**—

(1) **REQUIREMENT.**—Except as expressly otherwise provided in the provision of law requiring such report, any report submitted to Congress pursuant to a provision of a national defense authorization Act that is enacted on or after the date that is three years after the date of the enactment of this Act shall be written by civilian employees of the Federal Government, members of the Armed Forces, or both, and not by contractor employees of the Federal Government.

Deadline. (2) **BRIEFING.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on the actions to be taken to ensure compliance with the requirement in paragraph (1), including on any impediments to compliance with the requirement.

SEC. 1703. MODIFICATION OF ANNUAL REPORT ON CIVILIAN CASUALTIES IN CONNECTION WITH UNITED STATES MILITARY OPERATIONS.

(a) **IN GENERAL.**—Section 1057 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), as amended by section 1062 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended—

10 USC 113 note.

(1) in subsection (b)—

(A) by redesignating paragraphs (5) and (6) as paragraphs (8) and (9), respectively; and

(B) by striking paragraphs (3) and (4) and inserting the following new paragraphs:

“(3) A description of the process by which the Department of Defense investigates allegations of civilian casualties resulting from United States military operations, including how the Department incorporates information from interviews with witnesses, civilian survivors of United States operations, and public reports or other nongovernmental sources.

“(4) A description of—

“(A) steps taken by the Department to mitigate harm to civilians in conducting such operations; and

“(B) in the case of harm caused by such an operation to a civilian, any ex gratia payment or other assistance provided to the civilian or the family of the civilian.

“(5) A description of any allegations of civilian casualties made by public or non-governmental sources formally investigated by the Department of Defense.

“(6) A description of the general reasons for any discrepancies between the assessments of the United States and reporting from nongovernmental organizations regarding non-combatant deaths resulting from strikes and operations undertaken by the United States.

“(7) The definitions of ‘combatant’ and ‘non-combatant’ used in the preparation of the report, which shall be consistent with the laws of armed conflict.”; and

(2) in subsection (e), by striking “five years” and inserting “seven years”.

(b) **CLASSIFICATION.**—The Law Revision Counsel is directed to place such section 1057 in a note following section 113 of title 10, United States Code.

10 USC 113 note.

SEC. 1704. EXTENSION OF REQUIREMENT FOR BRIEFINGS ON THE NATIONAL BIODEFENSE STRATEGY.

Section 1086(d) of the National Defense Authorization Act for Fiscal year 2017 (Public Law 114–328; 130 Stat. 2423; 6 U.S.C. 104(d)) is amended by striking “March 1, 2019” and inserting “March 1, 2025”.

SEC. 1705. AUTHORIZATION OF APPROPRIATIONS FOR TITLE III OF THE DEFENSE PRODUCTION ACT OF 1950.

(a) **IN GENERAL.**—Section 711 of the Defense Production Act of 1950 (50 U.S.C. 4561) is amended by adding at the end the following: “In addition to the appropriations authorized by the previous sentence, there is authorized to be appropriated \$117,000,000 for each of fiscal years 2020 through 2024 to carry out title III.”.

Deadline.
Time period.

(b) **ANNUAL BRIEFING REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for five years, the Secretary of Defense, or the designee of the Secretary, shall brief the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on activities undertaken in the preceding year with respect to title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.).

SEC. 1706. REPORT ON THE DEPARTMENT OF DEFENSE PLAN FOR MASS-CASUALTY DISASTER RESPONSE OPERATIONS IN THE ARCTIC.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the Department of Defense may be called upon to support the Coast Guard and other agencies of the Department of Homeland Security in responding to any mass-casualty disaster response operations in the Arctic;

(2) coordination between the Department of Defense and the Coast Guard might be necessary for responding to a mass-casualty event in the Arctic; and

(3) prior planning for Arctic mass-casualty disaster response operations will bolster the response of the Federal Government to a mass-casualty disaster in the Arctic environment.

Coordination.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of Homeland Security, submit to the appropriate committees of Congress a report on the plan of the Department of Defense for assisting mass-casualty disaster response operations in the Arctic.

(c) **ELEMENTS.**—The report required by subsection (b) shall include the following:

(1) A description of the assets that could be made available to support other agencies and departments of the Federal Government for mass-casualty disaster response operations in the Arctic.

Assessment.

(2) A description and assessment of the command, control, and coordination relationships that would be useful to integrate rescue forces for such operations from multiple agencies and departments of the Federal Government.

Assessment.

(3) A description and assessment of the communications assets that could be made available in support of other agencies and departments of the Federal Government for communication and coordination in such operations.

(4) A description of any cooperative arrangements with Canada and other regional partners in providing rescue assets and infrastructure in connection with such operations.

(5) A description of available medical infrastructure and assets that could be made available in support of other agencies and departments of the Federal Government for aeromedical evacuation in connection with such operations.

(6) A description of available shelter locations that could be made available in support of other agencies and departments of the Federal Government for use in connection with such operations, including the number of people that can be sheltered per location.

(7) An assessment of logistical challenges that evacuations from the Arctic in connection with such operations entail, including potential rotary and fixed-wing aircraft trans-load locations and onward movement requirements.

Assessment.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

SEC. 1707. TRANSMITTAL TO CONGRESS OF REQUESTS FOR ASSISTANCE FROM OTHER DEPARTMENTS OF THE FEDERAL GOVERNMENT THAT ARE APPROVED BY THE DEPARTMENT OF DEFENSE.

10 USC 113 note.

(a) REQUESTS FOLLOWING APPROVAL.—Not later than seven calendar days after the Department of Defense approves a Request for Assistance from the Department of Homeland Security or the Department of Health and Human Services, the Secretary of Defense shall electronically transmit to the Committees on Armed Services of the Senate and the House of Representatives a copy of such Request for Assistance.

Deadline.
Records.

(b) OFFICIAL RESPONSES TO APPROVED REQUESTS.—At the same time the Secretary of Defense submits to the Secretary of Homeland Security or the Secretary of Health and Human Services an official response of the Department of Defense approving a Request for Assistance from the Department of Homeland Security or the Department of Health and Human Services, as applicable, the Secretary of Defense shall electronically transmit to the Committees on Armed Services of the Senate and the House of Representatives a copy of such official response.

SEC. 1708. REPORT AND BRIEFING ON IMPLEMENTATION OF NATIONAL DEFENSE STRATEGY.

(a) REPORT AND BRIEFING.—In addition to the assessment required under section 113(g)(1)(F) of title 10, United States Code, by not later than April 30, 2020, the Secretary of Defense shall submit to the congressional defense committees a report, and provide an accompanying briefing, on the implementation of the national defense strategy required under section 113(g) of title 10, United States Code. Such report and briefing shall include each of the following:

Assessment.

(1) An explanation of the joint operational concepts to deter and, if necessary, to defeat strategic competitors, including—

Evaluations.

(A) an evaluation of the risks associated with the employment of such joint operational concepts;

(B) the ways of adapting innovative joint operational concepts to strategically significant scenarios;

(C) the ways that such joint operational concepts address operational challenges to achieve advantages against strategic competitors in the nuclear, space, and cyber domains; and

(D) the employment of the force in peacetime to dissuade strategic competitors from conducting malign activities below the threshold of open warfare, including an

evaluation of the use of Dynamic Force Employment and the Global Operating Model.

(2) The force posture changes and the United States defense investments required to implement the national defense strategy.

(3) Adjustments to research and development projects and programs of record, including any additions, deletions, or modifications intended to align force management, including Joint Force development and design, required to implement the national defense strategy.

Assessment.

(4) An assessment of the personnel and organizational changes required to implement the national defense strategy.

(5) The resources and defense investments necessary to support the operational concepts and their implementation.

(b) INDEPENDENT STUDIES.—

(1) STUDIES REQUIRED.—

(A) IN GENERAL.—The Secretary of Defense shall provide for the performance of two independent studies on the development of joint operational concepts within the Department of Defense in accordance with this subsection.

Deadline.

(B) SUBMITTAL TO CONGRESS.—Not later than October 1, 2020, the Secretary shall submit to the congressional defense committees the results of each study required under subparagraph (A).

(C) FORM.—Each study required under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(2) ENTITIES TO PERFORM STUDIES.—The Secretary shall provide for the studies under paragraph (1) to be performed as follows:

(A) One study shall be performed by a federally funded research and development center.

(B) One study shall be performed by an independent, non-governmental institute, which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and which is exempt from taxation under section 501(a) of such Code, and which has recognized credentials and expertise in national security and military affairs.

(3) PERFORMANCE OF STUDIES.—

(A) INDEPENDENT PERFORMANCE.—The Secretary shall require the studies required under this subsection to be conducted independently of one another.

(B) MATTERS TO BE CONSIDERED.—In performing a study under this subsection, the organization performing the study shall consider the following matters:

Assessment.

(i) An assessment of the Department of Defense Capstone Concept of Joint Operations process to define, develop, and improve joint operational concepts.

Evaluation.

(ii) An evaluation of how the Department is validating new joint operational concepts through experimentation and military exercises.

Evaluation.

(iii) The effectiveness of joint operational concepts to accomplish the objective of deterring and defeating strategic competitors, including an evaluation of the risks associated with each joint operational concept.

(iv) The ability of joint operational concepts to promote or to effectuate strategic objectives, defense policies, and budgetary priorities.

(v) Recommendations to alter or improve joint operational concepts.

(vi) Such other matters as the Secretary of Defense determines to be appropriate.

Recommendations.

SEC. 1709. ACTIONS TO INCREASE ANALYTIC SUPPORT.

10 USC 113 note.

(a) **IN GENERAL.**—The Secretary of Defense shall direct the Under Secretary of Defense for Policy, the Director of the Joint Staff, and the Director of Cost Assessment and Program Evaluation, in consultation with the Secretary of each of the military services, to jointly develop and implement a plan to strengthen the analytic capabilities, expertise, and processes necessary to implement the national defense strategy, as required under section 113(g) of title 10, United States Code.

Plan.
Consultation.

(b) **ELEMENTS.**—The plan under subsection (a) shall include—

(1) an assessment of the decision support capability of the Department of Defense to support decision-making, specifically the analytic expertise available to inform senior leader decisions that link national defense strategy objectives with approaches to competing effectively across the full spectrum of engagement against strategic competitors;

Assessment.

(2) an analytic approach to force structure development, including an assessment of the major elements, products, and milestones of the force planning process of the Department;

Assessment.

(3) the conclusions and recommendations of the Defense Planning and Analysis Community initiative;

Recommendations.

(4) the progress of the Department in implementing the recommendations of the Comptroller General of the United States set forth in Government Accountability Office Report (GAO-19-40C);

(5) the progress of the Under Secretary, the Chairman of the Joint Chiefs of Staff, and the Director of Cost Assessment and Program Evaluation in implementing paragraph (5) of section 134(b) of title 10, United States Code, as added by section 902(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232); and

(6) such other matters as the Secretary of Defense determines to be appropriate.

(c) **BRIEFING REQUIRED.**—Not later than March 1, 2020, the Secretary of Defense shall provide to the congressional defense committees a briefing on the plan under subsection (a).

Deadline.

SEC. 1710. INCLUSION OF CERTAIN INDIVIDUALS INVESTIGATED BY INSPECTORS GENERAL IN THE SEMIANNUAL REPORT.

Section 5(a)(19) of the Inspector General Act of 1978 (Public Law 95-452; 5 U.S.C. App.) is amended by inserting “the name of the senior government official (as defined by the department or agency) if already made public by the Office, and” after “including”.

SEC. 1711. ANNUAL REPORT ON JOINT MILITARY INFORMATION SUPPORT OPERATIONS WEB OPERATIONS CENTER.

(a) **IN GENERAL.**—Not later than March 1 of 2020, and each subsequent year until the termination date specified in subsection (c), the Assistant Secretary of Defense for Special Operations and

Low-Intensity Conflict and the Commander of United States Special Operations Command shall jointly submit to the congressional defense committees a report on the activities of the Joint Military Information Support Operations Web Operations Center (hereinafter referred to as the “JMWC”) during the most recently concluded fiscal year.

(b) ELEMENTS.—The report required by subsection (a) shall include each of the following, for the fiscal year covered by the report:

- (1) Definitions of initial operating capability and full operational capability as such terms relate to the JMWC.
- (2) A detailed description of all activities conducted or planned to be conducted toward achieving initial operating capability and full operational capability of the JMWC.
- List. (3) A list of all associated funding requested for each program element for achieving initial operating capability and full operational capability.
- (4) A detailed description of validated doctrine, organization, training, materiel, leadership and education, personnel, facilities, and policy requirements relating to establishment and operation of the JMWC.
- (5) A description of current JMWC capabilities, including information technology infrastructure and contractual arrangements.
- List. (6) A list of all physical locations hosting JMWC capabilities.
- (7) The number of military, contractor, and civilian personnel associated with the JMWC and any affiliated agency, service, or other Department of Defense entity.
- (8) A description of the JMWC personnel organizational structure.
- (9) An identification of inherently governmental functions relating to administration of the JMWC and execution of Military Information Support Operations (hereinafter referred to as “MISO”) programs enabled by the JMWC.
- (10) A detailed description of frameworks, metrics, and capabilities to measure the effectiveness of MISO programs enabled by the JMWC.
- List. (11) A list of all associated funding requested by program element from each of the geographic combatant commanders for MISO programs enabled by the JMWC and a description of such MISO activities.
- Assessment. (12) An assessment of the effectiveness of MISO programs enabled by the JMWC.
- (13) A description of efforts and activities conducted to share best practices and leverage lessons learned across the Department of Defense relating to MISO programs enabled by the JMWC, as well as a description of such best practices and lessons learned.
- (14) An identification of liaisons and detailees to the JMWC from agencies and elements of the Department of Defense and other elements of the Federal Government.
- (15) Activities and efforts conducted to synchronize and deconflict MISO programs within the Department of Defense and with interagency and international partners related to strategic communications, as appropriate.

(16) Such other information as the Assistant Secretary and the Commander determine appropriate.

(c) **TERMINATION.**—The requirement to submit a report under this section shall terminate on January 1, 2025.

SEC. 1712. MOBILITY CAPABILITY REQUIREMENTS STUDY.

(a) **IN GENERAL.**—The Commander of the United States Transportation Command, in coordination with the Chairman of the Joint Chiefs of Staff, the Secretaries of the military departments, and the commanders of the combatant commands, shall conduct a study of the end-to-end, full-spectrum mobility requirements to fulfill the national defense strategy required by section 113(g) of title 10, United States Code, for 2018. Such study shall be completed not later than January 1, 2021.

(b) **ELEMENTS OF STUDY.**—The study required under subsection (a) shall include each of the following:

(1) An assessment of the ability of the programmed airlift aircraft, tanker aircraft, sealift ships, and key mobility enablers to meet the integrated mobility requirements in expected strategic environments, as defined by the guidance in such national defense strategy.

(2) An identification, quantification, and description of the associated risk-to-mission (as defined by Chairman of the Joint Chiefs of Staff Manual 3105.01, Joint Risk Analysis) required to fulfill such strategy, including—

(A) as assessment of risk-to-mission associated with achieving strategic and operational objectives using the programmed airlift aircraft, tanker aircraft, sealift ships, and key mobility enablers; and

(B) a description of the combinations of airlift aircraft, tanker aircraft, sealift ships, and key mobility enabler requirements and capabilities that provide low, moderate, significant, and high levels of risk-to-mission to fulfill such strategy.

(3) An identification of any mobility capability gaps, shortfalls, overlaps, or excesses, including—

(A) an assessment of associated risks with respect to the ability to conduct operations; and

(B) recommended mitigation strategies where possible.

(4) The articulation of all key assumptions and decisions made and excursions examined in conducting the study with respect to—

(A) risk;

(B) programmed forces and infrastructure;

(C) the availability of commercial airlift and commercial United States sealift capabilities and resources, when applicable;

(D) aircraft usage rates, aircraft mission availability rates, aircraft mission capability rates, aircrew ratios, aircrew production, and aircrew readiness rates;

(E) readiness, crewing, and activation rates for sealift ships;

(F) prepositioning, forward stationing, seabasing, engineering, and infrastructure;

(G) demand signals used to represent missions described in the national defense strategy for 2018, in competition and wartime;

Coordination.

Deadline.

Assessment.

Assessment.

Assessment.

Recommendations.

(H) concurrency and global integration of demand signals;

(I) integrated global presence and basing strategy;

(J) host nation or third-country support;

(K) adversary actions to degrade and disrupt United States mobility operations;

(L) adversary actions that threaten freedom of navigation on international waterways, including attacks on foreign ships and crews;

(M) aircraft being used for training or undergoing depot maintenance or modernization or ships undergoing depot maintenance;

(N) mobility enabling forces availability, readiness, and use;

(O) logistics concept of operations, including any support concepts, methods, combat support forces, and combat service support forces, that are required to enable the projection and enduring support to forces both deployed and in combat for each analytic scenario;

(P) anticipated attrition rates for the assessed force structure; and

(Q) such other matters as the Commander determines appropriate.

(5) Such other elements as the Commander determines appropriate.

Coordination.

(c) REPORTS AND BRIEFINGS.—

(1) INTERIM REPORT AND BRIEFING.—Not later than June 1, 2020, the Commander of the United States Transportation Command, in coordination with the Chairman of the Joint Chiefs of Staff, the Secretaries of the military departments, and the commanders of the combatant commands, shall—

(A) submit to the congressional defense committees an interim report on the study; and

(B) provide to such committees a briefing on the report.

(2) FINAL REPORT AND BRIEFING.—Not later than January 1, 2021, the Commander of the United States Transportation Command, in coordination with the Chairman of the Joint Chiefs of Staff, the Secretaries of the military departments, and the commanders of the combatant commands, shall—

(A) submit to the congressional defense committees a final report on the study; and

(B) provide to such committees a briefing on the report.

(3) FORM OF REPORTS.—The reports required by paragraphs (1) and (2) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITION OF SEALIFT SHIP.—In this section, the term “sealift ship” includes surge sealift vessels, tanker vessels, and non-governmental vessels incorporated as part of the maritime logistics enterprise.

Deadline.
Contracts.

SEC. 1713. ASSESSMENT OF SPECIAL OPERATIONS FORCE STRUCTURE.

(a) ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center for the conduct of an independent assessment of the force structure and roles and responsibilities of special operations forces.

(b) **MATTERS TO BE CONSIDERED.**—In performing the assessment under this section, the federally funded research and development center shall consider the following matters:

(1) The most recent national defense strategy under section 113(g) of title 10, United States Code.

(2) Special operations activities, as described in section 167(k) of title 10, United States Code.

(3) Potential future national security threats to the United States.

(4) Ongoing counterterrorism and contingency operations of the United States.

(5) The demand for special operations forces by geographic combatant commanders for security cooperation, exercises, and other missions that could be executed by conventional forces.

(6) Other government and non-government analyses that would contribute to the assessment through variations in study assumptions or potential scenarios.

(7) The role of emerging technology on special operations forces.

(8) Opportunities for reduced operation and sustainment costs of special operations.

(9) Current and projected capabilities of other United States Armed Forces that could affect force structure capability and capacity requirements of special operations forces.

(10) The process by which United States Special Operations Command determines force size and structure.

(11) The size, composition, and organizational structure of United States Special Operations Command headquarters and subordinate headquarters elements.

(12) The readiness of special operations forces for assigned missions and future conflicts.

(13) The adequacy of special operations force structure for meeting the goals of the National Military Strategy under section 153(b) of title 10, United States Code.

(14) Any other matters deemed relevant.

(c) **ASSESSMENT RESULTS.**—The results of the assessment under this section shall include each of the following:

Recommendations.

(1) Considerations and recommendations for improving the readiness of special operations forces.

(2) Alternative headquarters and force structure options to reduce administrative costs and enhance operational effectiveness.

(3) Legislative recommendations with respect to section 167 of title 10, United States Code, and other relevant provisions of law.

(d) **SUBMISSION TO CONGRESS.**—Not later than July 1, 2020, the Secretary shall submit to the congressional defense committees an unaltered copy of the assessment required under subsection (a) together with the views of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict and the Commander of United States Special Operations Command on the assessment and the recommendations included in the assessment.

Deadline.
Records.

SEC. 1714. ARMY AVIATION STRATEGIC PLAN AND MODERNIZATION ROADMAP.

(a) **STRATEGIC PLAN AND MODERNIZATION ROADMAP.**—

(1) **IN GENERAL.**—The Secretary of the Army shall develop a comprehensive strategic plan for Army aviation, which shall—

(A) ensure the alignment between requirements, both current and future, and Army budget submissions to meet such requirements; and

(B) inform the preparation of future defense program and budget requests by the Secretary, and the consideration of such requests by Congress.

Analyses.

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

Assessment.

(A) An assessment of all missions for Army aviation, both current missions and those missions necessary to support the national defense strategy and the U.S. Army in Multi-Domain Operations 2028 concept.

(B) An analysis of platforms, capabilities, and capacities necessary to fulfill such current and future Army aviation missions.

(C) The anticipated life cycle budget associated with each platform, capability, and capacity requirement for both current and future requirements.

(D) An analysis showing operational, budget, and schedule trade-offs between sustainment of currently fielded capabilities, modernization of currently fielded capabilities, and development and production of new capabilities.

(b) **REPORT TO CONGRESS.**—Not later than March 30, 2020, the Secretary of the Army shall submit to the congressional defense committees a report containing—

(1) the comprehensive strategic plan required by subsection (a); and

(2) a sustainment and modernization plan for carrying out such strategic plan through fiscal year 2028.

SEC. 1715. REPORT ON GROUND-BASED LONG-RANGE ARTILLERY TO COUNTER LAND AND MARITIME THREATS.

(a) **IN GENERAL.**—Not later than March 1, 2020, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the efforts by the Army and Marine Corps to develop and deploy ground-based long-range rocket and cannon artillery to counter land and maritime threats.

Assessments.

(b) **ELEMENTS.**—The report required by subsection (a) shall include each of the following:

(1) An assessment of ongoing and future Army and Marine Corps efforts to develop and deploy ground-based long-range rocket and cannon artillery to counter land and maritime fires in the areas of operations of United States Indo-Pacific Command and United States European Command.

(2) An assessment of and recommendations for how the Department of Defense can improve the development and deployment of such artillery.

Analysis.
Determination.

(3) An analysis, assessment, and determination of how such artillery employed in support of the United States and allied forces will be stationed, deployed, operationally positioned, and controlled to operate effectively against potential adversaries throughout the depth of their tactical, operational, and strategic formations, including any recommendations of

the Secretary regarding how such capabilities and support could be enhanced.

(c) **FORM OF REPORT.**—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1716. INDEPENDENT REVIEW OF TRANSPORTATION WORKING-CAPITAL FUND.

(a) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of each of the military departments, shall enter into a contract with a federally funded research and development center for the conduct of an independent review of the transportation working-capital fund (hereinafter referred to as the “TWCF”) of the United States Transportation Command.

Deadline.
Coordination.
Contracts.

(b) **MATTERS FOR INCLUSION.**—The review conducted under subsection (a) shall include each of the following:

(1) The viability of the TWCF as it is structured as of the date of the enactment of this Act.

(2) An assessment of any instances in which excess TWCF funds were used for procurement or modernization efforts that would not otherwise have been funded using amounts made available for operation and maintenance.

Assessment.

(3) Recommendations for how the TWCF could be restructured in order to make the fund more effective and efficient.

Recommendations.

(4) Potential alternative funding mechanisms for certain components of the TWCF, including the channel system.

(5) Any other matters the Secretaries jointly determine appropriate.

(c) **REPORT.**—Not later than March 1, 2021, the Secretary of Defense and the Secretary of each of the military departments shall jointly submit the to the congressional defense committees a copy of the review conducted under subsection (a).

Records.

SEC. 1717. GEOGRAPHIC COMMAND RISK ASSESSMENT OF PROPOSED USE OF CERTAIN AIRCRAFT CAPABILITIES.

(a) **IN GENERAL.**—Not later than March 31, 2020, each commander of a geographic combatant command shall submit to the congressional defense committees a report containing an assessment of the level of operational risk to that command posed by the plans of the Department of the Navy and Department of the Air Force to provide a mix of fifth generation and advanced fourth generation tactical aircraft capabilities to meet near-, mid-, and far-term contingency and steady-state operational requirements against adversaries in support of the objectives of the 2018 national defense strategy.

(b) **ASSESSMENT OF RISK.**—In assessing levels of operational risk under subsection (a), a commander shall use the military risk matrix of the Chairman of the Joint Chiefs of Staff, as described in CJCS Instruction 3401.01E.

(c) **GEOGRAPHIC COMBATANT COMMAND.**—In this section, the term “geographic combatant command” means each of the following:

- (1) United States European Command.
- (2) United States Indo-Pacific Command.
- (3) United States Africa Command.
- (4) United States Southern Command.
- (5) United States Northern Command.
- (6) United States Central Command.

SEC. 1718. REPORT ON BACKLOG OF PERSONNEL SECURITY CLEARANCE ADJUDICATIONS.

Time period.
Coordination.

(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, and quarterly thereafter for three years, the Security Executive Agent, in coordination with members of the Performance Accountability Council established pursuant to Executive Order 13467, shall submit to Congress a report on the backlog of personnel security clearance adjudications conducted by all Government agencies that adjudicate decisions for security clearances. Such report shall include—

(1) the size of the backlog of personnel security clearance adjudications, by agency, for the fiscal quarter preceding the quarter during which the report is submitted;

(2) the average length of time, for each security clearance sensitivity level, to carry out an initial adjudication and an adjudication following a periodic reinvestigation, by agency;

(3) the number of cases referred to the Consolidated Adjudication Facility of the Department of Defense;

(4) the number of initial investigations adjudicated by the Consolidated Adjudication Facility;

(5) the number of periodic reinvestigations adjudicated by the Consolidated Adjudication Facility;

(6) the number of cases adjudicated by the Consolidated Adjudication Facility stemming from participation in a continuous evaluation program;

(7) the number of personnel enrolled in a continuous evaluation program as opposed to subject to a periodic reinvestigation;

(8) the number of adjudicators by agency; and

(9) a backlog mitigation plan, which shall include—

(A) the identification of the cause of, and recommendations to remedy, the adjudication backlog at Federal agencies; and

(B) the steps the Security Executive Agent, established pursuant to Executive Order 13467, shall take to reduce the adjudication backlog.

(b) **PUBLIC AVAILABILITY.**—Each report required under subsection (a) shall be made publicly available.

SEC. 1719. REPORT REGARDING OUTSTANDING GOVERNMENT ACCOUNTABILITY OFFICE RECOMMENDATIONS.

Not later than September 30, 2020, the Secretary of Defense shall submit to the congressional defense committees a report that includes—

List.

(1) a list of the priority recommendations identified by the Comptroller General of the United States regarding matters of the Department of Defense that the Secretary has not implemented due to funding limitations.

Cost estimate.

(2) the estimated cost associated with implementing such recommendations.

SEC. 1720. REPORT ON NATIONAL GUARD AND UNITED STATES NORTHERN COMMAND CAPACITY TO MEET HOMELAND DEFENSE AND SECURITY INCIDENTS.

Consultation.

Not later than September 30, 2020, the Chief of the National Guard Bureau shall, in consultation with the Commander of United

States Northern Command, submit to the congressional defense committees a report setting forth the following:

(1) A clarification of the roles and missions, structure, capabilities, and training of the National Guard and the United States Northern Command, and an identification of emerging gaps and shortfalls in light of current homeland security threats to our country.

(2) A list of the resources that each State and Territory National Guard has at its disposal that are available to respond to a homeland defense or security incident, with particular focus on a multi-State electromagnetic pulse event. List.

(3) The readiness and resourcing status of forces listed pursuant to paragraph (2).

(4) The current strengths and areas of improvement in working with State and Federal interagency partners.

(5) The current assessments that address National Guard readiness and resourcing of regular United States Northern Command forces postured to respond to homeland defense and security incidents. Assessments.

(6) A roadmap to 2040 that addresses readiness across the spectrum of long-range emerging threats facing the United States.

SEC. 1721. ASSESSMENT OF STANDARDS, PROCESSES, PROCEDURES, AND POLICY RELATING TO CIVILIAN CASUALTIES.

(a) **ASSESSMENT.**—The Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center for the conduct of an independent assessment of Department of Defense standards, processes, procedures, and policy relating to civilian casualties resulting from United States military operations. Contracts.

(b) **MATTERS TO BE CONSIDERED.**—In conducting the assessment under this section, the federally funded research and development center shall consider the following matters:

(1) Department of Defense policy relating to civilian casualties resulting from United States military operations.

(2) Standards, processes, and procedures for internal assessments and investigations of civilian casualties resulting from United States military operations.

(3) Standards, processes, and procedures for identifying, assessing, investigating, and responding to reports of civilian casualties resulting from United States military operations from the public and non-governmental entities and sources.

(4) Combatant command resourcing and organizational constructs for assessing and investigating civilian casualties resulting from United States military operations.

(5) Mechanisms for public and non-governmental entities to report civilian casualties that may have resulted from United States military operations to the Department of Defense.

(6) Standards and processes for accurately recording kinetic strikes, including raids, strikes, and other missions, and civilian casualties resulting from United States military operations.

(7) An analysis of general reasons for any disparity between third party public estimates and official United States Government estimates of civilian casualties resulting from United States or joint military operations. Analysis.

(8) The standardization of dissemination and institutionalization across the Department of Defense and the combatant commands of lessons learned from United States military operations as a means of reducing the likelihood of civilian casualties from United States military operations.

(9) Any other matters the Secretary of Defense determines appropriate.

(c) **RECOMMENDATIONS FOR IMPROVEMENTS.**—The results of the assessment under this section shall include recommendations for improvements to standards, processes, procedures, policy, and organizational constructs relating to civilian casualties resulting from United States military operations.

(d) **SUBMISSION OF REPORT.**—

(1) **IN GENERAL.**—Not later than July 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an unaltered copy of the assessment under this section, together with the views of the Secretary on the assessment and on the recommendations included pursuant to subsection (c).

(2) **FORM OF REPORT.**—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(3) **PUBLIC AVAILABILITY.**—The Secretary shall make the unclassified form of the report under paragraph (1) available to the public.

SEC. 1722. REPORT ON TRANSFERS OF EQUIPMENT TO PROHIBITED ENTITIES.

Coordination.

(a) **ANNUAL REPORT.**—Not later than March 1, 2021, and each subsequent year through 2025, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate committees of Congress a report on the transfer of defense articles during the year preceding the year during which the report is submitted to any of the following:

(1) Any security force unit that has committed a gross violation of human rights in violation of section 362 of title 10, United States Code, or section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d).

(2) Any group or organization prohibited by law from receiving assistance from the United States.

(b) **MATTERS TO BE INCLUDED.**—The report required by subsection (a) shall include the following:

Determination.

(1) A description of any confirmed instance in which the government of a foreign state that has received defense articles pursuant to a Department of Defense assistance authority subsequently transferred any such articles to a unit of that foreign state that is prohibited from receiving assistance from the United States by reason of a determination by the Secretary of Defense or the Secretary of State that there is credible evidence that such unit has committed a gross violation of human rights.

(2) A description of any instance, confirmed or under investigation, in which the government of a foreign state that has received defense articles pursuant to a Department of Defense assistance authority subsequently transferred any such articles to a group or organization that is prohibited by law from receiving assistance from the United States.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

- (1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and
- (2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1723. ANNUAL REPORT ON STRIKES UNDERTAKEN BY THE UNITED STATES AGAINST TERRORIST TARGETS OUTSIDE AREAS OF ACTIVE HOSTILITIES.

(a) **ANNUAL REPORT.**—Not later than May 1 2020, and annually thereafter until 2022, the Director of National Intelligence and the Secretary of Defense shall jointly submit to Congress a report on the number of strikes undertaken by the United States against terrorist targets outside areas of active hostilities during the preceding calendar year, as well as assessments of combatant and non-combatant deaths resulting from those strikes.

Assessment.

(b) **CONTENTS OF REPORT.**—The report required by subsection (a) shall include—

- (1) information obtained from relevant agencies regarding the general sources of information and methodology used to conduct the assessments of combatant and non-combatant deaths;
- (2) to the extent feasible and appropriate, the general reasons for discrepancies between post-strike assessments from the United States and credible reporting from nongovernmental organizations regarding non-combatant deaths resulting from strikes undertaken by the United States against terrorist targets outside areas of active hostilities.

(c) **REVIEW OF POST-STRIKE REPORTING.**—In preparing a report under this section, the Director and the Secretary shall, to the maximum extent practicable, review relevant and credible post-strike all-source reporting, including such information from nongovernmental sources, for the purpose of ensuring that this reporting is available to and considered by relevant agencies in their assessment of deaths.

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

SEC. 1724. REVIEW AND ASSESSMENT OF MITIGATION OF MILITARY HELICOPTER NOISE.

(a) **IN GENERAL.**—The Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff, shall conduct a review and assessment of military helicopter noise in the National Capital Region. Such review and assessment shall include—

Coordination.

- (1) a study on the causes and effects of military helicopter noise on communities and individuals in the National Capital Region;
- (2) recommendations to mitigate the effects of military helicopter noise on individuals, structures, and property values in the National Capital Region; and
- (3) the extent to which the Department has processes in place for collecting, analyzing, and managing military helicopter noise complaints from the general public across the National Capital Region.

Recommendations.

(b) **FOCUS.**—In conducting the review under subsection (a), the Secretary and the Chairman of the Joint Chiefs of Staff shall

focus on all military helicopter flights in the National Capital Region, including helicopters from the Army, Air Force, and Marine Corps.

(c) **REPORT.**—Not later than six months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the review conducted under subsection (a). Such report shall include a description of the policies and procedures currently being used by the Army, Air Force, and Marine Corps in the National Capital Region to mitigate the impact of helicopter noise as well as the means to track compliance with these internal practices to ensure compliance.

(d) **DEFINITION OF NATIONAL CAPITAL REGION.**—In this section, the term “National Capital Region” has the meaning given the term in section 2574 of title 10, United States Code.

Subtitle B—Other Matters

Effective dates.

SEC. 1731. TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

10 USC
prec. 101.

(a) **TITLE 10, UNITED STATES CODE.**—Title 10, United States Code, is amended as follows:

10 USC
prec. 101.

(1) The table of chapters at the beginning of subtitle A, and at the beginning of part I of such subtitle, are each amended by striking the item relating to chapter 9A and inserting the following:

“9A. Audit 240a”.

10 USC
prec. 101,
prec. 2001.

(2) The table of chapters at the beginning of subtitle A, and at the beginning of part I of such subtitle, are each amended by striking the item relating to chapter 112 and inserting the following:

“112. Cyber Scholarship Program 2200”.

(3) Section 113(j)(1) is amended by inserting “the” before “congressional defense committees”.

(4) Section 119a is amended in each of the subsection headings for subsections (a) and (b) by striking “AACMS” and inserting “ACCMS”.

(5) Section 127(c)(1) is amended by inserting “the” before “congressional defense committees”.

(6) Section 130i is amended—

(A) in subsection (i)(1), by inserting “(C)” after “(j)(3)”; and

(B) in subsection (j)(6), by striking “40101” and inserting “44802”.

(7) Section 131(b)(8) is amended by redesignating subparagraph (I) as subparagraph (F).

(8) Section 132 is amended by redesignating subsection (e) as subsection (d).

10 USC
prec. 161.

(9) The item relating to section 169 in the table of sections at the beginning of chapter 6 is amended by inserting a period after “Command”.

(10) The item relating to section 183a in the table of sections at the beginning of chapter 7 is amended to read as follows:

10 USC
prec. 171.

“183a. Military Aviation and Installation Assurance Clearinghouse for review of mission obstructions.”.

(11) Section 187(a)(2)(C) is amended by striking “Assistant Secretary of the Army for Acquisition, Technology, and Logistics” and inserting “Assistant Secretary of the Army for Acquisition, Logistics, and Technology”.

(12) Section 222a(d)(3)(A) is amended by inserting “had” before “been”.

(13) Section 222b(a) is amended by striking “United States Code,”.

(14) Section 284 is amended—

(A) by striking “section 376” both places it appears and inserting “section 276”;

(B) in subsection (f), by inserting “)” after “Stat. 1564”;

(C) in subsection (g)(2), by striking “section 375” and inserting “section 275”; and

(D) in subsection (h)(1)(A)(vi)(VI) by striking “section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) and”.

(15) The table of sections at the beginning of subchapter V of chapter 16 is amended by striking “Sec.” after the item relating to section 350.

10 USC
prec. 341.

(16) Section 341(e)(2)(A) is amended by adding a period at the end.

(17) Section 526(k) is amended by inserting “the” before “number of general officers”.

(18) Section 649j is amended by striking “(a) IN GENERAL.—The” and inserting “The”.

(19) Section 651(a) is amended by inserting “shall serve” after “(50 U.S.C. 3806(d)(1))”.

(20) The heading of section 928b (article 128b of the Uniform Code of Military Justice) is amended to read as follows:

“§ 928b. Art. 128b. Domestic violence”.

(21) Section 1034(b)(1)(B)(ii) is amended by striking “subsection (i)” and inserting “subsection (j)”;

(22) Section 1073c(a) is amended by redesignating the second paragraph (4) as paragraph (6).

(23) Section 1075(d)(1) is amended in the table by striking “25% of out of network” and inserting “25% out of network”.

(24) Section 1076d(d)(1) is amended by striking “section 1075 of this section” and inserting “section 1075 of this title”.

(25) Section 1076e(d)(1) is amended by striking “section 1075 of this section” and inserting “section 1075 of this title”.

(26) Section 1142(c)(3) is amended by striking “paragraph (2)(B)” and inserting “paragraph (2)(C)”.

(27) Section 1762(c) is amended by striking “in at any one time” and inserting “at any one time in”.

(28) Section 1788a is amended in subsection (d)(1) by striking “Not later than March 1, 2019, and each March 1 thereafter” and inserting “Not later than March 1 each year”.

(29) Section 2208(u) is amended by inserting “of this title” after “2805” each place it appears.

(30) Section 2216(b)(1) is amended by striking “subsection (c)(1)(B)(iii)” and inserting “subsection (c)(1)(B)(ii)”.

(31) Section 2222(i)(11) is amended by striking “subsection (a)(6)(A)” and inserting “subsection (e)(6)(A)”.

(32) Section 2228(a)(2) is amended by striking the second period at the end.

10 USC
prec. 2201.

(33) The item relating to section 2229b in the table of sections at the beginning of chapter 131 is amended to read as follows:

“2229b. Comptroller General assessment of acquisition programs and initiatives.”.

(34) Section 2273(b)(1) is amended by inserting a semicolon at the end.

(35) The heading for section 2279d is amended by striking the period at the end.

(36) The heading of section 2284, as added by section 311(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1708), is amended to read as follows:

“§ 2284. Explosive Ordnance Disposal Defense Program”.

(37) Section 2304(f)(1)(B) is amended—

(A) in clause (ii), by striking “paragraph (6)(A)” and inserting “paragraph (5)(A)”; and

(B) in clause (iii), by striking “paragraph (6)(B)” and inserting “paragraph (5)(B)”.

(38) Section 2305a(d)(1) is amended by striking “a indefinite” and inserting “an indefinite”.

(39)(A) Section 2304e is amended by striking the last four words of the section heading.

(B) Section 2323a is amended—

(i) in the section heading, by striking the last six words; and

(ii) in subsection (e)—

(I) in paragraph (1), by striking “102 Stat. 2468;”;

(II) in paragraph (2), by striking “(25 U.S.C. 450b(d))” and inserting “(25 U.S.C. 5304(d))”; and

(III) in paragraph (3), by striking “(25 U.S.C. 450b(e))” and inserting “(25 U.S.C. 5304(e))”.

10 USC
prec. 2301.

(C) The table of sections at the beginning of chapter 137 is amended by striking the last four words of the item relating to section 2304e and the last six words of the item relating to section 2323a.

(40) Section 2307(a)(1) is amended by striking “may” and inserting “may—”.

(41) Section 2313b(d) is amended by striking “an task order” both places it appears and inserting “a task order”.

(42) Section 2329(g)(1) is amended by striking “‘bridge contact’” and inserting “‘bridge contract’”.

(43) Section 2339a(e)(5) is amended by striking “section 3542(b)” and inserting “section 3552(b)(6)”.

(44) Section 2366a(c)(1)(F) is amended by striking “section 2366a(b)(6) of this title” and inserting “subsection (b)(6)”.

(45) Section 2368(f)(1) is amended by striking “transition” and inserting “transaction”.

(46) Section 2371b(d)(1)(C) is amended by striking “other than” after “sources”.

(47) Section 2380B is amended—

(A) by inserting “section” before “2376(1) of this title”;

and

(B) by striking “purposed of” and inserting “purposes of”.

(48) Section 2401(e)(2) is amended by striking “subsection (f)” and inserting “subsection (g)”.

(49) The item relating to section 2439 in the table of sections at the beginning of chapter 144 is amended to read as follows:

10 USC
prec. 230.

“2439. Negotiation of price for technical data before development, production, or sustainment of major weapon systems.”.

(50) The item relating to subchapter II in the table of subchapters for chapter 144B is amended to read as follows:

10 USC
prec. 2446a.

“II. Development, Prototyping, and Deployment of Weapon System Components or Technology2447a”.

(51) Section 2447a(a) is amended by striking “after fiscal year 2017”.

(52) Section 2547(b)(2) is amended—

(A) by striking “material” and inserting “materiel”;

and

(B) by striking “Material” both places it appears and inserting “Materiel”.

(53) Section 2802(e)(1) is amended by striking “shall comply with” and inserting “shall—

“(A) comply with”.

(54) Section 2804(b) is amended, in the second sentence—

(A) by striking “(1)” and “(2)”; and

(B) by striking “project and” and inserting “project,”.

(55) Section 2805(d)(1)(B) is amended by inserting “under” after “made available”.

(56) Section 2835a(c) is amended by striking “(1) The Secretary” and inserting “The Secretary”.

(57) Section 2879(a)(2)(A) is amended by striking the comma after “2017”.

(58) Section 2913(c) is amended by striking “government a gas or electric utility” and inserting “government gas or electric utility”.

(59) The item relating to section 2914 in the table of sections at the beginning of chapter 173 is amended to read as follows:

10 USC
prec. 2911.

“2914. Energy resilience and conservation construction projects.”.

(60)(A) The heading of section 8749, as amended by section 1114(b)(2) and redesignated by section 807(d)(6) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by capitalizing the initial letter of the fifth, sixth, and seventh words and the initial letter of the last two words.

132 Stat. 1836.

(B) The heading of section 8749a, as added by section 1114(a) and redesignated by section 8(d)(6) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by capitalizing the initial letter of the fifth, sixth, and seventh words.

132 Stat. 1836.

(61) Section 9069(a) is amended by striking “are” and inserting “is”.

(62) Section 10217(e)(4) is amended by striking “shall an individual” and inserting “shall be an individual”.

10 USC
prec. 2551.

(63) The item relating to section 2568a in the table of sections at the beginning of chapter 152 is amended to read as follows:

“2568a. Damaged personal protective equipment: award to members separating from the armed forces and veterans.”.

(64) Section 7016(b)(5)(A) is amended by striking “Assistant Secretary of the Army for Acquisition, Technology, and Logistics” and inserting “Assistant Secretary of the Army for Acquisition, Logistics, and Technology”.

10 USC note
prec. 111.

(b) NDAA FOR FISCAL YEAR 2019.—Effective as of August 13, 2018, and as if included therein as enacted, the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended as follows:

10 USC
prec. 111.

(1) Section 331(g)(2) (132 Stat. 1724) is amended by inserting “of such title” after “chapter 2”.

10 USC 2534
note.

(2) Section 844(b) (132 Stat. 1881) is amended by striking “This section and the amendments made by this section” and inserting “The amendment made by subsection (a)”.

(3) Section 1246(1)(B) (132 Stat. 2049) is amended by adding at the end before the semicolon the following: “and transferring it to appear after paragraph (15)”.

(4) Section 2805(c) (132 Stat. 2262; 10 U.S.C. 2864 note) is amended by striking “United Facilities Criteria” and inserting “Unified Facilities Criteria”.

10 USC 2273
note.

(c) NDAA FOR FISCAL YEAR 2018.—Effective as of December 12, 2017, and as if included therein as enacted, section 1609(b)(3) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1728; 10 U.S.C. 2273 note) is amended by striking “, and,” and inserting “, and”.

10 USC 2358
note.

(d) NDAA FOR FISCAL YEAR 2017.—Effective as of December 23, 2016, and as if included therein as enacted, section 233(c)(2)(C)(ii) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 114–328; 130 Stat. 2061; 10 U.S.C. 2358 note) is amended by striking “Assistant Secretary of the Army for Acquisition, Technology, and Logistics” and inserting “Assistant Secretary of the Army for Acquisition, Logistics, and Technology”.

10 USC 2911
note.

(e) NDAA FOR FISCAL YEAR 2012.—Effective as of December 31, 2011, and as if included therein as enacted, section 315 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1358; 10 U.S.C. 2911 note) is amended by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

Applicability.
10 USC 101 note.

(f) COORDINATION WITH OTHER AMENDMENTS MADE BY THIS ACT.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any such amendments by other provisions of this Act.

Time periods.

SEC. 1732. ESTABLISHMENT OF LEAD INSPECTOR GENERAL FOR AN OVERSEAS CONTINGENCY OPERATION BASED ON SECRETARY OF DEFENSE NOTIFICATION.

(a) NOTIFICATION ON COMMENCEMENT OF OCO.—Section 113 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(n) NOTIFICATION OF CERTAIN OVERSEAS CONTINGENCY OPERATIONS FOR PURPOSES OF INSPECTOR GENERAL ACT OF 1978.—The Secretary of Defense shall provide the Chair of the Council of Inspectors General on Integrity and Efficiency written notification of the commencement or designation of a military operation as an overseas contingency operation upon the earlier of—

“(1) a determination by the Secretary that the overseas contingency operation is expected to exceed 60 days; or

“(2) the date on which the overseas contingency operation exceeds 60 days.”.

(b) ESTABLISHMENT OF LEAD INSPECTOR GENERAL BASED ON NOTIFICATION.—Section 8L of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a)—

(A) by striking “Upon the commencement” and all that follows through “the Chair” and inserting “The Chair”; and

(B) by inserting before the period at the end the following: “upon the earlier of—

“(1) the commencement or designation of a military operation as an overseas contingency operation that exceeds 60 days; or

“(2) receipt of a notification under section 113(n) of title 10, United States Code, with respect to an overseas contingency operation”; and

(2) in subsection (d)(1), by striking “the commencement or designation of the military operation concerned as an overseas contingency operation that exceeds 60 days” and inserting “the earlier of—

“(A) the commencement or designation of the military operation concerned as an overseas contingency operation that exceeds 60 days; or

“(B) receipt of a notification under section 113(n) of title 10, United States Code, with respect to an overseas contingency operation”.

SEC. 1733. CLARIFICATION OF AUTHORITY OF INSPECTORS GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.

Section 8L(d)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (D)—

(A) in clause (i), by striking “to exercise” and all that follows through “such matter” and inserting “to identify and coordinate with the Inspector General who has principal jurisdiction over the matter to ensure effective oversight”; and

(B) by adding at the end the following:

“(iii)(I) Upon written request by the Inspector General with principal jurisdiction over a matter with respect to the contingency operation, and with the approval of the lead Inspector General, an Inspector General specified in subsection (c) may provide investigative support or conduct an independent investigation of an allegation of criminal activity by any United States personnel, contractor, subcontractor, grantee, or vendor in the applicable theater of operations.

Determination.

“(II) In the case of a determination by the lead Inspector General that no Inspector General has principal jurisdiction over a matter with respect to the contingency operation, the lead Inspector General may—

“(aa) conduct an independent investigation of an allegation described in subclause (I); or

“(bb) request that an Inspector General specified in subsection (c) conduct such investigation.”; and

(2) by adding at the end the following:

“(I) To enhance cooperation among Inspectors General and encourage comprehensive oversight of the contingency operation, any Inspector General responsible for conducting oversight of any program or operation performed in support of the contingency operation may, to the maximum extent practicable and consistent with the duties, responsibilities, policies, and procedures of such Inspector General—

Coordination.

“(i) coordinate such oversight activities with the lead Inspector General; and

“(ii) provide information requested by the lead Inspector General relating to the responsibilities of the lead Inspector General described in subparagraphs (B), (C), and (G).”.

SEC. 1734. EMPLOYMENT STATUS OF ANNUITANTS FOR INSPECTORS GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.

Section 8L(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (2)(E), by inserting “(without regard to subsection (b)(2) of such section)” after “United States Code,”;

(2) in paragraph (3), by amending subparagraph (C) to read as follows:

“(C)(i) An annuitant receiving an annuity under the Foreign Service Retirement and Disability System or the Foreign Service Pension System under chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) who is reemployed under this subsection—

“(I) shall continue to receive the annuity; and

“(II) shall not be considered a participant for purposes of chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) or an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

“(ii) An annuitant described in clause (i) may elect in writing for the reemployment of the annuitant under this subsection to be subject to section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064). A reemployed annuitant shall make an election under this clause not later than 90 days after the date of the reemployment of the annuitant.”; and

(3) by adding at the end the following:

Time period.

“(5)(A) A person employed by a lead Inspector General for an overseas contingency operation under this section shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications upon the completion of 2 years of continuous service as an employee under this section.

“(B) No person who is first employed as described in subparagraph (A) more than 2 years after the date of the enactment

of the National Defense Authorization Act for Fiscal Year 2020 may acquire competitive status under subparagraph (A).”.

SEC. 1735. EXTENSION OF NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE.

(a) **EXTENSION.**—Subsection (e) of section 1051 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1962) is amended by striking “October 1, 2020” and inserting “October 1, 2021”.

(b) **AUTHORITY TO ACCEPT GIFTS.**—Subsection (a) of such section is amended by adding at the end the following new paragraph:

“(8) **AUTHORITY TO ACCEPT GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this paragraph does not extend to gifts of money.”.

(c) **REPORTS.**—Subsection (c) of such section is amended—

(1) by redesignating paragraph (3) as paragraph (4); and
(2) by inserting after paragraph (1) the following new paragraphs:

“(2) **INTERIM REPORTS.**—Not later than each of December 1, 2019, and December 1, 2020, the Commission shall submit as described in that paragraph an interim report on the review required under subsection (b).

“(3) **FINAL REPORT.**—Not later than March 1, 2021, the Commission shall submit as described in paragraph (1) a comprehensive final report on the review required under subsection (b).”.

SEC. 1736. EXEMPTION FROM CALCULATION OF MONTHLY INCOME, FOR PURPOSES OF BANKRUPTCY LAWS, OF CERTAIN PAYMENTS FROM THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.

Section 101(10A) of title 11, United States Code, is amended by striking subparagraph (B) and inserting the following:

“(B)(i) includes any amount paid by any entity other than the debtor (or in a joint case the debtor and the debtor’s spouse), on a regular basis for the household expenses of the debtor or the debtor’s dependents (and, in a joint case, the debtor’s spouse if not otherwise a dependent); and

“(ii) excludes—

“(I) benefits received under the Social Security Act (42 U.S.C. 301 et seq.);

“(II) payments to victims of war crimes or crimes against humanity on account of their status as victims of such crimes;

“(III) payments to victims of international terrorism or domestic terrorism, as those terms are defined in section 2331 of title 18, on account of their status as victims of such terrorism; and

“(IV) any monthly compensation, pension, pay, annuity, or allowance paid under title 10, 37, or 38 in connection with a disability, combat-related injury or disability, or death of a member of the uniformed services, except that any retired pay excluded under this subclause shall include retired pay paid under chapter 61 of title 10 only to the extent that such

retired pay exceeds the amount of retired pay to which the debtor would otherwise be entitled if retired under any provision of title 10 other than chapter 61 of that title.”.

SEC. 1737. EXTENSION OF POSTAGE STAMP FOR BREAST CANCER RESEARCH.

Section 414(h) of title 39, United States Code, is amended by striking “2019” and inserting “2027”.

SEC. 1738. NATIONAL COMMISSION ON MILITARY AVIATION SAFETY.

(a) **EXTENSION OF DEADLINE FOR REPORT.**—Subsection (h)(2) of section 1087 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended by striking “March 1, 2020” and inserting “December 1, 2020”.

(b) **SECRETARY OF DEFENSE REPORT.**—Such section is further amended by adding at the end the following new subsection:

“(m) **REPORT TO CONGRESS.**—Not later than 120 days after the date of the submittal of the report under subsection (h)(2), the Secretary of Defense, in coordination with the Secretary of each of the military departments, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report that includes each of the following:

“(1) An assessment of the findings and conclusions of the Commission.

“(2) The plan of the Secretaries for implementing the recommendations of the Commission.

“(3) Any other actions taken or planned by the Secretary of Defense or the Secretary of any of the military departments to improve military aviation safety.”.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to any other amounts authorized to be appropriated for the National Commission on Military Aviation Safety established under section 1087 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), of the amounts authorized to be appropriated for Operation and Maintenance, Defense-wide for fiscal year 2020, as specified in the funding table in section 4301, \$3,000,000 shall be available for the National Commission on Aviation Safety.

SEC. 1739. GUARANTEE OF RESIDENCY FOR SPOUSES OF MEMBERS OF THE UNIFORMED SERVICES.

(a) **IN GENERAL.**—Title VI of the Servicemembers Civil Relief Act (50 U.S.C. 4021 et seq.) is amended by adding at the end the following new section:

“SEC. 707. GUARANTEE OF RESIDENCY FOR SPOUSES OF SERVICEMEMBERS.

“For the purposes of establishing the residency of a spouse of a servicemember for any purpose (including the registration of a business), the spouse of a servicemember may elect to use the same residence as the servicemember regardless of the date on which the marriage of the spouse and the servicemember occurred.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 706 the following new item:

“Sec. 707. Guarantee of residency for spouses of servicemembers.”.

132 Stat. 1995.

Coordination.

Assessment.

Plan.

50 USC 4027.

SEC. 1740. ELECTROMAGNETIC PULSES AND GEOMAGNETIC DISTURBANCES.

(a) EMP AND GMD MITIGATION RESEARCH AND DEVELOPMENT.—

(1) THREAT ASSESSMENT, RESPONSE, AND RECOVERY.—Section 320 of the Homeland Security Act of 2002 (6 U.S.C. 195f) is amended—

(A) in the section heading, by inserting “**AND THREAT ASSESSMENT, RESPONSE, AND RECOVERY**” after “**DEVELOPMENT**”; and

(B) by adding at the end the following:

“(d) THREAT ASSESSMENT, RESPONSE, AND RECOVERY.—

“(1) ROLES AND RESPONSIBILITIES.—

“(A) DISTRIBUTION OF INFORMATION.—

“(i) IN GENERAL.—Beginning not later than June 19, 2020, the Secretary shall provide timely distribution of information on EMPs and GMDs to Federal, State, and local governments, owners and operators of critical infrastructure, and other persons determined appropriate by the Secretary. Deadline.

“(ii) BRIEFING.—The Secretary shall brief the appropriate congressional committees on the effectiveness of the distribution of information under clause (i).

“(B) RESPONSE AND RECOVERY.— Coordination.

“(i) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall—

“(I) coordinate the response to and recovery from the effects of EMPs and GMDs on critical infrastructure, in coordination with the heads of appropriate Sector-Specific Agencies, and on matters related to the bulk power system, in consultation with the Secretary of Energy and the Federal Energy Regulatory Commission; and Consultation.

“(II) to the extent practicable, incorporate events that include EMPs and extreme GMDs as a factor in preparedness scenarios and exercises.

“(ii) IMPLEMENTATION.—The Administrator of the Federal Emergency Management Agency, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, and on matters related to the bulk power system, the Secretary of Energy and the Federal Energy Regulatory Commission, shall— Deadlines.

“(I) not later than June 19, 2020, develop plans and procedures to coordinate the response to and recovery from EMP and GMD events; and Plans.
Procedures.

“(II) not later than December 21, 2020, conduct a national exercise to test the preparedness and response of the Nation to the effect of an EMP or extreme GMD event.

“(C) RESEARCH AND DEVELOPMENT.— Coordination.

“(i) IN GENERAL.—The Secretary, in coordination with the heads of relevant Sector-Specific Agencies, shall—

“(I) without duplication of existing or ongoing efforts, conduct research and development to better understand and more effectively model the effects

of EMPs and GMDs on critical infrastructure (which shall not include any system or infrastructure of the Department of Defense or any system or infrastructure of the Department of Energy associated with nuclear weapons activities); and

“(II) develop technologies to enhance the resilience of and better protect critical infrastructure.

Deadline.

“(ii) PLAN.—Not later than March 26, 2020, and in coordination with the heads of relevant Sector-Specific Agencies, the Secretary shall submit to the appropriate congressional committees a research and development action plan to rapidly address modeling shortfall and technology development.

“(D) EMERGENCY INFORMATION SYSTEM.—

Coordination.

“(i) IN GENERAL.—The Administrator of the Federal Emergency Management Agency, in coordination with relevant stakeholders, shall maintain a network of systems, such as the alerting capabilities of the integrated public alert and warning system authorized under section 526, that are capable of providing appropriate emergency information to the public before (if possible), during, and in the aftermath of an EMP or GMD.

Deadline.

“(ii) BRIEFING.—Not later than December 21, 2020, the Administrator of the Federal Emergency Management Agency, shall brief the appropriate congressional committees regarding the maintenance of systems, including the alerting capabilities of the integrated public alert and warning system authorized under section 526.

Coordination.

“(E) QUADRENNIAL RISK ASSESSMENTS.—

“(i) IN GENERAL.—The Secretary, in coordination with the Secretary of Defense, the Secretary of Energy, and the Secretary of Commerce, and informed by intelligence-based threat assessments, shall conduct a quadrennial EMP and GMD risk assessment.

Deadline.

“(ii) BRIEFINGS.—Not later than March 26, 2020, and every four years thereafter until 2032, the Secretary, the Secretary of Defense, the Secretary of Energy, and the Secretary of Commerce shall provide a briefing to the appropriate congressional committees regarding the quadrennial EMP and GMD risk assessment.

“(iii) ENHANCING RESILIENCE.—The Secretary, in coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the heads of other relevant Sector-Specific Agencies, shall use the results of the quadrennial EMP and GMD risk assessments to better understand and to improve resilience to the effects of EMPs and GMDs across all critical infrastructure sectors, including coordinating the prioritization of critical infrastructure at greatest risk to the effects of EMPs and GMDs.

“(2) COORDINATION.—

“(A) REPORT ON TECHNOLOGICAL OPTIONS.—Not later than December 21, 2020, and every four years thereafter until 2032, the Secretary, in coordination with the Secretary of Defense, the Secretary of Energy, the heads of

other appropriate agencies, and, as appropriate, private-sector partners, shall submit to the appropriate congressional committees, a report that—

“(i) assesses the technological options available to improve the resilience of critical infrastructure to the effects of EMPs and GMDs; and

Assessment.

“(ii) identifies gaps in available technologies and opportunities for technological developments to inform research and development activities.

“(B) TEST DATA.—

“(i) IN GENERAL.—Not later than December 20, 2020, the Secretary, in coordination with the heads of Sector-Specific Agencies, the Secretary of Defense, and the Secretary of Energy, shall—

Deadline.

“(I) review test data regarding the effects of EMPs and GMDs on critical infrastructure systems, networks, and assets representative of those throughout the Nation; and

Review.

“(II) identify any gaps in the test data.

“(ii) PLAN.—Not later than 180 days after identifying gaps in test data under clause (i), the Secretary, in coordination with the heads of Sector-Specific Agencies and in consultation with the Secretary of Defense and the Secretary of Energy, shall use the sector partnership structure identified in the National Infrastructure Protection Plan to develop an integrated cross-sector plan to address the identified gaps.

Deadline.
Consultation.

“(iii) IMPLEMENTATION.—The heads of each agency identified in the plan developed under clause (ii) shall implement the plan in collaboration with the voluntary efforts of the private sector, as appropriate.

Collaboration.

“(3) DEFINITIONS.—In this subsection:

“(A) The term ‘appropriate congressional committees’ means—

“(i) the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Commerce, Science, and Transportation of the Senate; and

“(ii) the Committee on Transportation and Infrastructure, the Committee on Homeland Security, the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Science, Space and Technology of the House of Representatives.

“(B) The terms ‘prepare’ and ‘preparedness’ mean the actions taken to plan, organize, equip, train, and exercise to build and sustain the capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to the security of the homeland, including the prediction and notification of impending EMPs and GMDs.

“(C) The term ‘Sector-Specific Agency’ has the meaning given that term in section 2201.

“(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

“(1) to affect in any manner the authority of the executive branch to implement Executive Order 13865, dated March 26,

2019, and entitled ‘Coordinating National Resilience to Electromagnetic Pulses’, or any other authority existing on the day before the date of enactment of this subsection of any other component of the Department or any other Federal department or agency, including the authority provided to the Sector-Specific Agency specified in section 61003(c) of division F of the Fixing America’s Surface Transportation Act (6 U.S.C. 121 note), including the authority under section 215 of the Federal Power Act (16 U.S.C. 824o), and including the authority of independent agencies to be independent; or

“(2) as diminishing or transferring any authorities vested in the Administrator of the Federal Emergency Management Agency or in the Agency prior to the date of the enactment of this subsection.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections in section 1(b) of the Homeland Security Act of 2002 is amended by striking the item relating to section 320 and inserting the following:

“Sec. 320. EMP and GMD mitigation research and development and threat assessment, response, and recovery.”.

(b) CONSULTATION WITH SECRETARY OF ENERGY IN PREPARATION OF QUADRENNIAL HOMELAND SECURITY REVIEW.—Section 707 of the Homeland Security Act of 2002 (6 U.S.C. 347) is amended—

(1) in subsection (a)(3)(A), by inserting “the Secretary of Energy,” after “the Secretary of Agriculture”; and

(2) in subsection (c)(2)(B), by inserting after review the following “or for purposes of the quadrennial EMP and GMD risk assessment under section 320(d)(1)(E)”.

(c) NATIONAL ESSENTIAL FUNCTIONS.—

(1) UPDATED OPERATIONAL PLANS.—Not later than March 20, 2020, each agency that supports a national essential function shall prepare updated operational plans documenting the procedures and responsibilities of the agency relating to preparing for, protecting against, and mitigating the effects of EMPs and GMDs.

(2) DEFINITION OF NATIONAL ESSENTIAL FUNCTION.—In this subsection, the term “national essential functions” means the overarching responsibilities of the Federal Government to lead and sustain the Nation before, during, and in the aftermath of a catastrophic emergency, such as an EMP or GMD that adversely affects the performance of the Federal Government.

(d) BENCHMARKS.—Not later than March 26, 2020, and as appropriate thereafter, the Secretary of Energy, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and, as appropriate, the private sector, may develop or update, as necessary, quantitative and voluntary benchmarks that sufficiently describe the physical characteristics of EMPs, including waveform and intensity, in a form that is useful to and can be shared with owners and operators of critical infrastructure. Nothing in this subsection shall affect the authority of the Electric Reliability Organization to develop and enforce, or the authority of the Federal Energy Regulatory Commission to approve, reliability standards.

(e) PILOT TEST BY DHS TO EVALUATE ENGINEERING APPROACHES.—

(1) IN GENERAL.—Not later than September 22, 2020, the Secretary of Homeland Security, acting through the Under

Deadline.

Deadline.
Consultation.
6 USC 195f note.

Deadlines.
Coordination.
Consultation.

Secretary for Science and Technology of the Department of Homeland Security, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the Administrator of the Federal Emergency Management Agency, the Secretary of Defense, and the Secretary of Energy, and in consultation with the private sector, as appropriate, shall develop and implement a pilot test to evaluate available engineering approaches for mitigating the effects of EMPs and GMDs on the most vulnerable critical infrastructure systems, networks, and assets.

(2) BRIEFING.—Not later than 90 days after the date on which the pilot test described in paragraph (1) is completed, the Secretary of Homeland Security, acting through the Under Secretary for Science and Technology of the Department of Homeland Security, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the Administrator of the Federal Emergency Management Agency, the Secretary of Defense, and the Secretary of Energy, shall jointly brief the appropriate congressional committees on the cost and effectiveness of the evaluated approaches.

(f) PILOT TEST BY DOD TO EVALUATE ENGINEERING APPROACHES.—

(1) IN GENERAL.—Not later than September 22, 2020, the Secretary of Defense, in consultation with the Secretary of Homeland Security and the Secretary of Energy, shall conduct a pilot test to evaluate engineering approaches for hardening a strategic military installation, including infrastructure that is critical to supporting that installation, against the effects of EMPs and GMDs.

Deadline.
Consultation.

(2) REPORT.—Not later than 180 days after completing the pilot test described in paragraph (1), the Secretary of Defense shall submit to the appropriate congressional committees a report regarding the cost and effectiveness of the evaluated approaches.

(g) COMMUNICATIONS OPERATIONAL PLANS.—Not later than December 21, 2020, the Secretary of Homeland Security, after holding a series of joint meetings with the Administrator of the Federal Emergency Management Agency, the Director of the Cybersecurity and Infrastructure Security Agency, the Secretary of Defense, the Under Secretary of Commerce for Standards and Technology, the Assistant Secretary of Commerce for Communications and Information, the Federal Communications Commission, and the Secretary of Transportation, shall submit to the appropriate congressional committees a report—

(1) assessing the effects of EMPs and GMDs on critical communications infrastructure; and

Assessment.

(2) recommending any necessary changes to operational plans to enhance national response and recovery efforts after an EMP or GMD.

Recommendations.

(h) DEFINITIONS.—In this section:

6 USC 195f note.

(1) The term “appropriate congressional committees” has the meaning given that term in subsection (d) of section 320 of the Homeland Security Act of 2002, as added by subsection (a) of this section; and

(2) The terms “critical infrastructure”, “EMP”, and “GMD” have the meanings given such terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

SEC. 1741. IMPROVEMENTS TO MANUFACTURING USA PROGRAM.

(a) **IN GENERAL.**—Section 34 of the National Institute of Standards and Technology Act (15 U.S.C. 278s) is amended to read as follows:

“SEC. 34. MANUFACTURING USA.

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

“(1) **AGENCY HEAD.**—The term ‘agency head’ means the head of any Executive agency (as defined in section 105 of title 5, United States Code), other than the Department of Defense.

“(2) **REGIONAL INNOVATION INITIATIVE.**—The term ‘regional innovation initiative’ has the meaning given such term in section 27(f)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722(f)(1)).

“(b) **ESTABLISHMENT OF MANUFACTURING USA PROGRAM.**—

“(1) **IN GENERAL.**—The Secretary shall establish within the Institute a program to be known as the ‘Manufacturing United States of America Program’ or the ‘Manufacturing USA Program’ (referred to in this section as the ‘Program’).

“(2) **PURPOSES OF PROGRAM.**—The purposes of the Program are—

“(A) to improve the competitiveness of United States manufacturing and to increase the production of goods manufactured predominantly within the United States;

“(B) to stimulate United States leadership in advanced manufacturing research, innovation, and technology;

“(C) to facilitate the transition of innovative technologies into scalable, cost-effective, and high-performing manufacturing capabilities;

“(D) to facilitate access by manufacturing enterprises to capital-intensive infrastructure, including high-performance electronics and computing, and the supply chains that enable these technologies;

“(E) to accelerate the development of an advanced manufacturing workforce;

“(F) to facilitate peer exchange of and the documentation of best practices in addressing advanced manufacturing challenges;

“(G) to leverage non-Federal sources of support to promote a stable and sustainable business model without the need for long-term Federal funding;

“(H) to create and preserve jobs; and

“(I) to contribute to the development of regional innovation initiatives across the United States.

“(3) **SUPPORT.**—The Secretary, acting through the Director, shall carry out the purposes set forth in paragraph (2) by supporting—

“(A) the Manufacturing USA Network established under subsection (b); and

“(B) the establishment of Manufacturing USA institutes.

“(4) **DIRECTOR.**—The Secretary shall carry out the Program through the Director.

“(c) **ESTABLISHMENT OF MANUFACTURING USA NETWORK.**—

“(1) **IN GENERAL.**—As part of the Program, the Secretary shall establish a network of Manufacturing USA institutes.

“(2) DESIGNATION.—The network established under paragraph (1) shall be known as the ‘Manufacturing United States of America Network’ or the ‘Manufacturing USA Network’ (referred to in this section as the ‘Network’).

“(d) MANUFACTURING USA INSTITUTES.—

“(1) IN GENERAL.—For purposes of this section, a Manufacturing USA institute is an institute that—

“(A) has been established by a person or group of persons to address challenges in advanced manufacturing and to assist manufacturers in retaining or expanding industrial production and jobs in the United States;

“(B) has a predominant focus on a manufacturing process, novel material, enabling technology, supply chain integration methodology, or another relevant aspect of advanced manufacturing, such as nanotechnology applications, advanced ceramics, photonics and optics, composites, biobased and advanced materials, flexible hybrid technologies, tool development for microelectronics, food manufacturing, superconductors, advanced battery technologies, robotics, advanced sensors, quantum information science, supply chain water optimization, aeronautics and advanced materials, and graphene and graphene commercialization;

“(C) has the potential—

“(i) to improve the competitiveness of United States manufacturing, including key advanced manufacturing technologies such as nanotechnology, advanced ceramics, photonics and optics, composites, biobased and advanced materials, flexible hybrid technologies, tool development for microelectronics, food manufacturing, superconductors, advanced battery technologies, robotics, advanced sensors, quantum information science, supply chain water optimization, aeronautics and advanced materials, and graphene and graphene commercialization;

“(ii) to accelerate non-Federal investment in advanced manufacturing production capacity in the United States; or

“(iii) to enable the commercial application of new technologies or industry-wide manufacturing processes; and

“(D) includes active participation among representatives from multiple industrial entities, research universities, community colleges, and other entities as appropriate, which may include industry-led consortia, career and technical education schools, Federal laboratories, State, local, and Tribal governments, businesses, educational institutions, and nonprofit organizations.

“(2) ACTIVITIES.—

“(A) REQUIRED ACTIVITIES.—For purposes of this section, a Manufacturing USA institute is also an institute that carries out the following:

“(i) Research, development, and demonstration projects, including proof-of-concept development and prototyping, to reduce the cost, time, or risk of commercializing new technologies and improvements in existing technologies, processes, products, and research and development of materials to solve precompetitive

industrial problems with economic or national security implications.

“(ii) Development and implementation of education, training, and workforce recruitment courses, materials, and programs addressing workforce needs through training and education programs at all appropriate education levels, including programs on applied engineering.

“(iii) Development of innovative methodologies and practices for supply chain integration and introduction of new technologies into supply chains, as appropriate.

“(iv) Outreach and engagement with small and medium-sized manufacturing enterprises, including women, minority, and veteran owned manufacturing enterprises, in addition to large manufacturing enterprises.

“(v) Development of roadmaps or leveraging of existing roadmaps with respect to technology areas being pursued by that Manufacturing USA institute that take into account the research and development undertaken at other Manufacturing USA institutes and Federal agencies with respect to such areas.

“(B) PERMISSIBLE ACTIVITIES.—In addition to the activities set forth under subparagraph (A), a Manufacturing USA institute may carry out such other activities as may be consistent with the purposes set forth under subsection (b)(2).

“(3) ADDITIONAL MANUFACTURING USA INSTITUTES.—

“(A) IN GENERAL.—Except as provided in subparagraph (C), the National Additive Manufacturing Innovation Institute and other manufacturing institutes formally recognized as Manufacturing USA institutes pursuant to Federal law or executive actions, or under pending interagency review for such recognition as of December 16, 2014, shall be considered Manufacturing USA institutes for purposes of this section.

“(B) NETWORK PARTICIPATION.—Except as provided in subparagraph (C), an institute that is substantially similar to an institute described by paragraphs (1) and (2) but does not meet every element of such description and does not receive financial assistance under subsection (e) may, upon request of the institute, be recognized as a Manufacturing USA institute by the Secretary for purposes of participation in the Network.

“(C) APPLICABILITY.—Effective beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, an institute shall be treated as a Manufacturing USA institute under this section and subject to subsections (b)(2), (d), and (e) in the same manner and to the same extent as such provisions apply to a Manufacturing USA institute described by paragraphs (1) and (2) if such institute—

“(i) is, as of such date of enactment, considered a Manufacturing USA institute under subparagraph (A) or recognized as a Manufacturing USA institute under subparagraph (B); and

Effective date.

“(II) as of such date of enactment, receives Federal financial assistance under subsection (e) or otherwise consistent with the purposes of this section;

“(ii) is under pending agency review for such recognition as of such date of enactment; or

“(iii) is currently funded by the Department of Energy.

“(e) FINANCIAL ASSISTANCE TO ESTABLISH AND SUPPORT MANUFACTURING USA INSTITUTES.—

“(1) FINANCIAL ASSISTANCE AUTHORIZED.—Under the Program, the Secretary and the Secretary of Energy shall, and every other agency head may, award financial assistance to a person or group of persons to assist the person or group of persons in planning, establishing, or supporting a Manufacturing USA institute.

“(2) PERIOD AND RENEWAL OF AWARDS.—

“(A) INITIAL PERIODS.—An award of financial assistance under paragraph (1) shall be awarded for an initial period of not less than 5 years and not more than 7 years.

“(B) RENEWAL OF AWARDS.—

“(i) RENEWAL AUTHORIZED.—An award of financial assistance under paragraph (1) may be renewed for additional periods, with each period not to exceed the duration of the initial period of the award, subject to a rigorous merit review.

“(ii) CONSIDERATION OF PERFORMANCE STANDARDS.—In carrying out a rigorous merit review under clause (i) for renewal of an award under such clause for a Manufacturing USA institute, an agency head shall consider the extent to which the institute has made progress in meeting the standards of performance established pursuant to paragraph (5)(C).

“(iii) INITIAL FAILURE TO MEET PERFORMANCE STANDARDS.—If, pursuant to a rigorous merit review under clause (i) for renewal of an award under such clause for a Manufacturing USA institute, an agency head finds that the institute does not meet the standards for performance established pursuant to paragraph (5)(C), the agency head shall—

“(I) notify the institute of any deficiencies in the performance of the institute; and

“(II) provide the institute one year to remedy such deficiencies.

“(iv) FURTHER FAILURE TO MEET PERFORMANCE STANDARDS.—If a Manufacturing USA institute fails to remedy a deficiency identified or to show significant improvement in performance during the 1-year period set forth under clause (iii)(II)—

“(I) the institute shall not be eligible for renewed award under clause (i); and

“(II) the agency head that conducted the review for renewal shall notify the institute of such ineligibility.

“(v) CONTINUATION OF EXISTING MANUFACTURING USA INSTITUTES.—Notwithstanding clauses (i) through

Notification.

(iv), a Manufacturing USA institute already in existence or undergoing a renewal process prior to December 1, 2019—

“(I) may continue to receive support for the duration of the original funding award beginning on the date of establishment of that institute; and

“(II) shall be eligible for renewal of that funding pursuant to clause (i).

“(3) APPLICATION FOR FINANCIAL ASSISTANCE.—

“(A) IN GENERAL.—A person or group of persons seeking financial assistance under paragraph (1) shall submit to an agency head an application therefor at such time, in such manner, and containing such information as the agency head may require.

“(B) REQUIREMENTS.—An application submitted under subparagraph (A) for an institute shall, at a minimum include the following:

“(i) A description of the specific sources and amounts of non-Federal financial support for the institute on the date financial assistance is sought.

“(ii) A description of the anticipated sources and amounts of non-Federal financial support during the period for which the institute could be eligible for continued Federal financial assistance under this section.

“(4) SELECTION.—

“(A) COMPETITIVE, MERIT REVIEW.—In awarding financial assistance under paragraph (1), an agency head shall—

“(i) use a competitive, merit review process that includes review by a diverse group of individuals with relevant expertise from both the private and public sectors; and

“(ii) ensure that the technology focus of a Manufacturing USA institute does not substantially duplicate the technology focus of any other Manufacturing USA institute.

“(B) PARTICIPATION IN PROCESS.—

“(i) PROHIBITION ON PARTICIPATION BY POLITICAL APPOINTEES.—The review required by subparagraph (A)(i) may not include a review by a group of individuals that includes a political appointee.

“(ii) CONFLICT OF INTEREST POLICIES.—Each agency head shall implement a conflict of interest policy that—

“(I) ensures public transparency and accountability in the process used under subparagraph (A)(i); and

“(II) requires full disclosure of any real or potential conflicts of interest on the parts of individuals that participate in the process used under subparagraph (A)(i).

“(iii) DEFINITION OF POLITICAL APPOINTEE.—For purposes of this subparagraph, the term ‘political appointee’ has the meaning given such term in section 714(h) of title 38, United States Code.

“(C) CONSIDERATIONS.—In selecting a person or group of persons who submitted an application to an agency head

under paragraph (3) for an award of financial assistance under paragraph (1) for a Manufacturing USA institute, the agency head shall consider, at a minimum, the following:

“(i) The potential of the Manufacturing USA institute to advance domestic manufacturing and the likelihood of economic impact, including the creation or preservation of jobs, in the predominant focus areas of the institute.

“(ii) The commitment of continued financial support, advice, participation, and other contributions from non-Federal sources, to provide leverage and resources to promote a stable and sustainable business model.

“(iii) Whether the financial support provided to the Manufacturing USA institute from non-Federal sources exceeds the requested Federal financial assistance.

“(iv) How the Manufacturing USA institute will increase the non-Federal investment in advanced manufacturing research in the United States.

“(v) How the Manufacturing USA institute will engage with small and medium-sized manufacturing enterprises to improve the capacity of such enterprises to commercialize new processes and technologies and to improve the domestic supply chain.

“(vi) How the Manufacturing USA institute will carry out educational and workforce activities that meet industrial needs related to the predominant focus areas of the institute.

“(vii) How the Manufacturing USA institute will advance economic competitiveness and generate substantial benefits to the Nation that extend beyond the direct return to participants in the Program.

“(viii) Whether the predominant focus of the Manufacturing USA institute is a manufacturing process, novel material, enabling technology, supply chain integration methodology, or other relevant aspect of advanced manufacturing that has not already been commercialized, marketed, distributed, or sold by another entity.

“(ix) How the Manufacturing USA institute will strengthen and leverage the industrial, research, entrepreneurship, and other assets of a region.

“(x) How the Manufacturing USA institute will encourage the education and training of veterans and individuals with disabilities.

“(5) PERFORMANCE MEASUREMENT, TRANSPARENCY, AND ACCOUNTABILITY.—For each award of financial assistance under paragraph (1) by an agency head, the agency head shall—

“(A) develop metrics to assess the effectiveness of the activities funded in making progress toward the purposes of the Program set forth under subsection (b)(2), including the effectiveness of Manufacturing USA institutes in advancing technology readiness levels or manufacturing readiness levels;

Assessment.

	<p>“(B) establish standards for the performance of Manufacturing USA institutes that are based on the metrics developed under subparagraph (A); and</p> <p>“(C) for each Manufacturing USA institute supported by the award, 5 years after the initial award and every 5 years thereafter until Federal financial assistance under this subsection is discontinued, conduct an assessment of the institute to confirm whether the performance of the institute is meeting the standards for performance established under subparagraph (B).</p>
Time periods. Assessment.	
Coordination.	<p>“(6) COLLABORATION.—In awarding financial assistance under paragraph (1), an agency head, in coordination with the National Program Office, as the agency head considers appropriate, may collaborate with Federal departments and agencies whose missions contribute to or are affected by advanced manufacturing, including, as the agency head considers appropriate, the Department of Agriculture, the Department of Defense, the Department of Education, the Department of Energy, the Department of Labor, the Food and Drug Administration, the National Aeronautics and Space Administration, the National Institutes of Health, and the National Science Foundation.</p>
Determination.	<p>“(7) MATCHING FUNDS AND PREFERENCES.—</p> <p>“(A) IN GENERAL.—Except as provided in subparagraph (B), an agency head may not, with respect to a Manufacturing USA institute, award financial assistance under paragraph (1) or renew an award of financial assistance under paragraph (2) unless the agency head determines that non-Federal funding comprises 50 percent or more of the total amount of funding made available for the operation and support of the institute.</p> <p>“(B) WAIVERS.—An agency head awarding financial assistance under paragraph (1) with respect to a Manufacturing USA institute may waive the requirements of subparagraph (A) in the case of satellite centers, large capital facilities, equipment purchases, workforce development, or general operations.</p> <p>“(f) GRANT PROGRAM FOR PUBLIC SERVICE ACTIVITIES FOR MANUFACTURING USA INSTITUTES WITHOUT FEDERAL FUNDING.—The Secretary may award a grant on a competitive basis to a Manufacturing USA institute that is not receiving financial assistance under subsection (e) to carry out workforce development, outreach to small- and medium-sized manufacturers, and other activities that—</p>
Determination.	<p>“(1) are determined by the Secretary to be in the national interest; and</p> <p>“(2) are unlikely to receive private sector financial support.</p> <p>“(g) AUTHORIZATION OF APPROPRIATIONS.—</p> <p>“(1) NIST INDUSTRIAL TECHNICAL SERVICES ACCOUNT.—To the extent provided for in advance by appropriations Acts, the Secretary may use amounts appropriated to the Industrial Technical Services account to carry out this section as follows:</p> <p>“(A) For each of the fiscal years 2015 through 2019, an amount not to exceed \$5,000,000.</p> <p>“(B) For each of fiscal years 2020 through 2030, such amounts as may be necessary to carry out this section.</p>

“(2) DEPARTMENT OF ENERGY.—There are authorized to be appropriated to the Secretary of Energy for the provision of financial assistance under subsection (e) by the Department of Energy amounts as follows:

“(A) \$70,000,000 for each of fiscal years 2020, 2021, and 2022.

“(B) \$84,000,000 for each of fiscal years 2023 and 2024.

“(h) NATIONAL PROGRAM OFFICE.—

“(1) ESTABLISHMENT.—The Secretary shall establish, within the Institute, the National Office of the Manufacturing USA Network (referred to in this section as the ‘National Program Office’), which shall oversee and carry out the Program.

“(2) FUNCTIONS.—The functions of the National Program Office are—

“(A) to oversee the planning, management, and coordination of the Program;

“(B) to coordinate with and, as appropriate, enter into memorandums of understanding with Federal departments and agencies whose missions contribute to or are affected by advanced manufacturing, including the Department of Agriculture, the Department of Defense, the Department of Education, the Department of Energy, the Department of Labor, the Food and Drug Administration, the National Aeronautics and Space Administration, the National Institutes of Health, and the National Science Foundation, to carry out the purposes set forth under subsection (b)(2);

Coordination.

“(C) to develop, not later than December 16, 2015, and update not less frequently than once every 3 years thereafter, a strategic plan to guide the Program;

Deadline.
Strategic plan.

“(D) to establish such procedures, processes, and criteria as may be necessary and appropriate to maximize cooperation and coordinate the activities of the Program with programs and activities of other Federal departments and agencies whose missions contribute to or are affected by advanced manufacturing;

“(E) to establish a clearinghouse of public information related to the activities of the Program;

“(F) to act as a convener of the Network;

“(G) to work with Federal agencies that are not sponsoring or supporting a Manufacturing USA institute to explore and develop options for sponsoring or supporting a Manufacturing USA institute;

“(H) to work with Federal agencies that are sponsoring or supporting a Manufacturing USA institute to develop and implement network-wide performance goals with measurable targets and timelines;

“(I) to help develop pilot programs that may be implemented by the Manufacturing USA institutes to address specific purposes of the Program, including to accelerate technology transfer to the private sector and to develop entrepreneurship programs;

“(J) to provide support services to promote workforce development activities;

“(K) to identify and disseminate best practices for workforce education and training across the Network and further enhance collaboration among Manufacturing USA institutes in developing and implementing such practices;

Coordination.

“(L) to collaborate with the Department of Labor, the Department of Education, industry, career and technical education schools, local community colleges, universities, and labor organizations to provide input, as appropriate, for the development of national certifications for advanced manufacturing workforce skills in the technology areas of the Manufacturing USA institutes; and

“(M) to coordinate with Manufacturing USA institutes to develop best practices for the membership agreements and coordination of similar project solicitations.

“(3) RECOMMENDATIONS.—In developing and updating the strategic plan under paragraph (2)(C), the Secretary shall solicit recommendations and advice from a wide range of stakeholders, including industry, small and medium-sized manufacturing enterprises, research universities, community colleges, State, Tribal, and local governments, and other relevant organizations and institutions on an ongoing basis.

“(4) REPORT TO CONGRESS.—Upon completion, the Secretary shall transmit the strategic plan required under paragraph (2)(C) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

“(5) HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP.—

“(A) IN GENERAL.—The Secretary shall ensure that the National Program Office leverages the capabilities of the Hollings Manufacturing Extension Partnership into Program planning to ensure—

“(i) significant outreach to, participation of, and engagement of small- and medium-sized manufacturers in Manufacturing USA institutes across the entirety of the manufacturing supply chain; and

“(ii) that the results of the Program, including technologies developed by the Program, reach small- and medium-sized manufacturers and that such entities have access to technical assistance, as appropriate, in deploying those technologies.

“(B) LIAISONS.—The Secretary may provide financial assistance to a manufacturing extension center established as part of the Hollings Manufacturing Extension Partnership to support the purposes of the Program by providing services in one or more of the following areas:

“(i) Support services for small- and medium-sized manufacturers, that many include the designation of a liaison.

“(ii) Assistance with workforce development.

“(iii) Technology transfer for small and medium-sized manufacturers.

“(iv) Such other areas as the Secretary determines appropriate to support the purposes of the Program.

“(6) DETAILEES.—Any Federal Government employee may be detailed to the National Program Office without reimbursement. Such detail shall be without interruption or loss of civil service status or privilege.

“(i) REPORTING AND AUDITING.—

“(1) ANNUAL REPORTS TO THE SECRETARY.—

“(A) IN GENERAL.—Not less frequently than once each year, each agency head that is providing financial assistance under subsection (e) shall—

“(i) require each recipient of such financial assistance submit to the agency head a report that describes the finances and performance of the Manufacturing USA institute with respect to which the financial assistance is awarded; and

“(ii) submit to the Secretary each report received by the agency head under clause (i).

“(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include:

“(i) an accounting of expenditures of amounts awarded to the recipient under subsection (e); and

“(ii) consistent with the standards for performance established under subsection (e)(5)(B), a description of the performance of the Manufacturing USA institute with respect to—

“(I) its goals, plans, financial support, and accomplishments; and

“(II) how the Manufacturing USA institute has furthered the purposes set forth under subsection (b)(2).

“(2) ANNUAL REPORTS TO CONGRESS.—

“(A) IN GENERAL.—Not less frequently than once each year until December 31, 2030, the Secretary shall submit a report to Congress that describes the performance of the Program during the most recent 1-year period.

Time period.

“(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include, for the period covered by the report—

Assessments.

“(i) a summary and assessment of the reports received by the Secretary under paragraph (1);

Summary.

“(ii) an accounting of the funds expended by the Secretary under the Program, including any waivers made under subsection (e)(7)(B);

“(iii) an assessment of the participation in, and contributions to, the Network by any Manufacturing USA institutes not receiving financial assistance under subsection (e); and

“(iv) an assessment of the Program with respect to meeting the purposes set forth under subsection (b)(2).

“(3) ASSESSMENTS BY COMPTROLLER GENERAL OF THE UNITED STATES.—

“(A) ASSESSMENTS.—Not less frequently than once every 3 years, the Comptroller General of the United States shall submit to Congress an assessment of the operation of the Program during the most recent 3-year period, including an assessment of the progress made towards achieving the goals specified in the national strategic plan for advanced manufacturing required under section 102(b)(7) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6622(b)(7)).

Time period.

“(B) ELEMENTS.—Each assessment submitted under subparagraph (A) shall include, for the period covered by the report—

- Review. “(i) a review of the management, coordination, and industry utility of the Program;
- “ (ii) an assessment of the extent to which the Program has furthered the purposes set forth under subsection (b)(2);
- Recommendations. “ (iii) such recommendations for legislative and administrative action as the Comptroller General considers appropriate to improve the Program; and
- “ (iv) an assessment as to whether any prior recommendations for improvement made by the Comptroller General have been implemented or adopted.
- Deadline. “ (C) FINAL ASSESSMENT.—No later than December 31, 2030, the Comptroller General shall submit to Congress a final report regarding the overall success of the Program.
- “(j) ADDITIONAL AUTHORITIES.—
- “(1) APPOINTMENT OF PERSONNEL AND CONTRACTS.—The Secretary may appoint such personnel and enter into such contracts, financial assistance agreements, and other agreements as the Secretary considers necessary or appropriate to carry out the Program, including support for research and development activities involving a Manufacturing USA institute.
- “(2) TRANSFER OF FUNDS.—Of amounts available under the authority provided by subsection (g), the Secretary may transfer to other Federal agencies such sums as the Secretary considers necessary or appropriate to carry out the Program. No funds so transferred may be used to reimburse or otherwise pay for the costs of financial assistance incurred or commitments of financial assistance made prior to December 16, 2014.
- “(3) AUTHORITY OF OTHER AGENCIES.—In the event that the Secretary exercises the authority to transfer funds to another agency under paragraph (2), such agency may accept such funds to award and administer, under the same conditions and constraints applicable to the Secretary, all aspects of financial assistance awards under this section.
- “(4) USE OF RESOURCES.—In furtherance of the purposes of the Program, the Secretary may use, with the consent of a covered entity and with or without reimbursement, the land, services, equipment, personnel, and facilities of such covered entity.
- “(5) ACCEPTANCE OF RESOURCES.—In addition to amounts appropriated to carry out the Program, the Secretary may accept funds, services, equipment, personnel, and facilities from any covered entity to carry out the Program, subject to the same conditions and constraints otherwise applicable to the Secretary under this section and such funds may only be obligated to the extent provided for in advance by appropriations Acts.
- “(6) COVERED ENTITIES.—For purposes of this subsection, a covered entity is any Federal department, Federal agency, instrumentality of the United States, State, local government, Tribal government, territory, or possession of the United States, or of any political subdivision thereof, or international organization, or any public or private entity or individual.
- “(7) COLLABORATIONS WITH OTHER AGENCIES.—The Secretary shall collaborate with Federal agencies whose missions contribute to, or are affected by, advanced manufacturing to

identify and leverage existing resources at such Federal agencies to assist Manufacturing USA institutes in carrying out the purposes of the Program set forth under subsection (b)(2). Such existing resources may include programs—

“(A) at the Department of Labor relating to labor and apprenticeships;

“(B) at the Economic Development Administration relating to regional innovation, such as the Regional Innovation Strategies program;

“(C) at the Department of Education relating to workforce development, education, training, and retraining;

“(D) at the Department of Defense relating to procurement and other authorities of the Department of Defense;

“(E) at the Food and Drug Administration relating to biopharmaceutical manufacturing;

“(F) at the National Science Foundation, including the Advanced Technological Education program;

“(G) at the National Aeronautics and Space Administration relating to procurement, workforce development, education, training, and retraining;

“(H) at the Department of Energy relating to development of clean energy technologies and other authorities of the Department of Energy;

“(I) at the Department of Agriculture relating to outreach to rural communities;

“(J) additional programs that the Secretary determines are appropriate to support the activities of existing Manufacturing USA institutes; and

“(K) additional programs that the Secretary determines are appropriate to support the activities of existing Manufacturing USA institutes.

“(k) PATENTS.—Chapter 18 of title 35, United States Code, shall apply to any funding agreement (as defined in section 201 of that title) awarded to new or existing Manufacturing USA institutes with respect to which financial assistance is awarded under subsection (e). Applicability.

“(l) REFERENCES TO PRIOR NAMES AND TERMINOLOGY.—Any reference in law, regulation, map, document, paper, or other record of the United States to the ‘Network for Manufacturing Innovation Program’, the ‘Network for Manufacturing Innovation’, ‘National Office of the Network for Manufacturing Innovation Program’, or a ‘center for manufacturing innovation’ shall be considered to be a reference to the Manufacturing USA Program, the Manufacturing USA Network, the National Office of the Manufacturing USA Network, or a Manufacturing USA institute, respectively.”

(b) EXPANSION OF MANUFACTURING USA NETWORK.—Subject to the availability of appropriations, the Secretary of Commerce shall take such actions as may be necessary to increase the number of Manufacturing USA institutes that participate in the Manufacturing USA Network. 15 USC 278s
note.

SEC. 1742. REGIONAL INNOVATION PROGRAM.

Section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722) is amended to read as follows:

“SEC. 27. REGIONAL INNOVATION PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE RECIPIENT.—The term ‘eligible recipient’ means—

“(A) a State;

“(B) an Indian tribe;

“(C) a city or other political subdivision of a State;

“(D) an entity that—

“(i) is a nonprofit organization, an institution of higher education, a public-private partnership, a science or research park, a Federal laboratory, a venture development organization, or an economic development organization or similar entity that is focused primarily on improving science, technology, innovation, or entrepreneurship; and

“(ii) has an application submitted under subsection (c)(4) that is supported by a State or a political subdivision of a State; or

“(E) a consortium of any of the entities described in subparagraphs (A) through (D).

“(2) REGIONAL INNOVATION INITIATIVE.—The term ‘regional innovation initiative’ means a geographically-bounded public or nonprofit activity or program to address issues in the local innovation systems in order to—

“(A) increase the success of innovation-driven industry;

“(B) strengthen the competitiveness of industry through new product innovation and new technology adoption;

“(C) improve the pace of market readiness and overall commercialization of innovative research;

“(D) enhance the overall innovation capacity and long-term resilience of the region;

“(E) leverage the region’s unique competitive strengths to stimulate innovation; and

“(F) increase the number of full-time equivalent employment opportunities within innovation-based business ventures in the geographic region.

“(3) STATE.—The term ‘State’ means one of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

“(4) VENTURE DEVELOPMENT ORGANIZATION.—The term ‘venture development organization’ means a State or nonprofit organization that contributes to regional or sector-based economic prosperity by providing services for the purposes of accelerating the commercialization of research.

“(b) ESTABLISHMENT.—The Secretary shall establish a regional innovation program to encourage and support the development of regional innovation strategies designed to increase innovation-driven economic opportunity within their respective regions.

“(c) REGIONAL INNOVATION GRANTS.—

“(1) AUTHORIZATION OF GRANTS.—As part of the program established pursuant to subsection (b), the Secretary may award grants, on a competitive basis, to eligible recipients for activities designed to develop and support a regional innovation initiative.

“(2) PERMISSIBLE ACTIVITIES.—A grant awarded under this subsection shall be used for multiple activities determined appropriate by the Secretary, including—

“(A) planning, technical assistance, and communication among participants of a regional innovation initiative to improve the connectedness and strategic orientation of the regional innovation initiative;

“(B) attracting additional participants to a regional innovation initiative;

“(C) increasing the availability and investment of private and philanthropic financing that supports innovation-based business ventures; and

“(D) facilitating commercialization of products, processes, and services, including through demonstration, deployment, technology transfer, and entrepreneurial activities.

“(3) RESTRICTED ACTIVITIES.—Grants awarded under this subsection may not be used to pay for—

“(A) costs related to the recruitment, inducement, or associated financial or tangible incentives that might be offered to relocate an existing business from a geographic area to another geographic area; or

“(B) costs associated with offsetting revenues forgone by 1 or more taxing authorities through tax incentives, tax increment financing, special improvement districts, tax abatements for private development within designated zones or geographic areas, or other reduction in revenues resulting from tax credits affecting the geographic region of the eligible recipients.

“(4) APPLICATIONS.—

“(A) IN GENERAL.—An eligible recipient shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

“(B) COMPONENTS.—Each application submitted under subparagraph (A) shall—

“(i) describe the regional innovation initiative;

“(ii) indicate whether the regional innovation initiative is supported by the private sector, State and local governments, and other relevant stakeholders;

“(iii) identify what activities the regional innovation initiative will undertake;

“(iv) describe the expected outcomes of the regional innovation initiative and the metrics the eligible recipient will use to assess progress toward those outcomes;

“(v) indicate whether the participants in the regional innovation initiative have access to, or contribute to, a well-trained workforce and other innovation assets that are critical to the successful outcomes specified in the application;

“(vi) indicate whether the participants in the regional innovation initiative are capable of attracting additional funds from non-Federal sources; and

“(vii) if appropriate for the activities proposed in the application, analyze the likelihood that the participants in the regional innovation initiative will be able

to sustain activities after grant funds received under this subsection have been expended.

“(C) FEEDBACK.—The Secretary shall provide feedback to program applicants that are not awarded grants to help them improve future applications.

“(D) SPECIAL CONSIDERATIONS.—The Secretary shall give special consideration to—

“(i) applications proposing to include workforce or training related activities in their regional innovation initiative from eligible recipients who agree to collaborate with local workforce investment area boards; and

“(ii) applications from regions that contain communities negatively impacted by trade.

“(5) COST SHARE.—The Secretary may not provide more than 50 percent of the total cost of any activity funded under this subsection.

“(6) OUTREACH TO RURAL COMMUNITIES.—The Secretary shall conduct outreach to public and private sector entities in rural communities to encourage those entities to participate in regional innovation initiatives under this subsection.

“(7) GEOGRAPHIC DISTRIBUTION.—In conducting a competitive process, the Secretary shall avoid undue geographic concentration among any one category of States based on their predominant rural or urban character as indicated by population density.

“(8) FUNDING.—The Secretary may accept funds from other Federal agencies to support grants and activities under this subsection.

“(d) REGIONAL INNOVATION RESEARCH AND INFORMATION PROGRAM.—

“(1) IN GENERAL.—As part of the program established pursuant to subsection (b), the Secretary shall establish a regional innovation research and information program—

“(A) to gather, analyze, and disseminate information on best practices for regional innovation initiatives, including information relating to how innovation, productivity, and economic development can be maximized through such strategies;

“(B) to provide technical assistance, including through the development of technical assistance guides, for the development and implementation of regional innovation initiatives;

“(C) to support the development of relevant metrics and measurement standards to evaluate regional innovation initiatives, including the extent to which such strategies stimulate innovation, productivity, and economic development; and

“(D) to collect and make available data on regional innovation initiatives in the United States, including data on—

“(i) the size, specialization, and competitiveness of regional innovation initiatives;

“(ii) the regional domestic product contribution, total jobs and earnings by key occupations, establishment size, nature of specialization, patents, Federal research and development spending, and other relevant information for regional innovation initiatives; and

“(iii) supply chain product and service flows within and between regional innovation initiatives.

“(2) RESEARCH GRANTS.—The Secretary may award research grants on a competitive basis to support and further the goals of the program established under this section.

“(3) DISSEMINATION OF INFORMATION.—Data and analysis compiled by the Secretary under the program established in this subsection shall be made available to other Federal agencies, State and local governments, and nonprofit and for-profit entities.

“(4) REGIONAL INNOVATION GRANT PROGRAM.—The Secretary shall incorporate data and analysis relating to any grant awarded under subsection (c) into the program established under this subsection.

“(e) INTERAGENCY COORDINATION.—

“(1) IN GENERAL.—To the maximum extent practicable, the Secretary shall ensure that the activities carried out under this section are coordinated with, and do not duplicate the efforts of, other programs at the Department of Commerce or at other Federal agencies.

“(2) COLLABORATION.—

“(A) IN GENERAL.—The Secretary shall explore and pursue collaboration with other Federal agencies, including through multi-agency funding opportunities, on regional innovation strategies.

“(B) SMALL BUSINESSES.—The Secretary shall ensure that such collaboration with Federal agencies prioritizes the needs and challenges of small businesses.

“(f) EVALUATION.—

“(1) IN GENERAL.—Not later than 5 years after Congress first appropriates funds to carry out this section, the Secretary shall competitively award a contract with an independent entity to conduct an evaluation of programs established under this section.

Deadline.
Contracts.

“(2) REQUIREMENTS.—The evaluation conducted under paragraph (1) shall include—

Recommendations.

“(A) an assessment of whether the program is achieving its goals;

Assessment.

“(B) the program’s efficacy in providing awards to geographically diverse entities;

“(C) any recommendations for how the program may be improved; and

“(D) a recommendation as to whether the program should be continued or terminated.

“(g) REPORTING REQUIREMENT.—Not later than 5 years after the first grant is awarded under subsection (c), and every 5 years thereafter until 5 years after the last grant recipient completes the regional innovation initiative for which such grant was awarded, the Secretary shall submit a summary report to Congress that describes the outcome of each regional innovation initiative that was completed during the previous 5 years.

“(h) FUNDING.—From amounts appropriated by Congress to the Secretary, the Secretary may use up to \$50,000,000 in each of the fiscal years 2020 through 2024 to carry out this section.”.

SEC. 1743. AVIATION WORKFORCE DEVELOPMENT.

49 USC 40101 note. (a) **IN GENERAL.**—Section 625(c)(1) of the FAA Reauthorization Act of 2018 (Public Law 115–254) is amended—

(1) in subparagraph (C), by striking “or” after the semicolon;

(2) in subparagraph (D), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(E) an organization representing aircraft users, aircraft owners, or aircraft pilots.”.

49 USC 40101 note. (b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as if included in the enactment of the FAA Reauthorization Act of 2018 (Public Law 115–254).

10 USC 113 note. **SEC. 1744. OVERSIGHT OF DEPARTMENT OF DEFENSE EXECUTE ORDERS.**

Deadline. (a) **REVIEW OF EXECUTE ORDERS.**—Not later than 30 days after receiving a written request by the Chairman or Ranking Member of a congressional defense committee, the Secretary of Defense shall provide the committee, including appropriately designated staff of the committee, with—

(1) an execute order approved by the Secretary or the commander of a combatant command for review; and

Briefing. (2) a detailed briefing on such execute order.

(b) **EXCEPTION.**—

Determination. (1) **IN GENERAL.**—In extraordinary circumstances necessary to protect operations security or the sensitivity of the execute order, the Secretary may limit review of an execute order. A determination that extraordinary circumstances exist for purposes of this paragraph may only be made by the Secretary and the decision to limit the review of an execute order may not be delegated.

(2) **SUMMARY AND OTHER INFORMATION.**—In extraordinary circumstances described in paragraph (1) with respect to an execute order, within 30 days of receiving a written request under subsection (a), the Secretary shall provide to the committee concerned, including appropriately designated staff of the committee—

(A) a written explanation of the extraordinary circumstances that led to the determination by the Secretary to limit review of the execute order; and

(B) a detailed summary of the execute order and other information necessary for the conduct of the oversight duties of the committee.

(c) **QUARTERLY REPORT.**—Not later than 30 days after the date on which the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2021 and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a comprehensive report identifying and summarizing all execute orders approved by the Secretary or the commander of a combatant command in effect for the Department of Defense as of the date of the report.

10 USC 167 note. **SEC. 1745. PROCESSES AND PROCEDURES FOR NOTIFICATIONS REGARDING SPECIAL OPERATIONS FORCES.**

Deadline. (a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish

and submit to the congressional defense committees processes and procedures for providing notifications to the committees regarding members of special operations forces, as identified in section 167(j) of title 10, United States Code.

(b) PROCESSES AND PROCEDURES.—The processes and procedures established under subsection (a) shall—

(1) clarify the roles and responsibilities of the Secretaries of the military departments, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, and the Commander of United States Special Operations Command;

(2) provide guidance relating to the types of matters that would warrant congressional notification, including awards, reprimands, incidents, and any other matters the Secretary determines necessary;

(3) be consistent with the national security of the United States;

(4) be designed to protect sensitive information during an ongoing investigation;

(5) account for the privacy of members of the Armed Forces; and

(6) take in to account existing processes and procedures for notifications to the congressional defense committees regarding members of the conventional Armed Forces.

SEC. 1746. SECURING AMERICAN SCIENCE AND TECHNOLOGY.

42 USC 6601
note.

(a) INTERAGENCY WORKING GROUP.—

(1) IN GENERAL.—The Director of the Office of Science and Technology Policy, acting through the National Science and Technology Council, in consultation with the National Security Advisor, shall establish or designate an interagency working group to coordinate activities to protect federally funded research and development from foreign interference, cyber attacks, theft, or espionage and to develop common definitions and best practices for Federal science agencies and grantees, while accounting for the importance of the open exchange of ideas and international talent required for scientific progress and American leadership in science and technology.

Consultation.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The working group shall include at least one representative of—

(i) the National Science Foundation;

(ii) the Department of Energy;

(iii) the National Aeronautics and Space Administration;

(iv) the Department of Commerce;

(v) the Department of Health and Human Services;

(vi) the Department of Defense;

(vii) the Department of Agriculture;

(viii) the Department of Education;

(ix) the Department of State;

(x) the Department of the Treasury;

(xi) the Department of Justice;

(xii) the Department of Homeland Security;

(xiii) the Central Intelligence Agency;

(xiv) the Office of the Director of National Intelligence;

(xv) the Office of Management and Budget;

(xvi) the National Economic Council; and

(xvii) such other Federal department or agency as the President considers appropriate.

(B) CHAIR.—The working group shall be chaired by the Director of the Office of Science and Technology Policy (or the Director’s designee).

(3) RESPONSIBILITIES OF THE WORKING GROUP.—The working group established under paragraph (1) shall—

(A) identify known and potential cyber, physical, and human intelligence threats and vulnerabilities within the United States scientific and technological enterprise;

Coordination.

(B) coordinate efforts among agencies to share and update important information, including specific examples of foreign interference, cyber attacks, theft, or espionage directed at federally funded research and development or the integrity of the United States scientific enterprise;

(C) identify and assess existing mechanisms for protection of federally funded research and development;

(D) develop an inventory of—

(i) terms and definitions used across Federal science agencies to delineate areas that may require additional protection; and

(ii) policies and procedures at Federal science agencies regarding protection of federally funded research; and

Recommendations.

(E) develop and periodically update unclassified recommendations for policy guidance to assist Federal science agencies and grantees in defending against threats to federally funded research and development and the integrity of the United States scientific enterprise that—

(i) includes—

(I) descriptions of known and potential threats to federally funded research and development and the integrity of the United States scientific enterprise;

(II) common definitions and terminology for categorization of research and technologies that are protected;

(III) identified areas of research or technology that might require additional protection;

(IV) recommendations for how control mechanisms can be utilized to protect federally funded research and development from foreign interference, cyber attacks, theft or espionage, including any recommendations for updates to existing control mechanisms;

(V) recommendations for best practices for Federal science agencies, universities, and grantees to defend against threats to federally funded research and development, including coordination and harmonization of any relevant reporting requirements that Federal science agencies implement for grantees, and by providing such best practices with grantees and universities at the time of awarding such grants or entering into research contracts;

(VI) a remediation plan for grantees and universities to mitigate the risks regarding such threats before research grants or contracts are cancelled because of such threats;

Remediation
plan.

(VII) recommendations for providing opportunities and facilities for academic researchers to perform controlled and classified research in support of Federal missions;

(VIII) assessments of potential consequences that any proposed practices would have on international collaboration and United States leadership in science and technology; and

Assessments.

(IX) a classified addendum as necessary to further inform Federal science agency decision-making; and

(ii) accounts for the range of needs across different sectors of the United States science and technology enterprise.

(4) **POLICY GUIDANCE.**—Not later than 270 days after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy, in consultation with the working group established under paragraph (1), shall—

Deadline.
Consultation.

(A) develop and issue policy guidance to Federal science agencies with more than \$100,000,000 in extramural research in fiscal year 2018 to protect against threats to federally funded research and the United States science enterprise, including foreign interference, cyber attacks, theft, or espionage; and

(B) encourage consistency in the policies developed by Federal science agencies with more than \$100,000,000 in extramural research in fiscal year 2018, as appropriate, and factoring in the potential range of applications across different areas of science and technology.

(5) **COORDINATION WITH NATIONAL ACADEMIES ROUNDTABLE.**—The Director of the Office of Science and Technology Policy shall coordinate with the Academies to ensure that at least one member of the interagency working group is also a member of the roundtable under subsection (b).

(6) **INTERIM REPORT.**—Not later than six months after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall provide a report to the relevant committees that includes the inventory required under paragraph (3)(D), and an update on progress toward developing the policy guidance required under paragraphs (3)(E) and (4), as well as any additional activities undertaken by the working group in that time.

(7) **BIENNIAL REPORTING.**—Two years after the date of enactment of this Act, and at least every two years thereafter, the Director of the Office of Science and Technology Policy shall provide a summary report to the relevant committees on the activities of the working group and the most current version of the policy guidance required under paragraph (4).

(8) **TERMINATION.**—The working group established or designated under paragraph (1) shall terminate on the date that is ten years after the date on which such working group is established or designated.

(b) NATIONAL ACADEMIES SCIENCE, TECHNOLOGY AND SECURITY
ROUNDTABLE.—

Contracts.

(1) IN GENERAL.—The National Science Foundation, the Department of Energy, and the Department of Defense, and any other agencies as determined by the Director of the Office of Science and Technology Policy, shall enter into a joint agreement with the Academies to create a new “National Science, Technology, and Security Roundtable” (hereinafter in this subsection referred to as the “roundtable”).

(2) PARTICIPANTS.—The roundtable shall include senior representatives and practitioners from Federal science, intelligence, and national security agencies, law enforcement, as well as key stakeholders in the United States scientific enterprise including institutions of higher education, Federal research laboratories, industry, and non-profit research organizations.

(3) PURPOSE.—The purpose of the roundtable is to facilitate among participants—

(A) exploration of critical issues related to protecting United States national and economic security while ensuring the open exchange of ideas and international talent required for scientific progress and American leadership in science and technology;

(B) identification and consideration of security threats and risks involving federally funded research and development, including foreign interference, cyber attacks, theft, or espionage;

(C) identification of effective approaches for communicating the threats and risks identified in subparagraph (b) to the academic and scientific community, including through the sharing of unclassified data and relevant case studies;

(D) sharing of best practices for addressing and mitigating the threats and risks identified in subparagraph (B); and

(E) examination of potential near- and long-term responses by the Government and the academic and scientific community to mitigate and address the risks associated with foreign threats.

(4) REPORT AND BRIEFING.—The joint agreement under paragraph (1) shall specify that—

Public
information.

(A) the roundtable shall periodically organize workshops and issue publicly available reports on the topics described in paragraph (3) and the activities of the roundtable;

(B) not later than March 1, 2020, the Academies shall provide a briefing to the relevant committees on the progress and activities of the roundtable; and

(C) the Academies shall issue a final report on its activities to the relevant committees before the end of fiscal year 2024.

(5) TERMINATION.—The roundtable shall terminate on September 30, 2024.

(c) DEFINITIONS.—In this section:

(1) The term “Academies” means the National Academies of Science, Engineering and Medicine.

(2) The term “Federal science agency” means any Federal agency with at least \$100,000,000 in basic and applied research obligations in fiscal year 2018.

(3) The term “grantee” means an entity that is—

(A) a recipient or subrecipient of a Federal grant or cooperative agreement; and

(B) an institution of higher education or a non-profit organization.

(4) The term “relevant committees” means—

(A) the Committee on Science, Space, and Technology of the House of Representatives;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Armed Services of the House of Representatives;

(D) the Committee on Armed Services of the Senate; and

(E) the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1747. STANDARDIZED POLICY GUIDANCE FOR CALCULATING AIRCRAFT OPERATION AND SUSTAINMENT COSTS.

10 USC 2337a note.

Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Director of Cost Analysis and Program Evaluation and in consultation with the Secretary of each of the military services, shall develop and implement standardized policy guidance for calculating aircraft operation and sustainment costs for the Department of Defense. Such guidance shall provide for a standardized calculation of—

Deadline.
Coordination.
Consultation.

(1) aircraft cost per flying hour;

(2) aircraft cost per aircraft tail per year;

(3) total cost of ownership per flying hour for aircraft systems;

(4) average annual operation and sustainment cost per aircraft; and

(5) any other cost metrics the Under Secretary of Defense determines appropriate.

SEC. 1748. SPECIAL FEDERAL AVIATION REGULATION WORKING GROUP.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of Transportation, and the Secretary of State, shall jointly establish a Special Federal Aviation Regulation (in this section referred to as the “SFAR”) interagency working group to review the current options for the Department of Defense to use contracted United States civil aviation to provide support for Department of Defense missions in areas where a Federal Aviation Administration SFAR is in effect.

Deadline.

(b) DUTIES.—The working group shall—

(1) analyze all options currently available for the Department of Defense to use contracted United States civil aviation to provide support for Department of Defense missions in areas where a Federal Aviation Administration SFAR is in effect;

Analysis.

(2) review existing processes of the Department of Defense, the Federal Aviation Administration, and the Department of

Review.

Recommendations.

State, with respect to the Department of Defense’s use of contracted United States civil aviation in areas where a Federal Aviation Administration SFAR is in effect;

(3) identify any issues, inefficiencies, or concerns with the existing options and processes, including safety of flight, legal considerations, mission delivery, and security considerations; and

(4) develop recommendations, if any, to improve existing processes or expand the options available for the Department of Defense to use contracted United States civil aviation to provide support to Department of Defense missions in areas where a Federal Aviation Administration SFAR is in effect.

(c) MEMBERS.—

(1) APPOINTMENT.—The Secretary of Defense, the Secretary of Transportation, and the Secretary of State shall each appoint not more than 5 members to the working group with expertise in civil aviation safety, state aircraft operations, the provision of contracted aviation support to the Department of Defense, and the coordination of such efforts between the Department of Defense, the Department of State, and the Federal Aviation Administration. The 5 members appointed by the Secretary of Transportation shall include at least 3 members from the Federal Aviation Administration.

(2) QUALIFICATIONS.—All working group members shall be full-time employees of the Federal Government with appropriate security clearances to allow discussion of all classified information and materials necessary to fulfill the working group’s duties pursuant to subsection (b).

(d) REPORT.—Not later than 1 year after the date it is established, the working group shall submit a report on its findings and any recommendations developed pursuant to subsection (b) to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) TERMINATION.—The working group shall terminate 90 days after the date the report is submitted under subsection (d).

(f) DEFINITIONS.—In this section the following definitions apply:

(1) The term “United States civil aviation” means—

(A) United States air carriers and United States commercial operators;

(B) persons exercising the privileges of an airman certificate issued by the FAA, except such persons operating United States-registered aircraft for a foreign air carrier; and

(C) operators of civil aircraft registered in the United States, except where the operator of such aircraft is a foreign air carrier.

(2) The term “Federal Aviation Administration SFAR” means the Special Federal Aviation Regulation included under subpart M of part 91 of title 14, Code of Federal Regulations.

10 USC 113 note.

SEC. 1749. PROHIBITION ON NAMES RELATED TO THE CONFEDERACY.

(a) PROHIBITION ON NAMES RELATED TO THE CONFEDERACY.—In naming a new asset or renaming an existing asset, the Secretary of Defense or the Secretary of a military department may not give a name to an asset that refers to, or includes a term referring

to, the Confederate States of America (commonly referred to as the “Confederacy”), including any name referring to—

- (1) a person who served or held leadership within the Confederacy; or
- (2) a Confederate battlefield victory.

(b) **ASSET DEFINED.**—In this section, the term “asset” includes any base, installation, facility, aircraft, ship, equipment, or any other property owned or controlled by the Department of Defense or a military department.

(c) **SAVINGS CLAUSE.**—Nothing in this section may be construed as requiring a Secretary concerned to initiate a review of previously named assets.

SEC. 1750. SUPPORT FOR NATIONAL MARITIME HERITAGE GRANTS PROGRAM.

Of the funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense, the Secretary of Defense may contribute up to \$5,000,000 to support the National Maritime Heritage Grants Program established under section 308703 of title 54, United States Code.

SEC. 1751. SUPPORT FOR WORLD LANGUAGE ADVANCEMENT AND READINESS.

10 USC 2164
note.

(a) **PROGRAM AUTHORITY.**—

(1) **IN GENERAL.**—The Secretary of Defense, in consultation with the Director of National Intelligence and the Secretary of Education, may carry out a program under which the Secretary may provide support to eligible entities for the establishment, improvement, or expansion of world language study for elementary school and secondary school students.

Consultation.

(2) **SPECIAL REQUIREMENTS FOR LOCAL EDUCATIONAL AGENCIES.**—In providing support under paragraph (1) to an eligible entity that is a local educational agency, the Secretary of Defense shall support programs that—

- (A) show the promise of being continued after such support is no longer available;
- (B) demonstrate approaches that can be disseminated to and duplicated in other local educational agencies; and
- (C) may include a professional development component.

(3) **APPLICATIONS.**—

(A) **IN GENERAL.**—To be considered for support under paragraph (1), an eligible entity shall submit an application to the Secretary of Defense at such time, in such manner, and containing such information and assurances as the Secretary may require.

(B) **SPECIAL CONSIDERATION.**—The Secretary of Defense shall give special consideration to applications describing programs that—

- (i) include intensive summer world language programs for professional development of world language teachers;
- (ii) link nonnative English speakers in the community with the schools in order to promote two-way language learning;
- (iii) promote the sequential study of a world language for students, beginning in elementary schools;

(iv) make effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote world language study;

(v) promote innovative activities, such as dual language immersion, partial world language immersion, or content-based instruction; and

(vi) are carried out through a consortium comprised of the eligible entity receiving the grant, an elementary school or secondary school, and an institution of higher education (as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means the following:

(A) A local educational agency that hosts a unit of the Junior Reserve Officers’ Training Corps.

(B) A school operated by the Department of Defense Education Activity.

(2) ESEA TERMS.—The terms “elementary school”, “local educational agency” and “secondary school” have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) WORLD LANGUAGE.—The term “world language” means—

(A) any natural language other than English, including—

(i) languages determined by the Secretary of Defense to be critical to the national security interests of the United States;

(ii) classical languages;

(iii) American sign language; and

(iv) Native American languages; and

(B) any language described in subparagraph (A) that is taught in combination with English as part of a dual language or immersion learning program.

SEC. 1752. DESIGNATION OF DEPARTMENT OF DEFENSE STRATEGIC ARCTIC PORTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Arctic is a region of strategic importance to the national security interests of the United States and the Department of Defense must better align its presence, force posture, and capabilities to meet the growing array of challenges in the region; and

(2) although much progress has been made to increase awareness of Arctic issues and to promote increased presence in the region, additional measures, including the designation of one or more strategic Arctic ports, are needed to show the commitment of the United States to this emerging strategic choke point of future great power competition.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, and the

Consultation.

Administrator of the Maritime Administration, shall submit to the congressional defense committees a report evaluating potential sites for one or more strategic ports in the Arctic.

(2) ELEMENTS.—Consistent with the updated military strategy for the protection of United States national security interests in the Arctic region set forth in the report required under section 1071 of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 114–92; 129 Stat. 992), the report required under paragraph (1) shall include—

(A) an evaluation of the amount of sufficient and suitable space needed to create capacity for port and other necessary infrastructure for at least one of each of type of Navy or Coast Guard vessel, including an Arleigh Burke class destroyer of the Navy, a national security cutter, and a heavy polar ice breaker of the Coast Guard; Evaluation.

(B) an evaluation of the amount of sufficient and suitable space needed to create capacity for equipment and fuel storage, technological infrastructure, and civil infrastructure to support military and civilian operations, including— Evaluation.

- (i) aerospace warning;
- (ii) maritime surface and subsurface warning;
- (iii) maritime control and defense;
- (iv) maritime domain awareness;
- (v) homeland defense;
- (vi) defense support to civil authorities;
- (vii) humanitarian relief;
- (viii) search and rescue;
- (ix) disaster relief;
- (x) oil spill response;
- (xi) medical stabilization and evacuation; and
- (xii) meteorological measurements and forecasting;

(C) an identification of proximity and road access required to an airport designated as a commercial service airport by the Federal Aviation Administration that is capable of supporting military and civilian aircraft for operations designated in subparagraph (B);

(D) a description of the requirements, to include infrastructure and installations, communications, and logistics necessary to improve response effectiveness to support military and civilian operations described in subparagraph (B);

(E) an identification of the sites that the Secretary recommends as potential sites for designation as Department of Defense Strategic Arctic Ports;

(F) the estimated cost of sufficient construction necessary to initiate and sustain expected operations at such sites; and Cost estimate.

(G) such other information as the Secretary deems relevant.

(c) DESIGNATION OF STRATEGIC ARCTIC PORTS.—Not later than 90 days after the date on which the report required under subsection (b) is submitted, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, and the Administrator of the Maritime Administration, may designate one or more ports as Department of Defense Deadline.
Consultation.

Strategic Arctic Ports from the sites identified under subsection (b)(2)(E).

(d) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to authorize any additional appropriations for the Department of Defense for the establishment of any port designated pursuant to this section.

(e) **ARCTIC DEFINED.**—In this section, the term “Arctic” has the meaning given that term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

SEC. 1753. INDEPENDENT STUDIES REGARDING POTENTIAL COST SAVINGS WITH RESPECT TO THE NUCLEAR SECURITY ENTERPRISE AND FORCE STRUCTURE.

(a) **REVIEW OF NUCLEAR DETERRENCE POSTURES.**—

Contracts.

(1) **IN GENERAL.**—The Secretary of Defense shall seek to enter into agreements with two federally funded research and development centers for the conduct of independent reviews of alternative defense postures that achieve United States national security objectives and could produce cost savings. Each such review shall include—

(A) alternative nuclear deterrence postures to achieve national security objectives, including two alternatives with reduced and increased force posture levels;

(B) the options for and cost impacts resulting from changes to force structure, active and reserve component balance, domestic and overseas basing, and other impacts resulting from potential challenges to foundational planning assumptions to achieve national security objectives;

(C) the potential cost savings from alterations to the current balance between the military and civilian workforces; and

(D) options for reducing service contracts in the Department of Defense.

(2) **COST DATA.**—A federally funded research and development center that conducts a review pursuant to paragraph (1) shall standardize cost data through the use of Department of Defense cost estimation methodologies and may make reference to appropriate national security policy documents.

(3) **ACCESS TO CLASSIFIED INFORMATION.**—The Secretary of Defense shall provide to such a center classified information on threat capability developments, plans, and intentions of China, Russia, North Korea, Iran, and violent extremist organizations.

(b) **REPORT AND BRIEFINGS.**—

(1) **BRIEFING ON COST SAVINGS.**—Not later than February 1, 2020, the Comptroller General of the United States shall provide to the congressional defense committees a briefing on the recommendations of the Comptroller General with respect to cost savings in the Department of Defense.

(2) **BRIEFING ON EFFICIENCY INITIATIVES.**—Not later than February 1, 2020, the Comptroller General of the United States shall provide to the congressional defense committees a briefing on the recommendations of the Comptroller General with respect to the efficiency initiatives undertaken by the Office of the Chief Management Officer of the Department of Defense.

(3) **REPORT.**—Subsequent to providing the briefing under paragraph (2), the Comptroller General shall submit to the

congressional defense committees a report on the matters covered by the briefing.

SEC. 1754. COMPREHENSIVE DEPARTMENT OF DEFENSE POLICY ON COLLECTIVE SELF-DEFENSE.

10 USC 130f
note.

(a) **COMPREHENSIVE POLICY REQUIRED.**—The Secretary of Defense shall prescribe a comprehensive written policy for the Department of Defense on the issuance of authorization for, and the provision by members and units of the United States Armed Forces of, collective self-defense to designated foreign nationals, their facilities, and their property.

(b) **ELEMENTS.**—The policy required by subsection (a) shall address the following:

(1) Each basis under domestic and international law pursuant to which a member or unit of the United States Armed Forces has been or may be authorized to provide collective self-defense to designated foreign nationals, their facilities, or their property under each circumstance as follows:

(A) Inside an area of active hostilities, or in a country or territory in which United States forces are authorized to conduct or support direct action operations.

(B) Outside an area of active hostilities, or in a country or territory in which United States forces are not authorized to conduct direct action military operations.

(C) When United States personnel, facilities, or equipment are not threatened, including both as described in subparagraph (A) and as described in subparagraph (B).

(D) When members of the United States Armed Forces are not participating in a military operation as part of an international coalition.

(E) Any other circumstance not encompassed by subparagraphs (A) through (D) in which a member or unit of the United States Armed Forces has been or may be authorized to provide such collective self-defense.

(2) A list and explanation of any limitations imposed by law or policy on the provision of collective self-defense to designated foreign nationals, their facilities, and their property under any of the bases in domestic or international law in the circumstances enumerated in paragraph (1), and the conditions under which any such limitation applies.

List.

(3) The procedure by which a proposal that any member or unit of the United States Armed Forces provide collective self-defense in support of designated foreign nationals, their facilities, and their property is to be submitted, processed, and endorsed through offices, officers, and officials of the Department to the applicable approval authority for final decision, and a list of any information, advice, or opinion to be included with such proposal in order to inform appropriate action on such proposal by such approval authority.

Procedures.
List.

(4) The title and duty position of any officers and officials of the Department empowered to render a final decision on a proposal described in paragraph (3), and the conditions applicable to, and limitations on, the exercise of such decision-making authority by each such officer or official.

(5) A description of the Rules of Engagement applicable to the provision of collective self-defense to designated foreign nationals, their facilities, and their property under any of the

bases in domestic or international law in the circumstances enumerated in paragraph (1), and the conditions under which any such Rules of Engagement would be modified.

(6) A description of the process through which policy guidance pertaining to the authorization for, and the provision by members of the United States Armed Forces of, collective self-defense to designated foreign nationals, their facilities, and their property is to be disseminated to the level of tactical execution.

(7) Such other matters as the Secretary considers appropriate.

(c) REPORT ON POLICY.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the policy required by subsection (a).

(2) DOD GENERAL COUNSEL STATEMENT.—The Secretary shall include in the report under paragraph (1) a statement by the General Counsel of the Department of Defense as to whether the policy prescribed pursuant to subsection (a) is consistent with domestic and international law.

(3) FORM.—The report required by paragraph (1) may be submitted in classified form.

Deadline.
Classified
information.

(d) BRIEFING ON POLICY.—Not later than 30 days after the date of the submittal of the report required by subsection (c), the Secretary shall provide the congressional defense committees a classified briefing on the policy prescribed pursuant to subsection (a). The briefing shall make use of vignettes designated to illustrate real world application of the policy in each the circumstances enumerated in subsection (b)(1).

10 USC 2223a
note.

SEC. 1755. POLICY REGARDING THE TRANSITION OF DATA AND APPLICATIONS TO THE CLOUD.

Deadline.
Consultation.

(a) POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer of the Department of Defense and the Chief Data Officer of the Department shall, in consultation with the J6 of the Joint Staff and the Chief Management Officer, develop and issue enterprise-wide policy and implementing instructions regarding the transition of data and applications to the cloud under the Department cloud strategy in accordance with subsection (b).

(b) DESIGN.—The policy required by subsection (a) shall be designed to dramatically improve support to operational missions and management processes, including by the use of artificial intelligence and machine learning technologies, by—

(1) making the data of the Department available to support new types of analyses;

(2) preventing, to the maximum extent practicable, the replication in the cloud of data stores that cannot readily be accessed by applications for which the data stores were not originally engineered;

(3) ensuring that data sets can be readily discovered and combined with others to enable new insights and capabilities; and

(4) ensuring that data and applications are readily portable and not tightly coupled to a specific cloud infrastructure or platform.

SEC. 1756. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM.

(a) **DEFINITIONS.**—In this section—

(1) the term “Administrator” means the Administrator of the Agency;

(2) the term “Agency” means the Federal Emergency Management Agency;

(3) the term “appropriate congressional committees” means—

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

(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

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

(4) the term “public alert and warning system” means the integrated public alert and warning system of the United States described in section 526 of the Homeland Security Act of 2002 (6 U.S.C. 321o);

(5) the term “Secretary” means the Secretary of Homeland Security; and

(6) the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

(b) **INTEGRATED PUBLIC ALERT AND WARNING SYSTEM.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop minimum requirements for State, Tribal, and local governments to participate in the public alert and warning system and that are necessary to maintain the integrity of the public alert and warning system, including—

(A) guidance on the categories of public emergencies and appropriate circumstances that warrant an alert and warning from State, Tribal, and local governments using the public alert and warning system;

(B) the procedures for State, Tribal, and local government officials to authenticate civil emergencies and initiate, modify, and cancel alerts transmitted through the public alert and warning system, including protocols and technology capabilities for—

(i) the initiation, or prohibition on the initiation, of alerts by a single authorized or unauthorized individual;

(ii) testing a State, Tribal, or local government incident management and warning tool without accidentally initiating an alert through the public alert and warning system; and

(iii) steps a State, Tribal, or local government official should take to mitigate the possibility of the issuance of a false alert through the public alert and warning system;

(C) the standardization, functionality, and interoperability of incident management and warning tools used by State, Tribal, and local governments to notify the public of an emergency through the public alert and warning system;

State and local governments.
Native Americans.
Territories.
6 USC 321o–1.

Deadline.
Requirements.
Procedures.

(D) the annual training and recertification of emergency management personnel on requirements for originating and transmitting an alert through the public alert and warning system;

(E) the procedures, protocols, and guidance concerning the protective action plans that State, Tribal, and local governments shall issue to the public following an alert issued under the public alert and warning system;

(F) the procedures, protocols, and guidance concerning the communications that State, Tribal, and local governments shall issue to the public following a false alert issued under the public alert and warning system;

Plan.

(G) a plan by which State, Tribal, and local government officials may, during an emergency, contact each other as well as Federal officials and participants in the Emergency Alert System and the Wireless Emergency Alert System, when appropriate and necessary, by telephone, text message, or other means of communication regarding an alert that has been distributed to the public; and

(H) any other procedure the Administrator considers appropriate for maintaining the integrity of and providing for public confidence in the public alert and warning system.

(2) COORDINATION WITH NATIONAL ADVISORY COUNCIL REPORT.—The Administrator shall ensure that the minimum requirements developed under paragraph (1) do not conflict with recommendations made for improving the public alert and warning system provided in the report submitted by the National Advisory Council under section 2(b)(7)(B) of the Integrated Public Alert and Warning System Modernization Act of 2015 (Public Law 114–143; 130 Stat. 332).

(3) PUBLIC CONSULTATION.—In developing the minimum requirements under paragraph (1), the Administrator shall ensure appropriate public consultation and, to the extent practicable, coordinate the development of the requirements with stakeholders of the public alert and warning system, including—

(A) appropriate personnel from Federal agencies, including the National Institute of Standards and Technology, the Agency, and the Federal Communications Commission;

(B) representatives of State and local governments and emergency services personnel, who shall be selected from among individuals nominated by national organizations representing those governments and personnel;

(C) representatives of Federally recognized Indian tribes and national Indian organizations;

(D) communications service providers;

(E) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;

(F) third-party service bureaus;

(G) the national organization representing the licensees and permittees of noncommercial broadcast television stations;

(H) technical experts from the broadcasting industry;

(I) educators from the Emergency Management Institute; and

(J) other individuals with technical expertise as the Administrator determines appropriate.

(4) ADVICE TO THE ADMINISTRATOR.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Administrator may obtain advice from a single individual or non-consensus advice from each of the several members of a group without invoking that Act.

(c) INCIDENT MANAGEMENT AND WARNING TOOL VALIDATION.—

(1) IN GENERAL.—The Administrator shall establish a process to ensure that an incident management and warning tool used by a State, Tribal, or local government to originate and transmit an alert through the public alert and warning system meets the requirements developed by the Administrator under subsection (b)(1).

(2) REQUIREMENTS.—The process required to be established under paragraph (1) shall include—

(A) the ability to test an incident management and warning tool in the public alert and warning system lab;

(B) the ability to certify that an incident management and warning tool complies with the applicable cyber frameworks of the Department of Homeland Security and the National Institute of Standards and Technology;

(C) a process to certify developers of emergency management software; and

(D) requiring developers to provide the Administrator with a copy of and rights of use for ongoing testing of each version of incident management and warning tool software before the software is first used by a State, Tribal, or local government.

(d) REVIEW AND UPDATE OF MEMORANDA OF UNDERSTANDING.—The Administrator shall review the memoranda of understanding between the Agency and State, Tribal, and local governments with respect to the public alert and warning system to ensure that all agreements ensure compliance with the requirements developed by the Administrator under subsection (b)(1).

(e) FUTURE MEMORANDA.—On and after the date that is 60 days after the date on which the Administrator issues the requirements developed under subsection (b)(1), any new memorandum of understanding entered into between the Agency and a State, Tribal, or local government with respect to the public alert and warning system shall comply with those requirements.

(f) MISSILE ALERT AND WARNING AUTHORITIES.—

(1) IN GENERAL.—

(A) AUTHORITY.—On and after the date that is 120 days after the date of enactment of this Act, the authority to originate an alert warning the public of a missile launch directed against a State using the public alert and warning system shall reside primarily with the Federal Government.

(B) DELEGATION OF AUTHORITY.—The Secretary may delegate the authority described in subparagraph (A) to a State, Tribal, or local entity if, not later than 180 days after the date of enactment of this Act, the Secretary submits a report to the appropriate congressional committees that—

- (i) it is not feasible for the Federal Government to alert the public of a missile threat against a State; or
- (ii) it is not in the national security interest of the United States for the Federal Government to alert the public of a missile threat against a State.
- President. (C) ACTIVATION OF SYSTEM.—Upon verification of a missile threat, the President, utilizing established authorities, protocols and procedures, may activate the public alert and warning system.
- (D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to change the command and control relationship between entities of the Federal Government with respect to the identification, dissemination, notification, or alerting of information of missile threats against the United States that was in effect on the day before the date of enactment of this Act.
- Notification. (2) REQUIRED PROCESSES.—The Secretary, acting through the Administrator, shall establish a process to promptly notify a State warning point, and any State entities that the Administrator determines appropriate, following the issuance of an alert described in paragraph (1)(A) so the State may take appropriate action to protect the health, safety, and welfare of the residents of the State.
- (3) GUIDANCE.—The Secretary, acting through the Administrator, shall work with the Governor of a State warning point to develop and implement appropriate protective action plans to respond to an alert described in paragraph (1)(A) for that State.
- (4) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—
- Examination. (A) examine the feasibility of establishing an alert designation under the public alert and warning system that would be used to alert and warn the public of a missile threat while concurrently alerting a State warning point so that a State may activate related protective action plans; and
- (B) submit a report of the findings under subparagraph (A), including of the costs and timeline for taking action to implement an alert designation described in subparagraph (A), to—
- (i) the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate;
- (ii) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (iii) the Subcommittee on Homeland Security of the Committee on Appropriations of the House of Representatives;
- (iv) the Committee on Transportation and Infrastructure of the House of Representatives; and
- (v) the Committee on Homeland Security of the House of Representatives.
- Deadline. (g) USE OF INTEGRATED PUBLIC ALERT AND WARNING SYSTEM LAB.—Not later than 1 year after the date of enactment of this Act, the Administrator shall—
- (1) develop a program to increase the utilization of the public alert and warning system lab of the Agency by State,

Tribal, and local governments to test incident management and warning tools and train emergency management professionals on alert origination protocols and procedures; and

(2) submit to the appropriate congressional committees a report describing—

(A) the impact on utilization of the public alert and warning system lab by State, Tribal, and local governments, with particular attention given to the impact on utilization in rural areas, resulting from the program developed under paragraph (1); and

(B) any further recommendations that the Administrator would make for additional statutory or appropriations authority necessary to increase the utilization of the public alert and warning system lab by State, Tribal, and local governments.

(h) AWARENESS OF ALERTS AND WARNINGS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall—

Deadline.

(1) conduct a review of the National Watch Center and each Regional Watch Center of the Agency; and

Review.

(2) submit to the appropriate congressional committees a report on the review conducted under paragraph (1), which shall include—

(A) an assessment of the technical capability of the National and Regional Watch Centers described in paragraph (1) to be notified of alerts and warnings issued by a State through the public alert and warning system;

Assessment.

(B) a determination of which State alerts and warnings the National and Regional Watch Centers described in paragraph (1) should be aware of; and

Determination.

(C) recommendations for improving the ability of the National and Regional Watch Centers described in paragraph (1) to receive any State alerts and warnings that the Administrator determines are appropriate.

Recommendations.

(i) REPORTING FALSE ALERTS.—Not later than 15 days after the date on which a State, Tribal, or local government official transmits a false alert under the public alert and warning system, the Administrator shall report to the appropriate congressional committees on—

(1) the circumstances surrounding the false alert;

(2) the content, cause, and population impacted by the false alert; and

(3) any efforts to mitigate any negative impacts of the false alert.

(j) REPORTING PARTICIPATION RATES.—The Administrator shall, on an annual basis, report to the appropriate congressional committees on—

(1) participation rates in the public alert and warning system; and

(2) any efforts to expand alert, warning, and interoperable communications to rural and underserved areas.

(k) TIMELINE FOR COMPLIANCE.—Each State shall be given a reasonable amount of time to comply with any new rules, regulations, or requirements imposed under this section.

50 USC 3551.

SEC. 1757. IMPROVING QUALITY OF INFORMATION IN BACKGROUND INVESTIGATION REQUEST PACKAGES.

Consultation.

(a) **REPORT ON METRICS AND BEST PRACTICES.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Defense Counterintelligence and Security Agency, which serves as the primary executive branch service provider for background investigations for eligibility for access to classified information, eligibility to hold a sensitive position, and for suitability and fitness for other matters pursuant to Executive Order 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suitability for Government employment, fitness for contractor employees, and eligibility for access to classified national security information), shall, in consultation with the Security, Suitability, and Credentialing Performance Accountability Council established under such executive order, submit to Congress a report on—

(1) metrics for assessing the completeness and quality of packages for background investigations submitted by agencies requesting background investigations from the Defense Counterintelligence and Security Agency;

(2) rejection rates of background investigation submission packages due to incomplete or erroneous data, by agency; and

(3) best practices for ensuring full and complete information in background investigation requests.

(b) **ANNUAL REPORT ON PERFORMANCE.**—Not later than 270 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Security, Suitability, and Credentialing Performance Accountability Council shall submit to Congress a report on performance against the metrics and return rates identified in paragraphs (1) and (2) of subsection (a).

Deadlines.

(c) **IMPROVEMENT PLANS.**—

(1) **IDENTIFICATION.**—Not later than one year after the date of the enactment of this Act, executive agents under Executive Order 13467 (50 U.S.C. 3161 note) shall identify agencies in need of improvement with respect to the quality of the information in the background investigation submissions of the agencies as reported in subsection (b).

(2) **PLANS.**—Not later than 90 days after an agency is identified under paragraph (1), the head of the agency shall provide the executive agents referred to in such paragraph with a plan to improve the performance of the agency with respect to the quality of the information in the agency's background investigation submissions.

8 USC 1182 note.

SEC. 1758. PAROLE IN PLACE FOR MEMBERS OF THE ARMED FORCES AND CERTAIN MILITARY DEPENDENTS.

(a) **IN GENERAL.**—In evaluating a request from a covered individual for parole in place under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)), the Secretary of Homeland Security shall consider, on a case-by-case basis, whether granting the request would enable military family unity that would constitute a significant public benefit.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) parole in place reinforces the objective of military family unity;

(2) except as required in furtherance of the missions of the Armed Forces, disruption to military family unity should be minimized in order to enhance military readiness and allow

members of the Armed Forces to focus on the faithful execution of their military missions and objectives, with peace of mind regarding the well-being of their family members; and

(3) the importance of the parole in place authority of the Secretary of Homeland Security is reaffirmed.

(c) COVERED INDIVIDUAL DEFINED.—In this section, the term “covered individual” means an alien who—

(1) is a member of the Armed Forces;

(2) is the spouse, son, or daughter of a member of the Armed Forces;

(3) is the parent of a member of the Armed Forces who supports the request of such parent for parole in place; or

(4) is the widow, widower, parent, son, or daughter of a deceased member of the Armed Forces.

SEC. 1759. REPORT ON REDUCING THE BACKLOG IN LEGALLY REQUIRED HISTORICAL DECLASSIFICATION OBLIGATIONS OF THE DEPARTMENT OF DEFENSE.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing the progress made by the Secretary toward reducing the backlog in legally required historical declassification obligations of the Department of Defense.

(b) ELEMENTS.—The report under subsection (a) shall include, with respect to the Department of Defense, the following:

(1) A plan to achieve legally mandated historical declassification requirements and reduce backlogs. Plan.

(2) A plan to incorporate new technologies, such as artificial intelligence, that would increase productivity and reduce cost in implementing the plan under paragraph (1). Plan.

(3) A detailed assessment of the documents released in each of the proceeding three years before the date of the report, broken out by program, such as the 25 and 50 year programs. Assessment.
Time period.

(4) A detailed assessment of the documents awaiting review for release and an estimate of how many documents will be released in each of the next three years. Assessment.
Time period.

(5) Potential policy, resource, and other options available to the Secretary to reduce backlogs.

(6) The progress and objectives of the Secretary with respect to the release of documents for publication in the Foreign Relations of the United States series or to facilitate the public accessibility of such documents at the National Archives, presidential libraries, or both. Publication.
Public
information.
National
Archives.

(c) FORM AND AVAILABILITY.—The report under subsection (a) shall be submitted in unclassified form, which shall be made publicly available, but may include a classified annex.

SEC. 1760. MILITARY TYPE CERTIFICATION FOR LIGHT ATTACK EXPERIMENTATION AIRCRAFT.

The Secretary of the Air Force shall make available and conduct military type certifications for light attack experimentation aircraft as needed, pursuant to the Department of Defense Directive on Military Type Certificates, 5030.61.

Military
Construction
Authorization
Act for Fiscal
Year 2020.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

Sec. 2002. Expiration of authorizations and amounts required to be specified by law.

Sec. 2003. Effective date.

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2020”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER FIVE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2024; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2025.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2024; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2025 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII and title XXIX shall take effect on the later of—

(1) October 1, 2019; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Authorization of appropriations, Army.

Sec. 2104. Modification of authority to carry out certain fiscal year 2019 projects.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United

States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation	Amount
Alabama	Redstone Arsenal	\$38,000,000
Colorado	Fort Carson	\$71,000,000
Georgia	Fort Gordon	\$107,000,000
	Hunter Army Airfield	\$62,000,000
Kentucky	Fort Campbell	\$61,300,000
Massachusetts	U.S. Army Natick Soldier Systems Center	\$50,000,000
Michigan	Detroit Arsenal	\$24,000,000
New York	Fort Drum	\$44,000,000
North Carolina	Fort Bragg	\$12,500,000
Oklahoma	Fort Sill	\$73,000,000
Pennsylvania	Carlisle Barracks	\$98,000,000
South Carolina	Fort Jackson	\$88,000,000
Texas	Corpus Christi Army Depot	\$86,000,000
	Fort Hood	\$50,500,000
Virginia	Fort Belvoir	\$60,000,000
	Joint Base Langley-Eustis	\$55,000,000
Washington	Joint Base Lewis-McChord	\$46,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out the military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation	Amount
Honduras	Soto Cano Air Base	\$34,000,000
Kwajalein	Kwajalein Atoll	\$40,000,000

(c) STUDY OF NEAR-TERM FACILITY ALTERNATIVES TO HOUSE HIGH VALUE DETAINEES.—

(1) STUDY REQUIRED.—The Secretary of Defense shall conduct a study of alternatives to meet the near-term facility requirements to safely and humanely house high value detainees current detained at Naval Station Guantanamo Bay, Cuba. As part of the study, the Secretary shall consider the following alternatives:

- (A) The construction of new facilities.
- (B) The repair of current facilities.
- (C) The renovation and repurposing of other facilities at Naval Station Guantanamo Bay, Cuba.
- (D) Such other alternatives as the Secretary considers practicable.

Reports.

(2) **SUBMISSION OF RESULTS.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under paragraph (1). The report shall be unclassified, but may include a classified annex.

SEC. 2102. FAMILY HOUSING.

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation, and in the amount, set forth in the following table:

Army: Family Housing

State/Country	Installation	Units	Amount
Pennsylvania	Tobyhanna Army Depot ...	Family Housing Replacement Construction ..	\$19,000,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$9,222,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2019 PROJECTS.

(a) **ANNISTON ARMY DEPOT, ALABAMA.**—In the case of the authorization contained in the table in section 2101(a) of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2241) for Anniston Army Depot, Alabama, for construction of a weapon maintenance shop, as specified in the funding table in section 4601 of such Act (132 Stat. 2401), the Secretary of the Army may construct a 21,000-square foot weapon maintenance shop.

(b) UNITED STATES MILITARY ACADEMY, NEW YORK.—The table in section 2101(a) of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2241) is amended in the item relating to the United States Military Academy, New York, by striking “\$160,000,000” and inserting “\$197,000,000” for construction of a Consolidated Engineering Center and Parking Structure rather than the separate projects specified in the funding table in section 4601 of such Act (132 Stat. 2401).

TITLE XXII—NAVY MILITARY CONSTRUCTION

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Modification of authority to carry out certain fiscal year 2017 project.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station Yuma	\$189,760,000
California	Camp Pendleton	\$185,569,000
	Marine Corps Air Station Miramar	\$37,400,000
	Naval Air Weapons Station China Lake	\$64,500,000
	Navel Base Coronado	\$165,830,000
	Naval Base San Diego	\$9,900,000
	Naval Weapons Station Seal Beach	\$123,310,000
	Travis Air Force Base	\$64,000,000
Connecticut	Naval Submarine Base New London	\$72,260,000
Florida	Blount Island	\$18,700,000
	Naval Air Station Jacksonville	\$32,420,000
Guam	Joint Region Marianas	\$226,000,000
Hawaii	Marine Corps Air Station Kaneohe Bay	\$134,050,000
	Naval Ammunition Depot West Loch	\$53,790,000
Maryland	Saint Inigoes	\$15,000,000
North Carolina	Camp Lejeune	\$229,010,000
	Marine Corps Air Station Cherry Point	\$114,570,000
	Marine Corps Air Station New River	\$11,320,000
Pennsylvania	Philadelphia	\$74,630,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
South Carolina	Parris Island	\$37,200,000
Virginia	Marine Corps Base Quantico	\$143,350,000
	Naval Station Norfolk	\$139,100,000
	Portsmouth Naval Shipyard	\$48,930,000
	Yorktown Naval Weapons Station	\$59,000,000
Washington	Bremerton	\$51,010,000
	Keyport	\$25,050,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Australia	Darwin	\$211,500,000
Japan	Fleet Activities Yokosuka	\$174,692,000
	Marine Corps Air Station Iwakuni	\$15,870,000

(c) REPORT REQUIRED AS CONDITION OF AUTHORIZATION.—

(1) REPORT.—At the same time that the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2021, the Secretary of the Navy shall submit to the congressional defense committees a report describing, for each project authorized in the first item in the table in subsection (b) for Darwin that is required to support the full complement of the Marine Rotational Force–Darwin—

(A) the required infrastructure investments for the project;

(B) the source of funding, including funds provided by the Government of Australia, for the project; and

(C) the proposed year for implementation of the project.

(2) CONDITION.—The Secretary of the Navy may not commence a project authorized in the first item in the table in subsection (b) for Darwin until the report under paragraph (1) has been submitted.

Australia.

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$5,863,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$41,798,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECT.

The table in section 2201(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2691) is amended in the item relating to Bangor, Washington, by striking “\$113,415,000” and inserting “\$161,415,000” for construction of a SEAWOLF Class Service Pier, as specified in the funding table in section 4601 of such Act (130 Stat. 2876).

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Modification of authorities to carry out phased Joint Intelligence Analysis Complex consolidation.

Sec. 2306. Modification of authority to carry out certain fiscal year 2016 project.

Sec. 2307. Modification of authority to carry out certain fiscal year 2017 project.

Sec. 2308. Modification of authority to carry out certain fiscal year 2018 projects.

Sec. 2309. Modification of authority to carry out certain fiscal year 2019 projects.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson Air Force Base	\$8,600,000
Arkansas	Little Rock Air Force Base.	\$47,000,000
California	Travis Air Force Base	\$43,100,000
Colorado	Peterson Air Force Base ..	\$54,000,000
	Schriever Air Force Base	\$148,000,000
	United States Air Force Academy	\$49,000,000
Georgia	Moody Air Force Base	\$12,500,000
Guam	Joint Region Marianas	\$65,000,000
Illinois	Scott Air Force Base	\$100,000,000
Mariana Islands	Tinian	\$316,000,000
Missouri	Whiteman Air Force Base	\$27,000,000
Montana	Malmstrom Air Force Base.	\$235,000,000
Nevada	Nellis Air Force Base	\$65,200,000
New Mexico	Holloman Air Force Base	\$20,000,000
	Kirtland Air Force Base ..	\$37,900,000
North Dakota	Minot Air Force Base	\$5,500,000
Texas	Joint Base San Antonio ...	\$243,300,000
Utah	Hill Air Force Base	\$114,500,000
Washington	Fairchild-White Bluff	\$31,000,000
Wyoming	F.E. Warren Air Force Base.	\$18,100,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Australia	Tindal	\$70,600,000
Cyprus	Royal Air Force Akrotiri	\$27,000,000
Japan	Yokota Air Base	\$12,400,000
United Kingdom	Royal Air Force Lakenheath.	\$14,300,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$3,409,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$53,584,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2305. MODIFICATION OF AUTHORITIES TO CARRY OUT PHASED JOINT INTELLIGENCE ANALYSIS COMPLEX CONSOLIDATION.

United Kingdom.

(a) **FISCAL YEAR 2015 PROJECT AUTHORITY.**—In the case of the authorization contained in the table in section 2301(b) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3679) for Royal Air Force Croughton, United Kingdom, for Phase 1 of the Joint Intelligence Analysis Complex consolidation, as specified in the funding table in section 4601 of such Act (128 Stat. 3973), the Secretary of the Air Force shall carry out the construction at Royal Air Force Molesworth, United Kingdom.

(b) **FISCAL YEAR 2016 PROJECT AUTHORITY.**—In the case of the authorization contained in the table in section 2301(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1153), for Royal Air Force Croughton, United Kingdom, for Phase 2 of the Joint Intelligence Analysis Complex consolidation, as specified in the funding table in section 4601 of such Act (129 Stat. 1294), the Secretary of the Air Force may construct a 5,152-square meter Intelligence Analytic Center, a 5,234-square meter Intelligence Fusion Center, and a 807-square meter Battlefield Information Collection and Exploitation System Center at Royal Air Force Molesworth, United Kingdom.

(c) **FISCAL YEAR 2017 PROJECT AUTHORITY.**—In the case of the authorization contained in the table in section 2301(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2697), for Royal Air Force Croughton, United Kingdom, for Phase 3 of the Joint Intelligence Analysis Complex consolidation, as specified in the funding table in section 4601 of such Act (130 Stat. 2878), the Secretary of the Air Force may construct a 1,562-square meter Regional Joint Intelligence Training Facility and a 4,495-square meter Combatant Command Intelligence Facility at Royal Air Force Molesworth, United Kingdom.

(d) CONFORMING REPEAL.—Section 2305 of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2247) is repealed.

Nevada.

SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2016 PROJECT.

The table in section 2301(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1152) is amended in the item relating to Nellis Air Force Base, Nevada, by striking “\$68,950,000” and inserting “\$72,050,000” for construction of F–35A Munitions Maintenance Facilities, as specified in the funding table in section 4601 of such Act (129 Stat. 1293).

Washington.

SEC. 2307. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECT.

The table in section 2301(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2696) is amended in the item relating to Fairchild Air Force Base, Washington, by striking “\$27,000,000” and inserting “\$31,800,000” for construction of a SERE School Pipeline Dormitory, as specified in the funding table in section 4601 of such Act (130 Stat. 2878).

SEC. 2308. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.

(a) LITTLE ROCK AIR FORCE BASE, ARKANSAS.—The table in section 2301(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1825) is amended in the item relating to Little Rock Air Force Base, Arkansas, by striking “\$20,000,000” and inserting “\$27,000,000” for construction of a dormitory facility, as specified in the funding table in section 4601 of such Act (131 Stat. 2002).

(b) JOINT BASE SAN ANTONIO, TEXAS.—In the case of the authorization contained in the table in section 2301(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1826) for Joint Base San Antonio, Texas, the Secretary of the Air Force may construct—

(1) a 750-square meter equipment building for construction of a Classrooms/Dining Facility, as specified in the funding table in section 4601 of such Act (131 Stat. 2003); and

(2) a 636-square meter air traffic control tower for construction of an Air Traffic Control Tower, as specified in the funding table in section 4601 of such Act (131 Stat. 2003).

(c) F.E. WARREN AIR FORCE BASE, WYOMING.—The table in section 2301(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1825) is amended in the item relating to F.E. Warren Air Force Base, Wyoming, by striking “\$62,000,000” and inserting “\$80,100,000” for construction of a Consolidated Helo/TRF Ops/AMU and Alert Facility, as specified in the funding table in section 4601 of such Act (131 Stat. 2004).

(d) RYGGE AIR STATION, NORWAY.—In the case of the authorization contained in the table in section 2903 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1876) for Rygge Air Station, Norway, for replacement/expansion of a Quick Reaction Alert Pad, as specified in the funding table in section 4602 of such Act (131 Stat. 2014), the Secretary of the Air Force may construct 1,327 square meters of aircraft shelter and a 404-square meter fire protection support building.

(e) **INCIRLIK AIR BASE, TURKEY.**—In the case of the authorization contained in the table in section 2903 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1876) for Incirlik Air Base, Turkey, for Relocating Base Main Access Control Point, as specified in the funding table in section 4602 of such Act (131 Stat. 2015), the Secretary of the Air Force may construct a 223-square meter pedestrian search building.

SEC. 2309. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2019 PROJECTS.

(a) **HANSCOM AIR FORCE BASE, MASSACHUSETTS.**—In the case of the authorization contained in the table in section 2301(a) of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2246) for Hanscom Air Force Base, Massachusetts, for the construction of a semi-conductor/microelectronics laboratory facility, as specified in the funding table in section 4601 of such Act (132 Stat. 2405), the Secretary of the Air Force may construct a 1,000 kilowatt stand-by generator.

(b) **MINOT AIR FORCE BASE, NORTH DAKOTA.**—The table in section 2301(a) of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2246) is amended in the item relating to Minot Air Force Base, North Dakota, by striking “\$66,000,000” and inserting “\$71,500,000” for construction of a Consolidated Helo/TRF Ops/AMU and Alert Facility, as specified in the funding table in section 4601 of such Act (132 Stat. 2405).

(c) **ROYAL AIR FORCE LAKENHEATH, UNITED KINGDOM.**—In the case of the authorization contained in the table in section 2301(b) of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2247) for Royal Air Force Lakenheath, United Kingdom, for the construction of an F–35A Dormitory, as specified in the funding table in section 4601 of such Act (132 Stat. 2405), the Secretary of the Air Force may construct a 5,900-square meter dormitory.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Authorized Energy Resilience and Conservation Investment Program projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
California	Beale Air Force Base	\$33,700,000
	Camp Pendleton	\$17,700,000

Defense Agencies: Inside the United States—Continued

State	Installation or Location	Amount
Florida	Eglin Air Force Base	\$16,500,000
	Hurlburt Field	\$108,386,000
	Naval Air Station Key West	\$16,000,000
Guam	Joint Region Marianas	\$19,200,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$67,700,000
Maryland	Fort Detrick	\$27,846,000
Mississippi	Columbus Air Force Base	\$16,800,000
North Carolina	Camp Lejeune	\$13,400,000
	Fort Bragg	\$84,103,000
	Tulsa International Airport	\$18,900,000
Rhode Island	Quonset State Airport	\$11,600,000
South Carolina	Joint Base Charleston	\$33,300,000
South Dakota	Ellsworth Air Force Base	\$24,800,000
Virginia	Defense Distribution Depot Richmond	\$98,800,000
	Joint Expeditionary Base Little Creek - Fort Story	\$45,604,000
	Pentagon	\$28,802,000
	Training Center Dam Neck	\$12,770,000
Washington	Joint Base Lewis-McChord	\$47,700,000
Wisconsin	General Mitchell International Airport	\$25,900,000
	Classified Location	\$82,200,000
CONUS Classified		

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Germany	Geilenkirchen Air Base	\$30,479,000
Germany	Ramstein	\$66,800,000
Japan	Yokota Air Base	\$136,411,000
Worldwide Classified.	Classified Location	\$52,000,000

SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CONSERVATION INVESTMENT PROGRAM PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

ERCIP Projects: Inside the United States

State	Installation or Location	Amount
California	Mountain View	\$9,700,000
	Naval Air Weapons Station China Lake	\$8,950,000
	Naval Support Activity Monterey ..	\$10,540,000
Hawaii	Joint Base Pearl Harbor-Hickam ...	\$4,000,000
Maryland	Naval Support Activity Bethesda ...	\$13,840,000
	South Potomac	\$18,460,000
New Mexico ...	White Sands Missile Range	\$5,800,000
Texas	Camp Swift	\$4,500,000
	Fort Hood	\$16,500,000
Virginia	National Reconnaissance Office Headquarters	\$66,000
	Naval Base Kitsap	\$23,670,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

ERCIP Projects: Outside the United States

Country	Installation or Location	Amount
Guam	Naval Base Guam	\$16,970,000
Unspecified Worldwide ..	Unspecified Worldwide Locations ...	\$150,000,000

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organi- zation Security Investment Program

Subtitle A—North Atlantic Treaty Organization Security Investment Program

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

Subtitle B—Host Country In-kind Contributions

Sec. 2511. Republic of Korea funded construction projects.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUI- SITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

(a) **AUTHORIZATION.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

(b) **AUTHORITY TO RECOGNIZE NATO AUTHORIZATION AMOUNTS AS BUDGETARY RESOURCES FOR PROJECT EXECUTION.**—When the United States is designated as the Host Nation for the purposes of executing a project under the NATO Security Investment Program (NSIP), the Department of Defense construction agent may recognize the NATO project authorization amounts as budgetary resources to incur obligations for the purposes of executing the NSIP project.

Subtitle B—Host Country In-kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations in the Republic of Korea, and in the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

Component	Installation or Location	Project	Amount
Army	Camp Carroll	Army Prepositioned Stock-4 Wheeled Vehicle Maintenance Facility	\$51,000,000
Army	Camp Humphreys	Unaccompanied Enlisted Personnel Housing, P1	\$154,000,000
Army	Camp Humphreys	Unaccompanied Enlisted Personnel Housing, P2	\$211,000,000
Army	Camp Humphreys	Satellite Communications Facility	\$32,000,000
Air Force	Gwangju Air Base	Hydrant Fuel System	\$35,000,000
Air Force	Kunsan Air Base	Upgrade Electrical Distribution System	\$14,200,000
Air Force	Kunsan Air Base	Dining Facility	\$21,000,000
Air Force	Suwon Air Base	Hydrant Fuel System	\$24,000,000

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

Sec. 2602. Authorized Army Reserve construction and land acquisition projects.

Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.

Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.

Sec. 2606. Authorization of appropriations, National Guard and Reserve.

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alabama	Anniston Army Depot	\$34,000,000
.....	Foley	\$12,000,000
California	Camp Roberts	\$12,000,000

Army National Guard—Continued

State	Location	Amount
Idaho	Orchard Training Area	\$29,000,000
Maryland	Havre de Grace	\$12,000,000
Massachusetts	Camp Edwards	\$9,700,000
Minnesota	New Ulm	\$11,200,000
Mississippi	Camp Shelby	\$8,100,000
Missouri	Springfield	\$12,000,000
Nebraska	Bellevue	\$29,000,000
New Hampshire ...	Concord	\$5,950,000
New York	Jamaica Armory	\$91,000,000
Pennsylvania	Moon Township	\$23,000,000
Vermont	Jericho	\$30,000,000
Washington	Richland	\$11,400,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
Delaware	Newark Army Reserve Center	\$21,000,000
Wisconsin	Fort McCoy	\$25,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out the military construction project for the Navy Reserve and Marine Corps Reserve location inside the United States, and in the amount, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Louisiana	New Orleans	\$25,260,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and

carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
California	Moffett Air National Guard Base	\$57,000,000
Georgia	Savannah/Hilton Head International Airport.	\$24,000,000
Missouri	Rosecrans Memorial Airport	\$9,500,000
Puerto Rico	Luis Munoz-Marin International Airport.	\$50,000,000
Wisconsin	Truax Field	\$34,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Georgia	Robins Air Force Base	\$43,000,000
Maryland	Joint Base Andrews	\$15,000,000
Minnesota	Minneapolis-St. Paul International Airport	\$9,800,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense base closure account.

Sec. 2702. Prohibition on conducting additional base realignment and closure (BRAC) round.

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2140)), as specified in the funding table in section 4601.

SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program

- Sec. 2801. Military installation resilience plans and projects.
- Sec. 2802. Improved consultation with tribal governments when proposed military construction projects potentially impact Indian tribes.
- Sec. 2803. Increased authority for use of certain appropriations amounts for restoration or replacement of damaged or destroyed facilities.
- Sec. 2804. Amendment of Unified Facilities Criteria to promote military installation resilience, energy resilience, energy and climate resiliency, and cyber resilience.
- Sec. 2805. Modification to Department of Defense Form 1391 regarding consideration of potential long-term adverse environmental effects.
- Sec. 2806. Improved flood risk disclosure for military construction.
- Sec. 2807. Prioritization of projects in annual report on unfunded requirements for laboratory military construction projects.
- Sec. 2808. Technical corrections and improvements to defense access road resilience.
- Sec. 2809. Military construction projects for child development centers at military installations.
- Sec. 2810. Prohibition on use of funds to reduce air base resiliency or demolish protected aircraft shelters in the European theater without creating a similar protection from attack.
- Sec. 2811. Prohibition on use of funds to close or return certain bases to the host nation.

Subtitle B—Real Property and Facilities Administration

- Sec. 2821. Improved energy security for main operating bases in Europe.
- Sec. 2822. Access to Department of Defense installations for credentialed transportation workers.
- Sec. 2823. Improved recording and maintaining of Department of Defense real property data.

Subtitle C—Land Conveyances

- Sec. 2831. Land conveyance, Hill Air Force Base, Ogden, Utah.
- Sec. 2832. Release of interests retained in Camp Joseph T. Robinson, Arkansas, for use of such land as a veterans cemetery.
- Sec. 2833. Modification of authorized uses of certain property conveyed by the United States in Los Angeles, California.
- Sec. 2834. Transfer of administrative jurisdiction over certain parcels of Federal land in Arlington, Virginia.

Subtitle D—Military Land Withdrawals

Sec. 2841. Public notice regarding upcoming periods of Secretary of the Navy management of Shared Use Area of the Johnson Valley Off-Highway Vehicle Recreation Area.

Subtitle E—White Sands National Park and White Sands Missile Range

Sec. 2851. White Sands Missile Range Land Enhancements.

Subtitle F—Other Matters

- Sec. 2861. Installation and maintenance of fire extinguishers in Department of Defense facilities.
- Sec. 2862. Definition of community infrastructure for purposes of military base reuse studies and community planning assistance.
- Sec. 2863. Temporary authority for acceptance and use of contributions for certain design and construction projects mutually beneficial to the Department of Defense and the Republic of Korea.
- Sec. 2864. Black start exercises at military installations.
- Sec. 2865. Pilot program to extend service life of roads and runways under the jurisdiction of the Secretary of Defense.
- Sec. 2866. Restrictions on rehabilitation of Over-the-Horizon Backscatter Radar System receiving station, Modoc County, California.
- Sec. 2867. Designation of Sumpter Smith Joint National Guard Base.
- Sec. 2868. Santa Ynez Band of Chumash Indians land affirmation.
- Sec. 2869. Lands to be taken into trust as part of the reservation of the Lytton Rancheria.
- Sec. 2870. Little Shell Tribe of Chippewa Indians of Montana.
- Sec. 2871. Sense of Congress on restoration of Tyndall Air Force Base.

Subtitle A—Military Construction Program

SEC. 2801. MILITARY INSTALLATION RESILIENCE PLANS AND PROJECTS.

(a) INCLUSION OF MILITARY INSTALLATION RESILIENCE INFORMATION IN CERTAIN INSTALLATION MASTER PLANS.—

(1) REQUIREMENT.—Section 2864 of title 10, United States Code, is amended—

(A) in subsection (a)(1), by inserting “military installation resilience,” after “master planning,”;

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

(C) by inserting after subsection (b) the following new subsection:

“(c) MILITARY INSTALLATION RESILIENCE COMPONENT.—To address military installation resilience under subsection (a)(1), each installation master plan shall discuss the following:

“(1) Risks and threats to military installation resilience that exist at the time of the development of the plan and that are projected for the future, including from extreme weather events, mean sea level fluctuation, wildfires, flooding, and other changes in environmental conditions.

“(2) Assets or infrastructure located on the military installation vulnerable to the risks and threats described in paragraph (1), with a special emphasis on assets or infrastructure critical to the mission of the installation and the mission of members of the armed forces.

“(3) Lessons learned from the impacts of extreme weather events, including changes made to the military installation to address such impacts, since the prior master plan developed under this section.

“(4) Ongoing or planned infrastructure projects or other measures, as of the time of the development of the plan, to

mitigate the impacts of the risks and threats described in paragraph (1).

“(5) Community infrastructure and resources located outside the installation (such as medical facilities, transportation systems, and energy infrastructure) that are—

“(A) necessary to maintain mission capability or that impact the resilience of the military installation; and

“(B) vulnerable to the risks and threats described in paragraph (1).

“(6) Agreements in effect or planned, as of the time of the development of the plan, with public or private entities for the purpose of maintaining or enhancing military installation resilience or resilience of the community infrastructure and resources described in paragraph (5).

“(7) Projections from recognized governmental and scientific entities such as the Census Bureau, the National Academies of Sciences, the United States Geological Survey, and the United States Global Change Research Office (or any similar successor entities) with respect to future risks and threats (including the risks and threats described in paragraph (1)) to the resilience of any project considered in the installation master plan during the 50-year lifespan of the installation.”.

(2) REPORT ON MASTER PLANS.—Section 2864 of title 10, United States Code, is amended by inserting after subsection (c), as added by subsection (a), the following new subsection:

“(d) REPORT.—Not later than March 1 of each year, the Secretary of Defense shall submit to the congressional defense committees a report listing all master plans completed pursuant to this section in the prior calendar year.”.

(b) AUTHORITY TO CARRY OUT MILITARY INSTALLATION RESILIENCE PROJECTS.—

(1) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 2815.

“§ 2815. Military installation resilience projects

“(a) PROJECTS REQUIRED.—The Secretary of Defense shall carry out military construction projects for military installation resilience, in accordance with section 2802 of this title.

“(b) CONGRESSIONAL NOTIFICATION.—(1) When a decision is made to carry out a project under this section, the Secretary of Defense shall notify the congressional defense committees of that decision.

“(2) The Secretary of Defense shall include in each notification submitted under paragraph (1) the rationale for how the project would—

“(A) enhance military installation resilience;

“(B) enhance mission assurance;

“(C) support mission critical functions; and

“(D) address known vulnerabilities.

“(c) TIMING OF PROJECTS.—A project may be carried out under this section only after the end of the 14-day period beginning on the date that notification with respect to that project under subsection (b) is received by the congressional defense committees in an electronic medium pursuant to section 480 of this title.

“(d) ANNUAL REPORT.—Not later than 90 days after the end of each fiscal year until December 31, 2025, the Secretary of Defense

shall submit to the congressional defense committees a report on the status of the planned and active projects carried out under this section (including completed projects), and shall include in the report with respect to each such project the following information:

“(1) The title, location, a brief description of the scope of work, the original project cost estimate, and the current working cost estimate.

Cost estimates.

“(2) The information provided under subsection (b)(2).

“(3) Such other information as the Secretary considers appropriate.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 169 of such title is amended by inserting after the item relating to section 2814 the following new item:

10 USC
prec. 2801.

“2815. Military installation resilience projects.”.

SEC. 2802. IMPROVED CONSULTATION WITH TRIBAL GOVERNMENTS WHEN PROPOSED MILITARY CONSTRUCTION PROJECTS POTENTIALLY IMPACT INDIAN TRIBES.

Section 2802 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f)(1) In addition to any other applicable consultation requirement pursuant to law or Department of Defense policy, if a proposed military construction project is likely to significantly impact tribal lands, known sacred sites, or tribal treaty rights, the Secretary concerned shall initiate consultation with the tribal government of each impacted Indian tribe—

Determinations.

“(A) to determine the nature and extent of such impact;

“(B) to determine whether such impact can be avoided or mitigated in the design and implementation of the project; and

“(C) if such impact cannot be avoided, to develop feasible measures consistent with applicable law to mitigate the impact and estimate the cost of the mitigation measures.

“(2) As part of the Department of Defense Form 1391 submitted to the appropriate committees of Congress for a military construction project covered by paragraph (1), the Secretary concerned, to the extent possible at the time of such submission, shall include a description of the current status of the consultation conducted under such paragraph and specifically address each of the items specified in subparagraphs (A), (B), and (C) of such paragraph.

“(3) The requirement under paragraph (1) does not affect the obligation of the Secretary concerned to comply with any other applicable consultation requirement pursuant to law or Department of Defense policy.

“(4) In this subsection:

Definitions.

“(A) The term ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(B) The term ‘tribal government’ means the recognized governing body of an Indian tribe.

“(C) The term ‘sacred site’ has the meaning given that term in Executive Order No. 13007, as in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020.”.

SEC. 2803. INCREASED AUTHORITY FOR USE OF CERTAIN APPROPRIATIONS AMOUNTS FOR RESTORATION OR REPLACEMENT OF DAMAGED OR DESTROYED FACILITIES.

Section 2854(c)(3) of title 10, United States Code, is amended by striking “\$50,000,000” and inserting “\$100,000,000”.

10 USC 2864
note.

SEC. 2804. AMENDMENT OF UNIFIED FACILITIES CRITERIA TO PROMOTE MILITARY INSTALLATION RESILIENCE, ENERGY RESILIENCE, ENERGY AND CLIMATE RESILIENCY, AND CYBER RESILIENCE.

(a) AMENDMENT REQUIRED.—

Deadline.

(1) **IN GENERAL.**—Not later than September 1, 2020, the Secretary of Defense shall amend the Unified Facility Criteria relating to military construction planning and design, to ensure that building practices and standards of the Department of Defense promote military installation resilience, energy resilience, energy and climate resiliency, and cyber resilience.

(2) **CONSIDERATIONS AND CONSULTATION.**—In preparing amendments pursuant to paragraph (1), the Secretary of Defense—

(A) shall take into account historical data, current conditions, and sea level rise projections; and

(B) may consult with the heads of other Federal departments and agencies with expertise regarding military installation resilience, energy resilience, energy and climate resiliency, and cyber resilience.

Certification.

(b) **CONDITIONAL AVAILABILITY OF FUNDS.**—Not more than 25 percent of the funds authorized to be appropriated for fiscal year 2020 for Department of Defense planning and design accounts relating to military construction projects may be obligated until the date on which the Secretary of Defense submits to the Committees on Armed Services of the House of Representatives and the Senate a certification that the Secretary—

(1) has initiated the amendment process required by subsection (a)(1); and

Deadline.

(2) intends to complete such process by September 1, 2020.

(c) **UPDATE OF UNIFIED FACILITIES CRITERIA TO INCLUDE CHANGING ENVIRONMENTAL CONDITION PROJECTIONS.**—Section 2805(c) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2262; 10 U.S.C. 2864 note) is amended—

(1) by striking “Not later than” and inserting the following:

“(1) **FISCAL YEAR 2019.**—Not later than”;

(2) in paragraph (1), as designated by paragraph (1), by striking “United Facilities Criteria (UFC) 2-100-01 and UFC 2-100-02” and inserting “Unified Facilities Criteria (UFC) 1-200-01 and UFC 1-200-02”; and

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

“(2) **FISCAL YEAR 2020.**—

Deadline.

“(A) **AMENDMENTS REQUIRED.**—Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, the Secretary of Defense shall amend the Unified Facilities Criteria as follows:

Assessment.

“(i) To require that installations of the Department of Defense assess the risks from extreme weather and related effects, and develop plans to address such risks.

“(ii) To require in the development of such Criteria the use of—

“(I) land use change projections through the use of land use and land cover modeling by the United States Geological Survey; and

“(II) weather projections—

“(aa) from the United States Global Change Research Program, including in the National Climate Assessment; or

“(bb) from the National Oceanic and Atmospheric Administration, if such projections are more up-to-date than projections under item (aa).

“(iii) To require the Secretary of Defense to provide guidance to project designers and master planners on how to use weather projections.

“(iv) To require the use throughout the Department of the Naval Facilities Engineering Command Climate Change Installation Adaptation and Resilience planning handbook, as amended (or similar publication of the Army Corps of Engineers).

“(B) NOTIFICATION.—If the Secretary of Defense determines that a projection other than a projection described in subparagraph (A)(ii) is more appropriate for use in amending the Unified Facilities Criteria, the Secretary shall notify the congressional defense committees of such determination, which shall include the rationale underlying such determination and a description of such other projection.”.

Determination.

(d) IMPLEMENTATION OF UNIFIED FACILITIES CRITERIA AMENDMENTS.—

(1) IMPLEMENTATION.—Any Department of Defense Form 1391 submitted to Congress after September 1, 2020 shall comply with the Unified Facility Criteria, as amended pursuant to this section.

Compliance.

(2) CERTIFICATION.—Not later than March 1, 2021, the Secretary of Defense shall certify to the Committees on Armed Services of the House of Representatives and the Senate the completion and full incorporation into military construction planning and design—

Deadline.

(A) amendments made pursuant to subsection (a); and

(B) amendments made pursuant to section 2805(c) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2262; 10 U.S.C. 2864 note), as amended by subsection (c).

(e) ANNUAL REVIEW.—Beginning with fiscal year 2022, and annually thereafter, the Secretary of Defense shall conduct a review comparing the Unified Facility Criteria and industry best practices, for the purpose of ensuring that military construction building practices and standards of the Department of Defense relating to military installation resilience, energy resilience, energy and climate resiliency, and cyber resilience remain up-to-date.

Effective date.

(f) DEFINITIONS.—In this section:

(1) The terms “energy resilience” and “military installation resilience” have the meanings given those terms in section 101(e) of title 10, United States Code.

(2) The term “energy and climate resiliency” has the meaning given that term in section 2864 of title 10, United States Code.

10 USC 2802
note.

SEC. 2805. MODIFICATION TO DEPARTMENT OF DEFENSE FORM 1391 REGARDING CONSIDERATION OF POTENTIAL LONG-TERM ADVERSE ENVIRONMENTAL EFFECTS.

(a) MODIFICATION.—

(1) CERTIFICATION REQUIREMENT.—The Secretary of Defense shall modify Department of Defense Form 1391 to require, with respect to any proposed major or minor military construction project requiring congressional notification or approval, the inclusion of a certification by the Secretary of Defense or the Secretary of the military department concerned that the proposed military construction project takes into consideration—

(A) the potential adverse consequences of long-term changes in environmental conditions, such as increasingly frequent extreme weather events, that could affect the military installation resilience of the installation for which the military construction project is proposed; and

(B) building requirements in effect for the locality in which the military construction project is proposed and industry best practices that are developed to withstand extreme weather events and other consequences of changes in environmental conditions.

(2) ELEMENTS OF CERTIFICATION.—As part of the certification required by paragraph (1) for a proposed military construction project, the Secretary concerned shall identify the potential changes in environmental conditions, such as increasingly frequent extreme weather events, considered and addressed under subparagraphs (A) and (B) of paragraph (1).

(b) RELATION TO RECENT MODIFICATION REQUIREMENT.—The modification of Department of Defense Form 1391 required by subsection (a) is in addition to, and expands upon, the modification of Department of Defense Form 1391 with respect to flood risk disclosure for military construction required by section 2805(a) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2262; 10 U.S.C. 2802 note).

(c) MILITARY INSTALLATION RESILIENCE DEFINED.—In this section, the term “military installation resilience” has the meaning given that term in section 101(e)(8) of title 10, United States Code.

SEC. 2806. IMPROVED FLOOD RISK DISCLOSURE FOR MILITARY CONSTRUCTION.

(a) WHEN DISCLOSURE REQUIRED.—Section 2805(a)(1) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2262; 10 U.S.C. 2802 note) is amended—

(1) in subparagraph (A), by inserting after “hazard data” the following: “, or will be impacted by projected current and future mean sea level fluctuations over the lifetime of the project”; and

(2) in subparagraph (B), by inserting after “floodplain” the following: “or will be impacted by projected current and future mean sea level fluctuations over the lifetime of the project”.

(b) **REPORTING REQUIREMENTS.**—Section 2805(a)(3) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2262; 10 U.S.C. 2802 note) is amended—

(1) in the matter preceding the subparagraphs, by inserting after “floodplain” the following: “or are to be impacted by projected current and future mean sea level fluctuations over the lifetime of the project”; and

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

“(D) A description of how the proposed project has taken into account projected current and future mean sea level fluctuations over the lifetime of the project.”.

(c) **MITIGATION PLAN ASSUMPTIONS.**—Section 2805(a)(4) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2262; 10 U.S.C. 2802 note) is amended—

(1) in the matter preceding the subparagraphs—

(A) by inserting after “floodplain” the following: “or that will be impacted by projected current and future mean sea level fluctuations over the lifetime of the project”; and

(B) by striking “an additional”;

(2) in subparagraph (A)—

(A) by inserting “an additional” before “2 feet”; and

(B) by striking “and” at the end of the subparagraph;

(3) in subparagraph (B)—

(A) by inserting “an additional” before “3 feet”; and

(B) by striking the period at the end of the subparagraph and inserting “; and”; and

(4) by adding at the end the following new subparagraph:

“(C) any additional flooding that will result from projected current and future mean sea level fluctuations over the lifetime of the project.”.

SEC. 2807. PRIORITIZATION OF PROJECTS IN ANNUAL REPORT ON UNFUNDED REQUIREMENTS FOR LABORATORY MILITARY CONSTRUCTION PROJECTS.

Section 2806 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 222a note) is amended—

(1) by striking “Assistant Secretary of Defense for Energy, Installations, and Environment” and inserting “Under Secretary of Defense for Acquisition and Sustainment”;

(2) by striking “reporting” and inserting “report”; and

(3) by inserting “in prioritized order, with specific accounts and program elements identified,” after “evaluation facilities.”.

SEC. 2808. TECHNICAL CORRECTIONS AND IMPROVEMENTS TO DEFENSE ACCESS ROAD RESILIENCE.

Section 210 of title 23, United States Code, is amended—

(1) in subsection (a), by striking “(a)(1) The Secretary” and all that follows through the end of paragraph (1) and inserting the following:

“(a) **AUTHORIZATION.**—

“(1) **IN GENERAL.**—When defense access roads are certified to the Secretary as important to the national defense by the Secretary of Defense or such other official as the President may designate, the Secretary is authorized, out of the funds appropriated for defense access roads, to provide for—

“(A) the construction and maintenance of defense access roads (including bridges, tubes, tunnels, and culverts or other hydraulic appurtenances on those roads) to—

“(i) military reservations;

“(ii) defense industry sites;

“(iii) air or sea ports that are necessary for or are planned to be used for the deployment or sustainment of members of the Armed Forces, equipment, or supplies; or

“(iv) sources of raw materials;

“(B) the reconstruction or enhancement of, or improvements to, those roads to ensure the continued effective use of the roads, regardless of current or projected increases in mean tides, recurrent flooding, or other weather-related conditions or natural disasters; and

“(C) replacing existing highways and highway connections that are shut off from general public use by necessary closures, closures due to mean sea level fluctuation and flooding, or restrictions at—

“(i) military reservations;

“(ii) air or sea ports that are necessary for or are planned to be used for the deployment or sustainment of members of the Armed Forces, equipment, or supplies; or

“(iii) defense industry sites.”;

(2) in subsection (b), by striking “the construction and maintenance of” and inserting “construction, reconstruction, resurfacing, restoration, rehabilitation, and preservation of, or enhancements to,”;

(3) in subsection (c)—

(A) by striking “him” and inserting “the Secretary”;

(B) by striking “construction, maintenance, and repair work” and inserting “activities for construction, maintenance, reconstruction, enhancement, improvement, and repair”;

(C) by striking “therein” and inserting “in those areas”; and

(D) by striking “condition for such training purposes and for repairing the damage caused to such highways by the operations of men and equipment in such training.” and inserting the following: “condition for—

“(1) that training; and

“(2) repairing the damage to those highways caused by—

“(A) weather-related events, increases in mean high tide levels, recurrent flooding, or natural disasters; or

“(B) the operations of men and equipment in such training.”;

(4) in subsection (g)—

(A) by striking “he” and inserting “the Secretary”;

(B) by striking “construction which has been” and inserting “construction and other activities”; and

(C) by striking “upon his demand” and inserting “upon demand by the Secretary”; and

(5) by striking subsection (i) and inserting the following:

“(i) REPAIR OF CERTAIN DAMAGES AND INFRASTRUCTURE.—The funds appropriated to carry out this section may be used to pay

Determination.

the cost of repairing damage caused, or any infrastructure to mitigate a risk posed, to a defense access road by recurrent or projected recurrent flooding, sea level fluctuation, a natural disaster, or any other current or projected change in applicable environmental conditions, if the Secretary determines that continued access to a military installation, defense industry site, air or sea port necessary for or planned to be used for the deployment or sustainment of members of the Armed Forces, equipment, or supplies, or to a source of raw materials, has been or is projected to be impacted by those events or conditions.”.

SEC. 2809. MILITARY CONSTRUCTION PROJECTS FOR CHILD DEVELOPMENT CENTERS AT MILITARY INSTALLATIONS.

(a) **AUTHORIZATION OF ADDITIONAL PROJECTS.**—In addition to any other military construction projects authorized under this Act, the Secretary of the military department concerned may carry out military construction projects for child development centers at military installations, as specified in the funding table in section 4601.

(b) **REQUIRING REPORT AS CONDITION OF AUTHORIZATION.**—

(1) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary concerned shall submit to the congressional defense committees a report that describes the location, title, and cost, together with a Department of Defense Form 1391, for each project the Secretary concerned proposes to carry out under this section.

(2) **TIMING OF AVAILABILITY OF FUNDS.**—No funds may be obligated or expended for a project under this section—

(A) unless the project is included in the report submitted under paragraph (1); and

(B) until the expiration of the 30-day period beginning on the date on which the Secretary concerned submits the report under paragraph (1).

(c) **EXPIRATION OF AUTHORIZATION.**—Section 2002 shall apply with respect to the authorization of a military construction project under this section in the same manner as such section applies to the authorization of a project contained in titles XXI through XXX.

Applicability.

SEC. 2810. PROHIBITION ON USE OF FUNDS TO REDUCE AIR BASE RESILIENCY OR DEMOLISH PROTECTED AIRCRAFT SHELTERS IN THE EUROPEAN THEATER WITHOUT CREATING A SIMILAR PROTECTION FROM ATTACK.

Certification.

No funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense may be obligated or expended to implement any activity that reduces air base resiliency or demolishes protected aircraft shelters in the European theater, and the Department may not otherwise implement any such activity, without creating a similar protection from attack in the European theater until such time as the Secretary of Defense certifies to the congressional defense committees that protected aircraft shelters are not required in the European theater.

SEC. 2811. PROHIBITION ON USE OF FUNDS TO CLOSE OR RETURN CERTAIN BASES TO THE HOST NATION.

Certification.

No funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense may be obligated or expended to implement any activity that closes or returns to the host nation any existing base under the European Consolidation

Initiative, and the Department shall not implement any such activity in fiscal year 2020, until the Secretary of Defense certifies that there is no longer a need for a rotational military presence in the European theater.

Subtitle B—Real Property and Facilities Administration

SEC. 2821. IMPROVED ENERGY SECURITY FOR MAIN OPERATING BASES IN EUROPE.

10 USC 2911
note.

(a) **PROHIBITION ON USE OF CERTAIN ENERGY SOURCE.**—The Secretary of Defense shall ensure that each contract for the acquisition of furnished energy for a covered military installation in Europe does not use any energy sourced from inside the Russian Federation as a means of generating the furnished energy for the covered military installation.

10 USC 2911
note.
Certification.

(b) **WAIVER FOR NATIONAL SECURITY INTERESTS.**—

(1) **WAIVER AUTHORITY; CERTIFICATION.**—The Secretary of Defense may waive application of subsection (a) to a specific contract for the acquisition of furnished energy for a covered military installation if the Secretary certifies to the congressional defense committees that—

(A) the waiver of such subsection is necessary to ensure an adequate supply of furnished energy for the covered military installation; and

(B) the Secretary has balanced these national security requirements against the potential risk associated with reliance upon the Russian Federation for furnished energy.

Deadline.

(2) **SUBMISSION OF WAIVER NOTICE.**—Not later than 14 days before the execution of any energy contract for which a waiver is granted under paragraph (1), the Secretary of Defense shall submit to the congressional defense committees notice of the waiver. The waiver notice shall include the following:

(A) The rationale for the waiver, including the basis for the certifications required by subparagraphs (A) and (B) of paragraph (1).

Assessment.

(B) An assessment of how the waiver may impact the European energy resiliency strategy.

(C) An explanation of the measures the Department of Defense is taking to mitigate the risk of using Russian Federation furnished energy.

10 USC 2911
note.

(c) **DEFINITIONS.**—In this section:

(1) The term “covered military installation” means a military installation in Europe identified by the Department of Defense as a main operating base.

(2) The term “furnished energy” means energy furnished to a covered military installation in any form and for any purpose, including heating, cooling, and electricity.

(d) **CONFORMING REPEAL.**—Section 2811 of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2266) is repealed.

SEC. 2822. ACCESS TO DEPARTMENT OF DEFENSE INSTALLATIONS FOR CREDENTIALLED TRANSPORTATION WORKERS.

Section 1050(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 113 note) is amended to read as follows:

“(a) ACCESS TO INSTALLATIONS FOR CREDENTIALLED TRANSPORTATION WORKERS.—The Secretary of Defense, to the extent practicable, shall ensure that the Transportation Worker Identification Credential is accepted as a valid credential for unescorted access to Department of Defense installations by transportation workers.”.

SEC. 2823. IMPROVED RECORDING AND MAINTAINING OF DEPARTMENT OF DEFENSE REAL PROPERTY DATA.

10 USC 2222
note.

(a) INITIAL REPORT.—Not later than 150 days after the date of the enactment of this Act, the Undersecretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report that evaluates service-level best practices for recording and maintaining real property data.

Evaluation.

(b) ISSUANCE OF GUIDANCE.—Not later than 300 days after the date of the enactment of this Act, the Undersecretary of Defense for Acquisition and Sustainment shall issue service-wide guidance on the recording and collection of real property data based on the best practices described in the report.

Deadline.

Subtitle C—Land Conveyances

SEC. 2831. LAND CONVEYANCE, HILL AIR FORCE BASE, OGDEN, UTAH.

(a) CONVEYANCE REQUIRED.—The Secretary of the Air Force may convey, for no monetary consideration, to the State of Utah or a designee of the State of Utah (in this section referred to as the “State”) all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres located at Hill Air Force Base commonly known as the “Defense Nontactical Generator and Rail Center” and such real property adjacent to the Center as the parties consider to be appropriate, for the purpose of permitting the State to construct a new interchange for Interstate 15.

(b) CONDITION PRECEDENT.—The conveyance authorized by subsection (a) shall be contingent upon the relocation of the Defense Nontactical Generator and Rail Center.

(c) TERMINATION AND REENTRY.—If the State does not meet the conditions required under subsection (d) by the date that is five years after the date of the conveyance authorized by subsection (a), or such later date as the Secretary of the Air Force and the State may agree is reasonably necessary due to unexpected circumstances, the Secretary of the Air Force may terminate such conveyance and reenter the property.

(d) CONSIDERATION AND CONDITIONS OF CONVEYANCE.—In consideration of and as a condition to the conveyance authorized by subsection (a), the State shall agree to the following:

Deadlines.

(1) Not later than two years after the conveyance, the State shall, at no cost to the United States Government—

(A) demolish all improvements and associated infrastructure existing on the property; and

(B) conduct environmental cleanup and remediation of the property, as required by law and approved by the

Utah Department of Environmental Quality, for the planned redevelopment and use of the property.

(2) Not later than three years after the completion of the cleanup and remediation under paragraph (1)(B), the State, at no cost to the United States Government, shall construct on Hill Air Force Base a new gate for vehicular and pedestrian traffic in and out of Hill Air Force Base in compliance with all applicable construction and security requirements and such other requirements as the Secretary of the Air Force may consider necessary.

Coordination.

(3) That the State shall coordinate the demolition, cleanup, remediation, design, redevelopment, and construction activities performed pursuant to the conveyance under subsection (a) with the Secretary of the Air Force, the Utah Department of Transportation, and the Utah Department of Environmental Quality.

(e) ENVIRONMENTAL OBLIGATIONS.—The State shall not have any obligation with respect to cleanup and remediation of an environmental condition on the property to be conveyed under subsection (a) unless the condition was in existence and known before the date of the conveyance or the State exacerbates the condition which then requires further remediation.

(f) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance under subsection (a) or to an appropriate fund or account currently available to the Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

Determination.
Survey.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force and the State.

(h) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 2832. RELEASE OF INTERESTS RETAINED IN CAMP JOSEPH T. ROBINSON, ARKANSAS, FOR USE OF SUCH LAND AS A VETERANS CEMETERY.

(a) RELEASE OF RETAINED INTERESTS.—

(1) **IN GENERAL.**—With respect to a parcel of land at Camp Joseph T. Robinson, Arkansas, consisting of approximately 141.52 acres that lies in a part of section 35, township 3 north, range 12 west, Pulaski County, Arkansas, and comprising a portion of the property conveyed by the United States to the State of Arkansas for training of the National Guard and for other military purposes pursuant to “An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas”, approved June 30, 1950 (64 Stat. 311, chapter 429), the Secretary of the Army may release the terms and conditions imposed, and reversionary interests retained, by the United States under section 2 of such Act, and the right to reenter and use the property retained by the United States under section 3 of such Act.

(2) **IMPACT ON OTHER RIGHTS OR INTERESTS.**—The release of terms and conditions and retained interests under paragraph (1) with respect to the parcel described in such paragraph shall not be construed to alter the rights or interests retained by the United States with respect to the remainder of the real property conveyed to the State of Arkansas under the Act described in such paragraph.

(b) INSTRUMENT OF RELEASE AND DESCRIPTION OF PROPERTY.—

(1) **IN GENERAL.**—The Secretary of the Army may execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument reflecting the release of terms and conditions and retained interests under subsection (a).

(2) **LEGAL DESCRIPTION.**—The exact acreage and legal description of the property described in subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

Determination.
Survey.

(c) CONDITIONS ON RELEASE AND REVERSIONARY INTEREST.—

(1) **EXPANSION OF VETERANS CEMETERY AND REVERSIONARY INTEREST.—**

(A) **EXPANSION OF VETERANS CEMETERY.**—The State of Arkansas may use the parcel of land described in subsection (a)(1) only for the expansion of the Arkansas State Veterans Cemetery.

(B) **REVERSIONARY INTEREST.**—If the Secretary of the Army determines at any time that the parcel of land described in subsection (a)(1) is not being used in accordance with the purpose specified in subparagraph (A), all right, title, and interest in and to the land, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such parcel.

Determination.

(2) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Army may require in the instrument of release such additional terms and conditions in connection with the release of terms and conditions and retained interests under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Reimbursements.

(d) PAYMENT OF ADMINISTRATIVE COSTS.—**(1) PAYMENT REQUIRED.—**

(A) **IN GENERAL.**—The Secretary of the Army may require the State of Arkansas to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the release of terms and conditions and retained interests under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the release.

(B) **REFUND OF AMOUNTS.**—If amounts paid to the Secretary by the State of Arkansas in advance under subparagraph (A) exceed the costs actually incurred by the Secretary to carry out the release, the Secretary shall refund the excess amount to the State.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the release of terms and conditions and retained interests under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the release. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

SEC. 2833. MODIFICATION OF AUTHORIZED USES OF CERTAIN PROPERTY CONVEYED BY THE UNITED STATES IN LOS ANGELES, CALIFORNIA.

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

Homeless persons.

(b) MODIFICATION OF USE.—

(1) **APPLICATION.**—The State of California shall submit to the Administrator of General Services an application for use of the property conveyed by section 2 of Public Law 85-236 for purposes of meeting the needs of the homeless in accordance with the amendment made by subsection (a).

Deadline.
Determination.

(2) **REVIEW OF APPLICATION.**—Not later than 60 days after the date of receipt of an application pursuant to paragraph (1), the Administrator and the Secretary of Health and Human Services shall jointly determine whether the use of the property described in the application is a use for purposes of meeting the needs of the homeless.

Review.
Consultation.

(3) **COMPATIBILITY WITH MILITARY PURPOSES.**—Before executing any instrument of modification of the deed of conveyance, the Administrator and the Secretary shall request a review by the Chief of the National Guard Bureau, in consultation with the Secretary of the Army, to ensure that any modification of the use of the property described in the application is compatible with the current and anticipated future use of the property for training members of the National Guard and other military purposes.

(4) **MODIFICATION OF INSTRUMENT OF CONVEYANCE.**—If the Chief of the National Guard Bureau determines pursuant to the review under paragraph (3) that the modification of the use of the property described in the application is compatible with the use of the property for training members of the National Guard and other military purposes, the Administrator shall execute and record in the appropriate office an instrument of modification of the deed of conveyance executed pursuant to Public Law 85–236 in order to authorize such use of the property described in the application. The instrument shall be filed within 60 days of such determination and include such additional terms and conditions as the Administrator considers appropriate to protect the interests of the United States.

Determination.
Records.

Deadline.

SEC. 2834. TRANSFER OF ADMINISTRATIVE JURISDICTION OVER CERTAIN PARCELS OF FEDERAL LAND IN ARLINGTON, VIRGINIA.

(a) **TRANSFER TO THE SECRETARY OF THE ARMY.**—

38 USC 2409
note.

(1) **TRANSFER.**—Administrative jurisdiction over the parcel of Federal land described in paragraph (2) is transferred from the Secretary of the Interior to the Secretary of the Army.

(2) **DESCRIPTION OF LAND.**—The parcel of Federal land referred to in paragraph (1) is the approximately 16.09-acre parcel of land in Arlington, Virginia, as depicted on the map entitled “Arlington National Cemetery, Memorial Ave–NPS Parcel” and dated February 11, 2019.

(b) **TRANSFER TO THE SECRETARY OF THE INTERIOR.**—

(1) **TRANSFER.**—Administrative jurisdiction over the parcel of Federal land described in paragraph (2) is transferred from the Secretary of the Army to the Secretary of the Interior.

(2) **DESCRIPTION OF LAND.**—The parcel of Federal land referred to in paragraph (1) is the approximately 1.04-acre parcel of land in Arlington, Virginia, as depicted on the map entitled “Arlington National Cemetery–Chaffee NPS Land Swap” and dated October 31, 2018.

(c) **LAND SURVEYS.**—The exact acreage and legal description of a parcel of Federal land described in subsection (a)(2) or (b)(2) shall be determined by a survey satisfactory to the Secretary of the Army and the Secretary of the Interior.

Determination.

(d) **AUTHORITY TO CORRECT ERRORS.**—The Secretary of the Army and the Secretary of the Interior may correct any clerical or typographical error in a map described in subsection (a)(2) or (b)(2).

(e) **TERMS AND CONDITIONS.**—

(1) **NO REIMBURSEMENT OR CONSIDERATION.**—A transfer by subsection (a)(1) or (b)(1) shall be without reimbursement or consideration.

(2) **CONTINUED RECREATIONAL ACCESS.**—The use of a bicycle trail or recreational access within a parcel of Federal land described in subsection (a)(2) or (b)(2) in which the use or access is authorized before the date of the enactment of this Act shall be allowed to continue after the transfer of the applicable parcel of Federal land by subsection (a)(1) or (b)(1).

(3) **MANAGEMENT OF PARCEL TRANSFERRED TO SECRETARY OF THE ARMY.**—

38 USC 2409
note.

(A) IN GENERAL.—The parcel of Federal land transferred to the Secretary of the Army by subsection (a)(1) shall be administered by the Secretary of the Army—

- (i) as part of Arlington National Cemetery; and
- (ii) in accordance with applicable law, including—

(I) regulations; and

(II) section 2409 of title 38, United States Code.

Women in
Military Service
for America
Memorial
Foundation, Inc.
40 USC 8903
note.

(B) MEMORANDUM OF UNDERSTANDING ON OPERATION OF MAINTENANCE OF MEMORIAL.—

(i) IN GENERAL.—The Secretary of the Army shall seek to enter into a memorandum of understanding with the Women in Military Service for America Memorial Foundation, Inc., to define roles and responsibilities for the shared responsibility and resources for operation and maintenance of the Women in Military Service for America Memorial and the surrounding grounds.

(ii) ALLOCATION OF AMOUNTS.—The Secretary of the Army may, pursuant to the memorandum of understanding described in clause (i), allocate amounts to the foundation described in that clause to support operation and maintenance of the memorial described in that clause.

54 USC 320201
note.

(4) MANAGEMENT OF PARCEL TRANSFERRED TO SECRETARY OF THE INTERIOR.—The parcel of Federal land transferred to the Secretary of the Interior by subsection (b)(1) shall be—

(A) included within the boundary of Arlington House, The Robert E. Lee Memorial; and

(B) administered by the Secretary of the Interior—

(i) as part of the memorial referred to in subparagraph (A); and

(ii) in accordance with applicable law (including regulations).

Subtitle D—Military Land Withdrawals

SEC. 2841. PUBLIC NOTICE REGARDING UPCOMING PERIODS OF SECRETARY OF THE NAVY MANAGEMENT OF SHARED USE AREA OF THE JOHNSON VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.

(a) PUBLIC NOTICE REQUIRED.—Section 2942(b)(2) of the Military Land Withdrawals Act of 2013 (title XXIX of Public Law 113–66; 127 Stat. 1036) is amended by adding at the end the following new subparagraph:

Deadline.

“(D) PUBLIC NOTICE.—Not later than one year before the date on which a 30-day period of Secretary of the Navy management of the Shared Use Area commences, the Secretary of the Navy, acting through the Resource Management Group established pursuant to section 2944, shall notify the public of such date of commencement and the intention of the Armed Forces to use the Shared Use Area for military training purposes. The Secretary of the Navy, upon notice to the Secretary of the Interior, may waive such public notice in the event of an emergent military training requirement.”.

Waiver authority.

(b) APPLICATION OF AMENDMENT.—Subparagraph (D) of section 2942(b)(2) of the Military Land Withdrawals Act of 2013 (title XXIX of Public Law 113–66; 127 Stat. 1036), as added by subsection (a), shall apply to periods of Secretary of the Navy management of the Shared Use Area of the Johnson Valley Off-Highway Vehicle Recreation Area under such section that commence on or after January 1, 2021.

Effective date.

Subtitle E—White Sands National Park and White Sands Missile Range

New Mexico.

SEC. 2851. WHITE SANDS MISSILE RANGE LAND ENHANCEMENTS.

16 USC 410ddddd.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “Map” means the map entitled “White Sands National Park Proposed Boundary Revision & Transfer of Lands Between National Park Service & Department of the Army”, numbered 142/136,271, and dated February 14, 2017.

(2) MILITARY MUNITIONS.—The term “military munitions” has the meaning given the term in section 101(e) of title 10, United States Code.

(3) MISSILE RANGE.—The term “missile range” means the White Sands Missile Range, New Mexico, administered by the Secretary of the Army.

(4) MONUMENT.—The term “Monument” means the White Sands National Monument, New Mexico, established by Presidential Proclamation No. 2025 (54 U.S.C. 320301 note), dated January 18, 1933, and administered by the Secretary of the Interior.

(5) MUNITIONS DEBRIS.—The term “munitions debris” has the meaning given the term in volume 8 of the Department of Defense Manual Number 6055.09-M entitled “DoD Ammunitions and Explosives Safety Standards” and dated February 29, 2008 (as in effect on the date of the enactment of this Act).

(6) PARK.—The term “Park” means the White Sands National Park established by subsection (b)(1).

(7) PUBLIC LAND ORDER.—The term “Public Land Order” means Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822).

(8) STATE.—The term “State” means the State of New Mexico.

(b) WHITE SANDS NATIONAL PARK.—

(1) ESTABLISHMENT.—To protect, preserve, and restore its scenic, scientific, educational, natural, geological, historical, cultural, archaeological, paleontological, hydrological, fish, wildlife, and recreational values and to enhance visitor experiences, there is established in the State the White Sands National Park as a unit of the National Park System.

Historic
preservation.

(2) ABOLISHMENT OF WHITE SANDS NATIONAL MONUMENT.—

(A) ABOLISHMENT.—Due to the establishment of the Park, the Monument is abolished.

(B) INCORPORATION.—The land and interests in land that comprise the Monument are incorporated in, and shall be considered to be part of, the Park.

(3) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the “White Sands National Monument” shall be considered to be a reference to the “White Sands National Park”.

(4) AVAILABILITY OF FUNDS.—Any funds available for the Monument shall be available for the Park.

(5) ADMINISTRATION.—The Secretary of the Interior shall administer the Park in accordance with—

(A) this subsection; and

(B) the laws generally applicable to units of the National Park System, including section 100101(a), chapter 1003, sections 100751(a), 100752, 100753, and 102101, and chapter 3201 of title 54, United States Code.

(6) WORLD HERITAGE LIST NOMINATION.—

(A) COUNTY CONCURRENCE.—The Secretary of the Interior shall not submit a nomination for the Park to be included on the World Heritage List of the United Nations Educational, Scientific and Cultural Organization unless each county in which the Park is located concurs in the nomination.

(B) ARMY NOTIFICATION.—Before submitting a nomination for the Park to be included on the World Heritage List of the United Nations Educational, Scientific and Cultural Organization, the Secretary of the Interior shall notify the Secretary of the Army of the intent of the Secretary of the Interior to nominate the Park.

(7) EFFECT.—Nothing in this subsection affects—

(A) valid existing rights (including water rights);

(B) permits or contracts issued by the Monument;

(C) existing agreements, including agreements with the Department of Defense;

(D) the jurisdiction of the Department of Defense regarding the restricted airspace above the Park; or

(E) the airshed classification of the Park under the Clean Air Act (42 U.S.C. 7401 et seq.).

(c) MODIFICATION OF BOUNDARIES OF WHITE SANDS NATIONAL PARK AND WHITE SANDS MISSILE RANGE.—

(1) TRANSFERS OF ADMINISTRATIVE JURISDICTION.—

(A) TRANSFER OF ADMINISTRATIVE JURISDICTION TO THE SECRETARY OF THE INTERIOR.—

(i) IN GENERAL.—Administrative jurisdiction over the land described in clause (ii) is transferred from the Secretary of the Army to the Secretary of the Interior.

(ii) DESCRIPTION OF LAND.—The land referred to in clause (i) is—

(I) the approximately 2,826 acres of land identified as “To NPS, lands inside current boundary” on the Map; and

(II) the approximately 5,766 acres of land identified as “To NPS, new additions” on the Map.

(B) TRANSFER OF ADMINISTRATIVE JURISDICTION TO THE SECRETARY OF THE ARMY.—

(i) IN GENERAL.—Administrative jurisdiction over the land described in clause (ii) is transferred from the Secretary of the Interior to the Secretary of the Army.

(ii) DESCRIPTION OF LAND.—The land referred to in clause (i) is the approximately 3,737 acres of land identified as “To DOA” on the Map.

(2) BOUNDARY MODIFICATIONS.—

(A) PARK.—

(i) IN GENERAL.—The boundary of the Park is revised to reflect the boundary depicted on the Map.

(ii) MAP.—

(I) IN GENERAL.—The Secretary of the Interior, in coordination with the Secretary of the Army, shall prepare and keep on file for public inspection in the appropriate office of the Secretary of the Interior a map and a legal description of the revised boundary of the Park.

(II) EFFECT.—The map and legal description under subclause (I) shall have the same force and effect as if included in this section, except that the Secretary of the Interior may correct clerical and typographical errors in the map and legal description.

(iii) BOUNDARY SURVEY.—As soon as practicable after the date of the establishment of the Park and subject to the availability of funds, the Secretary of the Interior shall complete an official boundary survey of the Park.

(B) MISSILE RANGE.—

(i) IN GENERAL.—The boundary of the missile range and the Public Land Order are modified to exclude the land transferred to the Secretary of the Interior under paragraph (1)(A) and to include the land transferred to the Secretary of the Army under paragraph (1)(B).

(ii) MAP.—The Secretary of the Interior shall prepare a map and legal description depicting the revised boundary of the missile range.

(C) CONFORMING AMENDMENT.—Section 2854 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 54 U.S.C. 320301 note) is repealed.

Repeal.

(3) ADMINISTRATION.—

(A) PARK.—The Secretary of the Interior shall administer the land transferred under paragraph (1)(A) in accordance with laws (including regulations) applicable to the Park.

(B) MISSILE RANGE.—Subject to subparagraph (C), the Secretary of the Army shall administer the land transferred to the Secretary of the Army under paragraph (1)(B) as part of the missile range.

(C) INFRASTRUCTURE; RESOURCE MANAGEMENT.—

(i) RANGE ROAD 7.—

(I) INFRASTRUCTURE MANAGEMENT.—To the maximum extent practicable, in planning, constructing, and managing infrastructure on the land described in subclause (III), the Secretary of the Army shall apply low-impact development techniques and strategies to prevent impacts within the missile range and the Park from stormwater runoff from the land described in that subclause.

(II) RESOURCE MANAGEMENT.—The Secretary of the Army shall—

(aa) manage the land described in subclause (III) in a manner consistent with the protection of natural and cultural resources within the missile range and the Park and in accordance with section 101(a)(1)(B) of the Sikes Act (16 U.S.C. 670a(a)(1)(B)), division A of subtitle III of title 54, United States Code, and the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and

(bb) include the land described in subclause (III) in the integrated natural and cultural resource management plan for the missile range.

(III) DESCRIPTION OF LAND.—The land referred to in subclauses (I) and (II) is the land that is transferred to the administrative jurisdiction of the Secretary of the Army under paragraph (1)(B) and located in the area east of Range Road 7 in—

(aa) T. 17 S., R. 5 E., sec. 31;

(bb) T. 18 S., R. 5 E.; and

(cc) T. 19 S., R. 5 E., sec. 5.

Determination.

(ii) FENCE.—

(I) IN GENERAL.—The Secretary of the Army shall continue to allow the Secretary of the Interior to maintain the fence shown on the Map until such time as the Secretary of the Interior determines that the fence is unnecessary for the management of the Park.

(II) REMOVAL.—If the Secretary of the Interior determines that the fence is unnecessary for the management of the Park under subclause (I), the Secretary of the Interior shall promptly remove the fence at the expense of the Department of the Interior.

Contracts.

(D) RESEARCH.—The Secretary of the Army and the Secretary of the Interior may enter into an agreement to allow the Secretary of the Interior to conduct certain research in the area identified as “Cooperative Use Research Area” on the Map.

(E) MILITARY MUNITIONS AND MUNITIONS DEBRIS.—

(i) RESPONSE ACTION.—With respect to any Federal liability, the Secretary of the Army shall remain responsible for any response action addressing military munitions or munitions debris on the land transferred under paragraph (1)(A) to the same extent as on the day before the date of the enactment of this Act.

(ii) INVESTIGATION OF MILITARY MUNITIONS AND MUNITIONS DEBRIS.—

(I) IN GENERAL.—The Secretary of the Interior may request that the Secretary of the Army conduct 1 or more investigations of military munitions or munitions debris on any land transferred under paragraph (1)(A).

(II) ACCESS.—The Secretary of the Interior shall give access to the Secretary of the Army to the land covered by a request under subclause (I) for the purposes of conducting the 1 or more investigations under that subclause.

(III) LIMITATION.—An investigation conducted under this clause shall be subject to available appropriations.

(iii) APPLICABLE LAW.—Any activities undertaken under this subparagraph shall be carried out in accordance with—

(I) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(II) the purposes for which the Park was established; and

(III) any other applicable law.

Subtitle F—Other Matters

SEC. 2861. INSTALLATION AND MAINTENANCE OF FIRE EXTINGUISHERS IN DEPARTMENT OF DEFENSE FACILITIES. 10 USC 113 note.

The Secretary of Defense shall ensure that portable fire extinguishers are installed and maintained in all Department of Defense facilities, in accordance with requirements of national model fire codes developed by the National Fire Protection Association and the International Code Council that require redundancy and extinguishers throughout occupancies regardless of the presence of other suppression systems or alarm systems.

SEC. 2862. DEFINITION OF COMMUNITY INFRASTRUCTURE FOR PURPOSES OF MILITARY BASE REUSE STUDIES AND COMMUNITY PLANNING ASSISTANCE.

Paragraph (4) of section 2391(e) of title 10, United States Code, is amended to read as follows:

“(4)(A) The term ‘community infrastructure’ means a project or facility described in subparagraph (B) that—

“(i) is located off of a military installation; and

“(ii) is—

“(I) owned by a State or local government; or

“(II) a not-for-profit, member-owned utility service.

“(B) A project or facility described in this subparagraph is any of the following:

“(i) Any transportation project.

“(ii) A school, hospital, police, fire, emergency response, or other community support facility.

“(iii) A water, waste-water, telecommunications, electric, gas, or other utility infrastructure project.”.

SEC. 2863. TEMPORARY AUTHORITY FOR ACCEPTANCE AND USE OF CONTRIBUTIONS FOR CERTAIN DESIGN AND CONSTRUCTION PROJECTS MUTUALLY BENEFICIAL TO THE DEPARTMENT OF DEFENSE AND THE REPUBLIC OF KOREA.

(a) ACCEPTANCE OF CONTRIBUTIONS.—

(1) IN GENERAL.—The Secretary concerned may accept cash contributions from the Republic of Korea to carry out the following:

(A) The design and construction of the Black Hat Intelligence Fusion Center, Camp Humphreys, Republic of Korea.

(B) The design of the Korean Air and Space Operations and Intelligence Center, Osan Air Base, Republic of Korea.

(2) COST-SHARING AGREEMENT.—In the event the contribution under paragraph (1) is insufficient to cover the entire cost of the activity authorized under that paragraph, the Secretary concerned shall enter into a cost-sharing agreement with the Republic of Korea detailing the portion of the authorized activity that is to be funded with the contribution and identifying sufficient other funds to undertake the entire authorized activity.

(b) ESTABLISHMENT OF ACCOUNT.—Contributions accepted under subsection (a) shall be placed in an account established by the Secretary concerned and shall remain available until expended as provided in such subsection.

Deadlines.
Cost estimates.

(c) NOTICE.—

(1) IN GENERAL.—Not later than 14 days before carrying out a project using contributions accepted under subsection (a) for which the estimated cost of the project will exceed the thresholds prescribed by section 2805 of title 10, United States Code, the Secretary concerned shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives—

(A) a written notice of the decision to carry out the project;

(B) a justification for the project; and

(C) the estimated cost of the project.

(2) NOTICE FOR PROJECTS THAT REQUIRE COST SHARING.—Not later than 14 days before carrying out a project using contributions accepted under subsection (a) for which a cost-sharing agreement is entered into under paragraph (2) of such subsection, the Secretary concerned shall submit to the congressional defense committees in an electronic medium pursuant to section 480 of title 10, United States Code—

(A) a written notice of the acceptance of the contributions for the project;

(B) a copy of the Department of Defense Form 1391 for the project;

(C) the estimated cost of the project; and

(D) details on the cost-sharing agreement with the Republic of Korea.

Records.

(d) EXPIRATION OF PROJECT AUTHORITY.—

(1) IN GENERAL.—The authority to accept contributions and carry out projects under this section expires on September 30, 2030.

(2) CONTINUATION OF PROJECTS.—The expiration of authority under paragraph (1) does not prevent the continuation of any project commenced before the date specified in that paragraph.

(e) MUTUALLY BENEFICIAL.—A project described in subsection (a) shall be considered to be mutually beneficial if—

(1) the project is in support of a bilateral defense cooperation agreement between the United States and the Republic of Korea; or

(2) the Secretary concerned determines that the United States may derive a benefit from the project, including—

(A) access to and use of facilities of the military forces of the Republic of Korea;

(B) ability or capacity for future force posture; and

(C) increased interoperability between military forces of the Department of Defense and the Republic of Korea.

(f) SECRETARY CONCERNED DEFINED.—In this section, the term “Secretary concerned” has the meaning given that term in section 101(9) of title 10, United States Code.

SEC. 2864. BLACK START EXERCISES AT MILITARY INSTALLATIONS.

(a) REQUIREMENT.—Not later than September 30, 2020, the Secretary of Defense shall conduct a black start exercise at three military installations, at least one of which shall be a Joint Base. The exercises shall be conducted at installations at which such an exercise has not previously been conducted, for the purpose of identifying any shortcomings in infrastructure, joint operations, joint coordination, and security that would result from a loss of power at the installation.

(b) REPORT.—Not later than June 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report that contains a discussion of lessons learned from black start exercises conducted by the Secretary of Defense during the period beginning with the first such exercise and ending on December 31, 2019, including the three most recurring issues identified as a result of such exercises with respect to infrastructure, joint coordination efforts, and security.

(c) BLACK START EXERCISE DEFINED.—In this section, the term “black start exercise” means, with respect to a military installation, an exercise in which commercial utility power at the installation is dropped before backup generation assets start, for the purpose of—

(1) testing the ability of the backup systems to start, transfer the load, and carry the load until commercial power is restored;

(2) aligning stakeholders on critical energy requirements to meet mission requirements;

(3) validating mission operation plans, such as continuity of operations plans;

(4) identifying infrastructure interdependencies; and

(5) verifying backup electric power system performance.

SEC. 2865. PILOT PROGRAM TO EXTEND SERVICE LIFE OF ROADS AND RUNWAYS UNDER THE JURISDICTION OF THE SECRETARY OF DEFENSE.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense, in consultation with the Secretary of Transportation, may carry out a pilot program to design, build, and test technologies, techniques, and materials in order to extend the service life of roads and runways under the jurisdiction of the Secretary of Defense.

(b) SCOPE.—The pilot program under subsection (a) shall include the following:

(1) The design, testing, and assembly of technologies and systems suitable for pavement applications.

(2) Research, development, and testing of pavement materials for use in different geographic areas in the United States.

Determination.

Deadline.

Time period.

10 USC 2802 note.

Consultation.

Research and development.

(3) The design and procurement of platforms and equipment to test the performance, cost, feasibility, and effectiveness of the technologies, systems, and materials described in paragraphs (1) and (2).

(c) AWARD OF CONTRACTS OR GRANTS.—

(1) IN GENERAL.—The Secretary of Defense may carry out the pilot program under subsection (a) through the award of contracts or grants for the designing, building, or testing of technologies, techniques, and materials under the pilot program.

(2) MERIT-BASED SELECTION.—Any award of a contract or grant under the pilot program under subsection (a) shall be made using merit-based selection procedures.

(d) REPORT.—

(1) IN GENERAL.—Not later than two years after the commencement of the pilot program under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report on the pilot program.

(2) CONTENTS.—The report under paragraph (1) with respect to the pilot program shall include the following:

Assessment.

(A) An assessment of the effectiveness of activities under the pilot program in improving the service life of roads and runways under the jurisdiction of the Secretary.

Analysis.

(B) An analysis of the potential lifetime cost savings and reduction in energy demands associated with the extended service life of such roads and runways.

(e) TERMINATION OF AUTHORITY.—The pilot program under subsection (a) shall terminate on September 30, 2024.

SEC. 2866. RESTRICTIONS ON REHABILITATION OF OVER-THE-HORIZON BACKSCATTER RADAR SYSTEM RECEIVING STATION, MODOC COUNTY, CALIFORNIA.

(a) RESTRICTIONS.—Except as provided in subsection (b), the Secretary of the Air Force may not use any funds or resources of the Department of the Air Force to carry out the rehabilitation of the obsolete Over-the-Horizon Backscatter Radar System receiving station located in Modoc National Forest in the State of California.

(b) EXCEPTION FOR REMOVAL OF PERIMETER FENCE.—Notwithstanding subsection (a), the Secretary of the Air Force may use funds and resources of the Department of the Air Force—

(1) to remove the perimeter fence, which was treated with an arsenic-based weatherproof coating, surrounding the Over-the-Horizon Backscatter Radar System receiving station referred to in such subsection; and

(2) to carry out the mitigation of soil contamination associated with such fence.

(c) SUNSET.—The restrictions in subsection (a) shall terminate on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2025.

Alabama.

SEC. 2867. DESIGNATION OF SUMPTER SMITH JOINT NATIONAL GUARD BASE.

(a) DESIGNATION.—The Sumpter Smith Air National Guard Base in Birmingham, Alabama, shall after the date of the enactment of this Act be known and designated as the “Sumpter Smith Joint National Guard Base”.

(b) **REFERENCE.**—Any reference in any law, regulation, map, document, paper, or other record of the United States to the installation referred to in subsection (a) shall be considered to be a reference to the Sumpter Smith Joint National Guard Base.

SEC. 2868. SANTA YNEZ BAND OF CHUMASH INDIANS LAND AFFIRMATION.

Santa Ynez Band
of Chumash
Indians Land
Affirmation Act
of 2019.

(a) **SHORT TITLE.**—This section may be cited as the “Santa Ynez Band of Chumash Indians Land Affirmation Act of 2019”.

(b) **FINDINGS.**—Congress finds the following:

(1) On October 13, 2017, the General Council of the Santa Ynez Band of Chumash Indians voted to approve the Memorandum of Agreement between the County of Santa Barbara and the Santa Ynez Band of Chumash Indians regarding the approximately 1,427.28 acres of land, commonly known as Camp 4, and authorized the Tribal Chairman to sign the Memorandum of Agreement.

(2) On October 31, 2017, the Board of Supervisors for the County of Santa Barbara approved the Memorandum of Agreement on Camp 4 and authorized the Chair to sign the Memorandum of Agreement.

(3) The Secretary of the Interior approved the Memorandum of Agreement pursuant to section 2103 of the Revised Statutes (25 U.S.C. 81).

(c) **LAND TO BE TAKEN INTO TRUST.**—

(1) **IN GENERAL.**—The approximately 1,427.28 acres of land in Santa Barbara County, CA described in paragraph (3), is hereby taken into trust for the benefit of the Tribe, subject to valid existing rights, contracts, and management agreements related to easements and rights-of-way.

(2) **ADMINISTRATION.**—

(A) **ADMINISTRATION.**—The land described in paragraph (3) shall be a part of the Santa Ynez Indian Reservation and administered in accordance with the laws and regulations generally applicable to the land held in trust by the United States for an Indian tribe.

(B) **EFFECT.**—For purposes of certain California State laws (including the California Land Conservation Act of 1965, Government Code Section 51200, et seq.), placing the land described in paragraph (3) into trust shall remove any restrictions on the property pursuant to California Government Code Section 51295 or any other provision of such Act.

(3) **LEGAL DESCRIPTION OF LANDS TRANSFERRED.**—The lands to be taken into trust for the benefit of the Tribe pursuant to this Act are described as follows:

Legal Land Description/Site Location: Real property in the unincorporated area of the County of Santa Barbara, State of California, described as follows: PARCEL 1: (APN: 141-121-51 AND PORTION OF APN 141-140-10) LOTS 9 THROUGH 18, INCLUSIVE, OF TRACT 18, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP SHOWING THE SUBDIVISIONS OF THE CANADA DE LOS PINOS OR COLLEGE RANCHO, FILED IN RACK 3, AS MAP 4 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. THIS LEGAL IS MADE

PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 5, 2001 AS INSTRUMENT NO. 01-105580 OF OFFICIAL RECORDS. PARCEL 2: (PORTION OF APN: 141-140-10) LOTS 1 THROUGH 12, INCLUSIVE, OF TRACT 24, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP SHOWING THE SUBDIVISIONS OF THE CANADA DE LOS PINOS OR COLLEGE RANCHO, FILED IN RACK 3, AS MAP 4 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. THIS LEGAL IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 5, 2001 AS INSTRUMENT NO. 01-105581 OF OFFICIAL RECORDS. PARCEL 3: (PORTIONS OF APNS: 141-230-23 AND 141-140-10) LOTS 19 AND 20 OF TRACT 18 AND THAT PORTION OF LOTS 1, 2, 7, 8, 9, 10, AND 15 THROUGH 20, INCLUSIVE, OF TRACT 16, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP SHOWING THE SUBDIVISIONS OF THE CANADA DE LOS PINOS OR COLLEGE RANCHO, FILED IN RACK 3, AS MAP 4 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THAT LIES NORTHEASTERLY OF THE NORTHEASTERLY LINE OF THE LAND GRANTED TO THE STATE OF CALIFORNIA BY AN EXECUTOR'S DEED RECORDED APRIL 2, 1968 IN BOOK 2227, PAGE 136 OF OFFICIAL RECORDS OF SAID COUNTY. THIS LEGAL IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 5, 2001 AS INSTRUMENT NO. 01-105582 OF OFFICIAL RECORDS. PARCEL 4: (APN: 141-240-02 AND PORTION OF APN: 141-140-10) LOTS 1 THROUGH 12, INCLUSIVE, OF TRACT 25, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP SHOWING THE SUBDIVISIONS OF THE CANADA DE LOS PINOS OR COLLEGE RANCHO, FILED IN RACK 3, AS MAP 4 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. THIS LEGAL IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 5, 2001 AS INSTRUMENT NO. 01-105583 OF OFFICIAL RECORDS. PARCEL 5: (PORTION OF APN: 141-230-23) THAT PORTION OF LOTS 3 AND 6 OF TRACT 16, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP SHOWING THE SUBDIVISIONS OF THE CANADA DE LOS PINOS OR COLLEGE RANCHO, FILED IN RACK 3, AS MAP 4 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THAT LIES NORTHEASTERLY OF THE NORTHEASTERLY LINE OF THE LAND GRANTED TO THE STATE OF CALIFORNIA BY AN EXECUTOR'S DEED RECORDED APRIL 2, 1968 IN BOOK 2227, PAGE 136 OF OFFICIAL RECORDS OF SAID COUNTY. THIS LEGAL IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 5, 2001 AS INSTRUMENT NO. 01-105584 OF OFFICIAL RECORDS.

(4) RULES OF CONSTRUCTION.—Nothing in this section shall—

(A) enlarge, impair, or otherwise affect any right or claim of the Tribe to any land or interest in land that

is in existence before the date of the enactment of this Act;

(B) affect any water right of the Tribe in existence before the date of the enactment of this Act; or

(C) terminate or limit any access in any way to any right-of-way or right-of-use issued, granted, or permitted before the date of the enactment of this Act.

(5) RESTRICTED USE OF TRANSFERRED LANDS.—The Tribe may not conduct, on the land described in paragraph (3) taken into trust for the Tribe pursuant to this section, gaming activities—

(A) as a matter of claimed inherent authority; or

(B) under any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and regulations promulgated by the Secretary or the National Indian Gaming Commission under that Act.

(6) DEFINITIONS.—For the purposes of this subsection:

(A) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(B) TRIBE.—The term “Tribe” means the Santa Ynez Band of Chumash Mission Indians.

SEC. 2869. LANDS TO BE TAKEN INTO TRUST AS PART OF THE RESTORATION OF THE LYTTON RANCHERIA. California.

(a) FINDINGS.—Congress finds the following:

(1) The Lytton Rancheria of California is a federally recognized Indian tribe that lost its homeland after its relationship to the United States was unjustly and unlawfully terminated in 1958. The Tribe was restored to Federal recognition in 1991, but the conditions of its restoration have prevented it from regaining a homeland on its original lands.

(2) Congress needs to take action to reverse historic injustices that befell the Tribe and that have prevented it from regaining a viable homeland for its people.

(3) Prior to European contact there were as many as 350,000 Indians living in what is now the State of California. By the turn of the 19th century, that number had been reduced to approximately 15,000 individuals, many of them homeless and living in scattered bands and communities.

(4) The Lytton Rancheria’s original homeland was purchased by the United States in 1926 pursuant to congressional authority designed to remedy the unique tragedy that befell the Indians of California and provide them with reservations called Rancherias to be held in trust by the United States.

(5) After the Lytton Rancheria lands were purchased by the United States, the Tribe settled on the land and sustained itself for several decades by farming and ranching.

(6) By the mid-1950s, Federal Indian policy had shifted back towards a policy of terminating the Federal relationship with Indian tribes. In 1958, Congress enacted the Rancheria Act of 1958 (72 Stat. 619), which slated 41 Rancherias in California, including the Lytton Rancheria, for termination after certain conditions were met.

(7) On August 1, 1961, the Federal Government terminated its relationship with the Lytton Rancheria. This termination was illegal because the conditions for termination under the Rancheria Act had never been met. After termination was

implemented, the Tribe lost its lands and was left without any means of supporting itself.

(8) In 1987, the Tribe joined three other tribes in a lawsuit against the United States challenging the illegal termination of their Rancherias. A Stipulated Judgment in the case, *Scotts Valley Band of Pomo Indians of the Sugar Bowl Rancheria v. United States*, No. C–86–3660 (N.D.Cal. March 22, 1991), restored the Lytton Rancheria to its status as a federally recognized Indian tribe.

(9) The Stipulated Judgment provides that the Lytton Rancheria would have the “individual and collective status and rights” which it had prior to its termination and expressly contemplated the acquisition of trust lands for the Lytton Rancheria.

(10) The Stipulated Judgment contains provisions, included at the request of the local county governments and neighboring landowners, that prohibit the Lytton Rancheria from exercising its full Federal rights on its original homeland in the Alexander Valley.

(11) In 2000, approximately 9.5 acres of land in San Pablo, California, was placed in trust status for the Lytton Rancheria for economic development purposes.

(12) The Tribe has since acquired, from willing sellers at fair market value, property in Sonoma County near the Tribe’s historic Rancheria. This property, which the Tribe holds in fee status, is suitable for a new homeland for the Tribe.

(13) On a portion of the land to be taken into trust, which portion totals approximately 124.12 acres, the Tribe plans to build housing for its members and governmental and community facilities.

(14) A portion of the land to be taken into trust is being used for viniculture, and the Tribe intends to develop more of the lands to be taken into trust for viniculture. The Tribe’s investment in the ongoing viniculture operation has reinvigorated the vineyards, which are producing high-quality wines. The Tribe is operating its vineyards on a sustainable basis and is working toward certification of sustainability.

(15) No gaming shall be conducted on the lands to be taken into trust by this section.

(16) No gaming shall be conducted on any lands taken into trust on behalf of the Tribe in Sonoma County after the date of the enactment of this Act.

(17) By directing that these lands be taken into trust, the United States will ensure that the Lytton Rancheria will finally have a permanently protected homeland on which the Tribe can once again live communally and plan for future generations. This action is necessary to fully restore the Tribe to the status it had before it was wrongfully terminated in 1961.

(18) The Tribe and County of Sonoma have entered into a Memorandum of Agreement as amended in 2018 in which the County agrees to the lands in the County being taken into trust for the benefit of the Tribe in consideration for commitments made by the Tribe.

(b) DEFINITIONS.—For the purpose of this section, the following definitions apply:

Applicability.

(1) COUNTY.—The term “County” means Sonoma County, California.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) TRIBE.—The term “Tribe” means the Lytton Rancheria of California.

(c) LANDS TO BE TAKEN INTO TRUST.—

(1) IN GENERAL.—The land owned by the Tribe and generally depicted on the map titled “Lytton Fee Owned Property to be Taken into Trust” and dated May 1, 2015, is hereby taken into trust for the benefit of the Tribe, subject to valid existing rights, contracts, and management agreements related to easements and rights-of-way.

(2) LANDS TO BE MADE PART OF THE RESERVATION.—Lands taken into trust under paragraph (1) shall be part of the Tribe’s reservation and shall be administered in accordance with the laws and regulations generally applicable to property held in trust by the United States for an Indian tribe.

(d) GAMING.—

(1) LANDS TAKEN INTO TRUST UNDER THIS SECTION.—Lands taken into trust for the benefit of the Tribe under subsection (c) shall not be eligible for gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(2) OTHER LANDS TAKEN INTO TRUST.—Lands taken into trust for the benefit of the Tribe in Sonoma County after the date of the enactment of this Act shall not be eligible for gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(e) APPLICABILITY OF CERTAIN LAW.—Notwithstanding any other provision of law, the Memorandum of Agreement entered into by the Tribe and the County concerning taking land in the County into trust for the benefit of the Tribe, which was approved by the County Board of Supervisors on March 10, 2015, and any addenda and supplement or amendment thereto, is not subject to review or approval of the Secretary in order to be effective, including review or approval under section 2103 of the Revised Statutes (25 U.S.C. 81).

SEC. 2870. LITTLE SHELL TRIBE OF CHIPPEWA INDIANS OF MONTANA.

(a) FINDINGS.—Congress finds that—

(1) the Little Shell Tribe of Chippewa Indians is a political successor to signatories of the Pembina Treaty of 1863, under which a large area of land in the State of North Dakota was ceded to the United States;

(2) the Turtle Mountain Band of Chippewa of North Dakota and the Chippewa-Cree Tribe of the Rocky Boy’s Reservation of Montana, which also are political successors to the signatories of the Pembina Treaty of 1863, have been recognized by the Federal Government as distinct Indian tribes;

(3) the members of the Little Shell Tribe continue to live in the State of Montana, as their ancestors have for more than 100 years since ceding land in the State of North Dakota as described in paragraph (1);

(4) in the 1930s and 1940s, the Tribe repeatedly petitioned the Federal Government for reorganization under the Act of June 18, 1934 (25 U.S.C. 5101 et seq.) (commonly known as the “Indian Reorganization Act”);

(5) Federal agents who visited the Tribe and Commissioner of Indian Affairs John Collier attested to the responsibility of the Federal Government for the Tribe and members of the Tribe, concluding that members of the Tribe are eligible for, and should be provided with, trust land, making the Tribe eligible for reorganization under the Act of June 18, 1934 (25 U.S.C. 5101 et seq.) (commonly known as the “Indian Reorganization Act”);

(6) due to a lack of Federal appropriations during the Depression, the Bureau of Indian Affairs lacked adequate financial resources to purchase land for the Tribe, and the members of the Tribe were denied the opportunity to reorganize;

(7) in spite of the failure of the Federal Government to appropriate adequate funding to secure land for the Tribe as required for reorganization under the Act of June 18, 1934 (25 U.S.C. 5101 et seq.) (commonly known as the “Indian Reorganization Act”), the Tribe continued to exist as a separate community, with leaders exhibiting clear political authority;

(8) the Tribe, together with the Turtle Mountain Band of Chippewa of North Dakota and the Chippewa-Cree Tribe of the Rocky Boy’s Reservation of Montana, filed 2 law suits under the Act of August 13, 1946 (60 Stat. 1049) (commonly known as the “Indian Claims Commission Act”), to petition for additional compensation for land ceded to the United States under the Pembina Treaty of 1863 and the McCumber Agreement of 1892;

(9) in 1971 and 1982, pursuant to Acts of Congress, the tribes received awards for the claims described in paragraph (8);

(10) in 1978, the Tribe submitted to the Bureau of Indian Affairs a petition for Federal recognition, which is still pending as of the date of enactment of this Act; and

(11) the Federal Government, the State of Montana, and the other federally recognized Indian tribes of the State have had continuous dealings with the recognized political leaders of the Tribe since the 1930s.

(b) DEFINITIONS.—In this section:

(1) MEMBER.—The term “member” means an individual who is enrolled in the Tribe pursuant to subsection (f).

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) TRIBE.—The term “Tribe” means the Little Shell Tribe of Chippewa Indians of Montana.

(c) FEDERAL RECOGNITION.—

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

(2) EFFECT OF FEDERAL LAWS.—Except as otherwise provided in this section, all Federal laws (including regulations) of general application to Indians and Indian tribes, including the Act of June 18, 1934 (25 U.S.C. 5101 et seq.) (commonly known as the “Indian Reorganization Act”), shall apply to the Tribe and members.

(d) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—Beginning on the date of enactment of this Act, the Tribe and each member shall be eligible for all services and benefits provided by the United States to Indians and federally recognized Indian tribes, without regard to—

Effective date.

- (A) the existence of a reservation for the Tribe; or
- (B) the location of the residence of any member on or near an Indian reservation.

(2) SERVICE AREA.—For purposes of the delivery of services and benefits to members, the service area of the Tribe shall be considered to be the area comprised of Blaine, Cascade, Glacier, and Hill Counties in the State of Montana.

(e) REAFFIRMATION OF RIGHTS.—

(1) IN GENERAL.—Nothing in this section diminishes any right or privilege of the Tribe or any member that existed before the date of enactment of this Act.

(2) CLAIMS OF TRIBE.—Except as otherwise provided in this section, nothing in this section alters or affects any legal or equitable claim of the Tribe to enforce any right or privilege reserved by, or granted to, the Tribe that was wrongfully denied to, or taken from, the Tribe before the date of enactment of this Act.

(f) MEMBERSHIP ROLL.—

(1) IN GENERAL.—As a condition of receiving recognition, services, and benefits pursuant to this section, the Tribe shall submit to the Secretary, by not later than 18 months after the date of enactment of this Act, a membership roll consisting of the name of each individual enrolled as a member of the Tribe.

Deadline.

(2) DETERMINATION OF MEMBERSHIP.—The qualifications for inclusion on the membership roll of the Tribe shall be determined in accordance with sections 1 through 3 of article 5 of the constitution of the Tribe dated September 10, 1977 (including amendments to the constitution).

(3) MAINTENANCE OF ROLL.—The Tribe shall maintain the membership roll under this subsection.

(g) ACQUISITION OF LAND.—

(1) HOMELAND.—The Secretary shall acquire, for the benefit of the Tribe, trust title to 200 acres of land within the service area of the Tribe to be used for a tribal land base.

(2) ADDITIONAL LAND.—The Secretary may acquire additional land for the benefit of the Tribe pursuant to section 5 of the Act of June 18, 1934 (25 U.S.C. 5108) (commonly known as the “Indian Reorganization Act”).

SEC. 2871. SENSE OF CONGRESS ON RESTORATION OF TYNDALL AIR FORCE BASE.

It is the sense of Congress that the Secretary of the Air Force should—

(1) restore Tyndall Air Force Base to achieve military installation resilience, as defined in section 101(e)(8) of title 10, United States Code; and

(2) use innovative construction methods, materials, designs, and technologies in carrying out such restoration in order to achieve efficiencies, cost savings, resiliency, and capability, which may include—

(A) open architecture design to evolve with the national defense strategy; and

(B) efficient ergonomic enterprise for members of the Air Force in the 21st century.

TITLE XXIX—AUTHORIZATION OF OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION AND EMERGENCY MILITARY CONSTRUCTION

Subtitle A—Overseas Contingency Operations Military Construction

- Sec. 2901. Authorized Army construction and land acquisition projects.
- Sec. 2902. Authorized Navy construction and land acquisition projects.
- Sec. 2903. Authorized Air Force construction and land acquisition projects.
- Sec. 2904. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2905. Authorization of appropriations.

Subtitle B—Emergency Military Construction

- Sec. 2911. Authorization of emergency Navy construction and land acquisition projects.
- Sec. 2912. Authorization of emergency Air Force construction and land acquisition projects.
- Sec. 2913. Authorization of emergency Army National Guard construction and land acquisition projects.
- Sec. 2914. Authorization of emergency Defense Agencies construction and land acquisition projects.
- Sec. 2915. Authorization of emergency supplemental appropriations for military construction projects.

Subtitle A—Overseas Contingency Operations Military Construction

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) AUTHORIZATION.—Subject to subsection (b), the Secretary of the Army may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Location	Amount
Cuba	Guantanamo Bay Naval Station	\$33,800,000
Worldwide Unspecified.	European Deterrence Initiative: Various Locations	\$78,412,000

Plan.

(b) REPORT REQUIRED AS CONDITION OF AUTHORIZATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report containing a plan to carry out each military construction project authorized in the final item in the table in subsection (a) for an unspecified location for the European Deterrence Initiative. The plan shall include a Department of Defense Form 1391 for each proposed project. The Secretary may not commence a project until the report has been submitted.

SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) AUTHORIZATION.—Subject to subsection (b), the Secretary of the Navy may acquire real property and carry out the military

construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Location	Amount
Bahrain	SW Asia	\$53,360,000
Italy	Sigonella	\$77,400,000
Spain	Rota	\$69,570,000
Worldwide Unspecified.	European Deterrence Initiative: Various Locations	\$36,211,000

(b) **REPORT REQUIRED AS CONDITION OF AUTHORIZATION.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report containing a plan to carry out each military construction project authorized in the final item in the table in subsection (a) for an unspecified location for the European Deterrence Initiative. The plan shall include a Department of Defense Form 1391 for each proposed project. The Secretary may not commence a project until the report has been submitted. Plan.

SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **AUTHORIZATION.**—Subject to subsection (b), the Secretary of the Air Force may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Location	Amount
Iceland	Keflavik	\$57,000,000
Jordan	Azraq	\$66,000,000
Spain	Moron	\$8,500,000
Worldwide Unspecified.	European Deterrence Initiative: Various Locations	\$211,211,000

(b) **REPORT REQUIRED AS CONDITION OF AUTHORIZATION.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report containing a plan to carry out each military construction project authorized in the final item in the table in subsection (a) for an unspecified location for the European Deterrence Initiative. The plan shall include a Department of Defense Form 1391 for each proposed project. The Secretary may not commence a project until the report has been submitted. Plan.

SEC. 2904. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may acquire real property and carry out the military construction project for the installation outside the United States, and in the amount, set forth in the following table:

Defense Agencies: Outside the United States

Country	Location	Amount
Germany	Gemersheim	\$46,000,000

SEC. 2905. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for the military construction projects outside the United States authorized by this subtitle as specified in the funding table in section 4602.

Subtitle B—Emergency Military Construction

SEC. 2911. AUTHORIZATION OF EMERGENCY NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) NAVY AUTHORIZATION.—Subject to subsection (b), using amounts appropriated pursuant to the authorization of appropriations in section 2915 and available for military construction projects inside the United States as specified in the funding table in section 4603, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy Authorization

State or Location	Installation or Location	Amount
California	Naval Air Weapons Station China Lake	\$1,152,680,000
North Carolina	Camp Lejeune	\$627,747,000
	Marine Corps Air Station Cherry Point	\$66,551,000
	NCAS New River	\$465,822,000

Plan.

List.

(b) REPORT REQUIRED AS A CONDITION OF AUTHORIZATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report containing a plan to carry out the military construction projects authorized by this section. The plan shall include an explanation of how each military construction project will incorporate mitigation measures that reduce the threat from extreme weather events, mean sea level fluctuation, flooding, and any other known environmental threat to resilience, including a list of any areas in which there is a variance from the local building requirements and an explanation of the reason for the variance. The plan shall also include a Department of Defense Form 1391 for each proposed project. The Secretary may not commence a project until the report required from the Secretary has been submitted.

SEC. 2912. AUTHORIZATION OF EMERGENCY AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **AIR FORCE AUTHORIZATION.**—Subject to subsection (b), using amounts appropriated pursuant to the authorization of appropriations in section 2915 and available for military construction projects inside the United States as specified in the funding table in section 4603, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force Authorization

State	Installation or Location	Amount
Florida	Tyndall Air Force Base ...	\$1,500,200,000
Nebraska	Offutt Air Force Base	\$140,500,000
Virginia	Joint Base Langley-Eustis	\$31,000,000

(b) **REPORT REQUIRED AS CONDITION OF AUTHORIZATION.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing a plan to carry out the military construction projects authorized by this section. The plan shall include an explanation of how each military construction project will incorporate mitigation measures that reduce the threat from extreme weather events, mean sea level fluctuation, flooding, and any other known environmental threat to resilience, including a list of any areas in which there is a variance from the local building requirements and an explanation of the reason for the variance. The plan shall also include a Department of Defense Form 1391 for each proposed project. The Secretary may not commence a project until the report required from the Secretary has been submitted.

Plan.

List.

SEC. 2913. AUTHORIZATION OF EMERGENCY ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **ARMY NATIONAL GUARD AUTHORIZATION.**—Subject to subsection (b), using amounts appropriated pursuant to the authorization of appropriations in section 2915 and available for military construction projects inside the United States as specified in the funding table in section 4603, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard Authorization

State	Location	Amount
Louisiana	Pineville	\$16,500,000
Nebraska	Ashland	\$43,500,000

(b) **REPORT REQUIRED AS CONDITION OF AUTHORIZATION.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense

Plan.

List. committees a report containing a plan to carry out the military construction projects authorized by this section. The plan shall include an explanation of how each military construction project will incorporate mitigation measures that reduce the threat from extreme weather events, mean sea level fluctuation, flooding, and any other known environmental threat to resilience, including a list of any areas in which there is a variance from the local building requirements and an explanation of the reason for the variance. The plan shall also include a Department of Defense Form 1391 for each proposed project. The Secretary may not commence a project until the report required from the Secretary has been submitted.

SEC. 2914. AUTHORIZATION OF EMERGENCY DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **DEFENSE AGENCIES AUTHORIZATION.**—Subject to subsection (b), using amounts appropriated pursuant to the authorization of appropriations in section 2915 and available for military construction projects inside the United States as specified in the funding table in section 4603, the Secretary of Defense may acquire real property and carry out the military construction project for the installation inside the United States, and in the amount, set forth in the following table:

Defense Agencies Authorization

State or Location	Installation or Location	Amount
North Carolina	Camp Lejeune	\$75,313,000

Plan. (b) **REPORT REQUIRED AS A CONDITION OF AUTHORIZATION.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a plan to carry out the military construction project authorized by this section. The plan shall include an explanation of how the military construction project will incorporate mitigation measures that reduce the threat from extreme weather events, mean sea level fluctuation, flooding, and any other known environmental threat to resilience, including a list of any areas in which there is a variance from the local building requirements and an explanation of the reason for the variance. The plan shall also include a Department of Defense Form 1391 for the proposed project. The Secretary may not commence the project until the report required from the Secretary has been submitted.

List.

SEC. 2915. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR MILITARY CONSTRUCTION PROJECTS.

Funds are hereby authorized to be appropriated for the Department of Defense for the military construction projects authorized by this subtitle as specified in the funding table in section 4603, in such amounts as may be designated as emergency requirements pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

TITLE XXX—MILITARY HOUSING PRIVATIZATION REFORM

Sec. 3001. Definitions.

Subtitle A—Addition of New Reform Subchapter

- Sec. 3011.** Improved accountability and oversight of privatized military housing and protections and responsibilities for tenants of privatized military housing.
- Sec. 3012.** Designation of Chief Housing Officer for privatized military housing.
- Sec. 3013.** Additional requirements relating to contracts for privatized military housing.
- Sec. 3014.** Additional requirements relating to management of privatized military housing.
- Sec. 3015.** Consideration of contractor history in contracts for privatized military housing.
- Sec. 3016.** Additional improvements for management of privatized military housing.
- Sec. 3017.** Maintenance work order system for privatized military housing.
- Sec. 3018.** Access by tenants of privatized military housing to maintenance work order system.
- Sec. 3019.** Access by tenants to historical maintenance information for privatized military housing.
- Sec. 3020.** Prohibition on requirement to disclose personally identifiable information in certain requests for maintenance of privatized military housing.
- Sec. 3021.** Treatment of incentive fees for landlords of privatized military housing for failure to remedy a health or environmental hazard.
- Sec. 3022.** Dispute resolution process for landlord-tenant disputes regarding privatized military housing and requests to withhold payments during dispute resolution process.
- Sec. 3023.** Investigation of reports of reprisals relating to privatized military housing and congressional notification.
- Sec. 3024.** Prohibition on use of nondisclosure agreements in connection with leases of privatized military housing.

Subtitle B—Other Amendatory Provisions

- Sec. 3031.** Installation of carbon monoxide detectors in military family housing.
- Sec. 3032.** Authority to furnish certain services in connection with use of alternative authority for acquisition and improvement of military housing.
- Sec. 3033.** Treatment of breach of contract for privatized military housing.
- Sec. 3034.** Modification to requirements for window fall prevention devices in military family housing units.
- Sec. 3035.** Expansion of direct hire authority for Department of Defense for childcare services providers for Department child development centers to include direct hire authority for installation military housing office personnel.
- Sec. 3036.** Modification of authority to make payments to lessors of privatized military housing.
- Sec. 3037.** Technical correction to definition used to make payments to lessors of privatized military housing.

Subtitle C—One-Time Reporting Requirements

- Sec. 3041.** Report on civilian personnel shortages for appropriate oversight of management of military housing constructed or acquired using alternative authority for acquisition and improvement of military housing.
- Sec. 3042.** Plans for creation of councils on privatized military housing.
- Sec. 3043.** Plan for establishment of Department of Defense jurisdiction over off-base privatized military housing.
- Sec. 3044.** Inspector General review of Department of Defense oversight of privatized military housing.
- Sec. 3045.** Information on legal services provided to members of the Armed Forces harmed by health or environmental hazards at military housing.

Subtitle D—Development of Housing Reform Standards and Processes

- Sec. 3051.** Uniform code of basic standards for privatized military housing and plan to conduct inspections and assessments.
- Sec. 3052.** Tool for assessment of hazards in Department of Defense housing.
- Sec. 3053.** Process to identify and address environmental health hazards in Department of Defense housing.

- Sec. 3054. Department of Defense policy on lead-based paint testing on military installations.
- Sec. 3055. Standard for minimum credentials for health and environmental inspectors of privatized military housing.
- Sec. 3056. Requirements relating to move-in, move-out, and maintenance of privatized military housing.
- Sec. 3057. Standardized documentation, templates, and forms for privatized military housing.
- Sec. 3058. Satisfaction survey for tenants of military housing.

Subtitle E—Other Housing Reform Matters

- Sec. 3061. Radon testing of privatized military housing.
- Sec. 3062. Mitigation of risks posed by certain items in military family housing units.
- Sec. 3063. Suspension of Resident Energy Conservation Program and related programs for privatized military housing.
- Sec. 3064. Department of the Army pilot program to build and monitor use of single family homes.

SEC. 3001. DEFINITIONS.

10 USC 2821
note.

(a) **DEFINITIONS GENERALLY.**—In this title:

(1) The term “landlord” means an eligible entity that enters into, or has entered into, a contract as a partner with the Secretary concerned for the acquisition or construction of a housing unit under subchapter IV of chapter 169 of title 10, United States Code. The term includes any agent of the eligible entity or any subsequent lessor who owns, manages, or is otherwise responsible for a housing unit. The term does not include an entity of the Federal Government.

(2) The term “privatized military housing” means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

(3) The term “tenant” means a member of the armed forces, including a reserve component thereof in an active status, or a dependent of a member of the armed forces who resides at a housing unit, is a party to a lease for a housing unit, or is authorized to act on behalf of the member under subchapters IV and V of chapter 169 of title 10, United States Code, in the event of the assignment or deployment of a member.

(b) **NEW AND REVISED TITLE 10 DEFINITIONS.**—Section 2871 of title 10, United States Code, is amended—

(1) in paragraph (4), by adding at the end the following new sentence: “The fact that an agreement between an eligible entity and the Secretary concerned is designated as an agreement rather than a contract shall not be construed to exclude the agreement from the term ‘contract’ for purposes of this subchapter and subchapter V.”;

(2) by redesignating paragraphs (7) and (8) as paragraphs (11) and (13), respectively;

(3) by inserting after paragraph (6) the following new paragraphs:

“(7) The term ‘housing document’ means a document developed by the Secretary of Defense under section 2890 of this title and known as the Military Housing Privatization Initiative Tenant Bill of Rights or the Military Housing Privatization Initiative Tenant Responsibilities.

“(8) The term ‘housing unit’ means a unit of family housing or military unaccompanied housing acquired or constructed under this subchapter.

“(9) The term ‘incentive fees’ means any amounts payable to a landlord for meeting or exceeding performance metrics as specified in a contract with the Department of Defense.

“(10) The term ‘landlord’ means an eligible entity that enters into, or has entered into, a contract as a partner with the Secretary concerned for the acquisition or construction of a housing unit under this subchapter. The term includes any agent of the eligible entity or any subsequent lessor who owns, manages, or is otherwise responsible for a housing unit. The term does not include an entity of the Federal Government.”; and

(4) by inserting after paragraph (11), as redesignated by paragraph (2) of this subsection, the following new paragraph:

“(12) The term ‘tenant’ means a member of the armed forces, including a reserve component thereof in an active status, or a dependent of a member of the armed forces who resides at a housing unit, is a party to a lease for a housing unit, or is authorized to act on behalf of the member under this subchapter and subchapter V of this chapter in the event of the assignment or deployment of a member.”.

(c) CONFORMING AMENDMENTS TO EXISTING DEFINITIONS.—Section 2871 of title 10, United States Code, is further amended in paragraphs (1), (3), and (5) by striking “military” before “housing units”.

Subtitle A—Addition of New Reform Subchapter

SEC. 3011. IMPROVED ACCOUNTABILITY AND OVERSIGHT OF PRIVATIZED MILITARY HOUSING AND PROTECTIONS AND RESPONSIBILITIES FOR TENANTS OF PRIVATIZED MILITARY HOUSING.

(a) APPLICABILITY OF DEFINITIONS.—Section 2871 of title 10, United States Code, as amended by section 3001, is further amended in the matter preceding the paragraphs by inserting “and subchapter V of this chapter” after “this subchapter”.

(b) MILITARY HOUSING PRIVATIZATION REFORMS.—Chapter 169 of title 10, United States Code, is amended by adding at the end the following new subchapter:

“SUBCHAPTER V—OVERSIGHT OF LANDLORDS AND PROTECTIONS AND RESPONSIBILITIES FOR TENANTS OF PRIVATIZED MILITARY HOUSING

10 USC
prec. 2890.

“§ 2890. Rights and responsibilities of tenants of housing units

10 USC 2890.

“(a) DEVELOPMENT OF TENANT BILL OF RIGHTS AND TENANT RESPONSIBILITIES DOCUMENTS.—(1) The Secretary of Defense shall develop two separate documents, to be known as the Military Housing Privatization Initiative Tenant Bill of Rights and the Military Housing Privatization Initiative Tenant Responsibilities, for tenants of housing units.

“(2) The Secretary of each military department shall ensure that the housing documents are attached to each lease agreement for a housing unit.

Contracts.

- “(3) The rights and responsibilities contained in the housing documents are not intended to be exclusive. The omission of a tenant right or responsibility shall not be construed to deny the existence of such a right or responsibility for tenants.
- Contracts. “(4) Each contract between the Secretary concerned and a landlord shall incorporate the housing documents and guarantee the rights and responsibilities of tenants who reside in housing units covered by the contract.
- Coordination. “(5) The Secretary of Defense shall develop the housing documents in coordination with the Secretaries of the military departments.
- “(b) ELEMENTS OF TENANT BILL OF RIGHTS.—At a minimum, the Military Housing Privatization Initiative Tenant Bill of Rights shall address the following rights of tenants of housing units:
- “(1) The right to reside in a housing unit and community that meets applicable health and environmental standards.
- “(2) The right to reside in a housing unit that has working fixtures, appliances, and utilities and to reside in a community with well-maintained common areas and amenity spaces.
- “(3) The right to be provided with a maintenance history of the prospective housing unit before signing a lease, as provided in section 2892a of this title.
- “(4) The right to a written lease with clearly defined rental terms to establish tenancy in a housing unit, including any addendums and other regulations imposed by the landlord regarding occupancy of the housing unit and use of common areas.
- Time period. Procedures. “(5) The right to a plain-language briefing, before signing a lease and 30 days after move-in, by the installation housing office on all rights and responsibilities associated with tenancy of the housing unit, including information regarding the existence of any additional fees authorized by the lease, any utilities payments, the procedures for submitting and tracking work orders, the identity of the military tenant advocate, and the dispute resolution process.
- “(6) The right to have sufficient time and opportunity to prepare and be present for move-in and move-out inspections, including an opportunity to obtain and complete necessary paperwork.
- “(7) The right to report inadequate housing standards or deficits in habitability of the housing unit to the landlord, the chain of command, and housing management office without fear of reprisal or retaliation, as provided in subsection (e), including reprisal or retaliation in the following forms:
- “(A) Unlawful recovery of, or attempt to recover, possession of the housing unit.
- “(B) Unlawfully increasing the rent, decreasing services, or increasing the obligations of a tenant.
- “(C) Interference with a tenant’s right to privacy.
- “(D) Harassment of a tenant.
- “(E) Refusal to honor the terms of the lease.
- “(F) Interference with the career of a tenant.
- “(8) The right of access to a military tenant advocate, as provided in section 2894(b)(4) of this title, through the housing management office of the installation of the Department at which the housing unit is located.

“(9) The right to receive property management services provided by a landlord that meet or exceed industry standards and that are performed by professionally and appropriately trained, responsive, and courteous customer service and maintenance staff.

“(10) The right to have multiple, convenient methods to communicate directly with the landlord maintenance staff, and to receive consistently honest, accurate, straightforward, and responsive communications.

“(11) The right to have access to an electronic work order system through which a tenant may request maintenance or repairs of a housing unit and track the progress of the work.

“(12) With respect to maintenance and repairs to a housing unit, the right to the following:

“(A) Prompt and professional maintenance and repair.

“(B) To be informed of the required time frame for maintenance or repairs when a maintenance request is submitted.

“(C) In the case of maintenance or repairs necessary to ensure habitability of a housing unit, to prompt relocation into suitable lodging or other housing at no cost to the tenant until the maintenance or repairs are completed.

“(13) The right to receive advice from military legal assistance on procedures involving mechanisms for resolving disputes with the property management company or property manager to include mediation, arbitration, and filing claims against a landlord.

“(14) The right to enter into a dispute resolution process, as provided in section 2894 of this title, should all other methods be exhausted and, in which case, a decision in favor of the tenant may include a reduction in rent or an amount to be reimbursed or credited to the tenant.

“(15) The right to have the tenant’s basic allowance housing payments segregated and held in escrow, with approval of a designated commander, and not used by the property owner, property manager, or landlord pending completion of the dispute resolution process.

“(16) The right to have reasonable, advance notice of any entrance by a landlord, installation housing staff, or chain of command into the housing unit, except in the case of an emergency or abandonment of the housing unit.

“(17) The right to not pay non-refundable fees or have application of rent credits arbitrarily held.

“(18) The right to expect common documents, forms, and processes for housing units will be the same for all installations of the Department, to the maximum extent applicable without violating local, State, and Federal regulations.

“(C) ELEMENTS OF TENANT RESPONSIBILITIES.—At a minimum, the Military Housing Privatization Initiative Tenant Responsibilities shall address the following responsibilities of tenants of housing units:

“(1) The responsibility to report in a timely manner any apparent environmental, safety, or health hazards of the housing unit to the landlord and any defective, broken, damaged, or malfunctioning building systems, fixtures, appliances, or other parts of the housing unit, the common areas, or related facilities.

“(2) The responsibility to maintain standard upkeep of the housing unit as instructed by the housing management office.

“(3) The responsibility to conduct oneself as a tenant in a manner that will not disturb neighbors, and to assume responsibility for one’s actions and those of a family member or guest in the housing unit or common areas.

“(4) The responsibility not to engage in any inappropriate, unauthorized, or criminal activity in the housing unit or common areas.

“(5) The responsibility to allow the landlord reasonable access to the rental home in accordance with the terms of the tenant lease agreement to allow the landlord to make necessary repairs in a timely manner.

“(6) The responsibility to read all lease-related materials provided by the landlord and to comply with the terms of the lease agreement, lease addenda, and any associated rules and guidelines.

“(d) SUBMISSION TO CONGRESS AND PUBLIC AVAILABILITY.—(1) As part of the budget submission for fiscal year 2021, and biennially thereafter, the Secretary of Defense shall submit the then-current housing documents to the congressional defense committees.

“(2) Any change made to a housing document must be submitted to Congress at least 30 days before the change takes effect.

“(3) Upon submission of a housing document under paragraph (1) or (2), the Secretary of Defense shall publish the housing document on a publicly available Internet website of the Department of Defense.”.

(c) CLERICAL AMENDMENTS.—

(1) TABLE OF SECTIONS.—Subchapter V of chapter 169 of title 10, United States Code, as added by subsection (b), is amended by inserting after the subchapter heading the following table of sections:

Sec.

2890. Rights and responsibilities of tenants of housing units.

2890a. Chief Housing Officer.

2891. Requirements relating to contracts for provision of housing units.

2891a. Requirements relating to management of housing units.

2891b. Considerations of eligible entity housing history in contracts for privatized military housing.

2891c. Financial transparency.

2892. Maintenance work order system for housing units.

2892a. Access by tenants to historical maintenance information.

2892b. Prohibition on requirement to disclose personally identifiable information in electronic requests for maintenance.

2893. Treatment of incentive fees for landlords of housing units for failure to remedy health or environmental hazards.

2894. Landlord-tenant dispute resolution process and treatment of certain payments during process.

2894a. Complaint database.

(2) TABLE OF SUBCHAPTERS.—The table of subchapters at the beginning of chapter 169 of title 10, United States Code, is amended by inserting after the item relating to subchapter IV the following new item:

“V. Oversight of Landlords and Protections and Responsibilities for Tenants of Privatized Military Housing2890.”.

Deadline.

Public
information.
Web posting.

10 USC
prec. 2890.

10 USC
prec. 2801.

SEC. 3012. DESIGNATION OF CHIEF HOUSING OFFICER FOR PRIVATIZED MILITARY HOUSING.

(a) DESIGNATION REQUIRED.—Subchapter V of chapter 169 of title 10, United States Code, as added by section 3011, is amended by inserting after section 2890 of such title, as added by section 3011 and amended by sections 3023 and 3024, the following new section:

“§ 2890a. Chief Housing Officer

10 USC 2890a.

“(a) DESIGNATION.—(1) The Secretary of Defense shall designate, from among officials of the Department of Defense who are appointed by the President with the advice and consent of the Senate, a Chief Housing Officer who shall oversee housing units.

“(2) The official of the Department of Defense designated as Chief Housing Officer may be assigned duties in addition to the duties as Chief Housing Officer under subsection (b).

“(b) PRINCIPAL DUTIES.—(1) The Chief Housing Officer shall oversee all aspects of the provision of housing under subchapter IV and this subchapter, including the following:

“(A) Creation and standardization of policies and processes regarding housing units.

“(B) Oversight of the administration of any Department of Defense-wide policies regarding housing units, to include, in coordination with the Secretaries of the military departments, the housing documents developed pursuant to section 2890 of this title entitled Military Housing Privatization Initiative Tenant Bill of Rights and Military Housing Privatization Initiative Tenant Responsibilities.

“(2) The duties specified in paragraph (1) may not be further delegated.”.

(b) NOTIFICATION OF DESIGNATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall notify the congressional defense committees of the official of the Department of Defense designated as Chief Housing Officer under section 2890a of title 10, United States Code, as added by subsection (a). Any time the designation of Chief Housing Officer changes, the Secretary of Defense shall update the notification of the congressional defense committees within 30 days after the new designation.

Deadlines.
10 USC 2890a
note.

Update.

SEC. 3013. ADDITIONAL REQUIREMENTS RELATING TO CONTRACTS FOR PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Subchapter V of chapter 169 of title 10, United States Code, as added by section 3011, is amended by inserting after section 2890a of such title, as added by section 3012, the following new section:

“§ 2891. Requirements relating to contracts for provision of housing units

10 USC 2891.

“(a) IN GENERAL.—The requirements of this section condition contracts entered into using the authorities provided to the Secretary concerned under section 2872 of this title and other authorities provided under subchapter IV of this chapter and this subchapter.

“(b) EXCLUSION OF CERTAIN EMPLOYEES.—A landlord providing a housing unit shall prohibit any employee of the landlord who

	commits work-order fraud under the contract from doing any work under the contract.
Determination.	<p>“(c) DISPUTE RESOLUTION PROCESS.—Any decision the commander renders in favor of the tenant in the formal dispute resolution process established pursuant to section 2894 of this title will be taken into consideration in determining whether to pay or withhold all or part of any incentive fees for which a landlord may otherwise be eligible under the contract.</p> <p>“(d) RESPONSIBILITY FOR CERTAIN MEDICAL COSTS.—</p> <p>“(1) REIMBURSEMENT REQUIRED UNDER CERTAIN CIRCUMSTANCES.—If the Secretary concerned finds that a landlord fails to maintain safe and sanitary conditions for a housing unit under the contract and that, subject to paragraph (2), these conditions result in a tenant of the housing unit receiving medical evaluations and treatment, the landlord shall be responsible for reimbursing the Department of Defense for any costs incurred by the Department to provide the medical evaluations and treatment to the tenant, whether such evaluations and treatment are provided in a military medical treatment facility or through the TRICARE provider network.</p> <p>“(2) REVIEW PROCESS.—Before the Secretary concerned may submit a claim under paragraph (1) to a landlord for reimbursement of Department medical evaluation and treatment costs—</p> <p>“(A) a military medical professional must determine that the tenant’s medical conditions were caused by unsafe and unsanitary conditions of the housing unit; and</p> <p>“(B) the documentation of the medical evaluation showing causation must be sent to the Director of the Defense Health Agency for review and approval.</p> <p>“(3) UNIFORM PROCESSES AND PROCEDURES.—Not later than 180 days after the date of the enactment of this section, the Director of the Defense Health Agency shall develop and publish uniform processes and procedures to be used by medical providers in military medical treatment facilities to make determinations regarding whether environmental hazards within housing units serve as causative factors for medical conditions being evaluated and treated in military medical treatment facilities or through the TRICARE provider network.</p> <p>“(e) RESPONSIBILITY FOR RELOCATION COSTS.—</p> <p>“(1) PERMANENT RELOCATION.—A landlord providing a housing unit shall pay reasonable relocation costs associated with the permanent relocation of a tenant from the housing unit to a different housing due to health or environmental hazards—</p> <p>“(A) present in the housing unit being vacated through no fault of the tenant; and</p> <p>“(B) confirmed by the housing management office of the installation for which the housing unit is provided as making the unit uninhabitable or unable to be remediated safely while tenant occupies the housing unit.</p> <p>“(2) TEMPORARY RELOCATION.—The landlord shall pay reasonable relocation costs and actual costs of living, including per diem, associated with the temporary relocation of a tenant to a different housing unit due to health or environmental hazards—</p> <p>“(A) present in the housing unit being vacated through no fault of the tenant; and</p>
Deadline. Publication.	

“(B) confirmed by the housing management office of the installation as making the unit uninhabitable or unable to be remediated safely while tenant occupies the housing unit.

“(f) MAINTENANCE WORK ORDER SYSTEM.—A landlord providing a housing unit shall ensure that the maintenance work order system of the landlord (hardware and software) is up to date, including—

“(1) by providing a reliable mechanism through which a tenant may submit work order requests through an Internet portal and mobile application, which shall incorporate the ability to upload photos, communicate with maintenance personnel, and rate individual service calls;

“(2) by allowing real-time access to such system by officials of the Department at the installation, major subordinate command, and service-wide levels; and

“(3) by allowing the work order or maintenance ticket to be closed only once the tenant and the head of the housing management office of the installation sign off.

“(g) IMPLEMENTATION.—The Secretary concerned shall create such legal documents as may be necessary to carry out this section.”.

(b) EFFECTIVE DATE.—The requirements set forth in section 2891 of title 10, United States Code, as added by subsection (a), shall apply to appropriate legal documents entered into or renewed on or after the date of the enactment of this Act between the Secretary of a military department and a landlord regarding privatized military housing.

Applicability.
10 USC 2891
note.

(c) RETROACTIVE LANDLORD AGREEMENTS.—

(1) IN GENERAL.—Not later than February 1, 2020, the Secretary of Defense shall seek agreement from all landlords to accept the application of the requirements set forth in section 2891 of title 10, United States Code, as added by subsection (a), to appropriate legal documents entered into or renewed before the date of the enactment of this Act between the Secretary of a military department and a landlord regarding privatized military housing

Deadlines.
10 USC 2891
note.

(2) SUBMITTAL OF LIST TO CONGRESS.—Not later than March 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a list of any landlords that did not agree under paragraph (1) to accept the requirements set forth in section 2891 of title 10, United States Code, as added by subsection (a).

(3) CONSIDERATION OF LACK OF AGREEMENT IN FUTURE CONTRACTS.—The Secretary of Defense and the Secretaries of the military departments shall include any lack of agreement under paragraph (1) as past performance considered under section 2891b of title 10, United States Code, as added by section 3015, with respect to entering into or renewing any future contracts regarding privatized military housing.

SEC. 3014. ADDITIONAL REQUIREMENTS RELATING TO MANAGEMENT OF PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Subchapter V of chapter 169 of title 10, United States Code, as added by section 3011, is amended by inserting after section 2891 of such title, as added by section 3013, the following new section:

10 USC 2891a. **“§ 2891a. Requirements relating to management of housing units**

Contracts. “(a) IN GENERAL.—The Secretary of Defense shall ensure that each contract between the Secretary concerned and a landlord regarding the management of housing units for an installation of the Department of Defense includes the requirements set forth in this section.

Review. “(b) REQUIREMENTS FOR INSTALLATION COMMANDERS.—(1) The installation commander shall be responsible for—

 “(A) reviewing, on an annual basis, the mold mitigation plan and pest control plan of each landlord managing housing units for the installation; and

Notification. “(B) notifying the landlord and the major subordinate command of any deficiencies found in either plan.

 “(2) In response to a request by the head of the housing management office of an installation, the installation commander shall use the assigned bio-environmental personnel or contractor equivalent at the installation to test housing units for mold, unsafe water conditions, and other health and safety conditions

 “(c) REQUIREMENTS FOR HOUSING MANAGEMENT OFFICE.—(1) The head of the housing management office of an installation shall be responsible for—

 “(A) conducting a physical inspection of, and approving the habitability of, a vacant housing unit for the installation before the landlord managing the housing unit is authorized to offer the housing unit available for occupancy;

 “(B) conducting a physical inspection of the housing unit upon tenant move-out; and

 “(C) maintaining all test results relating to the health, environmental, and safety condition of the housing unit and the results of any inspection conducted by the housing management office, landlord, or third-party contractor for the life of the contract relating to that housing unit.

List. “(2) The head of the installation housing management office shall be provided a list of any move-out charges that a landlord seeks to collect from an outgoing tenant.

Deadlines. “(3) The head of the installation housing management office shall initiate contact with a tenant regarding the satisfaction of the tenant with the housing unit of the tenant not later than—

 “(A) 15 days after move-in; and

 “(B) 60 days after move-in.

Disclosure. “(d) REQUIREMENTS FOR LANDLORDS.—(1) The landlord providing a housing unit shall disclose to the Secretary of Defense any bonus structures offered for community managers and regional executives and any bonus structures relating to maintenance of housing units, in order to minimize the impact of those incentives on the operating budget of the installation for which the housing units are provided.

 “(2) With respect to test results relating to the health and safety condition of a housing unit, the landlord providing the housing unit shall—

Deadline. “(A) not later than three days after receiving the test results, share the results with the tenant of the housing unit and submit the results to the head of the installation housing management office; and

“(B) include with any environmental hazard test results a simple guide explaining those results, preferably citing standards set forth by the Federal Government relating to environmental hazards.

“(3) Before a prospective tenant signs a lease to occupy a housing unit, the landlord providing the housing unit shall conduct a walkthrough inspection of the housing unit—

“(A) for the prospective tenant; or

“(B) if the prospective tenant is not able to be present for the inspection, with an official of the housing management office designated by the prospective tenant to conduct the inspection on the tenant’s behalf.

“(4) In the event that the installation housing management office determines that a housing unit does not meet minimum health, safety, and welfare standards set forth in Federal, State, and local law as a result of a walkthrough inspection or an inspection conducted under subsection (c), the landlord providing the housing unit shall remediate any issues and make any appropriate repairs to the satisfaction of the housing management office and subject to another inspection by the housing management office.

Determination.

“(5) A landlord providing a housing unit may not conduct any promotional events to encourage tenants to fill out maintenance comment cards or satisfaction surveys of any kind, without the approval of the chief of the housing management office.

“(6) A landlord providing a housing unit may not award an installation of the Department of Defense or an officer or employee of the Department a ‘Partner of the Year award’ or similar award.

“(7) A landlord providing a housing unit may not enter into any form of settlement, nondisclosure, or release of liability agreement with a tenant without—

“(A) first notifying the tenant of the tenant’s right to assistance from the legal assistance office at the installation; and

Notification.

“(B) not later than five days before entering into such settlement, nondisclosure, or release of liability agreement, providing a copy of the agreement and terms to the Assistant Secretary of Defense for Sustainment.

Deadline.

“(8) A landlord providing a housing unit may not change the position of a prospective tenant on a waiting list for a housing unit or remove a prospective tenant from the waiting list in response to the prospective tenant turning down an offer for a housing unit, if the housing unit is determined unsatisfactory by the prospective tenant and the determination is confirmed by the housing management office and the installation commander.

Determination.

“(9) A landlord providing a housing unit shall allow employees of the housing management office and other officers and employees of the Department to conduct—

“(A) with the permission of the tenant of the housing unit as appropriate, physical inspections of the housing unit; and

“(B) physical inspections of any common areas maintained by the landlord.

“(10) A landlord providing a housing unit shall agree to participate in the dispute resolution and payment-withholding processes established pursuant to section 2894 of this title.

“(11) A landlord providing a housing unit shall ensure that the needs of enrollees in the Exceptional Family Member Program, or any successor program, are considered in assigning prospective tenants to housing units provided by the landlord.

“(12) A landlord providing a housing unit shall maintain an electronic work order system that enables access by the tenant to view work order history, status, and other relevant information, as required by section 2892 of this title.

“(13) A landlord providing a housing unit shall agree to have any agreements or forms to be used by the landlord approved by the Assistant Secretary of Defense for Sustainment, including the following:

“(A) A common lease agreement.

“(B) Any disclosure or nondisclosure forms that could be given to a tenant.

“(e) PROHIBITION AGAINST COLLECTION OF AMOUNTS IN ADDITION TO RENT.—(1) A landlord providing a housing unit may not impose on a tenant of the housing unit a supplemental payment, such as an out-of-pocket fee, in addition to the amount of rent the landlord charges for a unit of similar size and composition to the housing unit, without regard to whether or not the amount of the any basic allowance for housing under section 403 of title 37 the tenant may receive as a member of the armed forces is less than the amount of the rent.

“(2) Nothing in paragraph (1) shall be construed—

“(A) to prohibit a landlord from imposing an additional payment—

“(i) for optional services provided to military tenants, such as access to a gym or a parking space;

“(ii) for non-essential utility services, as determined in accordance with regulations promulgated by the Secretary concerned; or

“(iii) to recover damages associated with tenant negligence, consistent with subsection (c)(2); or

“(B) to limit or otherwise affect the authority of the Secretary concerned to enter into rental guarantee agreements under section 2876 of this title or to make differential lease payments under section 2877 of this title, so long as such agreements or payments do not require a tenant to pay an out-of-pocket fee or payment in addition to the amount of the any basic allowance for housing under section 403 of title 37 the tenant may receive as a member of the armed forces.”.

(b) MILITARY DEPARTMENT IMPLEMENTATION PLANS.—Not later than February 1, 2020, the Secretary of each military department shall submit to the congressional defense committees a plan for the implementation by that military department of section 2891a of title 10, United States Code, as added by subsection (a).

(c) EFFECTIVE DATE.—The requirements set forth in section 2891a of title 10, United States Code, as added by subsection (a), shall apply to appropriate legal documents entered into or renewed on or after the date of the enactment of this Act between the Secretary of a military department and a landlord regarding privatized military housing.

(d) REPEAL OF REPLACED PROVISION.—

(1) REPEAL.—Section 2886 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 169 of title 10, United States Code, is amended by striking the item relating to section 2886.

(e) RETROACTIVE LANDLORD AGREEMENTS.—

Deadline.
10 USC 2891a
note.

10 USC 2891a
note.

10 USC
prec. 2871.

Deadlines.
10 USC 2891a
note.

(1) IN GENERAL.—Not later than February 1, 2020, the Secretary of Defense shall seek agreement from all landlords to accept the application of the requirements set forth in section 2891a of title 10, United States Code, as added by subsection (a), to appropriate legal documents entered into or renewed before the date of the enactment of this Act between the Secretary of a military department and a landlord regarding privatized military housing

(2) SUBMITTAL OF LIST TO CONGRESS.—Not later than March 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a list of any landlords that did not agree under paragraph (1) to accept the requirements set forth in section 2891a of title 10, United States Code, as added by subsection (a).

List.

(3) CONSIDERATION OF LACK OF AGREEMENT IN FUTURE CONTRACTS.—The Secretary of Defense and the Secretaries of the military departments shall include any lack of agreement under paragraph (1) as past performance considered under section 2891b of title 10, United States Code, as added by section 3015, with respect to entering into or renewing any future contracts regarding privatized military housing.

SEC. 3015. CONSIDERATION OF CONTRACTOR HISTORY IN CONTRACTS FOR PRIVATIZED MILITARY HOUSING.

Subchapter V of chapter 169 of title 10, United States Code, as added by section 3011, is amended by inserting after section 2891a of such title, as added by section 3014, the following new section:

“§ 2891b. Considerations of eligible entity housing history in contracts for privatized military housing

10 USC 2891b.

“(a) CONSIDERATION REQUIRED.—To assist in making a determination whether to enter into a new contract, or renew an existing contract, with an eligible entity, the Secretary of Defense shall develop a standard process by which the Secretary concerned may evaluate the past performance of the eligible entity for purposes of informing future decisions regarding the award of such a contract.

Determination.
Evaluation.

“(b) ELEMENTS OF PROCESS.—The process developed under subsection (a) shall include, at a minimum, consideration of the following:

Recommendations.

“(1) Any history of the eligible entity of providing standard housing.

“(2) The recommendation of the commander of the installation for which housing units will be provided under the contract.

“(3) The recommendation of the commander of any other installation for which the eligible entity has provided housing units.”.

SEC. 3016. ADDITIONAL IMPROVEMENTS FOR MANAGEMENT OF PRIVATIZED MILITARY HOUSING.

(a) IMPROVED FINANCIAL TRANSPARENCY.—Subchapter V of chapter 169 of title 10, United States Code, as added by section 3011, is amended by inserting after section 2891b of such title, as added by section 3015, the following new section:

“§ 2891c. Financial transparency

10 USC 2891c.

“(a) SUBMISSION OF LANDLORD FINANCIAL INFORMATION.—(1) Not less frequently than annually, the Secretary of Defense shall

Reports.

require that each landlord submit to the Secretary a report providing information regarding all housing units provided by the landlord.

“(2) Information provided under paragraph (1) by a landlord shall include the following:

Summary.

“(A) A comprehensive summary of the landlord’s financial performance.

“(B) The amount of base management fees relating to all housing units provided by the landlord.

“(C) The amount of asset management fees relating to such housing units.

“(D) The amount of preferred return fees relating to such housing units.

“(E) The residual cashflow distributions relating to such housing units.

“(F) The amount of deferred fees or other fees relating to such housing units.

Definitions.

“(3) In this subsection:

“(A) The term ‘base management fees’ means the monthly management fees collected for services associated with accepting and processing rent payments, ensuring tenant rent payments, property inspections, maintenance management, and emergency maintenance calls.

“(B) the term ‘asset management fees’ means fees paid to manage a housing unit for the purpose of ensuring the housing unit is maintained in good condition and making repairs over the lifecycle of the housing unit.

“(C) the term ‘preferred return fees’ means fees associated with any claims on profits furnished to preferred investors with an interest in the housing unit.

“(D) the term ‘residual cashflow distribution’ means the steps a specific housing project takes to restructure after it is determined that the project is in an unacceptable financial condition.

“(E) the term ‘deferred fee’ means any fee that was not paid to a person in a calendar year in order to meet other financial obligations of the landlord.

Deadline.
Web posting.

“(b) AVAILABILITY OF INFORMATION ON USE OF INCENTIVE FEES.—(1) Not less frequently than annually, the Secretary of Defense shall publish, on a publicly accessible website, information regarding the use by the Secretary concerned of incentive fees to support contracts for the provision or management of housing units.

Contracts.

“(2) The information provided under paragraph (1) shall include, with respect to each contract, the following:

“(A) The applicable incentive fees.

“(B) The metrics used to determine the incentive fees.

“(C) Whether incentive fees were paid in full, or were withheld in part or in full, during the period covered by the release of information.

“(D) If any incentive fees were withheld, the reasons for such withholding.”.

(b) ESTABLISHMENT AND AVAILABILITY OF COMPLAINT DATABASE.—Subchapter V of chapter 169 of title 10, United States Code, as added by section 3011, is amended by inserting after section 2894 of such title, as added by section 3022, the following new section:

“§ 2894a. Complaint database

10 USC 2894a.

“(a) DATABASE REQUIRED.—The Secretary of Defense shall establish a database of complaints made regarding housing units.

“(b) PUBLIC AVAILABILITY.—The database shall be available to the public.

“(c) INCLUSION OF TENANT COMPLAINTS.—The Secretary of Defense shall permit a tenant of a housing unit to file a complaint regarding the housing unit for inclusion in the database.

“(d) INCLUSION OF CERTAIN INFORMATION.—(1) Information accessible in the database regarding a complaint shall include the following:

“(A) The name of the installation for which the housing unit is provided.

“(B) The name of the landlord responsible for the housing unit.

“(C) A description of the nature of the complaint.

“(2) The Secretary of Defense may not disclose personally identifiable information through the database.

“(e) RESPONSE BY LANDLORDS.—(1) The Secretary of Defense shall include in any contract with a landlord responsible for a housing unit a requirement that the landlord respond in a timely manner to any complaints included in the database that relate to the housing unit.

Contracts.
Requirement.

“(2) The Secretary shall include landlord responses in the database.”.

(c) AUDITS OF FINANCIAL VIABILITY OF PRIVATIZED MILITARY HOUSING PARTNERSHIPS.—

(1) AUDITS REQUIRED.—The Comptroller General of the United States, in accordance with best audit practices, shall conduct an audit of the financial viability of each partnership for the provision of privatized military housing that the Comptroller General determines were impacted by extreme weather events or other natural disasters occurring during the 36-month period immediately preceding the date of the enactment of this Act.

Time period.

(2) REQUIRED INFORMATION.—The audit under paragraph (1) shall assess the following:

Assessments.

(A) The appropriateness of existing insurance caps contained in contracts for privatized military housing.

(B) The structure of the cashflow waterfall, including the impact of expenses relating to disaster recovery.

(3) SUBMISSION TO CONGRESS.—Not later than February 1, 2021, the Comptroller General shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the audit conducted under paragraph (1).

Reports.

(d) ADDITIONAL INFORMATION IN CONGRESSIONAL REPORTS ON PRIVATIZED MILITARY HOUSING.—Section 2884(c) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

Assessments.

“(7) An assessment of the condition of housing units based on the average age of those units and the estimated time until recapitalization.

“(8) An assessment of tenant complaints.

“(9) An assessment of maintenance response times and completion of maintenance requests.

Analysis.	<p>“(10) An assessment of the dispute resolution process, which shall include a specific analysis of each denied tenant request to withhold rent payments and each instance in which the dispute resolution process resulted in a favorable outcome for the landlord.</p> <p>“(11) An assessment of overall customer service for tenants.</p> <p>“(12) A description of the results of any no-notice housing inspections conducted.</p> <p>“(13) The results of any resident surveys conducted.</p>
Summary.	<p>“(14) With regard to issues of lead-based paint in housing units, a summary of data relating to the presence of lead-based paint in such housing units, including the following by military department:</p> <p>“(A) The total number of housing units containing lead-based paint.</p> <p>“(B) A description of the reasons for the failure to inspect any housing unit that contains lead-based paint.</p> <p>“(C) A description of all abatement or mitigation efforts completed or underway in housing units containing lead-based paint.</p>
Certification.	<p>“(D) A certification as to whether military housing under the jurisdiction of the Secretary concerned complies with requirements relating to lead-based paint, lead-based paint activities, and lead-based paint hazards, as described in section 408 of the Toxic Substances Control Act (15 U.S.C. 2688).”.</p>

SEC. 3017. MAINTENANCE WORK ORDER SYSTEM FOR PRIVATIZED MILITARY HOUSING.

Subchapter V of chapter 169 of title 10, United States Code, as added by section 3011, is amended by inserting after section 2891c of such title, as added by section 3016(a), the following new section:

10 USC 2892.	<p>“§ 2892. Maintenance work order system for housing units</p> <p>“(a) ELECTRONIC WORK ORDER SYSTEM REQUIRED.—The Secretary of Defense shall require that each landlord of a housing unit have an electronic work order system to track all maintenance requests relating to the housing unit.</p>
Requirement.	<p>“(b) ACCESS BY DEPARTMENT PERSONNEL.—The Secretary of Defense shall require each landlord of a housing unit to provide access to the maintenance work order system of the landlord relating to the housing unit to the following persons:</p> <p>“(1) Personnel of the housing management office at the installation for which the housing unit is provided.</p> <p>“(2) Personnel of the installation and engineer command or center of the military department concerned.</p> <p>“(3) Such other personnel of the Department of Defense as the Secretary determines necessary.”.</p>

SEC. 3018. ACCESS BY TENANTS OF PRIVATIZED MILITARY HOUSING TO MAINTENANCE WORK ORDER SYSTEM.

Section 2892 of title 10, United States Code, as added by section 3017, is amended by adding at the end the following new subsection:

Requirement.	<p>“(c) ACCESS BY TENANTS.—The Secretary of Defense shall require each landlord of a housing unit to provide access to the maintenance work order system of the landlord relating to the</p>
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housing unit to the tenant of the housing unit to permit the tenant, at a minimum, to track the status and progress of work orders for maintenance requests relating to the housing unit.”.

SEC. 3019. ACCESS BY TENANTS TO HISTORICAL MAINTENANCE INFORMATION FOR PRIVATIZED MILITARY HOUSING.

Subchapter V of chapter 169 of title 10, United States Code, as added by section 3011, is amended by inserting after section 2892, as added by section 3017 and amended by section 3018, the following new section:

“§ 2892a. Access by tenants to historical maintenance information

Requirement.
10 USC 2892a.

“The Secretary concerned shall require each eligible entity or subsequent landlord that offers for lease a housing unit to provide to a prospective tenant of the housing unit, before the prospective tenant moves into the housing unit as a tenant, all information regarding maintenance conducted with respect to that housing unit for the previous seven years. In this section, the term ‘maintenance’ includes any renovations of the housing unit during such period.”.

Definition.

SEC. 3020. PROHIBITION ON REQUIREMENT TO DISCLOSE PERSONALLY IDENTIFIABLE INFORMATION IN CERTAIN REQUESTS FOR MAINTENANCE OF PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Subchapter V of chapter 169 of title 10, United States Code, as added by section 3011, is amended by inserting after section 2892a of such title, as added by section 3019, the following new section:

“§ 2892b. Prohibition on requirement to disclose personally identifiable information in requests for certain maintenance

10 USC 2892b.

“A landlord responsible for a housing unit may not require the disclosure of personally identifiable information as a part of the submission of a request for maintenance regarding a housing unit or common area when the disclosure of personally identifiable information is not needed to identify the location at which such maintenance will be performed.”.

(b) EFFECTIVE DATE.—The prohibition in section 2892b of title 10, United States Code, as added by subsection (a), shall take effect on the date that is one year after the date of the enactment of this Act.

10 USC 2892a
note.

SEC. 3021. TREATMENT OF INCENTIVE FEES FOR LANDLORDS OF PRIVATIZED MILITARY HOUSING FOR FAILURE TO REMEDY A HEALTH OR ENVIRONMENTAL HAZARD.

Subchapter V of chapter 169 of title 10, United States Code, as added by section 3011, is amended by inserting after section 2892b of such title, as added by section 3020, the following new section:

“§ 2893. Treatment of incentive fees for landlords of housing units for failure to remedy health or environmental hazards

Determination.
10 USC 2893.

“The Secretary concerned shall not approve the payment of incentive fees otherwise authorized to be paid to a landlord that the Secretary determines has demonstrated a propensity for failing

to remedy, or failing to remedy in a timely manner, a health or environmental hazard at a housing unit provided by the landlord.”.

SEC. 3022. DISPUTE RESOLUTION PROCESS FOR LANDLORD-TENANT DISPUTES REGARDING PRIVATIZED MILITARY HOUSING AND REQUESTS TO WITHHOLD PAYMENTS DURING DISPUTE RESOLUTION PROCESS.

(a) IN GENERAL.—Subchapter V of chapter 169 of title 10, United States Code, as added by section 3011, is amended by inserting after section 2893 of such title, as added by section 3021, the following new section:

10 USC 2894.

“§ 2894. Landlord-tenant dispute resolution process and treatment of certain payments during process

“(a) PROCESS REQUIRED; PURPOSE.—The Secretary concerned shall implement a standardized formal dispute resolution process to ensure the prompt and fair resolution of disputes that arise between landlords providing housing units and tenants residing in housing units concerning maintenance and repairs, damage claims, rental payments, move-out charges, and such other issues relating to housing units as the Secretary determines appropriate.

“(b) PROCESS ELEMENTS.—(1) The dispute resolution process shall include the process by which a tenant may request that certain payments otherwise authorized to be paid to a landlord are withheld, as provided in subsection (e).

“(2) The process shall designate the installation or regional commander in charge of oversight of housing units as the deciding authority under the dispute resolution process.

“(3) The Secretary concerned shall establish a standardized mechanism and forms by which a tenant of a housing unit may submit, through online or other means, a request for resolution of a landlord-tenant dispute through the dispute resolution process.

“(4) The Secretary shall ensure that, in preparing a request described in paragraph (3), a tenant has access to advice and assistance from a military housing advocate employed by the military department concerned or a military legal assistance attorney under section 1044 of this title.

“(5) The Secretary concerned shall minimize costs to tenants for participation in the dispute resolution process.

Deadlines.

“(c) RESOLUTION PROCESS.—(1) Not later than 24 hours after receiving a request from a tenant for resolution of a landlord-tenant dispute through the dispute resolution process, the Secretary concerned shall—

Notification.

“(A) notify the tenant that the request has been received;

Records.

“(B) transmit a copy of the request to the installation or regional commander (as the case may be), housing management office responsible for the housing unit, and the landlord of the housing unit; and

“(C) if the request includes a request to withhold payments under subsection (e), initiate the process under such subsection.

Assessment.

“(2) For purposes of conducting an assessment necessary to render a decision under the dispute resolution process, both the landlord and representatives of the installation housing management office may access the housing unit at a time and for a duration mutually agreed upon amongst the parties.

“(3) Not later than seven days after the date on which the request was received by the installation housing management office shall complete an investigation that includes a physical inspection and transmit the results of the investigation to the installation or regional commander (as the case may be).

“(4) Before making any decision with respect to a dispute under the dispute resolution process, the commander shall certify that the commander has solicited recommendations or information relating to the dispute from the following persons:

Certification.
Recommendations.

“(A) The chief of the installation housing management office.

“(B) A representative of the landlord for the housing unit.

“(C) The tenant submitting the request for dispute resolution.

“(D) A qualified judge advocate or civilian attorney who is a Federal employee.

“(E) If the dispute involves maintenance or another facilities-related matter, a civil engineer.

“(5)(A) The commander shall make a decision with respect to a request under the dispute resolution process not later than 30 days after the request was submitted.

Deadline.

“(B) The commander may take longer than such 30-day period in limited circumstances as determined by the Secretary of Defense, but in no case shall such a decision be made more than 60 days after the request was submitted.

Time period.
Determination.

“(6) A final decision will be transmitted to the tenant and landlord no later than 30 days from initial receipt by the office of the commander, except as provided in paragraph (5)(B).

Deadline.

“(7) The decision shall include instructions for distribution of any funds that were withheld under subsection (e) and such instructions for the landlord for further remediation as the commander considers necessary.

“(8) The decision by the commander under this subsection shall be final.

“(d) EFFECT OF FAILURE TO COMPLY WITH DECISION.—If the landlord responsible for the housing unit does not remediate the issues in a manner consistent with the instructions contained in the decision rendered under subsection (c) and within a reasonable period of time, as provided in the decision, any amounts payable to the landlord for the housing unit shall be reduced by 10 percent for each period of five days during which the issues remain unremediated.

Time period.

“(e) REQUEST TO WITHHOLD PAYMENTS DURING RESOLUTION PROCESS.—(1) As part of the submission of a request for resolution of a landlord-tenant dispute through the dispute resolution process, the tenant may request that all or part of the payments described in paragraph (2) for lease of the housing unit be withheld from the landlord of the housing unit during the period in which—

“(A) the landlord has not met maintenance guidelines and procedures established by the Department of Defense, either through contract or otherwise; or

“(B) the housing unit is uninhabitable according to State and local law for the jurisdiction in which the housing unit is located.

“(2) Paragraph (1) applies to the following:

Applicability.

“(A) Any basic allowance for housing payable to the tenant (including for any dependents of the tenant in the tenant’s household) under section 403 of title 37.

“(B) All or part of any pay of a tenant subject to allotment as described in section 2882(c) of this title.

Procedures.

“(3) Upon the submission of a request by a tenant under this subsection and under such procedures as the Secretary of Defense shall establish, the Defense Finance and Accounting Service or such other appropriate office of the Department of Defense as the Secretary shall specify for purposes of such procedures, shall tentatively grant the request and hold any amounts withheld in escrow with notice to the landlord until the conclusion of the dispute resolution process.

“(f) DISCLOSURE OF RIGHTS.—(1) Each housing management office of the Department of Defense shall disclose in writing to each new tenant of a housing unit, upon the signing of the lease for the housing unit, the tenant’s rights under this section and the procedures under this section for submitting a request for resolution of a landlord-tenant dispute through the dispute resolution process, including the ability to submit a request to withhold payments during the resolution process.

Contracts.

“(2) The Secretary of Defense shall ensure that each lease entered into with a tenant for a housing unit clearly expresses, in a separate addendum, the dispute resolution procedures.

“(g) RULE OF CONSTRUCTION ON USE OF OTHER ADJUDICATIVE BODIES.—Nothing in this section or any other provision of law shall be construed to prohibit a tenant of a housing unit from pursuing a claim against a landlord in any adjudicative body with jurisdiction over the housing unit or the claim.”.

(b) MODIFICATION OF DEFINITION OF MILITARY LEGAL ASSISTANCE.—Section 1044(d)(3)(B) of title 10, United States Code, is amended by striking “and 1565b(a)(1)(A)” and inserting “1565b(a)(1)(A), and 2894(b)(4)”.

Deadline.
10 USC 2894
note.

(c) TIMING OF ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish the dispute resolution process required under section 2894 of title 10, United States Code, as added by subsection (a).

Deadlines.
10 USC 2894
note.

(d) LANDLORD AGREEMENTS.—

(1) IN GENERAL.—Not later than February 1, 2020, the Secretary of Defense shall seek agreement from all landlords to participate in the dispute resolution and payment-withholding processes required under section 2894 of title 10, United States Code, as added by subsection (a).

(2) SUBMITTAL OF LIST TO CONGRESS.—Not later than March 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a list of any landlords that did not agree under paragraph (1) to participate in the dispute resolution and payment-withholding processes.

(3) CONSIDERATION OF LACK OF AGREEMENT IN FUTURE CONTRACTS.—The Secretary of Defense and the Secretaries of the military departments shall include any lack of agreement under paragraph (1) as past performance considered under section 2891b of title 10, United States Code, as added by section 3015, with respect to entering into or renewing any future contracts regarding privatized military housing.

**SEC. 3023. INVESTIGATION OF REPORTS OF REPRISALS RELATING TO
PRIVATIZED MILITARY HOUSING AND CONGRESSIONAL
NOTIFICATION.**

Section 2890 of title 10, United States Code, as added by section 3011, is amended by inserting after subsection (d) the following new subsection:

“(e) INVESTIGATION OF REPORTS OF REPRISALS.—(1) The Assistant Secretary of Defense for Sustainment shall investigate all reports of reprisal against a member of the armed forces for reporting an issue relating to a housing unit.

“(2) If the Assistant Secretary of Defense for Sustainment determines under paragraph (1) that landlord has retaliated against a member of the armed forces for reporting an issue relating to a housing unit, the Assistant Secretary shall—

“(A) provide initial notice to the Committees on Armed Services of the Senate and the House of Representatives as soon as practicable after making that determination; and

“(B) following that initial notice, provide an update to such committees every 30 days thereafter until such time as the Assistant Secretary has taken final action with respect to the retaliation.

“(3) The Assistant Secretary of Defense for Sustainment shall carry out this subsection in coordination with the Secretary of the military department concerned.”.

Determination.

Notifications.

Update.
Time period.

Coordination.

**SEC. 3024. PROHIBITION ON USE OF NONDISCLOSURE AGREEMENTS
IN CONNECTION WITH LEASES OF PRIVATIZED MILITARY
HOUSING.**

(a) NONDISCLOSURE AGREEMENTS PROHIBITED.—Section 2890 of title 10, United States Code, as added by section 3011, is amended by inserting after subsection (e), as added by section 3023, the following new subsection:

“(f) PROHIBITION ON USE OF NONDISCLOSURE AGREEMENTS.—

(1) A tenant or prospective tenant of a housing unit may not be required to sign a nondisclosure agreement in connection with entering into, continuing, or terminating a lease for the housing unit. Any such agreement against the interests of the tenant is invalid.

“(2) Paragraph (1) shall not apply to a nondisclosure agreement executed as part of the settlement of litigation.”.

(b) IMPLEMENTATION.—The Secretary of Defense and the Secretaries of the military departments shall promulgate such regulations as may be necessary to give full force and effect to subsection (f) of section 2890 of title 10, United States Code, as added by subsection (a).

Regulations.
10 USC 2890
note.

(c) RETROACTIVE APPLICATION OF AMENDMENT.—Subsection (f) of section 2890 of title 10, United States Code, as added by subsection (a), shall apply with respect to any nondisclosure agreement covered by the terms of such subsection (f) regardless of the date on which the agreement was executed.

10 USC 2890
note.

Subtitle B—Other Amendatory Provisions

SEC. 3031. INSTALLATION OF CARBON MONOXIDE DETECTORS IN MILITARY FAMILY HOUSING.

Section 2821 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) The Secretary concerned shall provide for the installation and maintenance of an appropriate number of carbon monoxide detectors in each unit of military family housing under the jurisdiction of the Secretary.”.

SEC. 3032. AUTHORITY TO FURNISH CERTAIN SERVICES IN CONNECTION WITH USE OF ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

Section 2872a(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

“(13) Street sweeping.

“(14) Tree trimming and removal.”.

SEC. 3033. TREATMENT OF BREACH OF CONTRACT FOR PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2872a the following new section:

10 USC 2872b.

“§ 2872b. Treatment of breach of contract

“(a) RESPONSE TO MATERIAL BREACH.—In the case of a material breach of contract under this subchapter by a party to the contract, the Secretary concerned shall use the authorities available to the Secretary, including withholding amounts to be paid under the contract, to encourage the party to cure the breach.

Determination.

“(b) RESCINDING OF CONTRACT.—If a material breach of the contract is not cured in a timely manner, as determined by the Secretary concerned, the Secretary may—

“(1) rescind the contract pursuant to the terms of the contract; and

“(2) prohibit the offending party from entering into a new contract or undertaking expansions of other existing contracts, or both, with the Secretary under this subchapter.”.

10 USC
prec. 2871.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after the item relating to section 2872a the following new item:

“2872b. Treatment of breach of contract.”.

SEC. 3034. MODIFICATION TO REQUIREMENTS FOR WINDOW FALL PREVENTION DEVICES IN MILITARY FAMILY HOUSING UNITS.

(a) FALL PREVENTION DEVICE REQUIREMENTS.—Section 2879(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “that protect against unintentional window falls by young children and that are in compliance with applicable International Building Code (IBC) standards” and inserting “described in paragraph (3)”;
(2) in paragraph (2)—

(A) in subparagraph (A), by striking “December 11, 2017” and inserting “October 1, 2019”; and

(B) in subparagraph (B), by striking “September 1, 2018” and inserting “October 1, 2019”; and

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

“(3) FALL PREVENTION DEVICE DESCRIBED.—A fall prevention device is a window screen or guard that complies with applicable standards in ASTM standard F2090–13 (or any successor standard).”.

(b) MODIFICATION TO WINDOW DESCRIPTION.—Section 2879(c) of title 10, United States Code, is amended by striking “24” and inserting “42”.

(c) CONFORMING AMENDMENT.—Section 2879(b)(1) of title 10, United States Code, is amended by striking “paragraph (1)” and inserting “paragraph (3)”.

SEC. 3035. EXPANSION OF DIRECT HIRE AUTHORITY FOR DEPARTMENT OF DEFENSE FOR CHILDCARE SERVICES PROVIDERS FOR DEPARTMENT CHILD DEVELOPMENT CENTERS TO INCLUDE DIRECT HIRE AUTHORITY FOR INSTALLATION MILITARY HOUSING OFFICE PERSONNEL.

(a) IN GENERAL.—Section 559 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1406; 10 U.S.C. 1792 note) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “, and individuals to fill vacancies in installation military housing offices,” after “childcare services providers”;

(B) in paragraph (1), by inserting “or for employees at installation military housing offices” before the semicolon; and

(C) in paragraph (2), by inserting “or for installation military housing office employees” before the period;

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following new subsection (f):

“(f) INSTALLATION MILITARY HOUSING OFFICE DEFINED.—The term ‘installation military housing office’ means any office whose primary function is performing day-to-day supervision of military housing covered by subchapter IV of chapter 169 of title 10, United States Code.”.

(b) HEADING AND TECHNICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

“SEC. 559. DIRECT HIRE AUTHORITY FOR DEPARTMENT OF DEFENSE FOR CHILDCARE SERVICES PROVIDERS FOR DEPARTMENT CHILD DEVELOPMENT CENTERS AND EMPLOYEES AT INSTALLATION MILITARY HOUSING OFFICES.”.

(2) TECHNICAL AMENDMENT.—Subsection (d) of such section is amended by striking “Oversight and Government Reform” and inserting “Oversight and Reform”.

(c) USE OF EXISTING REGULATIONS.—The Secretary of Defense shall use the authority in section 559 of the National Defense Authorization Act for Fiscal Year 2018 granted by the amendments made by this section in a manner consistent with the regulations prescribed for purposes of such section 559 pursuant to subsection

10 USC 1792
note.

(b) of such section 559, without the need to prescribe separate regulations for the use of such authority.

SEC. 3036. MODIFICATION OF AUTHORITY TO MAKE PAYMENTS TO LESSORS OF PRIVATIZED MILITARY HOUSING.

(a) **MODIFICATION OF PAYMENT AUTHORITY.**—Subsection (a) of section 606 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1795; 10 U.S.C. 2871 note) is amended to read as follows:

“(a) **USE OF FUNDS IN CONNECTION WITH MHPI.**—

“(1) **PAYMENTS TO LESSORS GENERALLY.**—

Effective date.

“(A) **PAYMENT AUTHORITY.**—Each month beginning with the first month after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, each Secretary of a military department shall use funds, in an amount determined under subparagraph (B), to make payments to lessors of covered housing in the manner provided by this subsection, as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020.

Determination.

“(B) **CALCULATION OF MONTHLY PAYMENTS.**—For purposes of making payments under subparagraph (A) for a month, the Secretary of the military department concerned shall determine the amount equal to 2.5 percent of the aggregate of the amounts calculated under section 403(b)(3)(A)(i) of title 37, United States Code, for covered housing under the jurisdiction of the Secretary for that month.

“(2) **ADDITIONAL PAYMENTS TO LESSORS RESPONSIBLE FOR UNDERFUNDED PROJECTS.**—

Effective date.

“(A) **PAYMENT AUTHORITY.**—Each month beginning with the first month after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, each Secretary of a military department shall use funds, in an amount determined under subparagraph (B), to make additional payments to certain lessors responsible for underfunded MHPI housing projects identified pursuant to subparagraph (C) for the purposes of future sustainment, recapitalization, and financial sustainability of the projects.

Determination.

“(B) **CALCULATION OF MONTHLY PAYMENTS.**—For purposes of making payments under subparagraph (A) for a month, the Secretary of the military department concerned shall determine the amount equal to 2.5 percent of the aggregate of the amounts calculated under section 403(b)(3)(A)(i) of title 37, United States Code, for covered housing under the jurisdiction of the Secretary for that month.

Assessment.

“(C) **IDENTIFICATION OF UNDERFUNDED PROJECTS.**—The Chief Housing Officer of the Department of Defense, in conjunction with the Secretaries of the military departments, shall assess MHPI housing projects for the purpose of identifying all MHPI housing projects that are underfunded. Once identified, the Chief Housing Officer shall prioritize for payments under subparagraph (A) those MHPI housing projects most in need of funding to rectify such underfunding.

“(3) ALTERNATIVE AUTHORITY IN EVENT OF LACK OF UNDERFUNDED PROJECTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), if the Chief Housing Officer determines that no MHPI housing projects for a military department require additional funding under paragraph (2) for a month, the Secretary of the military department concerned, in consultation with the Chief Housing Officer, may allocate the funds otherwise available to the Secretary under such paragraph for that month to support improvements designed to enhance the quality of life of members of the uniformed services and their families who reside in MHPI housing.

Determination.
Consultation.

“(B) CONDITIONS.—Before the Secretary of a military department may allocate funds as authorized by subparagraph (A), the Chief Housing Officer shall certify to the Committees on Armed Services of the Senate and the House of Representatives that there are no MHPI housing projects for the military department require additional funding under paragraph (2). The certification shall include sufficient details to show why no projects are determined to need the additional funds.

Certification.

“(4) BRIEFING REQUIRED.—Not later than March 1, 2020, and each year thereafter, the Secretary of Defense shall provide a briefing to the Committee on Armed Services of the Senate and the House of Representatives detailing the expenditure of funds under paragraphs (2) and (3), the MHPI housing projects receiving funds under such paragraphs, and any other information the Secretary considers relevant.”.

Deadline.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to months beginning after that date.

10 USC 2871
note.

SEC. 3037. TECHNICAL CORRECTION TO DEFINITION USED TO MAKE PAYMENTS TO LESSORS OF PRIVATIZED MILITARY HOUSING.

Paragraph (3) of section 606(d) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1796; 10 U.S.C. 2871 note) is amended to read as follows:

“(3) The term ‘MHPI housing’ means housing procured, acquired, constructed, or for which any phase or portion of a project agreement was first finalized and signed, under the alternative authority of subchapter IV of chapter 169 of title 10, United States Code (known as the Military Housing Privatization Initiative), on or before September 30, 2014.”.

Definition.

Subtitle C—One-Time Reporting Requirements

SEC. 3041. REPORT ON CIVILIAN PERSONNEL SHORTAGES FOR APPROPRIATE OVERSIGHT OF MANAGEMENT OF MILITARY HOUSING CONSTRUCTED OR ACQUIRED USING ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense, in coordination

Coordination.

with the Secretaries of the military departments, shall submit to the congressional defense committees a report containing the following:

Evaluation.

(1) An evaluation of the extent to which shortages in the number of civilian personnel performing oversight functions at Department of Defense housing management offices or assigned to housing-related functions at headquarters levels contribute to problems regarding the management of privatized military housing.

Recommendations.

(2) Recommendations to address such personnel shortages—

(A) to eliminate problems regarding the management of privatized military housing;

(B) to ensure oversight of the partner's execution of the housing agreement and the delivery of all requirements in accordance with implementing guidance provided by the Secretaries of the military departments;

(C) to improve oversight of and expedite the work-order process; and

(D) to facilitate a positive experience for members of the Armed Forces and their dependents who reside in privatized military housing.

(b) **PERSONNEL RECOMMENDATIONS.**—As part of the recommendations required by subsection (a)(2), the Secretary of Defense shall identify the following:

(1) The number of additional personnel who are required, the installation and headquarter locations at which they will be employed, the employment positions they will fill, and the duties they will perform, including a breakdown of duty requirements by function, such as oversight, home inspectors, and maintenance.

(2) The number of such additional personnel already hired as of the date on which the report is submitted and their duty locations and the timeline for employing the remaining required personnel identified under paragraph (1).

Cost estimate.

(3) The estimated cost of employing the additional required personnel identified under paragraph (1).

SEC. 3042. PLANS FOR CREATION OF COUNCILS ON PRIVATIZED MILITARY HOUSING.

Deadline.

(a) **PLANS REQUIRED.**—Not later than February 1, 2020, the Assistant Secretary of each military department shall submit to the congressional defense committees a plan for the creation within the military department concerned of a council on privatized military housing for the purposes of maintaining adequate oversight of the military housing program and serving as a mechanism to identify and resolve problems regarding privatized military housing.

(b) **PLAN ELEMENTS.**—The plan for a military department shall include—

Schedule.

(1) an implementation schedule for the creation the council on privatized military housing;

(2) proposed members of the council, which shall include, at a minimum, the Assistant Secretary concerned and a representative from the installation housing offices and the civil engineering community; and

(3) the planned frequency of council meetings.

**SEC. 3043. PLAN FOR ESTABLISHMENT OF DEPARTMENT OF DEFENSE
JURISDICTION OVER OFF-BASE PRIVATIZED MILITARY
HOUSING.**

(a) **PLAN REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to establish jurisdiction by the Department of Defense for law enforcement and other specified purposes, concurrently with local community law enforcement, at locations with privatized military housing that is not located on an installation of the Department of Defense.

Deadline.

(b) **CONSULTATION.**—The Secretary of Defense shall prepare the plan in consultation with the Secretaries of the military departments.

**SEC. 3044. INSPECTOR GENERAL REVIEW OF DEPARTMENT OF
DEFENSE OVERSIGHT OF PRIVATIZED MILITARY
HOUSING.**

Deadline.

Not later than one year after the date of the enactment of this Act, and annually thereafter until 2022, the Inspector General of the Department of Defense shall—

(1) conduct, at not less than three military installations, a review of the oversight by the Secretary of Defense of privatized military housing at such installations; and

(2) make publicly available on a website of the Department a summary of the results of the review.

Public
information.
Web posting.
Summary.

**SEC. 3045. INFORMATION ON LEGAL SERVICES PROVIDED TO MEM-
BERS OF THE ARMED FORCES HARMED BY HEALTH OR
ENVIRONMENTAL HAZARDS AT MILITARY HOUSING.**

(a) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the legal services that the Secretary may provide to members of the Armed Forces who have been harmed by a health or environmental hazard while living in military housing.

(b) **AVAILABILITY OF INFORMATION.**—The Secretary of the military department concerned shall make the information contained in the report submitted under subsection (a) available to members of the Armed Forces at all installations of the Department of Defense in the United States.

Subtitle D—Development of Housing Reform Standards and Processes

**SEC. 3051. UNIFORM CODE OF BASIC STANDARDS FOR PRIVATIZED
MILITARY HOUSING AND PLAN TO CONDUCT INSPEC-
TIONS AND ASSESSMENTS.**

Deadlines.
10 USC 2871
note.

(a) **UNIFORM CODE.**—Not later than February 1, 2021, the Secretary of Defense shall establish and implement a uniform code of basic housing standards for safety, comfort, and habitability for privatized military housing, which shall meet or exceed requirements informed by a nationally recognized, consensus-based, model property maintenance code.

(b) **INSPECTION AND ASSESSMENT PLAN.**—Not later than February 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a Department of Defense plan to contract

with qualified home inspectors to conduct a thorough inspection and assessment of the structural integrity and habitability of each unit of privatized military housing. The plan shall include the implementation plan for the uniform code to be established under subsection (a).

(c) IMPLEMENTATION OF INSPECTIONS AND ASSESSMENTS.—

(1) IMPLEMENTATION.—Not later than February 1, 2021, the Secretary of the military department concerned shall commence conducting inspections and assessments of units of privatized military housing pursuant to the plan submitted under subsection (b) to identify issues and ensure compliance with applicable housing codes, including the uniform code established under subsection (a).

(2) REPORT.—Not later than March 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the findings of the inspections and assessments conducted under paragraph (1).

(d) QUALIFIED HOME INSPECTORS DESCRIBED.—For purposes of this section, a qualified home inspector must possess the appropriate credentials for the work the inspector will perform, as defined by the respective State in which the work will be performed. A qualified home inspector may not be an employee or in a fiduciary relationship with—

- (1) the Federal Government; or
- (2) an individual or entity who owns or manages privatized military housing.

10 USC 2821
note.

SEC. 3052. TOOL FOR ASSESSMENT OF HAZARDS IN DEPARTMENT OF DEFENSE HOUSING.

(a) HAZARD ASSESSMENT TOOL.—

Deadline.

(1) DEVELOPMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop an assessment tool, such as a rating system or similar mechanism, to identify and measure health and safety hazards in housing under the jurisdiction of the Department of Defense (including privatized military housing).

(2) COMPONENTS.—The assessment tool shall provide for the identification and measurement of the following hazards:

(A) Physiological hazards, including dampness and mold growth, lead-based paint, asbestos and manmade fibers, radiation, biocides, carbon monoxide, and volatile organic compounds.

(B) Psychological hazards, including ease of access by unlawful intruders, and lighting issues.

(C) Infection hazards.

(D) Safety hazards.

(3) PUBLIC FORUMS.—In developing the assessment tool, the Secretary of Defense shall provide for multiple public forums at which the Secretary may receive input with respect to such assessment tool from occupants of housing under the jurisdiction of the Department of Defense (including privatized military housing).

(4) REPORT.—Not later than 210 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the assessment tool.

(b) HAZARD ASSESSMENTS.—

(1) **ASSESSMENTS REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, using the assessment tool developed under subsection (a)(1), shall complete a hazard assessment for each housing facility under the jurisdiction of the Department of Defense (including privatized military housing). Deadline.

(2) **TENANT INFORMATION.**—As soon as practicable after the completion of the hazard assessment conducted for a housing facility under paragraph (1), the Secretary of Defense shall provide to each individual who leases or is assigned to a housing unit in the facility a summary of the results of the assessment. Summary.

SEC. 3053. PROCESS TO IDENTIFY AND ADDRESS ENVIRONMENTAL HEALTH HAZARDS IN DEPARTMENT OF DEFENSE HOUSING. 10 USC 2821 note.

(a) **PROCESS REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall develop a process to identify, record, and resolve environmental health hazards in housing under the jurisdiction of the Department of Defense (including privatized housing) in a timely manner. Deadline.
Coordination.
Records.

(b) **ELEMENTS OF PROCESS.**—The process developed under subsection (a) shall provide for the following with respect to each identified environmental health hazard:

- (1) Categorization of the hazard.
- (2) Identification of health risks posed by the hazard.
- (3) Identification of the number of housing occupants potentially affected by the hazard.
- (4) Recording and maintenance of information regarding the hazard.
- (5) Resolution of the hazard, which shall include—

(A) the performance by the Secretary of Defense (or in the case of privatized housing, the landlord) of hazard remediation activities at the affected facility; and

(B) follow-up by the Secretary of Defense to collect information on medical care related to the hazard sought or received by individuals affected by the hazard.

(c) **COORDINATION.**—The Secretary of Defense shall ensure coordination between military treatment facilities, appropriate public health officials, and housing managers at military installations with respect to the development and implementation of the process required by subsection (a).

(d) **REPORT.**—Not later than 210 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the process required by subsection (a).

SEC. 3054. DEPARTMENT OF DEFENSE POLICY ON LEAD-BASED PAINT TESTING ON MILITARY INSTALLATIONS. 10 USC 2661 note.

(a) **ACCESS AND TESTING POLICY.**—Not later than February 1, 2020, the Secretary of Defense shall establish a policy under which the Secretary of the military department concerned may permit a qualified individual to access a military installation for the purpose of conducting testing for the presence of lead-based paint on the installation. Deadline.

(b) **TRANSMISSION OF RESULTS.**—

(1) **INSTALLATIONS INSIDE THE UNITED STATES.**—In the case of military installations located inside the United States, the results of any testing for lead-based paint on a military installation shall be transmitted the following:

- (A) The civil engineer of the installation.
- (B) The housing management office of the installation.
- (C) The public health organization on the installation.
- (D) The major subordinate command of the Armed Force with jurisdiction over the installation.
- (E) If required by law, any relevant Federal, State, and local agencies.

(2) **INSTALLATIONS OUTSIDE THE UNITED STATES.**—In the case of military installations located outside the United States, the results of any testing for lead-based paint on a military installation shall be transmitted to the civil engineer or commander of the installation who shall transmit those results to the major subordinate command of the Armed Force with jurisdiction over the installation.

(c) **DEFINITIONS.**—In this section:

(1) The term “United States” has the meaning given that term in section 101(a)(1) of title 10, United States Code.

(2) The term “qualified individual” means an individual who is certified by the Environmental Protection Agency or by a State as—

- (A) a lead-based paint inspector; or
- (B) a lead-based paint risk assessor.

SEC. 3055. STANDARD FOR MINIMUM CREDENTIALS FOR HEALTH AND ENVIRONMENTAL INSPECTORS OF PRIVATIZED MILITARY HOUSING.

Reports.

(a) **DEVELOPMENT AND SUBMISSION OF STANDARD.**—Not later than February 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report that contains a standard for minimum credentials to be used throughout the Department of Defense for all inspectors of health and environmental hazards at privatized military housing, including inspectors contracted by the Department.

(b) **INCLUSION OF CATEGORIES FOR SPECIFIC ENVIRONMENTAL HAZARDS.**—The standard submitted under subsection (a) shall include categories for specific environmental hazards such as lead, mold, and radon.

10 USC 2890
note.

SEC. 3056. REQUIREMENTS RELATING TO MOVE-IN, MOVE-OUT, AND MAINTENANCE OF PRIVATIZED MILITARY HOUSING.

(a) **MOVE-IN AND MOVE-OUT CHECKLIST.**—

(1) **CHECKLIST REQUIRED.**—The Secretary of Defense shall develop a uniform move-in and move-out checklist for use by landlords providing privatized military housing and by tenants of such housing.

(2) **REQUIRED MOVE-IN ELEMENT.**—A tenant who will occupy a unit of privatized military housing is entitled to be present for an inspection of the housing unit before accepting occupancy of the housing unit to ensure that the unit is habitable and that facilities and common areas of the building are in good repair.

(3) **REQUIRED MOVE-OUT ELEMENT.**—A tenant of a unit of privatized military housing is entitled to be present for the move-out inspection of the housing unit and must be given

sufficient time to address any concerns related to the tenant's occupancy of the housing unit.

(b) **MAINTENANCE CHECKLIST.**—The Secretary of Defense shall—

(1) develop a uniform checklist to be used by housing management offices to validate the completion of all maintenance work related to health and safety issues at privatized military housing; and

(2) require that all maintenance issues and work orders related to health and safety issues at privatized military housing be reported to the commander of the installation for which the housing is provided.

Requirement.

(c) **CONSULTATION.**—The Secretary of Defense shall carry out this section in consultation with the Secretaries of the military departments.

(d) **DEADLINE.**—The uniform checklists required by this section shall be completed not later than 60 days after the date of the enactment of this Act.

SEC. 3057. STANDARDIZED DOCUMENTATION, TEMPLATES, AND FORMS FOR PRIVATIZED MILITARY HOUSING.

10 USC 2890 note.

(a) **DEVELOPMENT REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall develop standardized documentation, templates, and forms for use throughout the Department of Defense with respect to privatized military housing. In developing such documentation, templates, and forms, the Secretary shall ensure that, to the maximum extent practicable, the documentation, templates, and forms do not conflict with applicable State and local housing regulations.

(2) **INITIAL GUIDANCE.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance for the development of the following:

Deadline.

(A) Policies and standard operating procedures of the Department for privatized military housing.

Procedures.

(B) A universal lease agreement for privatized military housing that includes—

Contracts.

(i) the documents developed pursuant to section 2890 of title 10, United States Code, as added by section 3011, entitled Military Housing Privatization Initiative Tenant Bill of Rights and Military Housing Privatization Initiative Tenant Responsibilities; and

(ii) any lease addendum required by the law of the State in which the unit of privatized military housing is located.

(3) **CONSULTATION.**—The Secretary of Defense shall carry out this subsection in consultation with the Secretaries of the military departments.

(b) **MILITARY DEPARTMENT PLANS.**—Not later than February 1, 2020, the Secretary of each military department shall submit to the congressional defense committees a plan for the implementation of this section by that military department.

Deadline.

SEC. 3058. SATISFACTION SURVEY FOR TENANTS OF MILITARY HOUSING.

10 USC 2821 note.

(a) **SURVEY REQUIRED.**—Not later than March 1, 2020, the Secretary of Defense shall require that each installation of the

Deadline.

Department of Defense use the same satisfaction survey for tenants of military housing, including privatized military housing.

(b) **FORM OF SURVEY.**—The satisfaction survey required by subsection (a) shall be an electronic survey with embedded privacy and security mechanisms.

(c) **PRIVACY AND SECURITY MECHANISMS.**—The privacy and security mechanisms used in the satisfaction survey required by subsection (a)—

(1) may include a code unique to the tenant to be surveyed that is sent to the cell phone number of the tenant and required to be entered to access the survey; and

(2) in the case of privatized military housing, shall ensure the survey is not shared with the landlord providing the privatized military housing until the survey is reviewed and the results are tallied by Department of Defense personnel.

Subtitle E—Other Housing Reform Matters

10 USC 2871
note.

SEC. 3061. RADON TESTING OF PRIVATIZED MILITARY HOUSING.

(a) **REPORT.**—Not later than March 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report identifying the installations of the Department of Defense that have privatized military housing that should be monitored for levels of radon at or above the action level.

(b) **TESTING PROCEDURES AND STANDARDS.**—The Secretaries of the military departments shall ensure that landlords providing privatized military housing at installations identified under subsection (a) establish testing procedures that are consistent with then current national consensus standards and are in compliance with applicable Federal, State, and local radon regulations in order to ensure radon levels are below recommended levels established by the Environmental Protection Agency, whether through—

(1) regular testing of privatized military housing by persons who possess certification pursuant to the proficiency program operated under section 305(a)(2) of the Toxic Substances Control Act (15 U.S.C. 2665(a)(2)); or

(2) the installation of monitoring equipment in privatized military housing.

Deadline.
Determination.
Plan.

(c) **NOTIFICATION REGARDING NEED FOR MITIGATION.**—If, as a result of testing described in subsection (b), a unit of privatized military housing needs radon mitigation to ensure radon levels are below recommended levels, the landlord providing the housing unit shall submit to the Secretary of the military department concerned, not later than seven days after the determination of the need for radon mitigation, the mitigation plan for the housing unit.

10 USC 2821
note.

SEC. 3062. MITIGATION OF RISKS POSED BY CERTAIN ITEMS IN MILITARY FAMILY HOUSING UNITS.

(a) **ANCHORING OF ITEMS BY RESIDENTS.**—The Secretary of Defense shall allow a resident of a military family housing unit to anchor any furniture, television, or large appliance to the wall of the unit for purposes of preventing such item from tipping over without incurring a penalty or obligation to repair the wall upon vacating the unit.

(b) **ANCHORING OF ITEMS FOR ALL UNITS.**—

(1) **EXISTING UNITS.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall ensure that all freestanding chests, door chests, armoires, dressers, entertainment centers, bookcases taller than 27 inches, televisions, and large appliances provided by the Department of Defense are securely anchored in each furnished military family housing unit under the jurisdiction of the Department as of the date of the enactment of this Act. Deadline.

(2) **NEW UNITS.**—The Secretary of Defense shall ensure that all freestanding chests, door chests, armoires, dressers, entertainment centers, bookcases taller than 27 inches, televisions, and large appliances provided by the Department of Defense are securely anchored in each furnished military family housing unit made available after the date of the enactment of this Act.

SEC. 3063. SUSPENSION OF RESIDENT ENERGY CONSERVATION PROGRAM AND RELATED PROGRAMS FOR PRIVATIZED MILITARY HOUSING. 10 USC 2867
note.

(a) **SUSPENSION REQUIRED.**—The Secretary of Defense shall suspend the initiative of the Department of Defense known as the Resident Energy Conservation Program and instruct the Secretary of each military department to suspend any program carried out by such Secretary that measures the energy usage for individual units of privatized military housing on installations of the Department of Defense.

(b) **TERM OF SUSPENSION.**—Subject to subsection (c), the suspension required by subsection (a) shall remain in effect for an installation of the Department of Defense until the Secretary of Defense certifies to the congressional defense committees that 100 percent of the privatized military housing on the installation is individually metered to each respective unit of privatized military housing on the installation military housing unit and the meter accurately measures the energy usage of the unit. Certification.

(c) **TERMINATION.**—If the Secretary of Defense is unable to make the certification required by subsection (b) for an installation of the Department of Defense before the end of the two-year period beginning on the date of the enactment of this Act, each program suspended pursuant to subsection (a) at that installation shall terminate at the end of such period. Time period.
Effective date.

SEC. 3064. DEPARTMENT OF THE ARMY PILOT PROGRAM TO BUILD AND MONITOR USE OF SINGLE FAMILY HOMES. 10 USC 2821
note.

(a) **IN GENERAL.**—The Secretary of the Army shall carry out a pilot program to build and monitor the use of not fewer than five single family homes for members of the Army and their families.

(b) **LOCATION.**—The Secretary of the Army shall carry out the pilot program at no less than two installations of the Army located in different climate regions of the United States as determined by the Secretary. Determination.

(c) **DESIGN.**—In building homes under the pilot program, the Secretary of the Army shall use the All-American Abode design from the suburban single-family division design by the United States Military Academy.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZA- TIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs and Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Nuclear energy.

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Personnel matters at National Nuclear Security Administration.
- Sec. 3112. Estimation of costs of meeting defense environmental cleanup milestones required by consent orders.
- Sec. 3113. Office of Cost Estimating and Program Evaluation.
- Sec. 3114. Clarification of certain Stockpile Responsiveness Program objectives.
- Sec. 3115. Elimination of limitation on availability of funds relating to submission of annual reports on unfunded priorities.
- Sec. 3116. Modification to certain requirements relating to plutonium pit production capacity.
- Sec. 3117. Annual certification of shipments to Waste Isolation Pilot Plant.
- Sec. 3118. Extension and modification of pilot program on unavailability for overhead costs of amounts specified for laboratory-directed research and development.
- Sec. 3119. Modification to limitation on availability of funds for acceleration of nuclear weapons dismantlement.
- Sec. 3120. Implementation of common financial reporting system for nuclear security enterprise.
- Sec. 3121. Limitation relating to reclassification of high-level waste.
- Sec. 3122. National Laboratory Jobs ACCESS Program.

Subtitle C—Reports and Other Matters

- Sec. 3131. Civil penalties for violations of certain whistleblower protections.
- Sec. 3132. Repeal of assessments of adequacy of budget requests relating to nuclear weapons stockpile.
- Sec. 3133. Repeal of requirement for review relating to enhanced procurement authority.
- Sec. 3134. Improvements to Energy Employees Occupational Illness Compensation Program Act of 2000.
- Sec. 3135. Replacement of W78 warhead.
- Sec. 3136. Independent review of capabilities for detection, verification, and monitoring of nuclear weapons and fissile material.
- Sec. 3137. Assessment of high energy density physics.
- Sec. 3138. Determination of effect of treaty obligations with respect to producing tritium.
- Sec. 3139. Technical corrections to National Nuclear Security Administration Act and Atomic Energy Defense Act.

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs and Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2020 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 20–D–931, KL Fuel Development Laboratory, Knolls Atomic Power Laboratory, Schenectady, New York, \$23,700,000.

General Purpose Project, PF–4 Power and Communications Systems Upgrade, Los Alamos National Laboratory, Los Alamos, New Mexico, \$16,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2020 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant projects:

Project 20–D–401, Saltstone Disposal Units numbers 10, 11, and 12, Savannah River Site, Aiken, South Carolina, \$1,000,000.

Project 20–D–402, Advanced Manufacturing Collaborative, Savannah River Site, Aiken, South Carolina, \$50,000,000.

Project 20–U–401, On-Site Waste Disposal Facility (Cell Lines 2 and 3), Portsmouth Site, Pike County, Ohio, \$10,000,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2020 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2020 for nuclear energy as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. PERSONNEL MATTERS AT NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) **PERSONNEL LEVELS OF THE OFFICE OF THE ADMINISTRATOR FOR NUCLEAR SECURITY.**—

(1) **PERSONNEL LEVELS.**—

(A) **INCREASE.**—Subsection (a) of section 3241A of the National Nuclear Security Administration Act (50 U.S.C. 2441a) is amended by striking “1,690” both places it appears and inserting “1,890”.

(B) **TECHNICAL AMENDMENTS.**—Such subsection is further amended—

(i) in paragraph (1), by striking “By October 1, 2015, the” and inserting “The”; and

(ii) in paragraph (2), by striking “2016” and inserting “2020”.

(2) REPORTS ON SERVICE SUPPORT CONTRACTS.—Subsection (f) of such section is amended—

(A) in the matter preceding paragraph (1), by striking “as of the date of the report” and inserting “for the most recent fiscal year for which data are available”; and

(B) by striking paragraph (5) and inserting the following new paragraphs:

“(5) With respect to each contract identified under paragraph (2)—

“(A) identification of each appropriations account that supports the contract; and

“(B) the amount obligated under the contract during the fiscal year, listed by each such account.

“(6) With respect to each appropriations account identified under paragraph (5)(A), the total amount obligated for contracts identified under paragraph (2).”.

(b) INCREASE IN CONTRACTING, PROGRAM MANAGEMENT, SCIENTIFIC, ENGINEERING, AND TECHNICAL POSITIONS.—Section 3241 of the National Nuclear Security Administration Act (50 U.S.C. 2441) is amended in the first sentence by striking “600” and inserting “800”.

SEC. 3112. ESTIMATION OF COSTS OF MEETING DEFENSE ENVIRONMENTAL CLEANUP MILESTONES REQUIRED BY CONSENT ORDERS.

(a) IN GENERAL.—Subtitle A of title XLIV of the Atomic Energy Defense Act (50 U.S.C. 2581 et seq.) is amended by adding at the end the following new section:

“SEC. 4409. ESTIMATION OF COSTS OF MEETING DEFENSE ENVIRONMENTAL CLEANUP MILESTONES REQUIRED BY CONSENT ORDERS.

“The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the cost, for that fiscal year and the four fiscal years following that fiscal year, of meeting milestones required by a consent order at each defense nuclear facility at which defense environmental cleanup activities are occurring. The report shall include, for each such facility—

“(1) a specification of the cost of meeting such milestones during that fiscal year; and

“(2) an estimate of the cost of meeting such milestones during the four fiscal years following that fiscal year.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4408 the following new item:

“Sec. 4409. Estimation of costs of meeting defense environmental cleanup milestones required by consent orders.”.

SEC. 3113. OFFICE OF COST ESTIMATING AND PROGRAM EVALUATION.

(a) REPORTING.—Section 3221(b)(1) of the National Nuclear Security Administration Act (50 U.S.C. 2411(b)(1)) is amended by

Reports.
Time periods.
50 USC 2590.

adding at the end the following new sentence: “The Director shall report directly to the Administrator.”.

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall provide to the congressional defense committees a briefing on the plan of the Administrator to fully staff the Office of Cost Estimating and Program Evaluation of the National Nuclear Security Administration pursuant to section 3221(f) of the National Nuclear Security Administration Act (50 U.S.C. 2411(f)). Deadline.

SEC. 3114. CLARIFICATION OF CERTAIN STOCKPILE RESPONSIVENESS PROGRAM OBJECTIVES.

Section 4220(c) of the Atomic Energy Defense Act (50 U.S.C. 2538b(c)) is amended—

(1) in paragraph (3), by striking “capabilities required, including prototypes” and inserting “capabilities as required, such as through the use of prototypes”; and

(2) in paragraph (6)—

(A) by striking “in consultation with the Director of National Intelligence” and inserting “in coordination with the Director of National Intelligence”; and

(B) by inserting “if needed to meet intelligence requirements” after “foreign countries”.

SEC. 3115. ELIMINATION OF LIMITATION ON AVAILABILITY OF FUNDS RELATING TO SUBMISSION OF ANNUAL REPORTS ON UNFUNDED PRIORITIES.

Section 4716 of the Atomic Energy Defense Act (50 U.S.C. 2756) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) ANNUAL REPORT OR CERTIFICATION.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Administrator shall submit to the Secretary of Energy and the congressional defense committees either—

“(1) a report on the unfunded priorities of the Administration; or

“(2) if the Administrator determines that there are no unfunded priorities to include in such a report, a certification and explanation by the Administrator, without delegation, of the determination.”;

Determination.
Certification.

(2) in subsection (b), by striking “report required by subsection (a)” both places it appears and inserting “report under subsection (a)(1)”;

(3) by striking subsection (c); and

(4) by redesignating subsection (d) as subsection (c).

SEC. 3116. MODIFICATION TO CERTAIN REQUIREMENTS RELATING TO PLUTONIUM PIT PRODUCTION CAPACITY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) rebuilding a robust plutonium pit production infrastructure with a capacity of up to 80 pits per year is critical to maintaining the viability of the nuclear weapons stockpile;

(2) that effort will require cooperation from experts across the nuclear security enterprise; and

50 USC 2538a
note.

(3) any further delay to achieving a plutonium sustainment capability to support the planned stockpile life extension programs will result in an unacceptable capability gap to our deterrent posture.

(b) **MODIFICATION TO REQUIREMENTS.**—Section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a) is amended—

(1) in subsection (a), by striking paragraph (5) and inserting the following:

“(5) during 2030, produces not less than 80 war reserve plutonium pits.”;

(2) by striking subsection (b);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(4) in subsection (b), as redesignated by paragraph (2), by striking “2027 (or, if the authority under subsection (b) is exercised, 2029)” and inserting “2030”; and

(5) in subsection (c), as redesignated by paragraph (2), by striking “subsection (c)” and inserting “subsection (b)”.

SEC. 3117. ANNUAL CERTIFICATION OF SHIPMENTS TO WASTE ISOLATION PILOT PLANT.

Section 3115(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2759), as amended by section 3137(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2303), is further amended, in the matter preceding paragraph (1), by striking “three-year period” and inserting “10-year period”.

SEC. 3118. EXTENSION AND MODIFICATION OF PILOT PROGRAM ON UNAVAILABILITY FOR OVERHEAD COSTS OF AMOUNTS SPECIFIED FOR LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT.

Section 3119 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 50 U.S.C. 2791 note) is amended—

(1) in subsection (c)(2), by striking “three” and inserting “four”; and

(2) in subsection (d)—

(A) by striking “Before the termination under subsection (c)(2) of the pilot program required by subsection (a)” and inserting “Not later than February 15, 2020”; and

(B) by inserting before the end period the following: “, including effects on laboratory-directed research and development and other programs”.

SEC. 3119. MODIFICATION TO LIMITATION ON AVAILABILITY OF FUNDS FOR ACCELERATION OF NUCLEAR WEAPONS DISMANTLEMENT.

Subsection (a) of section 3125 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2766), as amended by section 3117 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1890), is amended by striking “\$56,000,000” and inserting “\$87,000,000”.

SEC. 3120. IMPLEMENTATION OF COMMON FINANCIAL REPORTING SYSTEM FOR NUCLEAR SECURITY ENTERPRISE.

Not more than 90 percent of the funds authorized to be appropriated by section 3101 for the National Nuclear Security Administration for fiscal year 2020 for Federal salaries and expenses and available for travel and transportation may be obligated or expended before the date on which the Administrator for Nuclear Security completes implementation of the common financial reporting system for the nuclear security enterprise as required by section 3113(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 50 U.S.C. 2512 note).

SEC. 3121. LIMITATION RELATING TO RECLASSIFICATION OF HIGH-LEVEL WASTE.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Department of Energy may be obligated or expended by the Secretary of Energy to apply the interpretation of high-level radioactive waste described in the notice published by the Secretary titled “Supplemental Notice Concerning U.S. Department of Energy Interpretation of High-Level Radioactive Waste” (84 Fed. Reg. 26835), or successor notice, with respect to such waste located in the State of Washington.

SEC. 3122. NATIONAL LABORATORY JOBS ACCESS PROGRAM.

42 USC 16539.

(a) **IN GENERAL.**—On or after the date that is 180 days after the date of the enactment of this Act, the Secretary may establish a program, to be known as the “Department of Energy National Lab Jobs ACCESS Program”, under which the Secretary may award, on a competitive basis, 5-year grants to eligible entities described in subsection (c) for the Federal share of the costs of pre-apprenticeship programs and apprenticeship programs described in subsection (b).

Effective date.
Time period.
Grants.

(b) **PRE-APPRENTICESHIP AND APPRENTICESHIP PROGRAMS DESCRIBED.**—A pre-apprenticeship program or apprenticeship program described in this subsection is a pre-apprenticeship program or apprenticeship program that—

(1) leads to recognized postsecondary credentials for secondary school and postsecondary students;

(2) is focused on skills and qualifications needed, as determined by the Secretary in consultation with the directors of the National Laboratories, to meet the immediate and ongoing needs of traditional and emerging technician positions (including machinists and cybersecurity technicians) at the National Laboratories and covered facilities of the National Nuclear Security Administration;

Consultation.

(3) is established in consultation with a National Laboratory or covered facility of the National Nuclear Security Administration;

Consultation.

(4) is registered with and approved by the Secretary of Labor or a State apprenticeship agency; and

(5) ensures that participants in the pre-apprenticeship program or apprenticeship program do not displace paid employees.

(c) **ELIGIBLE ENTITIES DESCRIBED.**—An eligible entity described in this subsection is a workforce intermediary or an eligible sponsor of a pre-apprenticeship program or apprenticeship program that—

(1) demonstrates experience in implementing and providing career planning and career pathways toward pre-apprenticeship programs or apprenticeship programs;

(2)(A) has a relationship with a National Laboratory or covered facility of the National Nuclear Security Administration;

(B) has knowledge of the technician workforce needs of the laboratory or facility and the associated security requirements of the laboratory or facility; and

(C) is eligible to enter into an agreement with the laboratory or facility that would be paid for in part or entirely from grant funds received under this section;

(3) demonstrates the ability to recruit and support individuals who plan to work in relevant technician positions upon the successful completion of the pre-apprenticeship program or apprenticeship program;

(4) provides students who complete the pre-apprenticeship program or apprenticeship program with, or prepares such students for obtaining, a recognized postsecondary credential;

(5) uses related instruction that is specifically aligned with the needs of the laboratory or facility and utilizes workplace learning advisors and on-the-job training to the greatest extent possible; and

(6) demonstrates successful outcomes connecting graduates of the pre-apprenticeship program or apprenticeship program to careers relevant to the program.

(d) APPLICATIONS.—If the Secretary establishes the program described in subsection (a), an eligible entity described in subsection (c) seeking a grant under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) PRIORITY.—In selecting eligible entities described in subsection (c) to receive grants under this section, the Secretary may prioritize an eligible entity that—

(1) is a member of an industry or sector partnership;

(2) provides related instruction for a pre-apprenticeship program or apprenticeship program through—

(A) a local educational agency, a secondary school, a provider of adult education, an area career and technical education school, or an institution of higher education (such as a community college) that includes basic science, technology, and mathematics education in the related instruction; or

(B) an apprenticeship program that was registered with the Department of Labor or a State apprenticeship agency before the date on which the eligible entity applies for the grant under subsection (d);

(3) works with the Secretary of Defense, the Secretary of Veterans Affairs, or veterans organizations to transition members of the Armed Forces and veterans to pre-apprenticeship programs or apprenticeship programs in a relevant sector;

(4) plans to use the grant to carry out the pre-apprenticeship program or apprenticeship program with an entity that receives State funding or is operated by a State agency; and

(5) plans to use the grant to carry out the pre-apprenticeship program or apprenticeship program for—

(A) young adults ages 16 to 29, inclusive; or

(B) individuals with barriers to employment.

(f) **ADDITIONAL CONSIDERATION.**—In making grants under this section, the Secretary may consider regional diversity.

(g) **LIMITATION ON APPLICATIONS.**—An eligible entity described in subsection (c) may not submit, either individually or as part of a joint application, more than one application for a grant under this section during any one fiscal year.

(h) **LIMITATIONS ON AMOUNT OF GRANT.**—The amount of a grant provided under this section may not, for any 24-month period of the 5-year grant period, exceed \$500,000. Time period.

(i) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of a pre-apprenticeship program or apprenticeship program carried out using a grant under this section shall be not less than 25 percent of the total cost of the program.

(j) **TECHNICAL ASSISTANCE.**—The Secretary may provide technical assistance to eligible entities described in subsection (c) to leverage the existing job training and education programs of the Department of Labor and other relevant programs at appropriate Federal agencies.

(k) **REPORT.**—

(1) **IN GENERAL.**—If the Secretary establishes the program described in subsection (a), not less than once every 2 years thereafter, the Secretary shall submit to Congress, and make publicly available on the website of the Department of Energy, a report on the program, including—

Public
information.
Web posting.

(A) a description of—

(i) any entity that receives a grant under this section;

(ii) any activity carried out using a grant under this section; and

(iii) best practices used to leverage the investment of the Federal Government under this section; and

(B) an assessment of the results achieved by the program, including the rate of employment for participants after completing a pre-apprenticeship program or apprenticeship program carried out using a grant under this section.

Assessment.

(2) **PERFORMANCE REPORTS.**—Not later than one year after the establishment of a pre-apprenticeship program or apprenticeship program using a grant awarded under this section, and annually thereafter, the entity carrying out the program shall submit to the Secretary and the Secretary of Labor a report on the effectiveness of the program based on the accountability measures described in clauses (i) and (ii) of section 116(b)(2)(A) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(b)(2)(A)).

(l) **DEFINITIONS.**—In this section:

(1) **ESEA TERMS.**—The terms “local educational agency” and “secondary school” have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) **WIOA TERMS.**—The terms “career planning”, “community-based organization”, “customized training”, “economic development agency”, “individual with a barrier to employment”, “industry or sector partnership”, “on-the-job training”, “recognized postsecondary credential”, and “workplace learning advisor” have the meanings given such terms in section 3

of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(3) APPRENTICESHIP PROGRAM.—The term “apprenticeship program” means a program registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

(4) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term “area career and technical education school” has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(5) COMMUNITY COLLEGE.—The term “community college” has the meaning given the term “junior or community college” in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f)).

(6) COVERED FACILITY OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.—The term “covered facility of the National Nuclear Security Administration” means a national security laboratory or a nuclear weapons production facility as such terms are defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

(7) ELIGIBLE SPONSOR.—The term “eligible sponsor” means a public organization or nonprofit organization that—

(A) with respect to an apprenticeship program, administers the program through a partnership that may include—

- (i) an industry or sector partnership;
- (ii) an employer or industry association;
- (iii) a labor-management organization;
- (iv) a local workforce development board or State workforce development board;
- (v) a 2- or 4-year institution of higher education that offers an educational program leading to an associate’s or bachelor’s degree in conjunction with a certificate of completion of apprenticeship;
- (vi) the Armed Forces (including the National Guard and Reserves);
- (vii) a community-based organization; or
- (viii) an economic development agency; and

(B) with respect to a pre-apprenticeship program, is a local educational agency, a secondary school, an area career and technical education school, a provider of adult education, a State workforce development board, a local workforce development board, or a community-based organization, that administers the program with any required coordination and necessary approvals from the Secretary of Labor or a State department of labor.

(8) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(9) LOCAL WORKFORCE DEVELOPMENT BOARD.—The term “local workforce development board” has the meaning given the term “local board” in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(10) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(11) **NONPROFIT ORGANIZATION.**—The term “nonprofit organization” means an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(12) **PRE-APPRENTICESHIP PROGRAM.**—The term “pre-apprenticeship program” means a program—

(A) designed to prepare individuals to enter and succeed in an apprenticeship program; and

(B) that has a documented partnership with at least one, if not more, apprenticeship programs.

(13) **PROVIDER OF ADULT EDUCATION.**—The term “provider of adult education” has the meaning given the term “eligible provider” in section 203 of the Adult Education and Family Literacy Act (29 U.S.C. 3272).

(14) **RELATED INSTRUCTION.**—The term “related instruction” means an organized and systematic form of instruction designed to provide an individual in a pre-apprenticeship program or apprenticeship program with the knowledge of the technical subjects related to the intended occupation of the individual after completion of the program.

(15) **SECRETARY.**—The term “Secretary” means the Secretary of Energy, in consultation with the Secretary of Labor, except as otherwise specified in this section.

(16) **SPONSOR.**—The term “sponsor” means any person, association, committee, or organization operating a pre-apprenticeship program or apprenticeship program and in whose name the program is (or is to be) registered or approved.

(17) **STATE APPRENTICESHIP AGENCY.**—The term “State apprenticeship agency” has the meaning given that term in section 29.2 of title 29, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(18) **STATE WORKFORCE DEVELOPMENT BOARD.**—The term “State workforce development board” has the meaning given the term “State board” in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(19) **WORKFORCE INTERMEDIARY.**—The term “workforce intermediary”—

(A) means a nonprofit organization that—

(i) proactively addresses workforce needs using a dual customer approach, which considers the needs of both employees and employers; and

(ii) has partnered with a sponsor of a pre-apprenticeship program or apprenticeship program or is a sponsor of a pre-apprenticeship program or apprenticeship program; and

(B) may include a community organization, an employer organization, a community college, a temporary staffing agency, a State workforce development board, a local workforce development board, or a labor or labor-management organization.

Subtitle C—Reports and Other Matters

SEC. 3131. CIVIL PENALTIES FOR VIOLATIONS OF CERTAIN WHISTLEBLOWER PROTECTIONS.

Section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) is amended—

(1) in the heading, by inserting “AND WHISTLEBLOWER” after “SAFETY”;

(2) in subsection a.—

(A) by inserting “, or who violates any applicable law, rule, regulation, or order related to nuclear safety whistleblower protections,” before “shall be subject to a civil penalty”; and

(B) by adding at the end the following new sentence: “The Secretary of Energy may carry out this section with respect to the National Nuclear Security Administration by acting through the Administrator for Nuclear Security.”; and

Definition.

(3) by adding at the end the following new subsection: “e. In this section, the term ‘nuclear safety whistleblower protections’ means the protections for employees of contractors or subcontractors from reprisals pursuant to section 4712 of title 41, United States Code, section 211 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851), or other provisions of Federal law (including rules, regulations, or orders) affording such protections, with respect to disclosures or other activities covered by such protections that relate to nuclear safety.”.

SEC. 3132. REPEAL OF ASSESSMENTS OF ADEQUACY OF BUDGET REQUESTS RELATING TO NUCLEAR WEAPONS STOCKPILE.

(a) IN GENERAL.—Section 3255 of the National Nuclear Security Administration Act (50 U.S.C. 2455) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents for the National Nuclear Security Administration Act is amended by striking the item relating to section 3255.

SEC. 3133. REPEAL OF REQUIREMENT FOR REVIEW RELATING TO ENHANCED PROCUREMENT AUTHORITY.

Section 4806 of the Atomic Energy Defense Act (50 U.S.C. 2786) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 3134. IMPROVEMENTS TO ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.

(a) OFFICE OF OMBUDSMAN.—Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–15) is amended—

(1) in subsection (c)—

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

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

“(2) To provide guidance and assistance to claimants.”; and

(2) in subsection (h), by striking “2019” and inserting “2020”.

(b) **ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER HEALTH.**—Section 3687 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–16) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (C), by striking “; and” and inserting a semicolon;

(B) in subparagraph (D), by striking “; and” and inserting a semicolon; and

(C) by adding after subparagraph (D) the following:

“(E) the claims adjudication process generally, including review of procedure manual changes prior to incorporation into the manual and claims for medical benefits; and

“(F) such other matters as the Secretary considers appropriate; and”;

(2) in subsection (g)—

(A) by striking “The Secretary of Energy shall” and inserting “The Secretary of Energy and the Secretary of Labor shall each”; and

(B) by adding at the end the following new sentence: “The Secretary of Labor shall make available to the Board the program’s medical director, toxicologist, industrial hygienist and program’s support contractors as requested by the Board.”;

(3) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(4) by inserting after subsection (g) the following:

“(h) **RESPONSE TO RECOMMENDATIONS.**—Not later than 60 days after submission to the Secretary of Labor of the Board’s recommendations, the Secretary shall respond to the Board in writing, and post on the public internet website of the Department of Labor, a response to the recommendations that—

“(1) includes a statement of whether the Secretary accepts or rejects the Board’s recommendations;

“(2) if the Secretary accepts the Board’s recommendations, describes the timeline for when those recommendations will be implemented; and

“(3) if the Secretary does not accept the recommendations, describes the reasons the Secretary does not agree and provides all scientific research to the Board supporting that decision.”.

Deadline.
Public
information.
Web posting.

Timeline.

SEC. 3135. REPLACEMENT OF W78 WARHEAD.

(a) **REPORT.**—

(1) **IN GENERAL.**—Not later than 210 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on replacing the W78 warhead.

(2) **MATTERS INCLUDED.**—The report under paragraph (1) shall include the following:

(A) A discussion of the alternatives considered with respect to replacing the W78 warhead, including—

(i) a description of the technical risks, schedule, and costs for each alternative to replacing the W78 warhead; and

- (ii) a description of any changes since January 15, 2014, to the requirements for such alternatives.
- Review. (B) A review of the matters under subparagraph (A) by the Director for Cost Estimating and Program Evaluation of the National Nuclear Security Administration.
- (b) INDEPENDENT STUDY.—
- (1) IN GENERAL.—The Administrator shall seek to enter into an arrangement with the private scientific advisory group known as JASON to conduct a study of the plan of the Administrator to replace the W78 warhead. Such study shall include—
- Assessment. (A) an assessment of the risks to certification; and
- (B) the need for planned upgrades to such warhead.
- Deadline. (2) SUBMISSION.—Not later than 150 days after the date of the enactment of this Act, the Administrator shall submit to the congressional defense committees the study under paragraph (1), without change.

SEC. 3136. INDEPENDENT REVIEW OF CAPABILITIES FOR DETECTION, VERIFICATION, AND MONITORING OF NUCLEAR WEAPONS AND FISSILE MATERIAL.

- Deadline. (a) PLAN.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense, shall seek to enter into a contract with the National Academy of Sciences to conduct an independent review and assessment of United States capabilities for detection, verification, and monitoring of nuclear weapons and fissile material.
- Consultation. (b) ELEMENTS.—The review and assessment required by subsection (a) shall include the following:
- Contracts. (1) An evaluation of the current national research enterprise for detection, verification, and monitoring of nuclear weapons and fissile material.
- Assessment. (2) Integration of roles, responsibilities, and planning for such detection, verification, and monitoring within the Federal Government.
- (3) Opportunities to leverage the national research enterprise to further prevent the proliferation of nuclear weapons and fissile material, including with respect to policy, research and development, and testing and evaluation.
- (4) Opportunities for international engagement for building cooperation and transparency, including bilateral and multilateral efforts, to improve inspections, detection, and monitoring of nuclear weapons and fissile material, and to create incentives for such cooperation and transparency.
- (5) Opportunities for new or expanded research and development efforts to improve detection and monitoring of, and in-field inspection and analysis capabilities with respect to, nuclear weapons and fissile materials.
- (6) Opportunities for improved coordination between departments and agencies of the Federal Government and the military departments, national laboratories, commercial industry, and academia.
- (7) Opportunities for leveraging commercial capabilities.
- Evaluation. (c) SUBMISSION TO CONGRESS.—
- (1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees, without
- Deadline.

change, the findings of the National Academy resulting from the review and assessment conducted under subsection (a).

(2) FORM.—The findings described in paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 3137. ASSESSMENT OF HIGH ENERGY DENSITY PHYSICS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to conduct an assessment of recent advances and the current status of research in the field of high energy density physics. Deadline.

(b) ELEMENTS.—The assessment conducted under subsection (a) shall include the following:

(1) Theoretical and computational modeling of high energy density material phases, radiation-matter interactions, plasmas atypical of astrophysical conditions, and conditions unique to the National Nuclear Security Administration.

(2) The simulation of such phases, interactions, plasmas, and conditions.

(3) Instrumentation and target fabrication.

(4) Workforce training.

(5) An assessment of advancements made by other countries in high energy density physics.

(6) Such others items as are agreed upon by the Administrator and the National Academies.

(c) APPLICABILITY OF INTERNAL CONTROLS.—The assessment under subsection (a) shall be conducted in accordance with the internal controls of the National Academies.

(d) REPORT TO CONGRESS.—Not later than 18 months after entering into the arrangement under subsection (a), the National Academies of Sciences, Engineering, and Medicine shall submit to the congressional defense committees a report on the assessment conducted under that subsection.

(e) HIGH ENERGY DENSITY PHYSICS DEFINED.—In this section, the term “high energy density physics” means the physics of matter and radiation at—

(1) energy densities exceeding 100,000,000,000 joules per cubic meter; and

(2) other temperature and pressure ranges within the warm dense matter regime.

SEC. 3138. DETERMINATION OF EFFECT OF TREATY OBLIGATIONS WITH RESPECT TO PRODUCING TRITIUM.

Not later than February 15, 2020, the Secretary of Energy shall— Deadline.

(1) determine whether the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, signed at Washington, July 3, 1958 (9 UST 1028), between the United States and the United Kingdom, permits the United States to obtain low-enriched uranium for the purposes of producing tritium in the United States; and

(2) submit to the congressional defense committees a report on that determination.

SEC. 3139. TECHNICAL CORRECTIONS TO NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT AND ATOMIC ENERGY DEFENSE ACT.

(a) **DEFINITIONS IN NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT.**—Section 3281(2)(A) of the National Nuclear Security Administration Act (50 U.S.C. 2471(2)(A)) is amended by striking “Plant” and inserting “National Security Campus”.

(b) **AMENDMENTS TO ATOMIC ENERGY DEFENSE ACT.**—

(1) **DEFINITIONS.**—Section 4002(9)(A) of the Atomic Energy Defense Act (50 U.S.C. 2501(9)(A)) is amended striking “Plant” and inserting “National Security Campus”.

(2) **STOCKPILE STEWARDSHIP, MANAGEMENT, AND RESPONSIVENESS PLAN.**—Section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523) is amended—

(A) in subsection (d)(4)(A)(ii), by striking “quadrennial defense review if such strategy has not been submitted” and inserting “national defense strategy”;

(B) in subsection (e)(1)(A)(i), by striking “or the most recent quadrennial defense review, as applicable under subsection (d)(4)(A), and the” and inserting “referred to in subsection (d)(4)(A)(i), the most recent the national defense strategy, and the most recent”; and

(C) in subsection (f)—

(i) by striking paragraph (4);

(ii) by redesignating paragraph (3) as paragraph (4); and

(iii) by inserting after paragraph (2) the following new paragraph (3):

Definition.

“(3) The term ‘national defense strategy’ means the review of the defense programs and policies of the United States that is carried out every four years under section 113(g) of title 10, United States Code.”.

(3) **MANUFACTURING INFRASTRUCTURE FOR NUCLEAR WEAPONS STOCKPILE.**—Section 4212 of the Atomic Energy Defense Act (50 U.S.C. 2532) is amended—

(A) in subsection (a)(1), in the matter preceding subparagraph (A), by inserting “most recent” before “Nuclear Posture Review”; and

(B) in subsection (b)—

(i) in paragraph (2), by striking “Plant” and inserting “National Security Complex”; and

(ii) in paragraph (4), by striking “Plant” and inserting “National Security Campus, Kansas City, Missouri”.

(4) **REPORTS ON LIFE EXTENSION PROGRAMS.**—

(A) **IN GENERAL.**—Section 4216 of the Atomic Energy Defense Act (50 U.S.C. 2536) is amended—

(i) in the section heading, by striking “**LIFETIME**” and inserting “**LIFE**”; and

(ii) by striking “lifetime” each place it appears and inserting “life”.

(B) **CLERICAL AMENDMENT.**—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4216 and inserting the following new item:

“Sec. 4216. Reports on life extension programs.”.

(5) **ADVICE ON SAFETY, SECURITY, AND RELIABILITY OF NUCLEAR WEAPONS STOCKPILE.**—Section 4218 of the Atomic Energy Defense Act (50 U.S.C. 2538) is amended—

(A) in subsection (d), by striking “or the Commander of the United States Strategic Command”; and

(B) in subsection (e)(1)—

(i) by striking “, a member of” and all that follows through “Strategic Command” and inserting “or a member of the Nuclear Weapons Council”; and

(ii) by striking “, member, or Commander” and inserting “or member”.

(6) **LIFE-CYCLE COST ESTIMATES.**—Section 4714(a) of the Atomic Energy Defense Act (50 U.S.C. 2754(a)) is amended—

(A) by striking “413.3” and inserting “413.3B”; and

(B) by inserting “, or a successor order,” after “assets”).

(7) **UNFUNDED PRIORITIES.**—

(A) **IN GENERAL.**—Section 4716 of the Atomic Energy Defense Act (50 U.S.C. 2756) is amended in the section heading by striking “**NATIONAL NUCLEAR SECURITY ADMINISTRATION**” and inserting “**ADMINISTRATION**”.

(B) **CLERICAL AMENDMENT.**—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4716 and inserting the following new item:

“Sec. 4716. Unfunded priorities of the Administration.”.

(8) **REVIEWS OF CAPITAL ASSETS ACQUISITION PROJECTS.**—Section 4733(d)(3)(B) of the Atomic Energy Defense Act (50 U.S.C. 2773(d)(3)(B)) is amended by striking “413.3” and inserting “413.3B”.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

Sec. 3202. Improvements to Defense Nuclear Facilities Safety Board.

Sec. 3203. Membership of Defense Nuclear Facilities Safety Board.

SECTION 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2020, \$29,450,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. IMPROVEMENTS TO DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) **STAFF.**—

(1) **EXECUTIVE DIRECTOR OF OPERATIONS.**—

(A) **ESTABLISHMENT OF POSITION.**—Subsection (b) of section 313 of the Atomic Energy Act of 1954 (42 U.S.C. 2286b) is amended by adding at the end the following new paragraph:

“(3)(A) The Board shall have an Executive Director of Operations who shall be appointed under section 311(c)(6).

“(B) The Executive Director of Operations shall report to the Chairman.

“(C) The Executive Director of Operations shall be the senior employee of the Board responsible for—

“(i) general administration and technical matters;

“(ii) ensuring that the members of the Board are fully and currently informed with respect to matters for which the members are responsible; and

“(iii) the functions delegated by the Chairman pursuant to section 311(c)(3)(B).”.

(B) DELEGATION OF FUNCTIONS.—Paragraph (3) of section 311(c) of such Act (42 U.S.C. 2286(c)) is amended—

(i) by striking “The Chairman” and inserting “(A) The Chairman”; and

(ii) by adding at the end the following new subparagraph:

“(B) In carrying out subparagraph (A), the Chairman shall delegate to the Executive Director of Operations established under section 313(b)(3) the following functions:

“(i) Administrative functions of the Board.

“(ii) Appointment and supervision of employees of the Board not specified under paragraph (6).

“(iii) Distribution of business among the employees and administrative units and offices of the Board.

“(iv) Preparation of—

“(I) proposals for the reorganization of the administrative units or offices of the Board;

“(II) the budget estimate for the Board; and

“(III) the proposed distribution of funds according to purposes approved by the Board.”.

(2) PROVISION OF INFORMATION TO BOARD.—Such section 311(c), as amended by paragraph (1)(B), is further amended—

(A) in paragraph (2), by striking “paragraphs (5), (6), and (7)” and inserting “paragraphs (5) and (6)”; and

(B) by striking paragraph (6); and

(C) by redesignating paragraph (7) as paragraph (6).

(3) APPOINTMENT AND REMOVAL POWERS.—Paragraph (6) of such section 311(c), as redesignated by paragraph (2)(C), is amended to read as follows:

“(6)(A) The Chairman, subject to the approval of the Board, shall appoint the senior employees described in subparagraph (C). Any member of the Board may propose to the Chairman an individual to be so appointed.

“(B) The Chairman, subject to the approval of the Board, may remove a senior employee described in subparagraph (C). Any member of the Board may propose to the Chairman an individual to be so removed.

“(C) The senior employees described in this subparagraph are the following senior employees of the Board:

“(i) The Executive Director of Operations established under section 313(b)(3).

“(ii) The general counsel.”.

(4) ORGANIZATION OF STAFF OF BOARD.—Section 313(b) of such Act, as amended by paragraph (1)(A), is further amended—

(A) in paragraph (1)(A), by striking “section 311(c)(7)” and inserting “section 311(c)(6)”; and

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

“(4) Subject to the approval of the Board, the Chairman may organize the staff of the Board as the Chairman considers appropriate to best accomplish the mission of the Board described in section 312(a).”.

(5) TEMPORARY PERSONNEL LEVELS.—During fiscal year 2020, the Defense Nuclear Facilities Safety Board shall employ not fewer than the equivalent of 100 full-time employees.

(b) PUBLIC HEALTH AND SAFETY.—Section 312(a) of such Act (42 U.S.C. 2286a(a)) is amended by inserting before the period at the end the following: “, including with respect to the health and safety of employees and contractors at such facilities”.

(c) ACCESS TO FACILITIES, PERSONNEL, AND INFORMATION.—Section 314 of such Act (42 U.S.C. 2286c) is amended—

(1) in subsection (a)—

(A) by striking “The Secretary of Energy” and inserting “Except as specifically provided by this section, the Secretary of Energy”;

(B) by striking “ready access” both places it appears and inserting “prompt and unfettered access”; and

(C) by adding at the end the following new sentence: “The access provided to defense nuclear facilities, personnel, and information under this subsection shall be provided without regard to the hazard or risk category assigned to a facility by the Secretary.”; and

(2) by striking subsection (b) and inserting the following new subsections:

“(b) AUTHORITY OF SECRETARY TO DENY INFORMATION.—(1) The Secretary may deny access to information under subsection (a) only to any person who—

“(A) has not been granted an appropriate security clearance or access authorization by the Secretary; or

“(B) does not need such access in connection with the duties of such person.

“(2) If the Board requests access to information under subsection (a) in written form, and the Secretary denies access to such information pursuant to paragraph (1)—

“(A) the Secretary shall provide the Board notice of such denial in written form; and

“(B) not later than January 1 and July 1 of each year beginning in 2020—

“(i) the Board shall submit to the congressional defense committees a report identifying each request for access to information under subsection (a) submitted to the Secretary in written form during the preceding six-month period and denied by the Secretary; and

“(ii) the Secretary shall submit to the congressional defense committees a report identifying—

“(I) each such request denied by the Secretary during that period; and

“(II) the reason for the denial.

“(3) In this subsection, the term ‘congressional defense committees’ has the meaning given that term in section 101(a) of title 10, United States Code.

“(c) APPLICATION OF NONDISCLOSURE PROTECTIONS BY BOARD.—The Board may not publicly disclose information provided under this section if such information is otherwise protected from disclosure by law, including deliberative process information.”.

Notice.

Effective date.
Reports.

Time period.

Definition.

SEC. 3203. MEMBERSHIP OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) LIST OF CANDIDATES FOR NOMINATION.—Subsection (b) of section 311 of the Atomic Energy Act of 1954 (42 U.S.C. 2286) is amended by adding at the end the following new paragraph:

“(4) The President shall enter into an arrangement with the National Academy of Sciences under which the National Academy shall maintain a list of individuals who meet the qualifications described in paragraph (1) to assist the President in selecting individuals to nominate for positions as members of the Board.”.

President.
Contracts.

(b) TERMS OF MEMBERS.—

(1) IN GENERAL.—Subsection (d) of such section is amended—

(A) in paragraph (1), by striking the second sentence and inserting the following new sentences: “A member may be reappointed for a second term only if the member was confirmed by the Senate more than two years into the member’s first term. A member may not be reappointed for a third term.”; and

(B) in paragraph (3)—

(i) by striking “Any member” and inserting “(A) Any member”;

(ii) by striking the second sentence; and

(iii) by adding at the end the following new subparagraph:

“(B) A member may not serve after the expiration of the member’s term, unless the departure of the member would result in the loss of a quorum for the Board. If more than one member is serving after the expiration of the member’s term and a new member is appointed to the Board so that one of the members serving after the expiration of the member’s term is no longer necessary to maintain a quorum, the member whose term expired first may no longer serve on the Board.”.

42 USC 2286
note.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is one year after the date of the enactment of this Act.

(c) FILLING VACANCIES.—Such subsection is further amended by adding at the end the following new paragraph:

Deadline.
President.

“(4)(A) Not later than 180 days after the expiration of the term of a member of the Board, the President shall—

“(i) submit to the Senate the nomination of an individual to fill the vacancy; or

Reports.

“(ii) submit to the Committee on Armed Services of the Senate a report that includes—

“(I) a description of the reasons the President did not submit such a nomination; and

Plan.
Time period.
Reports.

“(II) a plan for submitting such a nomination during the 90-day period following the submission of the report.

“(B) If the President does not submit to the Senate the nomination of an individual to fill a vacancy during the 90-day period described in subclause (II) of subparagraph (A)(ii), the President shall submit to the Committee on Armed Services a report described in that subparagraph not less frequently than every 90 days until the President submits such a nomination.”.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy \$14,000,000 for fiscal year 2020 for the purpose of carrying out activities under chapter 869 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME MATTERS

Subtitle A—Maritime Administration

- Sec. 3501. Authorization of the Maritime Administration.
- Sec. 3502. Reauthorization of Maritime Security Program.
- Sec. 3503. Maritime technical assistance program.
- Sec. 3504. Appointment of candidates attending sponsored preparatory school.
- Sec. 3505. General support program.
- Sec. 3506. Improvements to the maritime guaranteed loan program.
- Sec. 3507. Requirement for small shipyard grantees.
- Sec. 3508. Salvage recoveries of cargoes.
- Sec. 3509. Salvage recoveries for subrogated ownership of vessels and cargoes.
- Sec. 3510. Maritime Occupational Safety and Health Advisory Committee.
- Sec. 3511. Military to mariner.
- Sec. 3512. Department of Transportation Inspector General Report.
- Sec. 3513. Independent study on the United States Merchant Marine Academy.
- Sec. 3514. Port operations, research, and technology.
- Sec. 3515. Assessment and report on strategic seaports.
- Sec. 3516. Technical corrections.
- Sec. 3517. United States Merchant Marine Academy sexual assault prevention and response program.
- Sec. 3518. Report on vessels for emerging offshore energy infrastructure.
- Sec. 3519. Report on United States flagged fuel tanker vessel capacity.

Subtitle B—Cable Security Fleet

- Sec. 3521. Establishment of Cable Security Fleet.

Subtitle C—Maritime SAFE Act

- Sec. 3531. Short titles.
- Sec. 3532. Definitions.
- Sec. 3533. Purposes.
- Sec. 3534. Statement of policy.

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

- Sec. 3541. Coordination with international organizations.
- Sec. 3542. Engagement of diplomatic missions of the United States.
- Sec. 3543. Assistance by Federal agencies to improve law enforcement within priority regions and priority flag states.
- Sec. 3544. Expansion of existing mechanisms to combat IUU fishing.
- Sec. 3545. Improvement of transparency and traceability programs.
- Sec. 3546. Technology programs.
- Sec. 3547. Savings clause.

PART II—ESTABLISHMENT OF INTERAGENCY WORKING GROUP ON IUU FISHING

- Sec. 3551. Interagency Working Group on IUU Fishing.
- Sec. 3552. Strategic plan.
- Sec. 3553. Reports.
- Sec. 3554. Gulf of Mexico IUU Fishing Subworking Group.

PART III—COMBATING HUMAN TRAFFICKING IN CONNECTION WITH THE CATCHING AND PROCESSING OF SEAFOOD PRODUCTS

- Sec. 3561. Finding.

Sec. 3562. Adding the Secretary of Commerce to the Interagency Task Force to Monitor and Combat Trafficking.

Sec. 3563. Human trafficking in the seafood supply chain report.

PART IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 3571. Authorization of appropriations.

Sec. 3572. Accounting of funds.

Subtitle A—Maritime Administration

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

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

(1) For expenses necessary for operations of the United States Merchant Marine Academy, \$95,944,000, of which—

(A) \$77,944,000 shall remain available until September 30, 2021 for Academy operations; and

(B) \$18,000,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, \$50,280,000, of which—

(A) \$2,400,000 shall remain available until September 30, 2021, for the Student Incentive Program;

(B) \$6,000,000 shall remain available until expended for direct payments to such academies;

(C) \$30,080,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels;

(D) \$3,800,000 shall remain available until expended for training ship fuel assistance; and

(E) \$8,000,000 shall remain available until expended for offsetting the costs of training ship sharing.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, \$600,000,000, which shall remain available until expended.

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

(5) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, \$5,000,000, which shall remain available until expended.

(6) For expenses necessary to maintain and preserve a United States flag Merchant Marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, \$300,000,000, which shall remain available until expended.

(7) For expenses necessary for the loan guarantee program authorized under chapter 537 of title 46, United States Code, \$33,000,000, of which—

(A) \$30,000,000 may be used for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program, which shall remain available until expended; and

(B) \$3,000,000 may be used for administrative expenses relating to loan guarantee commitments under the program.

(8) For expenses necessary to provide assistance to small shipyards and for maritime training programs under section 54101 of title 46, United States Code, \$40,000,000, which shall remain available until expended.

(9) For expenses necessary to implement the Port and Intermodal Improvement Program, \$500,000,000, except that no funds shall be used for a grant award to purchase fully automated cargo handling equipment that is remotely operated or remotely monitored with or without the exercise of human intervention or control, if the Secretary determines such equipment would result in a net loss of jobs within a port or port terminal.

SEC. 3502. REAUTHORIZATION OF MARITIME SECURITY PROGRAM.

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

(b) EFFECTIVENESS OF OPERATING AGREEMENTS.—Section 53104(a) of title 46, United States Code, is amended by striking “2025” and inserting “2035”.

(c) PAYMENTS.—Section 53106(a)(1) of title 46, United States Code, is amended—

(1) in subparagraph (B), by striking “and”;

(2) in subparagraph (C), by striking “\$3,700,000 for each of fiscal years 2022, 2023, 2024, and 2025.” and inserting “\$5,300,000 for each of fiscal years 2022, 2023, 2024, and 2025;”; and

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

“(D) \$5,800,000 for each of fiscal years 2026, 2027, and 2028;

“(E) \$6,300,000 for each of fiscal years 2029, 2030, and 2031; and

“(F) \$6,800,000 for each of fiscal years 2032, 2033, 2034, and 2035.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 53111 of title 46, United States Code, is amended—

(1) in paragraph (2), by striking “and”;

(2) in paragraph (3), by striking “\$222,000,000 for each fiscal year thereafter through fiscal year 2025.” and inserting “\$318,000,000 for each of fiscal years 2022, 2023, 2024, and 2025;”; and

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

“(4) \$348,000,000 for each of fiscal years 2026, 2027, and 2028;

“(5) \$378,000,000 for each of fiscal years 2029, 2030, and 2031; and

“(6) \$408,000,000 for each of fiscal years 2032, 2033, 2034, and 2035.”.

SEC. 3503. MARITIME TECHNICAL ASSISTANCE PROGRAM.

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

(1) in subsection (a), by striking “The Secretary of Transportation may engage in the environmental study” and inserting “The Secretary of Transportation, acting through the Maritime Administrator, shall engage in the study”;

(2) in subsection (b)—

(A) by striking “may—” and all that follows through “improvements by—” and inserting “shall identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices to improve—”;

(B) by inserting before subparagraph (A) the following: “(1) environmental performance to meet United States Federal and international standards and guidelines, including—”;

(C) in subparagraph (C), by striking “species; and” and all that follows through the end of the subsection and inserting “species; or

“(D) reducing propeller cavitation; and
“(2) the efficiency and safety of domestic maritime industries.”

(3) in subsection (c)(2), by striking “benefits” and inserting “or other benefits to domestic maritime industries”; and

(4) by adding at the end the following:

“(e) LIMITATIONS ON THE USE OF FUNDS.—Not more than three percent of the funds appropriated to carry out this section may be used for administrative purposes.”.

SEC. 3504. APPOINTMENT OF CANDIDATES ATTENDING SPONSORED PREPARATORY SCHOOL.

Section 51303 of title 46, United States Code, is amended—

(1) by striking “The Secretary” and inserting the following:

“(a) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(b) APPOINTMENT OF CANDIDATES SELECTED FOR PREPARATORY SCHOOL SPONSORSHIP.—The Secretary of Transportation may appoint each year as cadets at the United States Merchant Marine Academy not more than 40 qualified individuals sponsored by the Academy to attend preparatory school during the academic year prior to entrance in the Academy, and who have successfully met the terms and conditions of sponsorship set by the Academy.”.

SEC. 3505. GENERAL SUPPORT PROGRAM.

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

“(c) AMERICAN MARITIME CENTERS OF EXCELLENCE.—The Secretary shall designate each State maritime academy as an American Maritime Center of Excellence.”.

SEC. 3506. IMPROVEMENTS TO THE MARITIME GUARANTEED LOAN PROGRAM.

(a) DEFINITIONS.—Section 53701 of title 46, United States Code, is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraphs (6) through (15) as paragraphs (5) through (14), respectively; and

(3) by adding at the end the following:

“(15) VESSEL OF NATIONAL INTEREST.—The term ‘Vessel of National Interest’ means a vessel deemed to be of national interest that meets characteristics determined by the Administrator, in consultation with the Secretary of Defense, the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Department of

Designation.

the Navy, or the heads of other Federal agencies, as described in section 53703(d).”.

(b) **PREFERRED LENDER.**—Subsection (a) of section 53702 of title 46, United States Code, is amended to read as follows:

“(a) **IN GENERAL.**—

“(1) **GUARANTEE OF PAYMENTS.**—The Secretary or Administrator, on terms the Secretary or Administrator may prescribe, may guarantee or make a commitment to guarantee the payment of the principal of and interest on an obligation eligible to be guaranteed under this chapter. A guarantee or commitment to guarantee shall cover 100 percent of the principal and interest.

“(2) **PREFERRED ELIGIBLE LENDER.**—The Federal Financing Bank shall be the preferred eligible lender of the principal and interest of the guaranteed obligations issued under this chapter.”.

(c) **APPLICATION AND ADMINISTRATION.**—Section 53703 of title 46, United States Code, is amended—

(1) in the section heading, by striking “**procedures**” and inserting “**and administration**”; and

(2) by adding at the end the following:

“(c) **INDEPENDENT ANALYSIS.**—

“(1) **IN GENERAL.**—To assess and mitigate the risks due to factors associated with markets, technology, financial, or legal structures related to an application or guarantee under this chapter, the Secretary or Administrator may utilize third party experts, including legal counsel, to—

Assessment.

“(A) process and review applications under this chapter, including conducting independent analysis and review of aspects of an application;

Review.

“(B) represent the Secretary or Administrator in structuring and documenting the obligation guarantee;

“(C) analyze and review aspects of, structure, and document the obligation guarantee during the term of the guarantee;

Review.

“(D) recommend financial covenants or financial ratios to be met by the applicant during the time a guarantee under this chapter is outstanding that are—

Recommendations.

“(i) based on the financial covenants or financial ratios, if any, that are then applicable to the obligor under private sector credit agreements; and

“(ii) in lieu of other financial covenants applicable to the obligor under this chapter with respect to requirements regarding long-term debt-to-equity, minimum working capital, or minimum amount of equity; and

“(E) represent the Secretary or Administrator to protect the security interests of the Government relating to an obligation guarantee.

“(2) **PRIVATE SECTOR EXPERT.**—Independent analysis, review, and representation conducted under this subsection shall be performed by a private sector expert in the applicable field who is selected by the Secretary or Administrator.

“(d) **VESSELS OF NATIONAL INTEREST.**—

“(1) **NOTICE OF FUNDING.**—The Secretary or Administrator may post a notice in the Federal Register regarding the availability of funding for obligation guarantees under this chapter

Federal Register, publication. Timeline.

for the construction, reconstruction, or reconditioning of a Vessel of National Interest and include a timeline for the submission of applications for such vessels.

“(2) VESSEL CHARACTERISTICS.—

Consultation.
Publication.
List.

“(A) IN GENERAL.—The Secretary or Administrator, in consultation with the Secretary of Defense, the Secretary of the Department in which the Coast Guard is operating when it is not operating as service in the Department of the Navy, or the heads of other Federal agencies, shall develop and publish a list of vessel types that would be considered Vessels of National Interest.

Determination.

“(B) REVIEW.—Such list shall be reviewed and revised every four years or as necessary, as determined by the Administrator.”

(d) FUNDING LIMITS.—Section 53704 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “that amount” and all the follows through “\$850,000,000” and inserting “that amount, \$850,000,000”; and

(B) by striking “facilities” and all that follows through the end of the subsection and inserting “facilities.”; and

(2) in subsection (c)(4)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) through (K), as subparagraphs (A) through (J), respectively.

(e) ELIGIBLE PURPOSES OF OBLIGATIONS.—Section 53706 of title 46, United States Code, is amended—

(1) in subsection (a)(1)(A)—

(A) in the matter preceding clause (i), by striking “(including an eligible export vessel)”;

(B) in clause (iv) by inserting “or” after the semicolon;

(C) in clause (v), by striking “; or” and inserting a period; and

(D) by striking clause (vi); and

(2) in subsection (c)(1)—

(A) in subparagraph (A), by striking “and” after the semicolon;

(B) in subparagraph (B)(ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) after applying subparagraphs (A) and (B), Vessels of National Interest.”

(f) AMOUNT OF OBLIGATIONS.—Section 53709(b) of title 46, United States Code, is amended—

(1) by striking paragraphs (3) and (6); and

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(g) CONTENTS OF OBLIGATIONS.—Section 53710 of title 46, United States Code, is amended—

(1) in subsection (a)(4)—

(A) in subparagraph (A)—

(i) by striking “or, in the case of” and all that follows through “party”; and

(ii) by striking “and” after the semicolon; and

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) documented under the laws of the United States for the term of the guarantee of the obligation or until the obligation is paid in full, whichever is sooner.”; and
(2) in subsection (c)—

(A) in the subsection heading, by inserting “AND PROVIDE FOR THE FINANCIAL STABILITY OF THE OBLIGOR” after “INTERESTS”;

(B) by striking “provisions for the protection of” and inserting “provisions, which shall include—

“(1) provisions for the protection of”;

(C) by striking “, and other matters that the Secretary or Administrator may prescribe.” and inserting “; and”; and

(D) by adding at the end the following:

“(2) any other provisions that the Secretary or Administrator may prescribe.”.

(h) ADMINISTRATIVE FEES.—Section 53713 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “reasonable for—” and inserting “reasonable for processing the application and monitoring the loan guarantee, including for—”;

(B) in paragraph (4), by striking “; and” and inserting “or a deposit fund under section 53716 of this title;”;

(C) in paragraph (5), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(6) monitoring and providing services related to the obligor’s compliance with any terms related to the obligations, the guarantee, or maintenance of the Secretary or Administrator’s security interests under this chapter.”; and

(2) in subsection (c)—

(A) in paragraph (1), by striking “under section 53708(d) of this title” and inserting “under section 53703(c) of this title”;

(B) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and adjusting the margins accordingly;

(C) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(D) by adding at the end the following:

“(2) FEE LIMITATION INAPPLICABLE.—Fees collected under this subsection are not subject to the limitation of subsection (b).”.

(i) BEST PRACTICES; ELIGIBLE EXPORT VESSELS.—Chapter 537 of title 46, United States Code, is further amended—

(1) in subchapter I, by adding at the end the following new section:

“§ 53719. Best practices

“The Secretary or Administrator shall ensure that all standard documents and agreements that relate to loan guarantees made pursuant to this chapter are reviewed and updated every four years to ensure that such documents and agreements meet the

Contracts.
Review.
Updates.
Time period.
46 USC 53719.

current commercial best practices to the extent permitted by law.”; and

(2) in subchapter III, by striking section 53732.

(j) EXPEDITED CONSIDERATION OF LOW-RISK APPLICATIONS.—

(1) IN GENERAL.—In accordance with the requirements of this subsection, the Administrator shall establish an administrative process and issue guidance for the expedited consideration of low-risk applications submitted under chapter 537 of title 46, United States Code.

Deadline.
Federal Register,
publication.
Notice.
46 USC 53703
note.

(2) STAKEHOLDER COMMENT.—Not later than 180 days after the date of enactment of this section, the Administrator of the Maritime Administration shall publish in the Federal Register a notice of a 45-day public comment period to request stakeholder input and recommendations to establish the administrative process required under this subsection, including proposals to assist applicants—

(A) in the development and submission of initial applications;

(B) in meeting requests for supplemental information made by the Administrator; and

Compliance.

(C) to comply with other requirements made by the Administrator to ensure the expedited consideration of applications.

(3) INDUSTRY BEST PRACTICES.—The administrative process established under this subsection shall utilize, to the extent practicable, relevant Federal and industry best practices found in the maritime and shipbuilding industries.

Deadline.
Federal Register,
publication.

(4) FINAL GUIDANCE.—Not later than 90 days after the conclusion of the public comment period required under paragraph (2), the Administrator shall publish in the Federal Register final guidance to assist applicants in the preparation and filing of applications under this subsection.

(k) CONGRESSIONAL NOTIFICATION.—

Deadline.

(1) NOTIFICATION.—Not less than 60 days before reorganizing or consolidating the activities or personnel covered under chapter 537 of title 46, United States Code, the Secretary of Transportation shall notify, in writing, the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the proposed reorganization or consolidation.

Evaluation.

(2) CONTENTS.—Each notification under paragraph (1) shall include an evaluation of, and justification for, the reorganization or consolidation.

46 USC
prec. 53701.

(l) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 537 of title 46, United States Code, is amended—

(1) by inserting after the item relating to section 53718 the following new item:

“53719. Best practices.”; and

(2) by striking the item relating to section 53732.

SEC. 3507. REQUIREMENT FOR SMALL SHIPYARD GRANTEES.

(a) IN GENERAL.—Section 54101(d) of title 46, United States Code, is amended—

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

“(1) IN GENERAL.—Grants awarded”; and

(2) by adding at the end the following:

“(2) BUY AMERICA.—

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

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

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

“(B) EXCEPTIONS.—

Determinations.

“(i) IN GENERAL.—Notwithstanding subparagraph (A), the requirements of that subparagraph shall not apply with respect to a particular product or material if the Administrator determines—

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

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

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

“(ii) FEDERAL REGISTER.—A determination made by the Administrator under this subparagraph shall be published in the Federal Register.

“(C) DEFINITIONS.—In this paragraph:

“(i) The term ‘commercially available off-the-shelf item’ means—

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

“(aa) a commercial item, as defined by section 2.101 of title 48, Code of Federal Regulations (as in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020); and

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

“(II) does not include bulk cargo, as defined in section 40102(4) of this title, such as agricultural products and petroleum products.

“(ii) The term ‘product or material’ means an article, material, or supply brought to the site by the recipient for incorporation into the building, work, or project. The term also includes an item brought to the site preassembled from articles, materials, or supplies. However, emergency life safety systems, such

as emergency lighting, fire alarm, and audio evacuation systems, that are discrete systems incorporated into a public building or work and that are produced as complete systems, are evaluated as a single and distinct construction material regardless of when or how the individual parts or components of those systems are delivered to the construction site.

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

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 54101(i) of title 46, United States Code, is amended—

(1) by striking “2018, 2019, and 2020” and inserting “2020 and 2021”; and

(2) by striking “\$35,000,000” and inserting “\$40,000,000”.

(c) NOTIFICATION OF COMMITTEES OF CERTAIN PROPOSED OBLIGATIONS.—The first section of Public Law 85-804 (50 U.S.C. 1431) is amended, in the third sentence, by inserting “and in addition, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate with respect to contracts, or modifications or amendments to contracts, or advance payments proposed to be made under this section by the Secretary of the Department in which the Coast Guard is operating with respect to the acquisition of Coast Guard cutters or aircraft,” after “House of Representatives”.

SEC. 3508. SALVAGE RECOVERIES OF CARGOES.

Section 57107 of title 46, United States Code, is amended by adding at the end the following:

“(c) SALVAGING CARGOES.—

“(1) REIMBURSABLE AGREEMENTS.—The Secretary of Transportation, acting through the Administrator of the Maritime Administration, may enter into reimbursable agreements with other Federal entities to provide legal services to such entities relating to the salvaging of cargoes for which such entities have custody, or control, or for which for such entities have trustee responsibilities from vessels in the custody or control of the Maritime Administration or its predecessor agencies. The Secretary may receive and retain reimbursement from such entities for all costs incurred related to the provision of such services.

“(2) AMOUNTS RECEIVED.—Amounts received as reimbursements under this subsection shall be credited to the fund or account that was used to cover the costs incurred by the Secretary or, if the period of availability of obligations for that appropriation has expired, to the appropriation of funds that is currently available to the Secretary for substantially the same purpose. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

“(3) ADVANCE PAYMENTS.—Payments made in advance shall be for any part of the estimated cost as determined by the Secretary of Transportation. Adjustments to the amounts paid in advance shall be made as agreed to by the Secretary of

Cost estimate.
Determination.

Transportation and the head of the ordering agency or unit based on the actual cost of goods or services provided.”.

SEC. 3509. SALVAGE RECOVERIES FOR SUBROGATED OWNERSHIP OF VESSELS AND CARGOES.

(a) **IN GENERAL.**—Chapter 571 of title 46, United States Code, as amended by this title, is further amended by adding at the end the following new section:

“SEC. 57111. SALVAGE RECOVERIES FOR SUBROGATED OWNERSHIP OF VESSELS AND CARGOES. 46 USC 57111.

“(a) **SALVAGE AGREEMENTS.**—The Secretary of Transportation is authorized to enter into marine salvage agreements for the recoveries, sale, and disposal of sunken or damaged vessels, cargoes, or properties owned or insured by or on behalf of the Maritime Administration, the United States Shipping Board, the U.S. Shipping Bureau, the United States Maritime Commission, or the War Shipping Administration.

“(b) **MILITARY CRAFT.**—The Secretary of Transportation shall consult with the Secretary of the military department concerned prior to engaging in or authorizing any activity under subsection (a) that will disturb sunken military craft, as such term is defined in section 1408(3) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 113 note).

Consultation.

“(c) **RECOVERIES.**—Notwithstanding any other provision of law, the net proceeds from salvage agreements entered into as authorized in subsection (a) shall remain available until expended and be distributed as follows:

“(1) Fifty percent shall be available to the Administrator of the Maritime Administration for the payment or reimbursement of expenses incurred by or on behalf of State maritime academies or the United States Merchant Marine Academy for facility and training ship maintenance, repair, and modernization, and for the purchase of simulators and fuel.

“(2) The remainder shall be distributed for maritime heritage preservation to the Department of the Interior for grants as authorized by section 308703 of title 54.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter, as amended by this title, is further amended by adding at the end the following new item:

46 USC
prec. 57100.

“57111. Salvage recoveries for subrogated ownership of vessels and cargoes.”.

SEC. 3510. MARITIME OCCUPATIONAL SAFETY AND HEALTH ADVISORY COMMITTEE.

Section 7 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) is amended by adding at the end the following:

“(d) There is established a Maritime Occupational Safety and Health Advisory Committee, which shall be a continuing body and shall provide advice to the Secretary in formulating maritime industry standards and regarding matters pertaining to the administration of this Act related to the maritime industry. The composition of such advisory committee shall be consistent with the advisory committees established under subsection (b). A member of the advisory committee who is otherwise qualified may continue

Establishment.

to serve until a successor is appointed. The Secretary may promulgate or amend regulations as necessary to implement this subsection.”.

46 USC 3702

note.
Deadline.
Coordination.
Consultation.
List.
Determination.

SEC. 3511. MILITARY TO MARINER.

(a) **CREDENTIALING SUPPORT.**—Not later than one year after the date of enactment of this title, the Secretary of Defense, the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Department of the Navy, the Secretary of Commerce, and the Secretary of Health and Human Services, with respect to the applicable services in their respective departments, and in coordination with one another and with the United States Committee on the Marine Transportation System, and in consultation with the Merchant Marine Personnel Advisory Committee, shall, consistent with applicable law, identify all training and experience within the applicable service that may qualify for merchant mariner credentialing and submit a list of all identified training and experience to the United States Coast Guard National Maritime Center for a determination of whether such training and experience counts for credentialing purposes.

Determination.
Deadline.

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

(c) **FEES AND SERVICES.**—The Secretary of Defense, the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Department of the Navy, and the Secretary of Commerce, with respect to the applicable services in their respective departments, shall—

Waiver authority.

(1) take all necessary and appropriate actions to provide for the waiver of fees through the National Maritime Center license evaluation, issuance, and examination for members of the uniformed services on active duty, if a waiver is authorized and appropriate, and, if a waiver is not granted, take all necessary and appropriate actions to provide for the payment of fees for members of the uniformed services on active duty by the applicable service to the fullest extent permitted by law;

(2) direct the applicable services to take all necessary and appropriate actions to provide for Transportation Worker Identification Credential cards for members of the uniformed services on active duty pursuing or possessing a mariner credential, such as implementation of an equal exchange process for members of the uniformed services on active duty at no or minimal cost;

Certification.
Deadline.

(3) ensure that members of the applicable services who are to be discharged or released from active duty and who request certification or verification of sea service be provided such certification or verification no later than one month after discharge or release;

(4) ensure the applicable services have developed, or continue to operate, as appropriate, the online resource known as Credentialing Opportunities On-Line to support separating

members of the uniformed services who are seeking information and assistance on merchant mariner credentialing; and

(5) not later than 1 year after the date of enactment of this section, take all necessary and appropriate actions to review and implement service-related medical certifications to merchant mariner credential requirements.

Deadline.
Review.

(d) ADVANCING MILITARY TO MARINER WITHIN THE EMPLOYER AGENCIES.—

(1) **IN GENERAL.**—The Secretary of Defense, the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Department of the Navy, and the Secretary of Commerce shall have direct hiring authority to employ separated members of the uniformed services with valid merchant mariner licenses or sea service experience in support of United States national maritime needs, including the Army Corps of Engineers, U.S. Customs and Border Protection, and the National Oceanic and Atmospheric Administration.

(2) **APPOINTMENTS OF RETIRED MEMBERS OF THE ARMED FORCES.**—Except in the case of positions in the Senior Executive Service, the requirements of section 3326(b) of title 5, United States Code, shall not apply with respect to the hiring of a separated member of the uniformed services under paragraph (1).

(e) **SEPARATED MEMBER OF THE UNIFORMED SERVICES.**—In this section, the term “separated member of the uniformed services” means an individual who—

Definition.

(1) is retiring or is retired as a member of the uniformed services;

(2) is voluntarily separating or voluntarily separated from the uniformed services at the end of enlistment or service obligation; or

(3) is administratively separating or has administratively separated from the uniformed services with an honorable or general discharge characterization.

SEC. 3512. DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL REPORT.

The Inspector General of the Department of Transportation shall—

(1) not later than 180 days after the date of enactment of this title, initiate an audit of the Maritime Administration’s actions to address only those recommendations from Chapter 3 and recommendations 5–1, 5–2, 5–3, 5–4, 5–5, and 5–6 identified by a National Academy of Public Administration panel in the November 2017 report entitled “Maritime Administration: Defining its Mission, Aligning its Programs, and Meeting its Objectives”; and

Deadline.
Audit.

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of that audit once the audit is completed.

SEC. 3513. INDEPENDENT STUDY ON THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this title, the Secretary of Transportation shall seek

Deadline.
Contracts.

to enter into an agreement with the National Academy of Public Administration (referred to in this section as the “Academy”) to carry out the activities described in this section.

(b) **STUDY ELEMENTS.**—In accordance with the agreement described in subsection (a), the Academy shall conduct a study of the United States Merchant Marine Academy that consists of the following:

Assessment.

(1) A comprehensive assessment of the United States Merchant Marine Academy’s systems, training, facilities, infrastructure, information technology, and stakeholder engagement.

(2) Identification of needs and opportunities for modernization to help the United States Merchant Marine Academy keep pace with more modern campuses.

Plan.
Recommendations.

(3) Development of an action plan for the United States Merchant Marine Academy with specific recommendations for—

(A) improvements or updates relating to the opportunities described in paragraph (2); and

(B) systemic changes needed to help the United States Merchant Marine Academy achieve its mission of inspiring and educating the next generation of the mariner workforce on a long-term basis.

(c) **DEADLINE AND REPORT.**—Not later than 1 year after the date of the agreement described in subsection (a), the Academy shall prepare and submit to the Administrator of the Maritime Administration a report containing the action plan described in subsection (b)(3), including specific findings and recommendations.

Ports
Improvement
Act.
46 USC 101 note.

SEC. 3514. PORT OPERATIONS, RESEARCH, AND TECHNOLOGY.

(a) **SHORT TITLE.**—This section may be cited as the “Ports Improvement Act”.

(b) **PORT AND INTERMODAL IMPROVEMENT PROGRAM.**—Section 50302 of title 46, United States Code, is amended by striking subsection (c) and inserting the following:

Grants.

“(c) **PORT AND INTERMODAL IMPROVEMENT PROGRAM.**—

“(1) **GENERAL AUTHORITY.**—Subject to the availability of appropriations, the Secretary of Transportation shall make grants, on a competitive basis, to eligible applicants to assist in funding eligible projects for the purpose of improving the safety, efficiency, or reliability of the movement of goods through ports and intermodal connections to ports.

“(2) **ELIGIBLE APPLICANT.**—The Secretary may make a grant under this subsection to the following:

“(A) A State.

“(B) A political subdivision of a State, or a local government.

“(C) A public agency or publicly chartered authority established by 1 or more States.

“(D) A special purpose district with a transportation function.

“(E) An Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), without regard to capitalization), or a consortium of Indian Tribes.

“(F) A multistate or multijurisdictional group of entities described in this paragraph.

“(G) A lead entity described in subparagraph (A), (B), (C), (D), (E), or (F) jointly with a private entity or group of private entities.

“(3) ELIGIBLE PROJECTS.—The Secretary may make a grant under this subsection—

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

“(i) is either—

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

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

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

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

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

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

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

“(4) PROHIBITED USES.—A grant award under this subsection may not be used—

“(A) to finance or refinance the construction, reconstruction, reconditioning, or purchase of a vessel that is eligible for such assistance under chapter 537, unless the Secretary determines such vessel—

Determination.

“(i) is necessary for a project described in paragraph (3)(A)(ii)(III) of this subsection; and

“(ii) is not receiving assistance under chapter 537;

or

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

“(5) APPLICATIONS AND PROCESS.—

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

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

Deadline.

“(6) PROJECT SELECTION CRITERIA.—

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

Determination.

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

“(ii) the project is cost effective;

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

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

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

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

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

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

and

“(ii) the net benefits of the funds awarded under this subsection, considering the cost-benefit analysis of the project, as applicable.

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

“(7) ALLOCATION OF FUNDS.—

“(A) GEOGRAPHIC DISTRIBUTION.—Not more than 25 percent of the amounts made available for grants under this subsection for a fiscal year may be used to make grants for projects in any 1 State.

“(B) SMALL PROJECTS.—The Secretary shall reserve 25 percent of the amounts made available for grants under this subsection each fiscal year to make grants for eligible projects described in paragraph (3)(A) that request the lesser of—

“(i) 10 percent of the amounts made available for grants under this subsection for a fiscal year; or

“(ii) \$10,000,000.

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

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

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

“(B) FEDERAL SHARE.—

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

Waiver authority.

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

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

Guidelines.

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

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

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

“(10) GRANT CONDITIONS.—

Applicability.
Records.

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

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

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

Review.
Audits.
Reports.
Assessment.

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

“(B) ADDITIONAL REQUIREMENT.—The Secretary shall apply the same requirements of section 117(k) of title 23, United States Code, to a port project assisted in whole or in part under this section as the Secretary does a port-related freight project under section 117 of title 23, United States Code.

“(C) CONSTRUCTION, REPAIR, OR ALTERATION OF VESSELS.—With regard to the construction, repair, or alteration of vessels, the same requirements of section 117(k) of title 23, United States Code, shall apply regardless of whether the location of contract performance is known when bids for such work are solicited.

“(11) ADMINISTRATION.—

“(A) ADMINISTRATIVE AND OVERSIGHT COSTS.—The Secretary may retain not more than 2 percent of the amounts appropriated for each fiscal year under this subsection for the administrative and oversight costs incurred by the Secretary to carry out this subsection.

“(B) AVAILABILITY.—

“(i) IN GENERAL.—Amounts appropriated for carrying out this subsection shall remain available until expended.

“(ii) UNEXPENDED FUNDS.—Amounts awarded as a grant under this subsection that are not expended by the grantee during the 5-year period following the date of the award shall remain available to the Secretary for use for grants under this subsection in a subsequent fiscal year.

Time period.

“(12) DEFINITIONS.—In this subsection:

“(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(i) the Committee on Commerce, Science, and Transportation of the Senate; and

“(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

“(B) PORT.—The term ‘port’ includes—

“(i) any port on the navigable waters of the United States; and

“(ii) any harbor, marine terminal, or other shore side facility used principally for the movement of goods on inland waters.

“(C) PROJECT.—The term ‘project’ includes construction, reconstruction, environmental rehabilitation, acquisition of property, including land related to the project and improvements to the land, equipment acquisition, and operational improvements.

“(D) RURAL AREA.—The term ‘rural area’ means an area that is outside an urbanized area.

Coordination.

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

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

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

“(3) in addition to any financial assistance provided under subsection (c), provide such technical assistance to port authorities or commissions or their subdivisions and agents.”.

46 USC 50302
note.

(c) SAVINGS CLAUSE.—A repeal made by subsection (b) of this section shall not affect amounts apportioned or allocated before the effective date of the repeal. Such apportioned or allocated funds shall continue to be subject to the requirements to which the funds were subject under—

(1) section 50302(c) of title 46, United States Code, as in effect on the day before the date of enactment of this title;

(2) section 9008 of the SAFETEA-LU Act (Public Law 109–59; 119 Stat. 1926);

(3) section 10205 of the SAFETEA-LU Act (Public Law 109–59; 119 Stat. 1934); and

(4) section 3512 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (48 U.S.C. 1421r).

(d) REMEDIAL ACTIONS.—Section 533 of the Coast Guard Authorization Act of 2016 (Public Law 114–120; 130 Stat. 74) is amended by adding at the end the following:

“(f) REMEDIAL ACTIONS.—For purposes of the conveyances under this section, the remedial actions required under section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) may be completed by the United States Coast Guard after the date of such conveyance and a deed entered into for such conveyance shall include a clause granting the United States Coast Guard access to the property in any case in which remedial action or corrective action is found to be necessary after the date of such conveyance.”.

(e) ENVIRONMENTAL COMPLIANCE.—Section 534(a) of the Coast Guard Authorization Act of 2016 (Public Law 114–120; 42 U.S.C. 9620 note) is amended—

(1) by striking “Nothing” and inserting “After the date on which the Secretary of the Interior conveys land under section 533 of this Act, nothing”; and

(2) by inserting “, with respect to contaminants on such land prior to the date on which the land is conveyed” before the period.

SEC. 3515. ASSESSMENT AND REPORT ON STRATEGIC SEAPORTS.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this title, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate a report on port facilities used for military purposes at ports designated by the Department of Defense as strategic seaports.

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

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

(2) If there are such deficiencies—

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

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

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

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

(4) If additional statutory or administrative authorities would be required for the provision of support as described in paragraph (3), recommendations for legislative or administrative action to establish such authorities.

Recommendations.

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

SEC. 3516. TECHNICAL CORRECTIONS.

(a) **OFFICE OF PERSONNEL MANAGEMENT GUIDANCE.**—Not later than 120 days after the date of the enactment of this title, the Director of the Office of Personnel Management, in consultation with the Administrator of the Maritime Administration, shall identify key skills and competencies necessary to maintain a balance of expertise in merchant marine seagoing service and strategic sealift military service in each of the following positions within the Office of the Commandant of the Merchant Marine Academy:

Deadline.
Consultation.

(1) Commandant.

(2) Deputy Commandant.

(3) Tactical company officers.

(4) Regimental officers.

(b) SEA YEAR COMPLIANCE.—Section 3514(a)(1)(A) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 46 U.S.C. 51318 note) is amended by inserting “domestic and international” after “criteria that”.

46 USC 51318
note.

SEC. 3517. UNITED STATES MERCHANT MARINE ACADEMY SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

Deadline.

(a) IMPLEMENTATION OF RECOMMENDATIONS.—The Secretary of Transportation shall ensure that, not later than 180 days after the date of the enactment of this title, the recommendations in report of the Inspector General of the Department of Transportation on the effectiveness sexual assault prevention and response program of the United States Merchant Marine Academy (mandated under section 3512 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2786)), are fully implemented.

(b) REPORT.—Not later than 180 days after the date of the enactment of this title, the Secretary of Transportation shall submit to Congress a report that includes—

(1) confirmation that the recommendations described in subsection (a) have been fully implemented, and explaining how those recommendations have been implemented; or

(2) if such recommendations have not been fully implemented as of the date of the report, an explanation of why such recommendations have not been fully implemented and a description of the resources that are needed to fully implement such recommendations.

SEC. 3518. REPORT ON VESSELS FOR EMERGING OFFSHORE ENERGY INFRASTRUCTURE.

(a) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the need for vessels documented under chapter 121 of title 46, United States Code, to install, operate, and maintain emerging offshore energy infrastructure, including offshore wind energy.

(b) CONTENTS.—The report required by subsection (a) shall include—

Inventory.

(1) an inventory of vessels documented under chapter 121 of title 46, United States Code, (including existing vessels and vessels that have the potential to be refurbished) to install, operate, and maintain such emerging offshore energy infrastructure;

(2) a projection of existing vessels needed to meet such emerging offshore energy needs over the next 10 years;

Summary.

(3) a summary of actions taken or proposed by offshore energy developers and producers, the United States domestic shipbuilding industry, and United States coastwise qualified operators to ensure sufficient vessel capacity in compliance with United States coastwise laws; and

(4) a description of the potential benefits to the United States maritime and shipbuilding industries and to the United States economy associated with the use of United States coastwise qualified vessels to support offshore energy development and production.

SEC. 3519. REPORT ON UNITED STATES FLAGGED FUEL TANKER VESSEL CAPACITY.

(a) **REPORT REQUIRED.**—Concurrent with the budget of the President for fiscal year 2021, as submitted to Congress under section 1105 of title 31, United States Code, the Secretary of Defense shall, in consultation with the Secretary of Transportation, submit to the appropriate committees of Congress a report on the capabilities of the United States to maintain adequate United States-flagged fuel tanker vessel capacity to support the full range of anticipated military operations over each period as follows:

Consultation.
Time periods.

- (1) In 2020.
- (2) Between 2020 and 2025.
- (3) Between 2020 and 2030.

(b) **ELEMENTS.**—The report required by subsection (a) shall include, for each period specified in that subsection, the following:

Assessments.

(1) A description of current and projected United States-flagged fuel tanker vessel capacity.

(2) A description of current and projected United States military needs for United States-flagged fuel tanker vessel capacity, including the most stressing peacetime and wartime requirements.

(3) A description and assessment of the number of foreign-flagged tanker vessels required to address United States military needs described pursuant to paragraph (2), including the most stressing peacetime and wartime requirements.

(4) An identification and assessment of any gaps in the capacity described pursuant to paragraph (1) to meet the United States military needs described pursuant to paragraph (2), including quantities of tanker vessels, as well as an assessment of the risk to military objectives due to reliance on foreign-flagged tanker vessels described pursuant to paragraph (3).

(5) A description and assessment of options to address the gaps identified pursuant to paragraph (4), including the establishment of a program for United States-flagged fuel tanker vessels modeled on the Maritime Security Program.

(6) Such recommendations as the Secretary of Defense considers appropriate in light of the matters set forth in the report.

Recommendations.

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

(d) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate; and

(B) the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

(2) The term “Maritime Security Program” means the program in connection with the Maritime Security Fleet under chapter 531 of title 46, United States Code.

Subtitle B—Cable Security Fleet

SEC. 3521. ESTABLISHMENT OF CABLE SECURITY FLEET.

(a) IN GENERAL.—Title 46, United States Code, is amended by inserting before chapter 533 the following new chapter:

46 USC
prec. 53201.

“CHAPTER 532—CABLE SECURITY FLEET

“Sec.
“53201. Definitions.
“53202. Establishment of the Cable Security Fleet.
“53203. Award of operating agreements.
“53204. Effectiveness of operating agreements.
“53205. Obligations and rights under operating agreements.
“53206. Payments.
“53207. National security requirements.
“53208. Regulatory relief.
“53209. Authorization of appropriations.

46 USC 53201.

“§ 53201. Definitions

“In this chapter:

“(1) CABLE SERVICES.—The term ‘cable services’ means the installation, maintenance, or repair of submarine cables and related equipment, and related cable vessel operations.

“(2) CABLE VESSEL.—The term ‘cable vessel’ means a vessel—

“(A) classed as a cable ship or cable vessel by, and designed in accordance with the rules of, the American Bureau of Shipping, or another classification society accepted by the Secretary; and

“(B) capable of installing, maintaining, and repairing submarine cables.

“(3) CABLE FLEET.—The term ‘Cable Fleet’ means the Cable Security Fleet established under section 53202(a).

“(4) CONTINGENCY AGREEMENT.—The term ‘Contingency Agreement’ means the agreement required by section 53207.

“(5) CONTRACTOR.—The term ‘Contractor’ means an owner or operator of a vessel that enters into an Operating Agreement for a cable vessel with the Secretary under section 53203.

“(6) FISCAL YEAR.—The term ‘fiscal year’ means any annual period beginning on October 1 and ending on September 30.

“(7) OPERATING AGENCY.—The term ‘Operating Agency’ means that agency or component of the Department of Defense so designated by the Secretary of Defense under this chapter.

“(8) OPERATING AGREEMENT OR AGREEMENT.—The terms ‘Operating Agreement’ or ‘Agreement’ mean the agreement required by section 53203.

“(9) PERSON.—The term ‘person’ includes corporations, partnerships, and associations existing under or authorized by the laws of the United States, or any State, Territory, District, or possession thereof, or of any foreign country.

“(10) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(11) UNITED STATES.—The term ‘United States’ includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

“(12) UNITED STATES CITIZEN TRUST.—

“(A) Subject to paragraph (C), the term ‘United States citizen trust’ means a trust that is qualified under this paragraph.

“(B) A trust is qualified under this paragraph with respect to a vessel only if—

“(i) it was created under the laws of a state of the United States;

“(ii) each of the trustees is a citizen of the United States; and

“(iii) the application for documentation of the vessel under chapter 121 of this title includes the affidavit of each trustee stating that the trustee is not aware of any reason involving a beneficiary of the trust that is not a citizen of the United States, or involving any other person that is not a citizen of the United States, as a result of which the beneficiary or other person would hold more than 25 percent of the aggregate power to influence, or limit the exercise of the authority of, the trustee with respect to matters involving any ownership or operation of the vessel that may adversely affect the interests of the United States.

“(C) If any person that is not a citizen of the United States has authority to direct, or participate in directing, the trustee for a trust in matters involving any ownership or operation of the vessel that may adversely affect the interests of the United States or in removing a trustee for a trust without cause, either directly or indirectly through the control of another person, the trust is not qualified under this paragraph unless the trust instrument provides that persons who are not citizens of the United States may not hold more than 25 percent of the aggregate authority to direct or remove a trustee.

“(D) This paragraph shall not be considered to prohibit a person who is not a citizen of the United States from holding more than 25 percent of the beneficial interest in a trust.

“§ 53202. Establishment of the Cable Security Fleet

46 USC 53202.

“(a) IN GENERAL.—(1) The Secretary, in consultation with the Operating Agency, shall establish a fleet of active, commercially viable, cable vessels to meet national security requirements. The fleet shall consist of privately owned, United States-documented cable vessels for which there are in effect Operating Agreements under this chapter, and shall be known as the Cable Security Fleet.

Consultation.

“(2) The Fleet described under this section shall include two vessels.

“(b) VESSEL ELIGIBILITY.—A cable vessel is eligible to be included in the Fleet if—

“(1) the vessel meets the requirements of paragraph (1), (2), (3), or (4) of subsection (c);

“(2) the vessel is operated (or in the case of a vessel to be constructed, will be operated) in commercial service providing cable services;

“(3) the vessel is 40 years of age or less on the date the vessel is included in the Fleet;

Determinations.

“(4) the vessel is—

“(A) determined by the Operating Agency to be suitable for engaging in cable services by the United States in the interest of national security; and

“(B) determined by the Secretary to be commercially viable, whether independently or taking any payments which are the consequence of participation in the Cable Fleet into account; and

“(5) the vessel—

“(A) is a United States-documented vessel; or

“(B) is not a United States-documented vessel, but—

“(i) the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 of this title if it is included in the Cable Fleet; and

“(ii) at the time an Operating Agreement is entered into under this chapter, the vessel is eligible for documentation under chapter 121 of this title.

“(c) REQUIREMENTS REGARDING CITIZENSHIP OF OWNERS AND OPERATORS.—

“(1) VESSELS OWNED AND OPERATED BY SECTION 50501 CITIZENS.—A vessel meets the requirements of this paragraph if, during the period of an Operating Agreement under this chapter that applies to the vessel, the vessel will be owned and operated by one or more persons that are citizens of the United States under section 50501 of this title.

“(2) VESSELS OWNED BY A SECTION 50501 CITIZEN, OR UNITED STATES CITIZEN TRUST, AND CHARTERED TO A DOCUMENTATION CITIZEN.—A vessel meets the requirements of this paragraph if—

“(A) during the period of an Operating Agreement under this chapter that applies to the vessel, the vessel will be—

“(i) owned by a person that is a citizen of the United States under section 50501 of this title or that is a United States citizen trust; and

“(ii) demise chartered to and operated by a person—

“(I) that is eligible to document the vessel under chapter 121 of this title;

“(II) the chairman of the board of directors, chief executive officer, and a majority of the members of the board of directors of which are citizens of the United States under section 50501 of this title, and are appointed and subject to removal only upon approval by the Secretary; and

“(III) that certifies to the Secretary that there are no treaties, statutes, regulations, or other laws that would prohibit the Contractor for the vessel from performing its obligations under an Operating Agreement under this chapter;

Certification.

Contracts.

“(B) in the case of a vessel that will be demise chartered to a person that is owned or controlled by another person that is not a citizen of the United States under section 50501 of this title, the other person enters into an agreement with the Secretary not to influence the operation

of the vessel in a manner that will adversely affect the interests of the United States; and

“(C) the Secretary and the Operating Agency notify the Committee on Armed Services and the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Armed Services of the House of Representatives that they concur, and have reviewed the certification required under subparagraph (A)(ii)(III) and determined that there are no legal, operational, or other impediments that would prohibit the Contractor for the vessel from performing its obligations under an Operating Agreement under this chapter.

Notification.
Determination.

“(3) VESSEL OWNED AND OPERATED BY A DEFENSE CONTRACTOR.—A vessel meets the requirements of this paragraph if—

“(A) during the period of an Operating Agreement under this chapter that applies to the vessel, the vessel will be owned and operated by a person that—

“(i) is eligible to document a vessel under chapter 121 of this title;

“(ii) operates or manages other United States-documented vessels for the Secretary of Defense, or charters other vessels to the Secretary of Defense;

“(iii) has entered into a special security agreement for purposes of this paragraph with the Secretary of Defense;

“(iv) makes the certification described in paragraph (2)(A)(ii)(III); and

“(v) in the case of a vessel described in paragraph (2)(B), enters into an agreement referred to in that paragraph; and

“(B) the Secretary and the Secretary of Defense notify the Committee on Armed Services and Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services of the House of Representatives that they have reviewed the certification required by subparagraph (A)(iv) and determined that there are no other legal, operational, or other impediments that would prohibit the Contractor for the vessel from performing its obligations under an Operating Agreement under this chapter.

Notification.
Determination.

“(4) VESSEL OWNED BY A DOCUMENTATION CITIZEN AND CHARTERED TO A SECTION 50501 CITIZEN.—A vessel meets the requirements of this paragraph if, during the period of an Operating Agreement under this chapter that applies to the vessel, the vessel will be—

“(A) owned by a person that is eligible to document a vessel under chapter 121 of this title; and

“(B) demise chartered to a person that is a citizen of the United States under section 50501 of this title.

“(d) VESSEL STANDARDS.—

“(1) CERTIFICATE OF INSPECTION.—A cable vessel which the Secretary of the Department in which the Coast Guard is operating determines meets the criteria of subsection (b) of this section but which, on the date of enactment of the Act, is not documented under chapter 121 of this title, shall

Determination.

be eligible for a certificate of inspection if that Secretary determines that—

Compliance.

“(A) the vessel is classed by, and designed in accordance with the rules of, the American Bureau of Shipping, or another classification society accepted by that Secretary;

“(B) the vessel complies with applicable international agreements and associated guidelines, as determined by the country in which the vessel was documented immediately before becoming documented under chapter 121; and

“(C) that country has not been identified by that Secretary as inadequately enforcing international vessel regulations as to that vessel.

“(2) CONTINUED ELIGIBILITY FOR CERTIFICATE.—Paragraph (1) does not apply to a vessel after any date on which the vessel fails to comply with the applicable international agreements and associated guidelines referred to in paragraph (1)(B).

“(3) RELIANCE ON CLASSIFICATION SOCIETY.—

“(A) IN GENERAL.—The Secretary of the Department in which the Coast Guard is operating may rely on a certification from the American Bureau of Shipping or, subject to subparagraph (B), another classification society accepted by that Secretary to establish that a vessel is in compliance with the requirements of paragraphs (1) and (2).

“(B) FOREIGN CLASSIFICATION SOCIETY.—The Secretary of the Department in which the Coast Guard is operating may accept certification from a foreign classification society under subparagraph (A) only—

“(i) to the extent that the government of the foreign country in which the society is headquartered provides access on a reciprocal basis to the American Bureau of Shipping; and

“(ii) if the foreign classification society has offices and maintains records in the United States.

Determination.

“(e) WAIVER OF AGE REGISTRATION.—The Secretary, in conjunction with the Operating Agency, may waive the application of the age restriction under subsection (b)(3) if they jointly determine that the waiver—

“(1) is in the national interest;

“(2) the subject cable vessel and any associated operating network is and will continue to be economically viable; and

“(3) is necessary due to the lack of availability of other vessels and operators that comply with the requirements of this chapter.

46 USC 53203.

“§ 53203. Award of operating agreements

“(a) IN GENERAL.—The Secretary shall require, as a condition of including any vessel in the Cable Fleet, that the person that is the owner or operator of the vessel for purposes of section 53202(c) enter into an Operating Agreement with the Secretary under this section.

Deadlines.

“(b) PROCEDURE FOR APPLICATIONS.—

“(1) ACCEPTANCE OF APPLICATIONS.—Beginning no later than 60 days after the effective date of this chapter, the Secretary shall accept applications for enrollment of vessels in the Cable Fleet.

“(2) ACTION ON APPLICATIONS.—Within 120 days after receipt of an application for enrollment of a vessel in the Cable Fleet, the Secretary shall approve the application in conjunction with the Operating Agency, and shall enter into an Operating Agreement with the applicant, or provide in writing the reason for denial of that application.

“(c) PRIORITY FOR AWARDING AGREEMENTS.—Subject to the availability of appropriations, the Secretary shall enter into Operating Agreements with those vessels determined by the Operating Agency, in its sole discretion, to best meet the national security requirements of the United States. After consideration of national security requirements, priority shall be given to an applicant that is a United States citizen under section 50501 of this title. Determination.

“§ 53204. Effectiveness of operating agreements

46 USC 53204.

“(a) EFFECTIVENESS GENERALLY.—The Secretary may enter into an Operating Agreement under this chapter for fiscal year 2021. Except as provided in subsection (d), the agreement shall be effective only for one fiscal year, but shall be renewable, subject to available appropriations, for each subsequent year.

“(b) VESSELS UNDER CHARTER TO THE UNITED STATES.—Vessels under charter to the United States are eligible to receive payments pursuant to their Operating Agreements.

“(c) TERMINATION.—

Notifications.

“(1) TERMINATION BY THE SECRETARY.—If the Contractor with respect to an Operating Agreement materially fails to comply with the terms of the Agreement—

“(A) the Secretary shall notify the Contractor and provide a reasonable opportunity for it to comply with the Operating Agreement;

Compliance.

“(B) the Secretary shall terminate the Operating Agreement if the Contractor fails to achieve such compliance; and

“(C) upon such termination, any funds obligated by the Agreement shall be available to the Secretary to carry out this chapter.

“(2) EARLY TERMINATION BY A CONTRACTOR.—An Operating Agreement under this chapter shall terminate on a date specified by the Contractor if the Contractor notifies the Secretary, not fewer than 60 days prior to the effective date of the termination, that the Contractor intends to terminate the Agreement.

Deadline.

“(d) NONRENEWAL FOR LACK OF FUNDS.—If, by the first day of a fiscal year, sufficient funds have not been appropriated under the authority provided by this chapter for that fiscal year for all Operating Agreements, then the Secretary shall notify the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services of the House of Representatives that Operating Agreements authorized under this chapter for which sufficient funds are not available will not be renewed for that fiscal year if sufficient funds are not appropriated by the 60th day of that fiscal year. If only partial funding is appropriated by the 60th day of such fiscal year, then the Secretary, in consultation with the Operating Agency, shall select the vessels to retain under Operating Agreements, based on their determinations of which vessels are most useful for national security. In the event that no funds are appropriated, then no Operating Agreements shall be renewed and each

Notification.
Deadline.

Consultation.
Determinations.

Contractor shall be released from its obligations under the Operating Agreement. Final payments under an Operating Agreement that is not renewed shall be made in accordance with section 53206. To the extent that sufficient funds are appropriated in a subsequent fiscal year, an Operating Agreement that has not been renewed pursuant to this subsection may be reinstated if mutually acceptable to the Secretary, in consultation with the Operating Agency, and the Contractor, provided the vessel remains eligible for participation pursuant to section 53202, without regard to subsection 53202 (b)(3).

“(e) RELEASE OF VESSELS FROM OBLIGATIONS.—If funds are not appropriated for payments under an Operating Agreement under this chapter for any fiscal year by the 60th day of a fiscal year, and the Secretary, in consultation with the Operating Agency determines to not renew a Contractor’s Operating Agreement for a vessel, then—

“(1) each vessel covered by the Operating Agreement that is not renewed is thereby released from any further obligation under the Operating Agreement;

“(2) the owner or operator of the vessel whose Operating Agreement was not renewed may transfer and register such vessel under a foreign registry that is acceptable to the Secretary and the Operating Agency, notwithstanding section 56101 of this title; and

“(3) if chapter 563 of this title is applicable to such vessel after registration, then the vessel is available to be requisitioned by the Secretary pursuant to chapter 563.

46 USC 53205.

“§ 53205. Obligations and rights under operating agreements

“(a) OPERATION OF VESSEL.—An Operating Agreement under this chapter shall require that, during the period the vessel is operating under the Agreement, the vessel—

“(1) shall be operated in the trade for Cable Services, or under a charter to the United States; and

“(2) shall be documented under chapter 121 of this title.

“(b) ANNUAL PAYMENTS BY THE SECRETARY.—

“(1) IN GENERAL.—An Operating Agreement under this chapter shall require, subject to the availability of appropriations, that the Secretary make payment to the Contractor in accordance with section 53206.

“(2) OPERATING AGREEMENT IS AN OBLIGATION OF THE UNITED STATES GOVERNMENT.—An Operating Agreement under this chapter constitutes a contractual obligation of the United States Government to pay the amounts provided for in the Operating Agreement to the extent of actual appropriations.

“(c) DOCUMENTATION REQUIREMENT.—Each vessel covered by an Operating Agreement (including an Agreement terminated under section 53204(c)(2)) shall remain documented under chapter 121 of this title, until the date the Operating Agreement would terminate according to its own terms.

“(d) NATIONAL SECURITY REQUIREMENTS.—

“(1) IN GENERAL.—A Contractor with respect to an Operating Agreement (including an Agreement terminated under section 53204(c)(2)) shall continue to be bound by the provisions of section 53207 until the date the Operating Agreement would terminate according to its terms.

“(2) CONTINGENCY AGREEMENT WITH OPERATING AGENCY.—All terms and conditions of a Contingency Agreement entered into under section 53207 shall remain in effect until a date the Operating Agreement would terminate according to its terms, except that the terms of such Contingency Agreement may be modified by the mutual consent of the Contractor, and the Operating Agency.

“(e) TRANSFER OF OPERATING AGREEMENTS.—Operating Agreements shall not be transferrable by the Contractor.

“(f) REPLACEMENT VESSEL.—A Contractor may replace a vessel under an Operating Agreement with another vessel that is eligible to be included in the Fleet under section 53202(b), if the Secretary and the Operating Agency jointly determine that the replacement vessel meets national security requirements and approve the replacement.

Determination.

“§ 53206. Payments

46 USC 53206.

“(a) ANNUAL PAYMENT.—

“(1) IN GENERAL.—The Secretary, subject to availability of appropriations and other provisions of this section, shall pay to the Contractor for an operating agreement, for each vessel that is covered by the operating agreement, an amount equal to \$5,000,000 for each fiscal year 2021 through 2035.

“(2) TIMING.—This amount shall be paid in equal monthly installments at the end of each month. The amount shall not be reduced except as provided by this section.

“(b) CERTIFICATION REQUIRED FOR PAYMENT.—As a condition of receiving payment under this section for a fiscal year for a vessel, the Contractor for the vessel shall certify that the vessel has been and will be operated in accordance with section 53205(a)(1) for 365 days in each fiscal year. Up to thirty (30) days during which the vessel is drydocked, surveyed, inspected, or repaired shall be considered days of operation for purposes of this subsection.

Time periods.

“(c) GENERAL LIMITATIONS.—The Secretary shall not make any payment under this chapter for a vessel with respect to any days for which the vessel is—

“(1) not operated or maintained in accordance with an Operating Agreement under this chapter; or

“(2) more than 40 years of age.

“(d) REDUCTIONS IN PAYMENTS.—With respect to payments under this chapter for a vessel covered by an Operating Agreement, the Secretary shall make a pro rata reduction for each day less than 365 in a fiscal year that the vessel is not operated in accordance with section 53205(a)(1), with days during which the vessel is drydocked or undergoing survey, inspection or repair to be considered days on which the vessel is operated as provided in subsection (b).

Time period.

“§ 53207. National security requirements

46 USC 53207.

“(a) CONTINGENCY AGREEMENT REQUIRED.—The Secretary shall include in each Operating Agreement under this chapter a requirement that the Contractor enter into a Contingency Agreement with the Operating Agency. The Operating Agency shall negotiate and enter into a Contingency Agreement with each Contractor as promptly as practicable after the Contractor has entered into an Operating Agreement under this chapter.

“(b) TERMS OF CONTINGENCY AGREEMENT.—

“(1) IN GENERAL.—A Contingency Agreement under this section shall require that a Contractor for a vessel covered by an Operating Agreement under this chapter make the vessel, including all necessary resources to engage in Cable Services required by the Operating Agency, available upon request by the Operating Agency.

“(2) TERMS.—

“(A) IN GENERAL.—The basic terms of a Contingency Agreement shall be established (subject to subparagraph (B)) by the Operating Agency.

“(B) ADDITIONAL TERMS.—The Operating Agency and a Contractor may agree to additional or modifying terms appropriate to the Contractor’s circumstances.

“(c) DEFENSE MEASURES AGAINST UNAUTHORIZED SEIZURES.—

(1) The Contingency Agreement shall require that any vessel operating under the direction of the Operating Agency operating in area that is designated by the Coast Guard as an area of high risk of piracy shall be equipped with, at a minimum, appropriate non-lethal defense measures to protect the vessel and crew from unauthorized seizure at sea.

“(2) The Secretary of Defense and the Secretary of the department in which the Coast Guard is operating shall jointly prescribe the non-lethal defense measures that are required under this paragraph.

“(d) PARTICIPATION AFTER EXPIRATION OF OPERATING AGREEMENT.—Except as provided by section 53205(d), the Operating Agency may not require, through a Contingency Agreement or an Operating Agreement, that a Contractor continue to participate in a Contingency Agreement after the Operating Agreement with the Contractor has expired according to its terms or is otherwise no longer in effect.

“(e) RESOURCES MADE AVAILABLE.—The resources to be made available in addition to the vessel under a Contingency Agreement shall include all equipment, personnel, supplies, management services, and other related services as the Operating Agency may determine to be necessary to provide the Cable Services required by the Operating Agency.

“(f) COMPENSATION.—

“(1) IN GENERAL.—The Operating Agency shall include in each Contingency Agreement provisions under which the Operating Agency shall pay fair and reasonable compensation for use of the vessel and all Cable Services provided pursuant to this section and the Contingency Agreement.

“(2) SPECIFIC REQUIREMENTS.—Compensation under this subsection—

“(A) shall be at the rate specified in the Contingency Agreement;

“(B) shall be provided from the time that a vessel is required by the Operating Agency under the Contingency Agreement until the time it is made available by the Operating Agency available to reenter commercial service; and

“(C) shall be in addition to and shall not in any way reflect amounts payable under section 53206.

“(g) LIABILITY OF THE UNITED STATES FOR DAMAGES.—

“(1) LIMITATION ON THE LIABILITY OF THE U.S.—Except as otherwise provided by law, the Government shall not be liable for disruption of a Contractor’s commercial business or other

consequential damages to a Contractor arising from the activation of the Contingency Agreement.

“(2) **AFFIRMATIVE DEFENSE.**—In any action in any Federal or State court for breach of third-party contract, there shall be available as an affirmative defense that the alleged breach of contract was caused predominantly by action taken to carry out a Contingent Agreement. Such defense shall not release the party asserting it from any obligation under applicable law to mitigate damages to the greatest extent possible.

“§ 53208. Regulatory relief

46 USC 53208.

“The telecommunications and other electronic equipment on an existing vessel that is redocumented under the laws of the United States for operation under an Operating Agreement under this chapter shall be deemed to satisfy all Federal Communication Commission equipment certification requirements, if—

“(1) such equipment complies with all applicable international agreements and associated guidelines as determined by the country in which the vessel was documented immediately before becoming documented under the laws of the United States;

Compliance.
Determination.

“(2) that country has not been identified by the Secretary of the Department in which the Coast Guard is operating as inadequately enforcing international regulations as to that vessel; and

“(3) at the end of its useful life, such equipment shall be replaced with equipment that meets Federal Communication Commission equipment certification standards.

“§ 53209. Authorization of appropriations

46 USC 53209.

“There are authorized to be appropriated for payments under section 53206, \$10,000,000 for each of the fiscal years 2021 through 2035.”.

(b) **CONFORMING AMENDMENT.**—The table of chapters at the beginning of subtitle V of title 46, United States Code, is amended by inserting before the item relating to chapter 533 the following new item:

46 USC
prec. 50101.

“532. Cable Security Fleet53201”.

Subtitle C—Maritime SAFE Act

Maritime
Security and
Fisheries
Enforcement Act.
16 USC 8001
note.

SEC. 3531. SHORT TITLES.

This subtitle may be cited as the “Maritime Security and Fisheries Enforcement Act” or the “Maritime SAFE Act”.

SEC. 3532. DEFINITIONS.

16 USC 8001.

In this subtitle:

(1) **AIS.**—The term “AIS” means Automatic Identification System (as defined in section 164.46 of title 33, Code of Federal Regulations, or a similar successor regulation).

(2) **COMBINED MARITIME FORCES.**—The term “Combined Maritime Forces” means the 33-nation naval partnership, originally established in February 2002, which promotes security, stability, and prosperity across approximately 3,200,000 square miles of international waters.

(3) **EXCLUSIVE ECONOMIC ZONE.**—

President.
Federal Register,
publication.

(A) IN GENERAL.—Unless otherwise specified by the President as being in the public interest in a writing published in the Federal Register, the term “exclusive economic zone” means—

(i) the area within a zone established by a maritime boundary that has been established by a treaty in force or a treaty that is being provisionally applied by the United States; or

(ii) in the absence of a treaty described in clause (i)—

(I) a zone, the outer boundary of which is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured; or

(II) if the distance between the United States and another country is less than 400 nautical miles, a zone, the outer boundary of which is represented by a line equidistant between the United States and the other country.

(B) INNER BOUNDARY.—Without affecting any Presidential Proclamation with regard to the establishment of the United States territorial sea or exclusive economic zone, the inner boundary of the exclusive economic zone is—

(i) in the case of coastal States, a line coterminous with the seaward boundary of each such State (as described in section 4 of the Submerged Lands Act (43 U.S.C. 1312));

(ii) in the case of the Commonwealth of Puerto Rico, a line that is 3 marine leagues from the coastline of the Commonwealth of Puerto Rico;

(iii) in the case of American Samoa, the United States Virgin Islands, Guam, and the Northern Mariana Islands, a line that is 3 geographic miles from the coastlines of American Samoa, the United States Virgin Islands, Guam, or the Northern Mariana Islands, respectively; or

(iv) for any possession of the United States not referred to in clause (ii) or (iii), the coastline of such possession.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to diminish the authority of the Department of Defense, the Department of the Interior, or any other Federal department or agency.

(4) FOOD SECURITY.—The term “food security” means access to, and availability, utilization, and stability of, sufficient food to meet caloric and nutritional needs for an active and healthy life.

(5) GLOBAL RECORD OF FISHING VESSELS, REFRIGERATED TRANSPORT VESSELS, AND SUPPLY VESSELS.—The term “global record of fishing vessels, refrigerated transport vessels, and supply vessels” means the Food and Agriculture Organization of the United Nations’ initiative to rapidly make available certified data from state authorities about vessels and vessel related activities.

(6) IUU FISHING.—The term “IUU fishing” means illegal fishing, unreported fishing, or unregulated fishing (as such terms are defined in paragraph 3 of the International Plan

Puerto Rico.

Territories.

of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing, adopted at the 24th Session of the Committee on Fisheries in Rome on March 2, 2001).

(7) PORT STATE MEASURES AGREEMENT.—The term “Port State Measures Agreement” means the Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing set forth by the Food and Agriculture Organization of the United Nations, done at Rome, Italy November 22, 2009, and entered into force June 5, 2016, which offers standards for reporting and inspecting fishing activities of foreign-flagged fishing vessels at port.

(8) PRIORITY FLAG STATE.—The term “priority flag state” means a country selected in accordance with section 3552 (b)(3)—

(A) whereby the flagged vessels of which actively engage in, knowingly profit from, or are complicit in IUU fishing; and

(B) that is willing, but lacks the capacity, to monitor or take effective enforcement action against its fleet.

(9) PRIORITY REGION.—The term “priority region” means a region selected in accordance with section 3552 (b)(2)—

(A) that is at high risk for IUU fishing activity or the entry of illegally caught seafood into the markets of countries in the region; and

(B) in which countries lack the capacity to fully address the illegal activity described in subparagraph (A).

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

(11) SEAFOOD.—The term “seafood”—

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

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

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

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

(A) collect catch from multiple fishing boats;

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

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

SEC. 3533. PURPOSES.

16 USC 8002.

The purposes of this subtitle are—

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

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

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

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

(A) a deterrent to IUU fishing; and

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

(5) to improve global enforcement operations against IUU fishing through a whole-of-government approach by the United States; and

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

16 USC 8003.

SEC. 3534. STATEMENT OF POLICY.

It is the policy of the United States—

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

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

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

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

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

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

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

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

(4) to promote global maritime security through improved capacity and technological assistance to support improved maritime domain awareness;

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

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

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

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

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

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

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

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

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

(A) a deterrent to IUU fishing; and

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

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

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

SEC. 3541. COORDINATION WITH INTERNATIONAL ORGANIZATIONS.

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

Consultation.
16 USC 8011.

SEC. 3542. ENGAGEMENT OF DIPLOMATIC MISSIONS OF THE UNITED STATES.

Not later than 1 year after the date of the enactment of this title, each chief of mission (as defined in section 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902)) to a relevant country in a priority region or to a priority flag state may, if the Secretary of State determines such action is appropriate—

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

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

(B) experts on IUU fishing, law enforcement, criminal justice, transnational organized illegal activity, defense,

Deadline.
Determination.
16 USC 8012.

	intelligence, vessel movement monitoring, and international development operating in or with knowledge of the region; and
Designation.	(2) designate a counter-IUU Fishing Coordinator from among existing personnel at the mission if the chief of mission determines such action is appropriate.
Evaluations. 16 USC 8013.	SEC. 3543. ASSISTANCE BY FEDERAL AGENCIES TO IMPROVE LAW ENFORCEMENT WITHIN PRIORITY REGIONS AND PRIORITY FLAG STATES.
Consultation.	(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Commerce and the Commandant of the Coast Guard when the Coast Guard is not operating as a service in the Department of the Navy, as well as any other relevant department or agency, shall provide assistance, as appropriate, in accordance with this section. (b) LAW ENFORCEMENT TRAINING AND COORDINATION ACTIVITIES.—The officials referred to in subsection (a) shall evaluate opportunities to provide assistance, as appropriate, to countries in priority regions and priority flag states to improve the effectiveness of IUU fishing enforcement, with clear and measurable targets and indicators of success, including—
Assessment.	(1) by assessing and using existing resources, enforcement tools, and legal authorities to coordinate efforts to combat IUU fishing with efforts to combat other illegal trade, including weapons, drugs, and human trafficking; (2) by expanding existing IUU fishing enforcement training; (3) by providing targeted, country- and region-specific training on combating IUU fishing, including in those countries that have not adopted the Port State Measures Agreement; (4) by supporting increased effectiveness and transparency of the fisheries enforcement sectors of the governments of such countries; and (5) by supporting increased outreach to stakeholders in the affected communities as key partners in combating and prosecuting IUU fishing. (c) IMPLEMENTATION OF PORT STATE MEASURES.—The officials referred to in subsection (a) shall evaluate opportunities to provide assistance, as appropriate, to countries in priority regions and priority flag states to help those states implement programs related to port security and capacity for the purposes of preventing IUU fishing products from entering the global seafood market, including by supporting other countries in working toward the adoption and implementation of the Port State Measures Agreement. (d) CAPACITY BUILDING FOR INVESTIGATIONS AND PROSECUTIONS.—The officials referred to in subsection (a), in collaboration with the governments of countries in priority regions and of priority flag states, shall evaluate opportunities to assist those countries in designing and implementing programs in such countries, as appropriate, to increase the capacity of IUU fishing enforcement and customs and border security officers to improve their ability— (1) to conduct effective investigations, including using law enforcement techniques such as undercover investigations and the development of informer networks and actionable intelligence; (2) to conduct vessel boardings and inspections at sea and associated enforcement actions;

(3) to exercise existing shiprider agreements and to enter into and implement new shiprider agreements, as appropriate, including in those countries that have not adopted the Port State Measures Agreement;

(4) to conduct vessel inspections at port and associated enforcement actions;

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

(6) to conduct DNA-based and forensic identification of seafood used in trade;

(7) to conduct training on techniques, such as collecting electronic evidence and using computer forensics, for law enforcement personnel involved in complex investigations related to international matters, financial issues, and government corruption that include IUU fishing;

(8) to assess financial flows and the use of financial institutions to launder profits related to IUU fishing; Assessment.

(9) to conduct training on the legal mechanisms that can be used to prosecute those identified in the investigations as alleged perpetrators of IUU fishing and other associated crimes such as trafficking and forced labor; and

(10) to conduct training to raise awareness of the use of whistleblower information and ways to incentivize whistleblowers to come forward with original information related to IUU fishing.

(e) **CAPACITY BUILDING FOR INFORMATION SHARING.**—The officials referred to in subsection (a) shall evaluate opportunities to provide assistance, as appropriate, to key countries in priority regions and priority flag states in the form of training, equipment, and systems development to build capacity for information sharing related to maritime enforcement and port security.

(f) **COORDINATION WITH OTHER RELEVANT AGENCIES.**—The Secretary of State shall coordinate, as appropriate, with the Secretary of Commerce, the Commandant of the Coast Guard when the Coast Guard is not operating as a service in the Department of the Navy, and with other relevant Federal agencies in accordance with this section.

SEC. 3544. EXPANSION OF EXISTING MECHANISMS TO COMBAT IUU FISHING. 16 USC 8014.

(a) **MECHANISMS TO COMBAT IUU FISHING.**—The Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Department of the Navy, the Secretary of Defense, the Secretary of Commerce, the Attorney General, and the heads of other appropriate Federal agencies shall assess opportunities to combat IUU fishing by expanding, as appropriate, the use of the following mechanisms: Assessment.

(1) Including counter-IUU fishing in existing shiprider agreements in which the United States is a party.

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

(3) Including counter-IUU fishing as part of the mission of the Combined Maritime Forces.

(4) Including counter-IUU fishing exercises in the annual at-sea exercises conducted by the Department of Defense, in coordination with the United States Coast Guard.

(5) Creating partnerships similar to the Oceania Maritime Security Initiative and the Africa Maritime Law Enforcement Partnership in other priority regions.

(b) **INFORMATION SHARING.**—The Director of National Intelligence, in conjunction with other agencies, as appropriate, shall develop an enterprise approach to appropriately share information and data within the United States Government or with other countries or nongovernmental organizations, or the private sector, as appropriate, on IUU fishing and other connected transnational organized illegal activity occurring in priority regions and elsewhere, including big data analytics and machine learning.

16 USC 8015.

SEC. 3545. IMPROVEMENT OF TRANSPARENCY AND TRACEABILITY PROGRAMS.

The Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Department of the Navy, the Secretary of Commerce, and the heads of other Federal agencies, if merited, shall work, as appropriate, with priority flag states and key countries in priority regions—

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

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

(3) to improve the capacities of government, industry, and civil society groups to develop and implement comprehensive traceability systems that—

(A) deter IUU fishing;

(B) strengthen fisheries management; and

(C) enhance maritime domain awareness.

16 USC 8016.

SEC. 3546. TECHNOLOGY PROGRAMS.

The Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Department of the Navy, the Secretary of Defense, the Secretary of Commerce, and the heads of other Federal agencies, if merited, shall pursue programs, as appropriate, to expand the role of technology for combating IUU fishing, including by—

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

(2) assessing the technology needs, including vessel tracking technologies and data sharing, in priority regions and priority flag states;

(3) engaging with priority flag states to encourage the mandated use of vessel tracking technologies, including vessel monitoring systems, AIS, or other vessel movement monitoring

Assessment.

technologies on fishing vessels and transshipment vessels at all times, as appropriate, while at sea as a means to identify IUU fishing activities and the shipment of illegally caught fish products; and

(4) building partnerships with the private sector, including universities, nonprofit research organizations, the seafood industry, and the technology, transportation and logistics sectors, to leverage new and existing technologies and data analytics to address IUU fishing.

SEC. 3547. SAVINGS CLAUSE.

16 USC 8017.

No provision of section 3532 or of this part shall impose, or be interpreted to impose, any duty, responsibility, requirement, or obligation on the Department of Defense, the Department of the Navy, the United States Coast Guard when operating as a service in the Department of Homeland Security, or any official or component of either.

**PART II—ESTABLISHMENT OF INTERAGENCY
WORKING GROUP ON IUU FISHING**

SEC. 3551. INTERAGENCY WORKING GROUP ON IUU FISHING.

16 USC 8031.

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

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

Appointments.

(1) 1 chair, who shall rotate between the Secretary of the Department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, the Secretary of State, and the National Oceanographic and Atmospheric Administration, acting through the Administrator, on a 3-year term;

(2) 2 deputy chairs, who shall be appointed by their respective agency heads and shall be from a different Department than that of the chair, from—

(A) the Coast Guard;

(B) the Department of State; and

(C) the National Oceanic and Atmospheric Administration;

(3) 12 members, who shall be appointed by their respective agency heads, from—

(A) the Department of Defense;

(B) the United States Navy;

(C) the United States Agency for International Development;

(D) the United States Fish and Wildlife Service;

(E) the Department of Justice;

(F) the Department of the Treasury;

(G) U.S. Customs and Border Protection;

(H) U.S. Immigration and Customs Enforcement;

(I) the Federal Trade Commission;

(J) the Department of Agriculture;

(K) the Food and Drug Administration; and

(L) the Department of Labor;

(4) 1 or more members from the intelligence community (as defined in section 3 of the National Security Act of 1947

	(50 U.S.C. 3003)), who shall be appointed by the Director of National Intelligence; and
President.	(5) 5 members, who shall be appointed by the President, from—
	(A) the National Security Council;
	(B) the Council on Environmental Quality;
	(C) the Office of Management and Budget;
	(D) the Office of Science and Technology Policy; and
	(E) the Office of the United States Trade Representative.
	(c) RESPONSIBILITIES.—The Working Group shall ensure an integrated, Federal Government-wide response to IUU fishing globally, including by—
Coordination.	(1) improving the coordination of Federal agencies to identify, interdict, investigate, prosecute, and dismantle IUU fishing operations and organizations perpetrating and knowingly benefiting from IUU fishing;
Assessment.	(2) assessing areas for increased interagency information sharing on matters related to IUU fishing and related crimes;
Standards.	(3) establishing standards for information sharing related to maritime enforcement;
Strategy.	(4) developing a strategy to determine how military assets and intelligence can contribute to enforcement strategies to combat IUU fishing;
Determination.	(5) increasing maritime domain awareness relating to IUU fishing and related crimes and developing a strategy to leverage awareness for enhanced enforcement and prosecution actions against IUU fishing;
Strategy.	(6) supporting the adoption and implementation of the Port State Measures Agreement in relevant countries and assessing the capacity and training needs in such countries;
Assessment.	(7) outlining a strategy to coordinate, increase, and use shiprider agreements between the Department of Defense or the Coast Guard and relevant countries;
Strategy.	(8) enhancing cooperation with partner governments to combat IUU fishing;
Coordination.	(9) identifying opportunities for increased information sharing between Federal agencies and partner governments working to combat IUU fishing;
Consultation.	(10) consulting and coordinating with the seafood industry and nongovernmental stakeholders that work to combat IUU fishing;
Coordination.	(11) supporting the work of collaborative international initiatives to make available certified data from state authorities about vessel and vessel-related activities related to IUU fishing;
	(12) supporting the identification and certification procedures to address IUU fishing in accordance with the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.); and
Publication.	(13) publishing annual reports summarizing nonsensitive information about the Working Group's efforts to investigate, enforce, and prosecute groups and individuals engaging in IUU fishing.
16 USC 8032.	SEC. 3552. STRATEGIC PLAN.
Deadline.	(a) STRATEGIC PLAN.—Not later than 2 years after the date
Consultation.	of the enactment of this title, the Working Group, after consultation

with the relevant stakeholders, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Natural Resources of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives a 5-year integrated strategic plan on combating IUU fishing and enhancing maritime security, including specific strategies with monitoring benchmarks for addressing IUU fishing in priority regions.

(b) IDENTIFICATION OF PRIORITY REGIONS AND PRIORITY FLAG STATES.—

(1) IN GENERAL.—The strategic plan submitted under subsection (a) shall identify priority regions and priority flag states to be the focus of assistance coordinated by the Working Group under section 3551.

(2) PRIORITY REGION SELECTION CRITERIA.—In selecting priority regions under paragraph (1), the Working Group shall select regions that—

(A) are at high risk for IUU fishing activity or the entry of illegally caught seafood into their markets; and

(B) lack the capacity to fully address the issues described in subparagraph (A).

(3) PRIORITY FLAG STATES SELECTION CRITERIA.—In selecting priority flag states under paragraph (1), the Working Group shall select countries—

(A) the flagged vessels of which actively engage in, knowingly profit from, or are complicit in IUU fishing; and

(B) that lack the capacity to police their fleet.

SEC. 3553. REPORTS.

Not later than 5 years after the submission of the 5-year integrated strategic plan under section 3552, and 5 years after, the Working Group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on the Judiciary of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Natural Resources of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that contains—

(1) a summary of global and regional trends in IUU fishing;

(2) an assessment of the extent of the convergence between transnational organized illegal activity, including human trafficking and forced labor, and IUU fishing;

(3) an assessment of the topics, data sources, and strategies that would benefit from increased information sharing and recommendations regarding harmonization of data collection and sharing;

(4) an assessment of assets, including military assets and intelligence, which can be used for either enforcement operations or strategies to combat IUU fishing;

Assessments.
16 USC 8033.

Summary.

Summaries.

(5) summaries of the situational threats with respect to IUU fishing in priority regions and an assessment of the capacity of countries within such regions to respond to those threats;

(6) an assessment of the progress of countries in priority regions in responding to those threats as a result of assistance by the United States pursuant to the strategic plan developed under section 3552, including—

(A) the identification of—

(i) relevant supply routes, ports of call, methods of landing and entering illegally caught product into legal supply chains, and financial institutions used in each country by participants engaging in IUU fishing; and

(ii) indicators of IUU fishing that are related to money laundering;

(B) an assessment of the adherence to, or progress toward adoption of, international treaties related to IUU fishing, including the Port State Measures Agreement, by countries in priority regions;

(C) an assessment of the implementation by countries in priority regions of seafood traceability or capacity to apply traceability to verify the legality of catch and strengthen fisheries management;

(D) an assessment of the capacity of countries in priority regions to implement shiprider agreements;

(E) an assessment of the capacity of countries in priority regions to increase maritime domain awareness; and

(F) an assessment of the capacity of governments of relevant countries in priority regions to sustain the programs for which the United States has provided assistance under this subtitle;

(7) an assessment of the capacity of priority flag states to track the movement of and police their fleet, prevent their flagged vessels from engaging in IUU fishing, and enforce applicable laws and regulations; and

(8) an assessment of the extent of involvement in IUU fishing of organizations designated as foreign terrorist organizations under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

16 USC 8034.

SEC. 3554. GULF OF MEXICO IUU FISHING SUBWORKING GROUP.

Deadline.
Coordination.
Establishment.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this title, the Administrator of the National Oceanic and Atmospheric Administration, in coordination with the Commandant of the Coast Guard and the Secretary of State, shall establish a subworking group to address IUU fishing in the exclusive economic zone of the United States in the Gulf of Mexico.

(b) **FUNCTIONS.**—The subworking group established under subsection (a) shall identify—

Time period.

(1) Federal actions taken and policies established during the 5-year period immediately preceding the date of the enactment of this title with respect to IUU fishing in the exclusive economic zone of the United States in the Gulf of Mexico, including such actions and policies related to—

(A) the surveillance, interdiction, and prosecution of any foreign nationals engaged in such fishing; and

(B) the application of the provisions of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.) to any relevant nation, including the status of any past or ongoing consultations and certification procedures;

(2) actions and policies, in addition to the actions and policies described in paragraph (1), each of the Federal agencies described in subsection (a) can take, using existing resources, to combat IUU fishing in the exclusive economic zone of the United States in the Gulf of Mexico; and

(3) any additional authorities that could assist each such agency in more effectively addressing such IUU fishing.

(c) REPORT.—Not later than 1 year after the IUU Fishing Subworking Group is established under subsection (a), the group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Natural Resources of the House of Representatives that contains—

(1) the findings identified pursuant to subsection (b); and

(2) a timeline for each of the Federal agencies described in subsection (a) to implement each action or policy identified pursuant to subsection (b)(2).

Timeline.

PART III—COMBATING HUMAN TRAFFICKING IN CONNECTION WITH THE CATCHING AND PROCESSING OF SEAFOOD PRODUCTS

SEC. 3561. FINDING.

Congress finds that human trafficking, including forced labor, is a pervasive problem in the catching and processing of certain seafood products imported into the United States, particularly seafood products obtained through illegal, unreported, and unregulated fishing.

SEC. 3562. ADDING THE SECRETARY OF COMMERCE TO THE INTER- AGENCY TASK FORCE TO MONITOR AND COMBAT TRAF- FICKING.

Section 105(b) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(b)) is amended by inserting “the Secretary of Commerce,” after “the Secretary of Education,”.

SEC. 3563. HUMAN TRAFFICKING IN THE SEAFOOD SUPPLY CHAIN REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this title, the Secretary of State and the Administrator of the National Oceanic and Atmospheric Administration shall jointly submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that describes the existence of human trafficking, including forced labor, in the supply chains of seafood products imported into the United States.

	(b) REPORT ELEMENTS. —The report required under subsection (a) shall include—
List. Assessment.	(1) a list of the countries at risk for human trafficking, including forced labor, in their seafood catching and processing industries, and an assessment of such risk for each listed country;
	(2) a description of the quantity and economic value of seafood products imported into the United States from the countries on the list compiled pursuant to paragraph (1);
Assessment.	(3) a description and assessment of the methods, if any, in the countries on the list compiled pursuant to paragraph (1) to trace and account for the manner in which seafood is caught;
	(4) a description of domestic and international enforcement mechanisms to deter illegal practices in the catching of seafood in the countries on the list compiled pursuant to paragraph (1); and
Recommendations.	(5) such recommendations as the Secretary of State and the Administrator of the National Oceanic and Atmospheric Administration jointly consider appropriate for administrative action to enhance and improve actions against human trafficking, including forced labor, in the catching and processing of seafood products outside of United States waters.

PART IV—AUTHORIZATION OF APPROPRIATIONS

16 USC 8041.	SEC. 3571. AUTHORIZATION OF APPROPRIATIONS.
	(a) FUNDING. —Amounts made available to carry out this subtitle shall be derived from amounts appropriated to the relevant agencies and departments.
	(b) NO INCREASE IN CONTRIBUTIONS. —Nothing in this subtitle shall be construed to authorize an increase in required or voluntary contributions paid by the United States to any multilateral or international organization.
Reports.	SEC. 3572. ACCOUNTING OF FUNDS.
	By not later than 180 days after the date of enactment of this title, the head of each Federal agency receiving or allocating funds to carry out activities under this subtitle shall, to the greatest extent practicable, prepare and submit to Congress a report that provides an accounting of all funds made available under this subtitle to the Federal agency.

DIVISION D—FUNDING TABLES

Sec. 4001. Authorization of amounts in funding tables.

TITLE XLI—PROCUREMENT

- Sec. 4101. Procurement.
 Sec. 4102. Procurement for overseas contingency operations.
 Sec. 4103. Procurement for emergency requirements.

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

- Sec. 4201. Research, development, test, and evaluation.
 Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.
 Sec. 4203. Research, development, test, and evaluation for emergency requirements.

TITLE XLIII—OPERATION AND MAINTENANCE

- Sec. 4301. Operation and maintenance.
- Sec. 4302. Operation and maintenance for overseas contingency operations.
- Sec. 4303. Operation and maintenance for emergency requirements.

TITLE XLIV—MILITARY PERSONNEL

- Sec. 4401. Military personnel.
- Sec. 4402. Military personnel for overseas contingency operations.

TITLE XLV—OTHER AUTHORIZATIONS

- Sec. 4501. Other authorizations.
- Sec. 4502. Other authorizations for overseas contingency operations.

TITLE XLVI—MILITARY CONSTRUCTION

- Sec. 4601. Military construction.
- Sec. 4602. Military construction for overseas contingency operations.
- Sec. 4603. Military construction for emergency requirements.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

- Sec. 4701. Department of energy national security programs.

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) **IN GENERAL.**—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) **MERIT-BASED DECISIONS.**—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

- (1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

- (2) comply with other applicable provisions of law.

Compliance.

(c) **RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.**—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) **APPLICABILITY TO CLASSIFIED ANNEX.**—This section applies to any classified annex that accompanies this Act.

(e) **ORAL WRITTEN COMMUNICATIONS.**—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

- Sec. 4101. Procurement.
- Sec. 4102. Procurement for overseas contingency operations.
- Sec. 4103. Procurement for emergency requirements.

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
AIRCRAFT PROCUREMENT, ARMY			
FIXED WING			
002	UTILITY F/W AIRCRAFT	16,000	0
	Early to need		[–16,000]
004	RQ–11 (RAVEN)	23,510	21,420
	Unit cost growth		[–2,090]
ROTARY			
005	TACTICAL UNMANNED AIRCRAFT SYSTEM (TUAS)	12,100	6,100
	Program reduction		[–6,000]
007	HELICOPTER, LIGHT UTILITY (LUH)		11,000
	Program increase for sustainment improvements		[11,000]
008	AH–64 APACHE BLOCK IIIA REMAN	806,849	798,785
	Unjustified cost growth		[–8,064]
009	AH–64 APACHE BLOCK IIIA REMAN	190,870	190,870
012	UH–60 BLACKHAWK M MODEL (MYP)	1,411,540	1,397,740
	Unit cost growth		[–13,800]
013	UH–60 BLACKHAWK M MODEL (MYP)	79,572	79,572
014	UH–60 BLACK HAWK L AND V MODELS	169,290	169,290
015	CH–47 HELICOPTER	140,290	131,290
	Unit cost growth		[–9,000]
016	CH–47 HELICOPTER	18,186	46,186
	Advance procurement for CH–47F Block II		[28,000]
MODIFICATION OF AIRCRAFT			
019	UNIVERSAL GROUND CONTROL EQUIPMENT (UAS)	2,090	2,090
020	GRAY EAGLE MODS2	14,699	14,699
021	MULTI SENSOR ABN RECON (MIP)	35,189	35,189
022	AH–64 MODS	58,172	58,172
023	CH–47 CARGO HELICOPTER MODS (MYP)	11,785	11,785
024	GRCS SEMA MODS (MIP)	5,677	5,677
025	ARL SEMA MODS (MIP)	6,566	6,566
026	EMARSS SEMA MODS (MIP)	3,859	3,859
027	UTILITY/CARGO AIRPLANE MODS	15,476	13,476
	Unit cost discrepancy		[–2,000]
028	UTILITY HELICOPTER MODS	6,744	6,744
029	NETWORK AND MISSION PLAN	105,442	98,442
	Cost growth		[–7,000]
030	COMMS, NAV SURVEILLANCE	164,315	164,315
032	GATM ROLLUP	30,966	30,966
033	RQ–7 UAV MODS	8,983	8,983
034	UAS MODS	10,205	10,205
GROUND SUPPORT AVIONICS			
035	AIRCRAFT SURVIVABILITY EQUIPMENT	52,297	52,297
036	SURVIVABILITY CM	8,388	8,388
037	CMWS	13,999	13,999
038	COMMON INFRARED COUNTERMEASURES (CIRCM)	168,784	168,784
OTHER SUPPORT			
039	AVIONICS SUPPORT EQUIPMENT	1,777	1,777
040	COMMON GROUND EQUIPMENT	18,624	18,624
041	AIRCREW INTEGRATED SYSTEMS	48,255	48,255
042	AIR TRAFFIC CONTROL	32,738	32,738
044	LAUNCHER, 2.75 ROCKET	2,201	2,201
045	LAUNCHER GUIDED MISSILE: LONGBOW HELLFIRE XM2 ..	991	991
	TOTAL AIRCRAFT PROCUREMENT, ARMY	3,696,429	3,671,475
MISSILE PROCUREMENT, ARMY			
SURFACE-TO-AIR MISSILE SYSTEM			
001	SYSTEM INTEGRATION AND TEST PROCUREMENT	113,857	113,857
002	M-SHORAD—PROCUREMENT	103,800	71,800
	Early to need		[–32,000]
003	MSE MISSILE	698,603	698,603
004	INDIRECT FIRE PROTECTION CAPABILITY INC 2–I	9,337	9,337
AIR-TO-SURFACE MISSILE SYSTEM			
006	HELLFIRE SYS SUMMARY	193,284	186,084
	Unit cost growth		[–7,200]
007	JOINT AIR-TO-GROUND MSLS (JAGM)	233,353	199,295

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
	Contract and schedule delays		[-34,058]
	ANTI-TANK/ASSAULT MISSILE SYS		
008	JAVELIN (AAWS-M) SYSTEM SUMMARY	138,405	138,405
009	TOW 2 SYSTEM SUMMARY	114,340	107,958
	Unit cost growth		[-6,382]
010	TOW 2 SYSTEM SUMMARY	10,500	10,500
011	GUIDED MLRS ROCKET (GMLRS)	797,213	767,213
	Program adjustment		[-30,000]
012	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	27,555	27,555
014	ARMY TACTICAL MSL SYS (ATACMS)—SYS SUM	209,842	170,013
	Excess to need		[-39,829]
	MODIFICATIONS		
016	PATRIOT MODS	279,464	279,464
017	ATACMS MODS	85,320	80,320
	Unit cost growth		[-5,000]
018	GMLRS MOD	5,094	5,094
019	STINGER MODS	81,615	81,615
020	AVENGER MODS	14,107	14,107
021	ITAS/TOW MODS	3,469	3,469
022	MLRS MODS	39,019	39,019
023	HIMARS MODIFICATIONS	12,483	12,483
	SPARES AND REPAIR PARTS		
024	SPARES AND REPAIR PARTS	26,444	26,444
	SUPPORT EQUIPMENT & FACILITIES		
025	AIR DEFENSE TARGETS	10,593	10,593
	TOTAL MISSILE PROCUREMENT, ARMY	3,207,697	3,053,228
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
002	ARMORED MULTI PURPOSE VEHICLE (AMPV)	264,040	230,307
	Program reduction		[-33,733]
	MODIFICATION OF TRACKED COMBAT VEHICLES		
003	STRYKER (MOD)	144,387	393,587
	Accelerate Stryker medium caliber weapon system—Army unfunded priority.		[249,200]
004	STRYKER UPGRADE	550,000	522,962
	Unit cost growth		[-27,038]
005	BRADLEY PROGRAM (MOD)	638,781	573,781
	Program decrease		[-65,000]
006	M109 FOV MODIFICATIONS	25,756	25,756
007	PALADIN INTEGRATED MANAGEMENT (PIM)	553,425	553,425
009	ASSAULT BRIDGE (MOD)	2,821	2,821
010	ASSAULT BREACHER VEHICLE	31,697	31,697
011	M88 FOV MODS	4,500	4,500
012	JOINT ASSAULT BRIDGE	205,517	205,517
013	M1 ABRAMS TANK (MOD)	348,800	401,800
	Test support excess to need		[-7,000]
	Vehicle protection system for one armored brigade		[60,000]
014	ABRAMS UPGRADE PROGRAM	1,752,784	1,752,784
	WEAPONS & OTHER COMBAT VEHICLES		
016	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPONS ...	19,420	19,420
017	GUN AUTOMATIC 30MM M230	20,000	5,042
	Program reduction		[-14,958]
019	MORTAR SYSTEMS	14,907	14,907
020	XM320 GRENADE LAUNCHER MODULE (GLM)	191	191
021	PRECISION SNIPER RIFLE	7,977	7,977
022	COMPACT SEMI-AUTOMATIC SNIPER SYSTEM	9,860	9,860
023	CARBINE	30,331	30,331
024	SMALL ARMS—FIRE CONTROL	8,060	0
	Late contract award		[-8,060]
025	COMMON REMOTELY OPERATED WEAPONS STATION	24,007	24,007
026	HANDGUN	6,174	6,174
	MOD OF WEAPONS AND OTHER COMBAT VEH		
028	MK–19 GRENADE MACHINE GUN MODS	3,737	3,737
029	M777 MODS	2,367	2,367
030	M4 CARBINE MODS	17,595	17,595
033	M240 MEDIUM MACHINE GUN MODS	8,000	8,000

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
034	SNIPER RIFLES MODIFICATIONS	2,426	2,426
035	M119 MODIFICATIONS	6,269	6,269
036	MORTAR MODIFICATION	1,693	1,693
037	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV)	4,327	4,327
	SUPPORT EQUIPMENT & FACILITIES		
038	ITEMS LESS THAN \$5.0M (WOCV-WTCV)	3,066	3,066
039	PRODUCTION BASE SUPPORT (WOCV-WTCV)	2,651	2,651
	TOTAL PROCUREMENT OF W&TCV, ARMY	4,715,566	4,868,977
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	68,949	65,520
	Prior-year carryover		[–3,429]
002	CTG, 7.62MM, ALL TYPES	114,228	112,228
	Prior-year carryover		[–2,000]
003	CTG, HANDGUN, ALL TYPES	17,807	17,807
004	CTG, .50 CAL, ALL TYPES	63,966	63,966
005	CTG, 20MM, ALL TYPES	35,920	27,920
	Unit cost growth		[–8,000]
006	CTG, 25MM, ALL TYPES	8,990	8,990
007	CTG, 30MM, ALL TYPES	68,813	65,337
	Prior-year carry over		[–1,134]
	Program adjustment		[–2,342]
008	CTG, 40MM, ALL TYPES	103,952	103,952
	MORTAR AMMUNITION		
009	60MM MORTAR, ALL TYPES	50,580	49,580
	Unit cost discrepancy		[–1,000]
010	81MM MORTAR, ALL TYPES	59,373	44,673
	Contract delays		[–14,700]
011	120MM MORTAR, ALL TYPES	125,452	123,452
	Unit cost growth		[–2,000]
	TANK AMMUNITION		
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	171,284	120,464
	Unit cost growth		[–50,820]
	ARTILLERY AMMUNITION		
013	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	44,675	44,675
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	266,037	266,037
015	PROJ 155MM EXTENDED RANGE M982	57,434	57,434
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	271,602	268,022
	Cost growth and unjustified product improvements		[–3,580]
	MINES		
017	MINES & CLEARING CHARGES, ALL TYPES	55,433	39,239
	Contract delay		[–16,194]
	ROCKETS		
018	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	74,878	74,878
019	ROCKET, HYDRA 70, ALL TYPES	175,994	165,994
	Excess support costs		[–10,000]
	OTHER AMMUNITION		
020	CAD/PAD, ALL TYPES	7,595	7,595
021	DEMOLITION MUNITIONS, ALL TYPES	51,651	51,651
022	GRENADES, ALL TYPES	40,592	40,592
023	SIGNALS, ALL TYPES	18,609	18,609
024	SIMULATORS, ALL TYPES	16,054	16,054
	MISCELLANEOUS		
025	AMMO COMPONENTS, ALL TYPES	5,261	5,261
026	NON-LETHAL AMMUNITION, ALL TYPES	715	715
027	ITEMS LESS THAN \$5 MILLION (AMMO)	9,213	9,213
028	AMMUNITION PECULIAR EQUIPMENT	10,044	10,044
029	FIRST DESTINATION TRANSPORTATION (AMMO)	18,492	18,492
030	CLOSEOUT LIABILITIES	99	99
	PRODUCTION BASE SUPPORT		
031	INDUSTRIAL FACILITIES	474,511	474,511
032	CONVENTIONAL MUNITIONS DEMILITARIZATION	202,512	202,512
033	ARMS INITIATIVE	3,833	3,833
	TOTAL PROCUREMENT OF AMMUNITION, ARMY ..	2,694,548	2,579,349
	OTHER PROCUREMENT, ARMY		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
TACTICAL VEHICLES			
001	TACTICAL TRAILERS/DOLLY SETS	12,993	12,993
002	SEMITRAILERS, FLATBED:	102,386	102,386
003	AMBULANCE, 4 LITTER, 5/4 TON, 4X4	127,271	127,271
004	GROUND MOBILITY VEHICLES (GMV)	37,038	35,038
	Unit cost growth		[-2,000]
006	JOINT LIGHT TACTICAL VEHICLE	996,007	976,507
	Army requested transfer to RDTE, A line 169		[-4,500]
	Simulator delay		[-15,000]
007	TRUCK, DUMP, 20T (CCE)	10,838	10,838
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	72,057	138,057
	Program increase		[66,000]
009	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	28,048	28,048
010	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	9,969	9,969
011	PLS ESP	6,280	6,280
012	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	30,841	95,185
	Program increase		[64,344]
013	HMMWV RECAPITALIZATION PROGRAM	5,734	5,734
014	TACTICAL WHEELED VEHICLE PROTECTION KITS	45,113	45,113
015	MODIFICATION OF IN SVC EQUIP	58,946	58,946
NON-TACTICAL VEHICLES			
017	HEAVY ARMORED VEHICLE	791	791
018	PASSENGER CARRYING VEHICLES	1,416	1,416
019	NONTACTICAL VEHICLES, OTHER	29,891	29,891
COMM—JOINT COMMUNICATIONS			
021	SIGNAL MODERNIZATION PROGRAM	153,933	143,933
	Excess funding for spares		[-10,000]
022	TACTICAL NETWORK TECHNOLOGY MOD IN SVC	387,439	411,439
	ITN-M for one armored brigade combat team		[24,000]
023	SITUATION INFORMATION TRANSPORT	46,693	46,693
025	JCSE EQUIPMENT (USRDECOM)	5,075	5,075
COMM—SATELLITE COMMUNICATIONS			
028	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	101,189	101,189
029	TRANSPORTABLE TACTICAL COMMAND COMMUNICA- TIONS.	77,141	77,141
030	SHF TERM	16,054	16,054
031	ASSURED POSITIONING, NAVIGATION AND TIMING	41,074	33,674
	Program cancellation		[-7,400]
032	SMART-T (SPACE)	10,515	10,515
033	GLOBAL BRDCST SVC—GBS	11,800	11,800
034	ENROUTE MISSION COMMAND (EMC)	8,609	8,609
COMM—C3 SYSTEM			
038	COE TACTICAL SERVER INFRASTRUCTURE (TSI)	77,533	57,533
	Program reduction		[-20,000]
COMM—COMBAT COMMUNICATIONS			
039	HANDHELD MANPACK SMALL FORM FIT (HMS)	468,026	488,026
	SFAB technology refresh		[20,000]
040	RADIO TERMINAL SET, MIDS LVT(2)	23,778	23,778
044	SPIDER FAMILY OF NETWORKED MUNITIONS INCR	10,930	10,930
046	UNIFIED COMMAND SUITE	9,291	9,291
047	COTS COMMUNICATIONS EQUIPMENT	55,630	55,630
048	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	16,590	16,590
049	ARMY COMMUNICATIONS & ELECTRONICS	43,457	43,457
COMM—INTELLIGENCE COMM			
051	CI AUTOMATION ARCHITECTURE (MIP)	10,470	10,470
052	DEFENSE MILITARY DECEPTION INITIATIVE	3,704	3,704
INFORMATION SECURITY			
053	FAMILY OF BIOMETRICS	1,000	1,000
054	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	3,600	3,600
055	COMMUNICATIONS SECURITY (COMSEC)	160,899	147,097
	Unit cost growth		[-13,802]
056	DEFENSIVE CYBER OPERATIONS	61,962	61,962
057	INSIDER THREAT PROGRAM—UNIT ACTIVITY MONITO	756	756
058	PERSISTENT CYBER TRAINING ENVIRONMENT	3,000	3,000
COMM—LONG HAUL COMMUNICATIONS			
059	BASE SUPPORT COMMUNICATIONS	31,770	31,770
COMM—BASE COMMUNICATIONS			

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
060	INFORMATION SYSTEMS	159,009	159,009
061	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	4,854	4,854
062	HOME STATION MISSION COMMAND CENTERS (HSMCC) ...	47,174	47,174
063	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM ...	297,994	265,494
	Insufficient budget justification		[–32,500]
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
066	JTT/CIBS-M (MIP)	7,686	7,686
068	DCGS-A (MIP)	180,350	180,350
070	TROJAN (MIP)	17,368	17,368
071	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	59,052	59,052
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
077	LIGHTWEIGHT COUNTER MORTAR RADAR	5,400	5,400
078	EW PLANNING & MANAGEMENT TOOLS (EWPMT)	7,568	7,568
079	AIR VIGILANCE (AV) (MIP)	8,953	8,953
081	MULTI-FUNCTION ELECTRONIC WARFARE (MFEW) SYST ...	6,420	3,220
	Program reduction		[–3,200]
083	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	501	501
084	CI MODERNIZATION (MIP)	121	121
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
085	SENTINEL MODS	115,210	114,210
	Excess support costs		[–1,000]
086	NIGHT VISION DEVICES	236,604	160,379
	Insufficient justification (IVAS)		[–76,225]
088	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	22,623	22,623
090	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	29,127	29,127
091	FAMILY OF WEAPON SIGHTS (FWS)	120,883	81,541
	Excess unit cost growth		[–39,342]
094	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	265,667	256,567
	Program adjustment		[–9,100]
095	JOINT EFFECTS TARGETING SYSTEM (JETS)	69,720	44,720
	Program delay		[–25,000]
096	MOD OF IN-SVC EQUIP (LLDR)	6,044	6,044
097	COMPUTER BALLISTICS: LHMBC XM32	3,268	3,268
098	MORTAR FIRE CONTROL SYSTEM	13,199	13,199
099	MORTAR FIRE CONTROL SYSTEMS MODIFICATIONS	10,000	10,000
100	COUNTERFIRE RADARS	16,416	16,416
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
102	FIRE SUPPORT C2 FAMILY	13,197	13,197
103	AIR & MSL DEFENSE PLANNING & CONTROL SYS	24,730	24,730
104	IAMD BATTLE COMMAND SYSTEM	29,629	29,629
105	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	6,774	6,774
106	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	24,448	24,448
107	MANEUVER CONTROL SYSTEM (MCS)	260	260
108	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	17,962	17,962
109	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP) ...	18,674	8,674
	Poor business process reengineering		[–10,000]
110	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	11,000	11,000
111	MOD OF IN-SVC EQUIPMENT (ENFIRE)	7,317	15,317
	Program increase—land surveying systems		[8,000]
	ELECT EQUIP—AUTOMATION		
112	ARMY TRAINING MODERNIZATION	14,578	14,578
113	AUTOMATED DATA PROCESSING EQUIP	139,342	129,342
	Program decrease		[–5,000]
	Unjustified growth		[–5,000]
114	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM ...	15,802	15,802
115	HIGH PERF COMPUTING MOD PGM (HPCMP)	67,610	67,610
116	CONTRACT WRITING SYSTEM	15,000	6,000
	Program duplication		[–9,000]
117	CSS COMMUNICATIONS	24,700	24,700
118	RESERVE COMPONENT AUTOMATION SYS (RCAS)	27,879	27,879
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
120	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT)	5,000	5,000
	ELECT EQUIP—SUPPORT		
122	BCT EMERGING TECHNOLOGIES	22,302	10,302
	Program reduction		[–12,000]
	CLASSIFIED PROGRAMS		
122A	CLASSIFIED PROGRAMS	11,910	11,910

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
CHEMICAL DEFENSIVE EQUIPMENT			
126	CBRN DEFENSE	25,828	25,828
127	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)	5,050	5,050
BRIDGING EQUIPMENT			
128	TACTICAL BRIDGING	59,821	57,821
	Contract delays		[–2,000]
129	TACTICAL BRIDGE, FLOAT-RIBBON	57,661	57,661
130	BRIDGE SUPPLEMENTAL SET	17,966	17,966
131	COMMON BRIDGE TRANSPORTER (CBT) RECAP	43,155	43,155
ENGINEER (NON-CONSTRUCTION) EQUIPMENT			
132	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	7,570	7,570
133	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	37,025	37,025
135	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	83,082	47,899
	Unjustified unit cost growth		[–35,183]
136	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	2,000	2,000
137	EOD ROBOTICS SYSTEMS RECAPITALIZATION	23,115	23,115
138	ROBOTICS AND APPLIQUE SYSTEMS	101,056	101,056
140	RENDER SAFE SETS KITS OUTFITS	18,684	18,684
142	FAMILY OF BOATS AND MOTORS	8,245	6,245
	Unit cost growth		[–2,000]
COMBAT SERVICE SUPPORT EQUIPMENT			
143	HEATERS AND ECU'S	7,336	7,336
145	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	4,281	4,281
146	GROUND SOLDIER SYSTEM	111,955	111,955
147	MOBILE SOLDIER POWER	31,364	29,943
	Unit cost growth		[–1,421]
149	FIELD FEEDING EQUIPMENT	1,673	1,673
150	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	43,622	43,622
151	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	11,451	11,451
152	ITEMS LESS THAN \$5M (ENG SPT)	5,167	5,167
PETROLEUM EQUIPMENT			
154	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	74,867	74,867
MEDICAL EQUIPMENT			
155	COMBAT SUPPORT MEDICAL	68,225	68,225
MAINTENANCE EQUIPMENT			
156	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	55,053	55,053
157	ITEMS LESS THAN \$5.0M (MAINT EQ)	5,608	5,608
CONSTRUCTION EQUIPMENT			
161	HYDRAULIC EXCAVATOR	500	500
162	TRACTOR, FULL TRACKED	4,835	4,835
163	ALL TERRAIN CRANES	23,936	23,936
164	HIGH MOBILITY ENGINEER EXCAVATOR (HME)	27,188	27,188
166	CONST EQUIP ESP	34,790	34,790
167	ITEMS LESS THAN \$5.0M (CONST EQUIP)	4,381	4,381
RAIL FLOAT CONTAINERIZATION EQUIPMENT			
168	ARMY WATERCRAFT ESP	35,194	35,194
169	MANEUVER SUPPORT VESSEL (MSV)	14,185	14,185
170	ITEMS LESS THAN \$5.0M (FLOAT/RAIL)	6,920	6,920
GENERATORS			
171	GENERATORS AND ASSOCIATED EQUIP	58,566	58,566
172	TACTICAL ELECTRIC POWER RECAPITALIZATION	14,814	14,814
MATERIAL HANDLING EQUIPMENT			
173	FAMILY OF FORKLIFTS	14,864	14,864
TRAINING EQUIPMENT			
174	COMBAT TRAINING CENTERS SUPPORT	123,411	123,411
175	TRAINING DEVICES, NONSYSTEM	220,707	220,707
176	SYNTHETIC TRAINING ENVIRONMENT (STE)	20,749	15,749
	Program adjustment		[–5,000]
178	AVIATION COMBINED ARMS TACTICAL TRAINER	4,840	4,840
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING ..	15,463	15,463
TEST MEASURE AND DIG EQUIPMENT (TMD)			
180	CALIBRATION SETS EQUIPMENT	3,030	3,030
181	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	76,980	76,980
182	TEST EQUIPMENT MODERNIZATION (TEMOD)	16,415	13,415
	Historical underexecution		[–3,000]
OTHER SUPPORT EQUIPMENT			
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	9,877	9,877

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
185	PHYSICAL SECURITY SYSTEMS (OPA3)	82,158	82,158
186	BASE LEVEL COMMON EQUIPMENT	15,340	15,340
187	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	50,458	50,458
189	BUILDING, PRE-FAB, RELOCATABLE	14,400	14,400
190	SPECIAL EQUIPMENT FOR USER TESTING	9,821	9,821
	OPA2		
192	INITIAL SPARES—C&E	9,757	9,757
	TOTAL OTHER PROCUREMENT, ARMY	7,451,301	7,284,972
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
001	F/A-18E/F (FIGHTER) HORNET	1,748,934	1,730,360
	ECO and ancillary equipment excess growth		[–18,574]
002	F/A-18E/F (FIGHTER) HORNET	55,128	51,180
	Excess engine cost growth		[–3,948]
003	JOINT STRIKE FIGHTER CV	2,272,301	2,217,821
	Target cost savings		[–54,480]
004	JOINT STRIKE FIGHTER CV	339,053	339,053
005	JSF STOVL	1,342,035	1,266,301
	Target cost savings		[–75,734]
006	JSF STOVL	291,804	291,804
007	CH-53K (HEAVY LIFT)	807,876	807,876
008	CH-53K (HEAVY LIFT)	215,014	215,014
009	V-22 (MEDIUM LIFT)	966,666	1,214,766
	Program increase		[248,100]
010	V-22 (MEDIUM LIFT)	27,104	27,104
011	H-1 UPGRADES (UH-1Y/AH-1Z)	62,003	53,003
	Production line shutdown excess to need		[–9,000]
013	MH-60R (MYP)	894	894
014	P-8A POSEIDON	1,206,701	1,680,601
	Line shutdown costs early to need		[–67,300]
	Navy unfunded priority		[541,200]
016	E-2D ADV HAWKEYE	744,484	900,284
	Navy unfunded priority		[173,000]
	NRE excess cost growth		[–17,200]
017	E-2D ADV HAWKEYE	190,204	190,204
	TRAINER AIRCRAFT		
019	ADVANCED HELICOPTER TRAINING SYSTEM	261,160	261,160
	OTHER AIRCRAFT		
020	KC-130J	240,840	221,904
	Unit cost growth		[–18,936]
021	KC-130J	66,061	66,061
022	F-5	39,676	39,676
023	MQ-4 TRITON	473,134	448,134
	PGSE excess cost growth		[–25,000]
024	MQ-4 TRITON	20,139	20,139
025	MQ-8 UAV	44,957	44,957
026	STUASLO UAV	43,819	43,819
028	VH-92A EXECUTIVE HELO	658,067	647,351
	Program reduction		[–10,716]
	MODIFICATION OF AIRCRAFT		
029	AEA SYSTEMS	44,470	39,170
	Program reduction		[–5,300]
030	AV-8 SERIES	39,472	39,472
031	ADVERSARY	3,415	3,415
032	F-18 SERIES	1,207,089	1,128,089
	Early to need		[–79,000]
033	H-53 SERIES	68,385	68,385
034	MH-60 SERIES	149,797	147,297
	NRE prior year carryover (OSIP 018–12)		[–2,500]
035	H-1 SERIES	114,059	114,059
036	EP-3 SERIES	8,655	8,655
038	E-2 SERIES	117,059	117,059
039	TRAINER A/C SERIES	5,616	5,616
040	C-2A	15,747	15,747
041	C-130 SERIES	122,671	116,786
	B kit cost growth (OSIP 019–14)		[–3,009]

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
	GFE excess growth (OSIP 019–14)		[–2,876]
042	FEWSG	509	509
043	CARGO/TRANSPORT A/C SERIES	8,767	8,767
044	E–6 SERIES	169,827	167,216
	Program reduction		[–2,611]
045	EXECUTIVE HELICOPTERS SERIES	8,933	8,933
047	T–45 SERIES	186,022	184,314
	NRE previously funded		[–1,708]
048	POWER PLANT CHANGES	16,136	16,136
049	JPATS SERIES	21,824	21,824
050	AVIATION LIFE SUPPORT MODS	39,762	39,762
051	COMMON ECM EQUIPMENT	162,839	152,839
	Program decrease		[–10,000]
052	COMMON AVIONICS CHANGES	102,107	75,107
	Computing and displays concurrency and equipment growth early to need.		[–27,000]
053	COMMON DEFENSIVE WEAPON SYSTEM	2,100	2,100
054	ID SYSTEMS	41,437	41,437
055	P–8 SERIES	107,539	96,563
	Increment 3 ECP 6 early to need (OSIP 006–18)		[–10,976]
056	MAGTF EW FOR AVIATION	26,536	26,536
057	MQ–8 SERIES	34,686	34,686
058	V–22 (TILT/ROTOR ACFT) OSPREY	325,367	325,367
059	NEXT GENERATION JAMMER (NGJ)	6,223	3,111
	Program reduction		[–3,112]
060	F–35 STOVL SERIES	65,585	65,585
061	F–35 CV SERIES	15,358	15,358
062	QRC	165,016	146,558
	Program decrease		[–18,458]
063	MQ–4 SERIES	27,994	27,994
064	RQ–21 SERIES	66,282	61,032
	EO/IR turret upgrades unit cost growth (OSIP 004–20)		[–5,250]
	AIRCRAFT SPARES AND REPAIR PARTS		
067	SPARES AND REPAIR PARTS	2,166,788	2,146,788
	MQ–4 Triton spares excess growth		[–20,000]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
068	COMMON GROUND EQUIPMENT	491,025	470,025
	Other flight training previously funded		[–21,000]
069	AIRCRAFT INDUSTRIAL FACILITIES	71,335	71,335
070	WAR CONSUMABLES	41,086	32,086
	BRU–61 previously funded		[–9,000]
072	SPECIAL SUPPORT EQUIPMENT	135,740	135,740
073	FIRST DESTINATION TRANSPORTATION	892	892
	TOTAL AIRCRAFT PROCUREMENT, NAVY	18,522,204	18,961,816
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,177,251	1,177,251
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES	7,142	7,142
	STRATEGIC MISSILES		
003	TOMAHAWK	386,730	344,648
	Unjustified tooling and facilitization costs		[–42,082]
	TACTICAL MISSILES		
004	AMRAAM	224,502	201,502
	Unit cost growth		[–23,000]
005	SIDEWINDER	119,456	117,404
	Program reduction		[–2,052]
007	STANDARD MISSILE	404,523	404,523
008	STANDARD MISSILE	96,085	96,085
009	SMALL DIAMETER BOMB II	118,466	115,828
	Program reduction		[–2,638]
010	RAM	106,765	106,765
012	HELLFIRE	1,525	1,525
015	AERIAL TARGETS	145,880	145,880
016	DRONES AND DECOYS	20,000	18,521
	Excess to need		[–1,479]

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
017	OTHER MISSILE SUPPORT	3,388	3,388
018	LRASM	143,200	143,200
019	LCS OTH MISSILE	38,137	38,137
	MODIFICATION OF MISSILES		
020	ESSM	128,059	110,059
	Production support excess to need		[–18,000]
021	HARPOON MODS	25,447	25,447
022	HARM MODS	183,740	183,740
023	STANDARD MISSILES MODS	22,500	2,500
	Early to need		[–20,000]
	SUPPORT EQUIPMENT & FACILITIES		
024	WEAPONS INDUSTRIAL FACILITIES	1,958	1,958
025	FLEET SATELLITE COMM FOLLOW-ON	67,380	67,380
	ORDNANCE SUPPORT EQUIPMENT		
027	ORDNANCE SUPPORT EQUIPMENT	109,427	85,717
	Insufficient budget justification		[–23,710]
	TORPEDOES AND RELATED EQUIP		
028	SSTD	5,561	5,561
029	MK–48 TORPEDO	114,000	130,000
	Program increase		[16,000]
030	ASW TARGETS	15,095	15,095
	MOD OF TORPEDOES AND RELATED EQUIP		
031	MK–54 TORPEDO MODS	119,453	112,013
	HAAWC cost growth		[–7,440]
032	MK–48 TORPEDO ADCAP MODS	39,508	39,508
033	QUICKSTRIKE MINE	5,183	5,183
	SUPPORT EQUIPMENT		
034	TORPEDO SUPPORT EQUIPMENT	79,028	79,028
035	ASW RANGE SUPPORT	3,890	3,890
	DESTINATION TRANSPORTATION		
036	FIRST DESTINATION TRANSPORTATION	3,803	3,803
	GUNS AND GUN MOUNTS		
037	SMALL ARMS AND WEAPONS	14,797	13,607
	Program reduction		[–1,190]
	MODIFICATION OF GUNS AND GUN MOUNTS		
038	CIWS MODS	44,126	44,126
039	COAST GUARD WEAPONS	44,980	44,980
040	GUN MOUNT MODS	66,376	66,376
041	LCS MODULE WEAPONS	14,585	14,585
043	AIRBORNE MINE NEUTRALIZATION SYSTEMS	7,160	7,160
	SPARES AND REPAIR PARTS		
	UNDISTRIBUTED		
045	SPARES AND REPAIR PARTS	126,138	124,390
	Program reduction		[–1,748]
	TOTAL WEAPONS PROCUREMENT, NAVY	4,235,244	4,107,905
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	36,028	34,997
	Fuze contract delay and unit cost growth		[–1,031]
002	JDAM	70,413	70,413
003	AIRBORNE ROCKETS, ALL TYPES	31,756	27,707
	Unit cost growth		[–4,049]
004	MACHINE GUN AMMUNITION	4,793	4,793
005	PRACTICE BOMBS	34,708	27,208
	Q1300 LGTR unit cost growth		[–7,500]
006	CARTRIDGES & CART ACTUATED DEVICES	45,738	38,738
	Contract and schedule delays		[–7,000]
007	AIR EXPENDABLE COUNTERMEASURES	77,301	67,854
	Unit cost growth		[–9,447]
008	JATOS	7,262	7,262
009	5 INCH/54 GUN AMMUNITION	22,594	21,166
	MK187 mod 0 projectile unit cost growth		[–1,428]
010	INTERMEDIATE CALIBER GUN AMMUNITION	37,193	37,193
011	OTHER SHIP GUN AMMUNITION	39,491	39,291
	CART 20MM contract award delay		[–200]
012	SMALL ARMS & LANDING PARTY AMMO	47,896	47,896

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
013	PYROTECHNIC AND DEMOLITION	10,621	10,621
015	AMMUNITION LESS THAN \$5 MILLION	2,386	2,386
	MARINE CORPS AMMUNITION		
016	MORTARS	55,543	50,543
	Prior year underexecution		[–5,000]
017	DIRECT SUPPORT MUNITIONS	131,765	131,765
018	INFANTRY WEAPONS AMMUNITION	78,056	52,088
	Underexecution and schedule delays		[–25,968]
019	COMBAT SUPPORT MUNITIONS	40,048	34,048
	Unit cost growth		[–6,000]
020	AMMO MODERNIZATION	14,325	14,325
021	ARTILLERY MUNITIONS	188,876	167,476
	DA 54 contract delay		[–21,400]
022	ITEMS LESS THAN \$5 MILLION	4,521	4,521
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	981,314	892,291
	SHIPBUILDING AND CONVERSION, NAVY		
	FLEET BALLISTIC MISSILE SHIPS		
001	OHIO REPLACEMENT SUBMARINE	1,698,907	1,821,907
	Submarine supplier development		[123,000]
	OTHER WARSHIPS		
002	CARRIER REPLACEMENT PROGRAM	2,347,000	1,042,000
	Basic construction/conversion excess cost growth		[–20,000]
	Restoring acquisition accountability: Transfer CVN–81 only to line 2X.		[–1,285,000]
002A	CARRIER REPLACEMENT PROGRAM		1,285,000
	For CVN–81 only		[1,285,000]
003	VIRGINIA CLASS SUBMARINE	7,155,946	5,445,946
	Block V program increase		[1,490,000]
	SSN–812 program decrease		[–3,200,000]
004	VIRGINIA CLASS SUBMARINE ADVANCE PROCUREMENT ...	2,769,552	2,969,552
	Advance Procurement in support of a 10th multi-year pro- curement contract ship only.		[200,000]
005	CVN REFUELING OVERHAULS	647,926	631,926
	CVN–74 RCOH unjustified cost growth		[–16,000]
006	CVN REFUELING OVERHAULS ADVANCE PROCUREMENT ..		16,900
	Restore CVN–75 RCOH		[16,900]
007	DDG 1000	155,944	155,944
008	DDG–51	5,099,295	5,033,295
	Basic Construction excess growth		[–66,000]
009	DDG–51 ADVANCE PROCUREMENT	224,028	484,028
	Accelerate LLTM for FY21 Flight III destroyers		[260,000]
011	FFG-FRIGATE	1,281,177	1,281,177
	AMPHIBIOUS SHIPS		
012	LPD FLIGHT II		525,000
	LPD–31 program increase		[277,900]
	Transfer from line 13		[247,100]
013	LPD FLIGHT II ADVANCE PROCUREMENT	247,100	0
	Transfer to line 12		[–247,100]
015	LHA REPLACEMENT		650,000
	LHA–9 program increase		[650,000]
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
018	TAO FLEET OILER	981,215	981,215
019	TAO FLEET OILER ADVANCE PROCUREMENT	73,000	73,000
020	TOWING, SALVAGE, AND RESCUE SHIP (ATS)	150,282	150,282
022	LCU 1700	85,670	85,670
023	OUTFITTING	754,679	705,721
	Excess cost growth		[–40,000]
	Virginia class outfitting excess growth		[–8,958]
024	SHIP TO SHORE CONNECTOR		65,000
	Program increase		[65,000]
025	SERVICE CRAFT	56,289	81,789
	Accelerate YP–703 Flight II		[25,500]
028	COMPLETION OF PY SHIPBUILDING PROGRAMS	55,700	104,700
	UPL EPF–14 conversion		[49,000]
	TOTAL SHIPBUILDING AND CONVERSION, NAVY ..	23,783,710	23,590,052

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
001	SURFACE POWER EQUIPMENT	14,490	14,490
	GENERATORS		
002	SURFACE COMBATANT HM&E	31,583	31,561
	Twisted rudder installation early to need		[–22]
	NAVIGATION EQUIPMENT		
003	OTHER NAVIGATION EQUIPMENT	77,404	77,404
	OTHER SHIPBOARD EQUIPMENT		
004	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG	160,803	160,803
005	DDG MOD	566,140	553,490
	Aegis modernization testing excess to need		[–5,000]
	Combat system ship qualification trials excess to need		[–7,650]
006	FIREFIGHTING EQUIPMENT	18,223	18,223
007	COMMAND AND CONTROL SWITCHBOARD	2,086	2,086
008	LHA/LHD MIDLIFE	95,651	79,563
	Excess cost growth		[–16,088]
009	POLLUTION CONTROL EQUIPMENT	23,910	23,910
010	SUBMARINE SUPPORT EQUIPMENT	44,895	44,895
011	VIRGINIA CLASS SUPPORT EQUIPMENT	28,465	28,465
012	LCS CLASS SUPPORT EQUIPMENT	19,426	19,426
013	SUBMARINE BATTERIES	26,290	25,297
	Virginia class unit cost growth		[–993]
014	LPD CLASS SUPPORT EQUIPMENT	46,945	46,945
015	DDG 1000 CLASS SUPPORT EQUIPMENT	9,930	9,930
016	STRATEGIC PLATFORM SUPPORT EQUIP	14,331	14,331
017	DSSP EQUIPMENT	2,909	2,909
018	CG MODERNIZATION	193,990	193,990
019	LCAC	3,392	3,392
020	UNDERWATER EOD PROGRAMS	71,240	71,240
021	ITEMS LESS THAN \$5 MILLION	102,543	102,543
022	CHEMICAL WARFARE DETECTORS	2,961	2,961
023	SUBMARINE LIFE SUPPORT SYSTEM	6,635	6,635
	REACTOR PLANT EQUIPMENT		
024	REACTOR POWER UNITS	5,340	5,340
025	REACTOR COMPONENTS	465,726	462,749
	Program decrease—unit cost growth		[–2,977]
	OCEAN ENGINEERING		
026	DIVING AND SALVAGE EQUIPMENT	11,854	11,854
	SMALL BOATS		
027	STANDARD BOATS	79,102	79,102
	PRODUCTION FACILITIES EQUIPMENT		
028	OPERATING FORCES IPE	202,238	202,238
	OTHER SHIP SUPPORT		
029	LCS COMMON MISSION MODULES EQUIPMENT	51,553	51,553
030	LCS MCM MISSION MODULES	197,129	134,157
	Excess cost growth		[–62,972]
031	LCS ASW MISSION MODULES	27,754	27,754
032	LCS SUW MISSION MODULES	26,566	26,566
033	LCS IN-SERVICE MODERNIZATION	84,972	82,000
	Habitability mod (Freedom variant) unit cost growth		[–2,972]
034	SMALL & MEDIUM UUV	40,547	10,647
	Knifefish early to need		[–29,900]
	LOGISTIC SUPPORT		
035	LSD MIDLIFE & MODERNIZATION	40,269	40,269
	SHIP SONARS		
036	SPQ–9B RADAR	26,195	26,195
037	AN/SQQ–89 SURF ASW COMBAT SYSTEM	125,237	125,237
038	SSN ACOUSTIC EQUIPMENT	366,968	356,953
	Low cost conformal array contract delay		[–10,015]
039	UNDERSEA WARFARE SUPPORT EQUIPMENT	8,967	8,967
	ASW ELECTRONIC EQUIPMENT		
040	SUBMARINE ACOUSTIC WARFARE SYSTEM	23,545	23,545
041	SSTD	12,439	12,439
042	FIXED SURVEILLANCE SYSTEM	128,441	128,441
043	SURTASS	21,923	21,923
	ELECTRONIC WARFARE EQUIPMENT		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
044	AN/SLQ–32	420,154	350,686
	Block 3 kit early to need		[–65,758]
	FMP block 1B3 for SLQ–32(V) 6 previously funded		[–2,300]
	SEWIP block 1B2 for USCG ship forward fit contract delays		[–1,410]
	RECONNAISSANCE EQUIPMENT		
045	SHIPBOARD IW EXPLOIT	194,758	193,440
	SSEE modifications kits unit cost growth		[–1,318]
046	AUTOMATED IDENTIFICATION SYSTEM (AIS)	5,368	5,368
	OTHER SHIP ELECTRONIC EQUIPMENT		
047	COOPERATIVE ENGAGEMENT CAPABILITY	35,128	35,128
048	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS) ...	15,154	15,154
049	ATDLS	52,753	52,753
050	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	3,390	3,390
051	MINESWEEPING SYSTEM REPLACEMENT	19,448	19,448
052	SHALLOW WATER MCM	8,730	8,730
053	NAVSTAR GPS RECEIVERS (SPACE)	32,674	32,674
054	AMERICAN FORCES RADIO AND TV SERVICE	2,617	2,617
055	STRATEGIC PLATFORM SUPPORT EQUIP	7,973	7,973
	AVIATION ELECTRONIC EQUIPMENT		
056	ASHORE ATC EQUIPMENT	72,406	72,406
057	AFLOAT ATC EQUIPMENT	67,410	65,779
	ACLS mod kits installations cost growth		[–1,631]
058	ID SYSTEMS	26,059	26,059
059	JOINT PRECISION APPROACH AND LANDING SYSTEM (..... Early to need	92,695	78,195 [–14,500]
060	NAVAL MISSION PLANNING SYSTEMS	15,296	15,296
	OTHER SHORE ELECTRONIC EQUIPMENT		
061	TACTICAL/MOBILE C4I SYSTEMS	36,226	36,226
062	DCGS-N	21,788	21,427
	DCGS-N increment 2 kit unit cost discrepancy		[–361]
063	CANES	426,654	395,154
	Program decrease		[–31,500]
064	RADIAC	6,450	6,450
065	CANES-INTELL	52,713	52,713
066	GPETE	13,028	13,028
067	MASF	5,193	5,193
068	INTEG COMBAT SYSTEM TEST FACILITY	6,028	6,028
069	EMI CONTROL INSTRUMENTATION	4,209	4,209
070	ITEMS LESS THAN \$5 MILLION	168,436	144,636
	NGSSR early to need		[–23,800]
	SHIPBOARD COMMUNICATIONS		
071	SHIPBOARD TACTICAL COMMUNICATIONS	55,853	50,053
	DMR IW and MUOS system procurement afloat previously funded.		[–5,800]
072	SHIP COMMUNICATIONS AUTOMATION	137,861	122,380
	STACC cost growth		[–15,481]
073	COMMUNICATIONS ITEMS UNDER \$5M	35,093	31,493
	Improving funds management: prior year carryover		[–3,600]
	SUBMARINE COMMUNICATIONS		
074	SUBMARINE BROADCAST SUPPORT	50,833	50,833
075	SUBMARINE COMMUNICATION EQUIPMENT	69,643	60,794
	Buoy shape improvement unjustified request		[–8,849]
	SATELLITE COMMUNICATIONS		
076	SATELLITE COMMUNICATIONS SYSTEMS	45,841	45,841
077	NAVY MULTIBAND TERMINAL (NMT)	88,021	82,148
	Afloat ship kit cost growth		[–4,055]
	Assured C2 modems installation cost excess growth		[–1,818]
	SHORE COMMUNICATIONS		
078	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	4,293	4,293
	CRYPTOGRAPHIC EQUIPMENT		
079	INFO SYSTEMS SECURITY PROGRAM (ISSP)	166,540	166,540
080	MIO INTEL EXPLOITATION TEAM	968	968
	CRYPTOLOGIC EQUIPMENT		
081	CRYPTOLOGIC COMMUNICATIONS EQUIP	13,090	13,090
	OTHER ELECTRONIC SUPPORT		
083	COAST GUARD EQUIPMENT	61,370	61,370
	SONOBUOYS		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
085	SONOBUOYS—ALL TYPES	260,644	310,644
	UPL sonobuoy increase		[50,000]
	AIRCRAFT SUPPORT EQUIPMENT		
086	MINOTAUR	5,000	5,000
087	WEAPONS RANGE SUPPORT EQUIPMENT	101,843	101,843
088	AIRCRAFT SUPPORT EQUIPMENT	145,601	135,211
	Excess cost growth		[–10,390]
089	ADVANCED ARRESTING GEAR (AAG)	4,725	4,725
090	METEOROLOGICAL EQUIPMENT	14,687	12,407
	ASOS upgrades unit cost growth		[–2,280]
092	LEGACY AIRBORNE MCM	19,250	18,918
	Modifications unjustified growth		[–332]
093	LAMPS EQUIPMENT	792	792
094	AVIATION SUPPORT EQUIPMENT	55,415	52,415
	Contract delay		[–3,000]
095	UMCS-UNMAN CARRIER AVIATION(UCA)MISSION CNTRL ...	32,668	32,668
	SHIP GUN SYSTEM EQUIPMENT		
096	SHIP GUN SYSTEMS EQUIPMENT	5,451	5,451
	SHIP MISSILE SYSTEMS EQUIPMENT		
097	HARPOON SUPPORT EQUIPMENT	1,100	1,100
098	SHIP MISSILE SUPPORT EQUIPMENT	228,104	268,304
	Program increase		[40,200]
099	TOMAHAWK SUPPORT EQUIPMENT	78,593	78,593
	FBM SUPPORT EQUIPMENT		
100	STRATEGIC MISSILE SYSTEMS EQUIP	280,510	280,510
	ASW SUPPORT EQUIPMENT		
101	SSN COMBAT CONTROL SYSTEMS	148,547	143,678
	Excess cost growth		[–4,869]
102	ASW SUPPORT EQUIPMENT	21,130	21,130
	OTHER ORDNANCE SUPPORT EQUIPMENT		
103	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	15,244	15,244
104	ITEMS LESS THAN \$5 MILLION	5,071	5,071
	OTHER EXPENDABLE ORDNANCE		
105	ANTI-SHIP MISSILE DECOY SYSTEM	41,962	41,962
106	SUBMARINE TRAINING DEVICE MODS	75,057	75,057
107	SURFACE TRAINING EQUIPMENT	233,175	222,647
	BFFT ship sets excess to need		[–1,515]
	LCS trainer equipment early to need		[–9,013]
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
108	PASSENGER CARRYING VEHICLES	4,562	4,562
109	GENERAL PURPOSE TRUCKS	10,974	10,974
110	CONSTRUCTION & MAINTENANCE EQUIP	43,191	43,191
111	FIRE FIGHTING EQUIPMENT	21,142	11,642
	Contract delays		[–9,500]
112	TACTICAL VEHICLES	33,432	33,432
114	POLLUTION CONTROL EQUIPMENT	2,633	2,633
115	ITEMS UNDER \$5 MILLION	53,467	53,467
116	PHYSICAL SECURITY VEHICLES	1,173	1,173
	SUPPLY SUPPORT EQUIPMENT		
117	SUPPLY EQUIPMENT	16,730	16,730
118	FIRST DESTINATION TRANSPORTATION	5,389	5,389
119	SPECIAL PURPOSE SUPPLY SYSTEMS	654,674	617,522
	Insufficient budget justification		[–37,152]
	TRAINING DEVICES		
120	TRAINING SUPPORT EQUIPMENT	3,633	3,633
121	TRAINING AND EDUCATION EQUIPMENT	97,636	94,536
	Excess growth		[–3,100]
	COMMAND SUPPORT EQUIPMENT		
122	COMMAND SUPPORT EQUIPMENT	66,102	50,434
	Prior year underexecution		[–15,668]
123	MEDICAL SUPPORT EQUIPMENT	3,633	3,633
125	NAVAL MIP SUPPORT EQUIPMENT	6,097	6,097
126	OPERATING FORCES SUPPORT EQUIPMENT	16,905	16,905
127	C4ISR EQUIPMENT	30,146	30,146
128	ENVIRONMENTAL SUPPORT EQUIPMENT	21,986	21,986
129	PHYSICAL SECURITY EQUIPMENT	160,046	160,046
130	ENTERPRISE INFORMATION TECHNOLOGY	56,899	56,899

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
	OTHER		
133	NEXT GENERATION ENTERPRISE SERVICE	122,832	122,832
	CLASSIFIED PROGRAMS		
133A	CLASSIFIED PROGRAMS	16,346	16,346
	SPARES AND REPAIR PARTS		
134	SPARES AND REPAIR PARTS	375,608	352,140
	JPALS spares early to need		[–8,137]
	LCS spares early to need		[–15,331]
	TOTAL OTHER PROCUREMENT, NAVY	9,652,956	9,302,099
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	39,495	39,495
002	AMPHIBIOUS COMBAT VEHICLE 1.1	317,935	313,131
	Excess engineering change orders		[–4,804]
003	LAV PIP	60,734	60,734
	ARTILLERY AND OTHER WEAPONS		
004	155MM LIGHTWEIGHT TOWED HOWITZER	25,065	25,065
005	ARTILLERY WEAPONS SYSTEM	100,002	90,002
	Equipment previously funded and cost growth		[–10,000]
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION ...	31,945	31,945
	OTHER SUPPORT		
007	MODIFICATION KITS	22,760	22,760
	GUIDED MISSILES		
008	GROUND BASED AIR DEFENSE	175,998	175,998
009	ANTI-ARMOR MISSILE-JAVELIN	20,207	20,207
010	FAMILY ANTI-ARMOR WEAPON SYSTEMS (FOAAWS)	21,913	21,913
011	ANTI-ARMOR MISSILE-TOW	60,501	60,501
012	GUIDED MLRS ROCKET (GMLRS)	29,062	28,062
	Unit cost discrepancy		[–1,000]
	COMMAND AND CONTROL SYSTEMS		
013	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C AN/MRQ–13 communications subsystems upgrades unjusti- fied growth.	37,203	32,203 [–5,000]
	REPAIR AND TEST EQUIPMENT		
014	REPAIR AND TEST EQUIPMENT	55,156	55,156
	OTHER SUPPORT (TEL)		
015	MODIFICATION KITS	4,945	4,945
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
016	ITEMS UNDER \$5 MILLION (COMM & ELEC)	112,124	82,424
	Unit cost growth		[–29,700]
017	AIR OPERATIONS C2 SYSTEMS	17,408	17,408
	RADAR + EQUIPMENT (NON-TEL)		
018	RADAR SYSTEMS	329	329
019	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	273,022	273,022
	INTELL/COMM EQUIPMENT (NON-TEL)		
021	GCSS-MC	4,484	4,484
022	FIRE SUPPORT SYSTEM	35,488	35,488
023	INTELLIGENCE SUPPORT EQUIPMENT	56,896	54,396
	Unjustified growth		[–2,500]
025	UNMANNED AIR SYSTEMS (INTEL)	34,711	34,711
026	DCGS-MC	32,562	32,562
	OTHER SUPPORT (NON-TEL)		
030	NEXT GENERATION ENTERPRISE NETWORK (NGEN)	114,901	114,901
031	COMMON COMPUTER RESOURCES	51,094	51,094
032	COMMAND POST SYSTEMS	108,897	108,897
033	RADIO SYSTEMS	227,320	212,320
	Cost growth and early to need		[–15,000]
034	COMM SWITCHING & CONTROL SYSTEMS	31,685	23,781
	ECP small form factor previously funded		[–7,904]
035	COMM & ELEC INFRASTRUCTURE SUPPORT	21,140	21,140
036	CYBERSPACE ACTIVITIES	27,632	27,632
	CLASSIFIED PROGRAMS		
036A	CLASSIFIED PROGRAMS	5,535	5,535
	ADMINISTRATIVE VEHICLES		
037	COMMERCIAL CARGO VEHICLES	28,913	28,913
	TACTICAL VEHICLES		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
038	MOTOR TRANSPORT MODIFICATIONS	19,234	19,234
039	JOINT LIGHT TACTICAL VEHICLE	558,107	556,107
	ECP previously funded		[-2,000]
040	FAMILY OF TACTICAL TRAILERS	2,693	2,693
	ENGINEER AND OTHER EQUIPMENT		
041	ENVIRONMENTAL CONTROL EQUIP ASSORT	495	495
042	TACTICAL FUEL SYSTEMS	52	52
043	POWER EQUIPMENT ASSORTED	22,441	22,441
044	AMPHIBIOUS SUPPORT EQUIPMENT	7,101	7,101
045	EOD SYSTEMS	44,700	44,700
	MATERIALS HANDLING EQUIPMENT		
046	PHYSICAL SECURITY EQUIPMENT	15,404	15,404
	GENERAL PROPERTY		
047	FIELD MEDICAL EQUIPMENT	2,898	2,898
048	TRAINING DEVICES	149,567	126,567
	ODS unjustified request		[-23,000]
049	FAMILY OF CONSTRUCTION EQUIPMENT	35,622	35,622
050	ULTRA-LIGHT TACTICAL VEHICLE (ULTV)	647	647
	OTHER SUPPORT		
051	ITEMS LESS THAN \$5 MILLION	10,956	10,956
	SPARES AND REPAIR PARTS		
052	SPARES AND REPAIR PARTS	33,470	33,470
	TOTAL PROCUREMENT, MARINE CORPS	3,090,449	2,989,541
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
001	F-35	4,274,359	5,566,409
	Program increase		[1,042,800]
	Program increase: Turkish F-35A Reallocation Initiative		[440,000]
	Target cost savings		[-190,750]
002	F-35	655,500	811,500
	UPL Increase		[156,000]
003	F-15E	1,050,000	985,500
	Unjustified non-recurring engineering		[-64,500]
	TACTICAL AIRLIFT		
005	KC-46A MDAP	2,234,529	2,198,529
	Excess to need		[-36,000]
	OTHER AIRLIFT		
006	C-130J	12,156	404,156
	Program increase		[392,000]
008	MC-130J	871,207	857,607
	Excess to need		[-13,600]
009	MC-130J	40,000	40,000
	HELICOPTERS		
010	COMBAT RESCUE HELICOPTER	884,235	876,035
	Excess to need		[-8,200]
	MISSION SUPPORT AIRCRAFT		
011	C-37A	161,000	147,500
	Unit cost growth		[-13,500]
012	CIVIL AIR PATROL A/C	2,767	2,767
	OTHER AIRCRAFT		
014	TARGET DRONES	130,837	130,837
015	COMPASS CALL	114,095	114,095
017	MQ-9	189,205	175,205
	Unit cost growth		[-14,000]
	STRATEGIC AIRCRAFT		
019	B-2A	9,582	9,582
020	B-1B	22,111	13,111
	ADS-B ahead of need		[-9,000]
021	B-52	69,648	69,648
022	LARGE AIRCRAFT INFRARED COUNTERMEASURES	43,758	43,758
	TACTICAL AIRCRAFT		
023	A-10	132,069	132,069
024	E-11 BACN/HAG	70,027	70,027
025	F-15	481,073	467,767
	ADCP unnecessary due to F-15X		[-13,306]
026	F-16	234,782	309,782

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
	Additional radars		[75,000]
028	F–22A	323,597	323,597
030	F–35 MODIFICATIONS	343,590	343,590
031	F–15 EPAW	149,047	125,417
	Not required because of F–15X		[–23,630]
032	INCREMENT 3.2B	20,213	20,213
033	KC–46A MDAP	10,213	5,213
	Funding ahead of need		[–5,000]
	AIRLIFT AIRCRAFT		
034	C–5	73,550	73,550
036	C–17A	60,244	60,244
037	C–21	216	216
038	C–32A	11,511	11,511
039	C–37A	435	435
	TRAINER AIRCRAFT		
040	GLIDER MODS	138	138
041	T–6	11,826	11,826
042	T–1	26,787	26,787
043	T–38	37,341	37,341
	OTHER AIRCRAFT		
044	U–2 MODS	86,896	106,896
	Increase for U–2 enhancements		[20,000]
045	KC–10A (ATCA)	2,108	2,108
046	C–12	3,021	3,021
047	VC–25A MOD	48,624	48,624
048	C–40	256	256
049	C–130	52,066	186,066
	3.5 Engine Enhancement Package		[79,000]
	NP–2000 prop blade upgrades		[55,000]
050	C–130J MODS	141,686	141,686
051	C–135	124,491	122,616
	Low cost mods slow execution		[–1,000]
	RPI installs		[–875]
053	COMPASS CALL	110,754	110,754
054	COMBAT FLIGHT INSPECTION—CFIN	508	508
055	RC–135	227,673	227,673
056	E–3	216,299	128,992
	NATO AWACS—Air Force requested transfer to line 88		[–87,307]
057	E–4	58,477	58,477
058	E–8	28,778	48,778
	Increase for re-engining		[20,000]
059	AIRBORNE WARNING AND CNTRL SYS (AWACS) 40/45	36,000	36,000
060	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	7,910	7,910
061	H–1	3,817	3,817
062	H–60	20,879	20,879
063	RQ–4 MODS	1,704	1,704
064	HC/MC–130 MODIFICATIONS	51,482	51,482
065	OTHER AIRCRAFT	50,098	50,098
066	MQ–9 MODS	383,594	251,594
	Production rate adjustment of DAS–4 sensor		[–132,000]
068	CV–22 MODS	65,348	65,348
	AIRCRAFT SPARES AND REPAIR PARTS		
069	INITIAL SPARES/REPAIR PARTS	708,230	799,230
	F–35 spares		[96,000]
	Program decrease		[–30,000]
	RQ–4		[25,000]
	COMMON SUPPORT EQUIPMENT		
072	AIRCRAFT REPLACEMENT SUPPORT EQUIP	84,938	84,938
	POST PRODUCTION SUPPORT		
073	B–2A	1,403	1,403
074	B–2B	42,234	42,234
075	B–52	4,641	4,641
076	C–17A	124,805	124,805
079	F–15	2,589	2,589
081	F–16	15,348	15,348
084	RQ–4 POST PRODUCTION CHARGES	47,246	47,246
	INDUSTRIAL PREPAREDNESS		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
086	INDUSTRIAL RESPONSIVENESS	17,705	17,705
	WAR CONSUMABLES		
087	WAR CONSUMABLES	32,102	32,102
	OTHER PRODUCTION CHARGES		
088	OTHER PRODUCTION CHARGES	1,194,728	1,222,035
	F–22 NGEN lab excess		[–60,000]
	NATO AWACS—Air Force requested transfer from line 56		[87,307]
	CLASSIFIED PROGRAMS		
090A	CLASSIFIED PROGRAMS	34,193	34,193
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	16,784,279	18,569,718
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC	55,888	55,888
	TACTICAL		
002	REPLAC EQUIP & WAR CONSUMABLES	9,100	9,100
003	JOINT AIR-TO-GROUND MUNITION	15,000	7,500
	Unjustified requirement (JAGM-F)		[–7,500]
004	JOINT AIR-SURFACE STANDOFF MISSILE	482,525	482,525
006	SIDEWINDER (AIM–9X)	160,408	160,408
007	AMRAAM	332,250	332,250
008	PREDATOR HELLFIRE MISSILE	118,860	118,860
009	SMALL DIAMETER BOMB	275,438	275,438
010	SMALL DIAMETER BOMB II	212,434	200,684
	Unit cost growth		[–11,750]
	INDUSTRIAL FACILITIES		
011	INDUSTRL PREPAREDNS/POL PREVENTION	801	801
	CLASS IV		
012	ICBM FUZE MOD	5,000	5,000
013	ICBM FUZE MOD	14,497	14,497
014	MM III MODIFICATIONS	50,831	59,705
	Air Force requested transfer		[8,874]
015	AGM–65D MAVERICK	294	294
016	AIR LAUNCH CRUISE MISSILE (ALCM)	77,387	68,513
	Air Force requested transfer		[–8,874]
	MISSILE SPARES AND REPAIR PARTS		
018	MSL SPRS/REPAIR PARTS (INITIAL)	1,910	1,910
019	REPLEN SPARES/REPAIR PARTS	82,490	82,490
	SPECIAL PROGRAMS		
023	SPECIAL UPDATE PROGRAMS	144,553	144,553
	CLASSIFIED PROGRAMS		
023A	CLASSIFIED PROGRAMS	849,521	849,521
	TOTAL MISSILE PROCUREMENT, AIR FORCE	2,889,187	2,869,937
	SPACE PROCUREMENT, AIR FORCE		
	SPACE PROGRAMS		
001	ADVANCED EHF	31,894	31,894
002	AF SATELLITE COMM SYSTEM	56,298	56,298
004	COUNTERSPACE SYSTEMS	5,700	5,700
005	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	34,020	29,020
	Unjustified growth		[–5,000]
007	GENERAL INFORMATION TECH—SPACE	3,244	3,244
008	GPSIII FOLLOW ON	414,625	414,625
009	GPS III SPACE SEGMENT	31,466	31,466
012	SPACEBORNE EQUIP (COMSEC)	32,031	32,031
013	MILSATCOM	11,096	11,096
015	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	1,237,635	1,237,635
016	SBIR HIGH (SPACE)	233,952	233,952
017	NUDET DETECTION SYSTEM	7,432	7,432
018	ROCKET SYSTEMS LAUNCH PROGRAM	11,473	11,473
019	SPACE FENCE	71,784	71,784
020	SPACE MODS	106,330	106,330
021	SPACELIFT RANGE SYSTEM SPACE	118,140	118,140
	SPACE PROCUREMENT, AIR FORCE		
	SPARES		
022	SPARES AND REPAIR PARTS	7,263	7,263
	TOTAL SPACE PROCUREMENT, AIR FORCE	2,414,383	2,409,383

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
PROCUREMENT OF AMMUNITION, AIR FORCE			
ROCKETS			
001	ROCKETS	133,268	115,068
	APKWS Mk 66 rocket motor price adjustment		[–18,200]
CARTRIDGES			
002	CARTRIDGES	140,449	140,449
BOMBS			
003	PRACTICE BOMBS	29,313	29,313
004	GENERAL PURPOSE BOMBS	85,885	85,885
006	JOINT DIRECT ATTACK MUNITION	1,066,224	1,034,224
	Tailkit unit cost adjustment		[–32,000]
007	B61	80,773	80,773
OTHER ITEMS			
009	CAD/PAD	47,069	47,069
010	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	6,133	6,133
011	SPARES AND REPAIR PARTS	533	533
012	MODIFICATIONS	1,291	1,291
013	ITEMS LESS THAN \$5,000,000	1,677	1,677
FLARES			
015	FLARES	36,116	36,116
FUZES			
016	FUZES	1,734	1,734
SMALL ARMS			
017	SMALL ARMS	37,496	37,496
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.	1,667,961	1,617,761
OTHER PROCUREMENT, AIR FORCE			
PASSENGER CARRYING VEHICLES			
001	PASSENGER CARRYING VEHICLES	15,238	15,238
CARGO AND UTILITY VEHICLES			
002	MEDIUM TACTICAL VEHICLE	34,616	34,616
003	CAP VEHICLES	1,040	3,567
	Program increase—communications		[1,867]
	Program increase—vehicles		[660]
004	CARGO AND UTILITY VEHICLES	23,133	23,133
SPECIAL PURPOSE VEHICLES			
005	JOINT LIGHT TACTICAL VEHICLE	32,027	32,027
006	SECURITY AND TACTICAL VEHICLES	1,315	1,315
007	SPECIAL PURPOSE VEHICLES	14,593	14,593
FIRE FIGHTING EQUIPMENT			
008	FIRE FIGHTING/CRASH RESCUE VEHICLES	28,604	28,604
MATERIALS HANDLING EQUIPMENT			
009	MATERIALS HANDLING VEHICLES	21,848	21,848
BASE MAINTENANCE SUPPORT			
010	RUNWAY SNOW REMOV AND CLEANING EQU	2,925	2,925
011	BASE MAINTENANCE SUPPORT VEHICLES	55,776	55,776
COMM SECURITY EQUIPMENT(COMSEC)			
013	COMSEC EQUIPMENT	91,461	91,461
INTELLIGENCE PROGRAMS			
014	INTERNATIONAL INTEL TECH & ARCHITECTURES	11,386	11,386
015	INTELLIGENCE TRAINING EQUIPMENT	7,619	7,619
016	INTELLIGENCE COMM EQUIPMENT	35,558	32,058
	IMAD unjustified procurement		[–3,500]
ELECTRONICS PROGRAMS			
017	AIR TRAFFIC CONTROL & LANDING SYS	17,939	17,939
019	BATTLE CONTROL SYSTEM—FIXED	3,063	3,063
021	WEATHER OBSERVATION FORECAST	31,447	31,447
022	STRATEGIC COMMAND AND CONTROL	5,090	5,090
023	CHEYENNE MOUNTAIN COMPLEX	10,145	10,145
024	MISSION PLANNING SYSTEMS	14,508	14,508
026	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN)	9,901	9,901
SPCL COMM-ELECTRONICS PROJECTS			
027	GENERAL INFORMATION TECHNOLOGY	26,933	26,933
028	AF GLOBAL COMMAND & CONTROL SYS	2,756	2,756
029	BATTLEFIELD AIRBORNE CONTROL NODE (BACN)	48,478	48,478

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
030	MOBILITY COMMAND AND CONTROL	21,186	21,186
031	AIR FORCE PHYSICAL SECURITY SYSTEM	178,361	178,361
032	COMBAT TRAINING RANGES	233,993	261,993
	Joint threat emitters		[28,000]
033	MINIMUM ESSENTIAL EMERGENCY COMM N	132,648	132,648
034	WIDE AREA SURVEILLANCE (WAS)	80,818	42,118
	Program decrease		[–38,700]
035	C3 COUNTERMEASURES	25,036	25,036
036	INTEGRATED PERSONNEL AND PAY SYSTEM	20,900	0
	Poor agile implementation		[–20,900]
037	GCSS-AF FOS	11,226	11,226
038	DEFENSE ENTERPRISE ACCOUNTING & MGT SYS	1,905	1,905
039	MAINTENANCE REPAIR & OVERHAUL INITIATIVE	1,912	1,912
040	THEATER BATTLE MGT C2 SYSTEM	6,337	6,337
041	AIR & SPACE OPERATIONS CENTER (AOC)	33,243	33,243
	AIR FORCE COMMUNICATIONS		
043	BASE INFORMATION TRANSP T INFRAST (BITI) WIRED	69,530	62,280
	Restoring acquisition accountability		[–7,250]
044	AFNET	147,063	147,063
045	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	6,505	6,505
046	USCENTCOM	20,190	20,190
047	USSTRATCOM	11,244	11,244
	ORGANIZATION AND BASE		
048	TACTICAL C-E EQUIPMENT	143,757	143,757
050	RADIO EQUIPMENT	15,402	15,402
051	CCTV/AUDIOVISUAL EQUIPMENT	3,211	3,211
052	BASE COMM INFRASTRUCTURE	43,123	43,123
	MODIFICATIONS		
053	COMM ELECT MODS	14,500	14,500
	PERSONAL SAFETY & RESCUE EQUIP		
054	PERSONAL SAFETY AND RESCUE EQUIPMENT	50,634	50,634
	DEPOT PLANT+MTRLS HANDLING EQ		
055	POWER CONDITIONING EQUIPMENT	11,000	11,000
056	MECHANIZED MATERIAL HANDLING EQUIP	11,901	11,901
	BASE SUPPORT EQUIPMENT		
057	BASE PROCURED EQUIPMENT	23,963	23,963
058	ENGINEERING AND EOD EQUIPMENT	34,124	34,124
059	MOBILITY EQUIPMENT	26,439	26,439
060	FUELS SUPPORT EQUIPMENT (FSE)	24,255	24,255
061	BASE MAINTENANCE AND SUPPORT EQUIPMENT	38,986	38,986
	SPECIAL SUPPORT PROJECTS		
063	DARP RC135	26,716	26,716
064	DCGS-AF	116,055	116,055
066	SPECIAL UPDATE PROGRAM	835,148	835,148
	CLASSIFIED PROGRAMS		
066A	CLASSIFIED PROGRAMS	18,292,807	18,292,807
	SPARES AND REPAIR PARTS		
067	SPARES AND REPAIR PARTS	81,340	81,340
	TOTAL OTHER PROCUREMENT, AIR FORCE	21,342,857	21,303,034
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, OSD		
022	MAJOR EQUIPMENT, DPAA	1,504	1,504
045	MAJOR EQUIPMENT, OSD	43,705	43,705
	MAJOR EQUIPMENT, NSA		
044	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	1,533	133
	Realignment to DISA for Sharkseer		[–1,400]
	MAJOR EQUIPMENT, WHS		
049	MAJOR EQUIPMENT, WHS	507	507
	MAJOR EQUIPMENT, DISA		
008	INFORMATION SYSTEMS SECURITY	3,318	4,718
	Realignment for Sharkseer		[1,400]
009	TELEPORT PROGRAM	25,103	25,103
010	ITEMS LESS THAN \$5 MILLION	26,416	26,416
012	DEFENSE INFORMATION SYSTEM NETWORK	17,574	17,574
014	WHITE HOUSE COMMUNICATION AGENCY	45,079	45,079
015	SENIOR LEADERSHIP ENTERPRISE	78,669	78,669

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
016	JOINT REGIONAL SECURITY STACKS (JRSS)	88,000	88,000
017	JOINT SERVICE PROVIDER	107,907	107,907
	MAJOR EQUIPMENT, DLA		
019	MAJOR EQUIPMENT	8,122	8,122
	MAJOR EQUIPMENT, DSS		
023	MAJOR EQUIPMENT	496	496
	MAJOR EQUIPMENT, TJS		
046	MAJOR EQUIPMENT, TJS	6,905	6,905
047	MAJOR EQUIPMENT—TJS CYBER	1,458	1,458
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
028	THAAD	425,863	388,543
	Unit cost savings		[–37,320]
029	GROUND BASED MIDCOURSE	9,471	9,471
031	AEGIS BMD	600,773	565,374
	SM–3 Block IB multiyear unit cost savings		[–35,399]
032	AEGIS BMD	96,995	96,995
033	BMDs AN/TPY–2 RADARS	10,046	10,046
034	ARROW 3 UPPER TIER SYSTEMS	55,000	55,000
035	SHORT RANGE BALLISTIC MISSILE DEFENSE (SRBMD)	50,000	50,000
036	AEGIS ASHORE PHASE III	25,659	25,659
037	IRON DOME	95,000	95,000
038	AEGIS BMD HARDWARE AND SOFTWARE	124,986	124,986
	MAJOR EQUIPMENT, DHRA		
003	PERSONNEL ADMINISTRATION	5,030	5,030
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
025	VEHICLES	211	211
026	OTHER MAJOR EQUIPMENT	11,521	11,521
	MAJOR EQUIPMENT, DODEA		
021	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,320	1,320
	MAJOR EQUIPMENT, DCMA		
002	MAJOR EQUIPMENT	2,432	2,432
	MAJOR EQUIPMENT, DMACT		
020	MAJOR EQUIPMENT	10,961	10,961
	CLASSIFIED PROGRAMS		
049A	CLASSIFIED PROGRAMS	589,366	589,366
	AVIATION PROGRAMS		
053	ROTARY WING UPGRADES AND SUSTAINMENT	172,020	172,020
054	UNMANNED ISR	15,208	15,208
055	NON-STANDARD AVIATION	32,310	32,310
056	U–28	10,898	10,898
057	MH–47 CHINOOK	173,812	173,812
058	CV–22 MODIFICATION	17,256	17,256
059	MQ–9 UNMANNED AERIAL VEHICLE	5,338	5,338
060	PRECISION STRIKE PACKAGE	232,930	232,930
061	AC/MC–130J	173,419	165,019
	RFCM realignment to RDAF FVL		[–8,400]
062	C–130 MODIFICATIONS	15,582	15,582
	SHIPBUILDING		
063	UNDERWATER SYSTEMS	58,991	58,991
	AMMUNITION PROGRAMS		
064	ORDNANCE ITEMS <\$5M	279,992	279,992
	OTHER PROCUREMENT PROGRAMS		
065	INTELLIGENCE SYSTEMS	100,641	100,641
066	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	12,522	12,522
067	OTHER ITEMS <\$5M	103,910	103,910
068	COMBATANT CRAFT SYSTEMS	33,088	33,088
069	SPECIAL PROGRAMS	63,467	63,467
070	TACTICAL VEHICLES	77,832	77,832
071	WARRIOR SYSTEMS <\$5M	298,480	298,480
072	COMBAT MISSION REQUIREMENTS	19,702	19,702
073	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	4,787	4,787
074	OPERATIONAL ENHANCEMENTS INTELLIGENCE	8,175	8,175
075	OPERATIONAL ENHANCEMENTS	282,532	282,532
	CBDP		
076	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	162,406	162,406
077	CB PROTECTION & HAZARD MITIGATION	188,188	183,618

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
	Unjustified growth		[-4,570]
	TOTAL PROCUREMENT, DEFENSE-WIDE	5,114,416	5,028,727
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
001	JOINT URGENT OPERATIONAL NEEDS FUND	99,200	0
	Program decrease		[-99,200]
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND.	99,200	0
	TOTAL PROCUREMENT	132,343,701	133,100,265

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
003	MQ-1 UAV	54,000	54,000
	ROTARY		
015	CH-47 HELICOPTER	25,000	25,000
	MODIFICATION OF AIRCRAFT		
021	MULTI SENSOR ABN RECON (MIP)	80,260	80,260
024	GRCS SEMA MODS (MIP)	750	750
026	EMARSS SEMA MODS (MIP)	22,180	22,180
027	UTILITY/CARGO AIRPLANE MODS	8,362	8,362
029	NETWORK AND MISSION PLAN	10	10
031	DEGRADED VISUAL ENVIRONMENT	49,450	49,450
	GROUND SUPPORT AVIONICS		
037	CMWS	130,219	130,219
038	COMMON INFRARED COUNTERMEASURES (CIRCM)	9,310	9,310
	OTHER SUPPORT		
045	LAUNCHER GUIDED MISSILE: LONGBOW HELLFIRE XM2 ..	2,000	2,000
	TOTAL AIRCRAFT PROCUREMENT, ARMY	381,541	381,541
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
002	M-SHORAD—PROCUREMENT	158,300	158,300
003	MSE MISSILE	37,938	37,938
	AIR-TO-SURFACE MISSILE SYSTEM		
006	HELLFIRE SYS SUMMARY	236,265	236,265
	ANTI-TANK/ASSAULT MISSILE SYS		
008	JAVELIN (AAWS-M) SYSTEM SUMMARY	4,389	4,389
011	GUIDED MLRS ROCKET (GMLRS)	431,596	431,596
014	ARMY TACTICAL MSL SYS (ATACMS)—SYS SUM	130,770	130,770
015	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS)	83,300	83,300
	MODIFICATIONS		
019	STINGER MODS	7,500	7,500
022	MLRS MODS	348,000	336,500
	Excess to need		[-11,500]
	TOTAL MISSILE PROCUREMENT, ARMY	1,438,058	1,426,558
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
002	ARMORED MULTI PURPOSE VEHICLE (AMPV)	221,638	221,638
	MODIFICATION OF TRACKED COMBAT VEHICLES		
003	STRYKER (MOD)	4,100	4,100
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	80,146	80,146
013	M1 ABRAMS TANK (MOD)	13,100	13,100
	WEAPONS & OTHER COMBAT VEHICLES		
015	M240 MEDIUM MACHINE GUN (7.62MM)	900	900
016	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPONS	2,400	2,400

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
019	MORTAR SYSTEMS	18,941	18,941
020	XM320 GRENADE LAUNCHER MODULE (GLM)	526	526
023	CARBINE	1,183	1,183
025	COMMON REMOTELY OPERATED WEAPONS STATION	4,182	4,182
026	HANDGUN	248	248
	MOD OF WEAPONS AND OTHER COMBAT VEH		
031	M2 50 CAL MACHINE GUN MODS	6,090	6,090
	TOTAL PROCUREMENT OF W&TCV, ARMY	353,454	353,454
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	567	567
002	CTG, 7.62MM, ALL TYPES	40	40
003	CTG, HANDGUN, ALL TYPES	17	17
004	CTG, .50 CAL, ALL TYPES	189	189
007	CTG, 30MM, ALL TYPES	24,900	24,900
	ARTILLERY AMMUNITION		
015	PROJ 155MM EXTENDED RANGE M982	36,052	36,052
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	7,271	7,271
	ROCKETS		
018	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	176	176
019	ROCKET, HYDRA 70, ALL TYPES	79,459	79,459
	MISCELLANEOUS		
027	ITEMS LESS THAN \$5 MILLION (AMMO)	11	11
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	148,682	148,682
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
010	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	26,917	26,917
011	PLS ESP	16,941	16,941
012	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	62,734	62,734
014	TACTICAL WHEELED VEHICLE PROTECTION KITS	50,000	50,000
015	MODIFICATION OF IN SVC EQUIP	28,000	28,000
	COMM—JOINT COMMUNICATIONS		
022	TACTICAL NETWORK TECHNOLOGY MOD IN SVC	40,000	40,000
	COMM—SATELLITE COMMUNICATIONS		
029	TRANSPORTABLE TACTICAL COMMAND COMMUNICA- TIONS.	6,930	6,930
031	ASSURED POSITIONING, NAVIGATION AND TIMING	11,778	11,778
032	SMART-T (SPACE)	825	825
	COMM—COMBAT COMMUNICATIONS		
040	RADIO TERMINAL SET, MIDS LVT(2)	350	350
047	COTS COMMUNICATIONS EQUIPMENT	20,400	20,400
048	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	1,231	1,231
	COMM—INTELLIGENCE COMM		
051	CI AUTOMATION ARCHITECTURE (MIP)	6,200	6,200
	COMM—LONG HAUL COMMUNICATIONS		
059	BASE SUPPORT COMMUNICATIONS	20,482	20,482
	COMM—BASE COMMUNICATIONS		
060	INFORMATION SYSTEMS	55,800	55,800
063	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM ..	75,820	75,820
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
068	DCGS-A (MIP)	38,613	38,613
070	TROJAN (MIP)	1,337	1,337
071	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	2,051	2,051
075	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	1,800	1,800
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
082	FAMILY OF PERSISTENT SURVEILLANCE CAP. (MIP)	71,493	31,493
	Unjustified growth		[–40,000]
083	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	6,917	6,917
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
085	SENTINEL MODS	20,000	20,000
086	NIGHT VISION DEVICES	3,676	3,676
094	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	25,568	25,568
097	COMPUTER BALLISTICS: LHMBC XM32	570	570
098	MORTAR FIRE CONTROL SYSTEM	15,975	15,975
	ELECT EQUIP—TACTICAL C2 SYSTEMS		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
103	AIR & MSL DEFENSE PLANNING & CONTROL SYS	14,331	14,331
	ELECT EQUIP—AUTOMATION		
112	ARMY TRAINING MODERNIZATION	6,014	6,014
113	AUTOMATED DATA PROCESSING EQUIP	32,700	32,700
	CHEMICAL DEFENSIVE EQUIPMENT		
124	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	25,480	25,480
125	BASE DEFENSE SYSTEMS (BDS)	47,110	39,984
	Unjustified growth		[–7,126]
126	CBRN DEFENSE	18,711	17,461
	Unit cost discrepancies		[–1,250]
	BRIDGING EQUIPMENT		
128	TACTICAL BRIDGING	4,884	4,884
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
133	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	4,500	3,655
	Program reduction		[–845]
135	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	34,253	28,071
	Program reduction		[–6,182]
136	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	3,300	3,300
140	RENDER SAFE SETS KITS OUTFITS	84,000	84,000
	COMBAT SERVICE SUPPORT EQUIPMENT		
143	HEATERS AND ECU'S	8	8
145	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	5,101	5,101
146	GROUND SOLDIER SYSTEM	1,760	1,760
148	FORCE PROVIDER	56,400	56,400
150	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	2,040	2,040
	PETROLEUM EQUIPMENT		
154	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	13,986	13,986
	MEDICAL EQUIPMENT		
155	COMBAT SUPPORT MEDICAL	2,735	2,735
	CONSTRUCTION EQUIPMENT		
159	SCRAPERS, EARTHMOVING	4,669	4,669
160	LOADERS	380	380
162	TRACTOR, FULL TRACKED	8,225	8,225
164	HIGH MOBILITY ENGINEER EXCAVATOR (HME)	3,000	3,000
166	CONST EQUIP ESP	3,870	3,870
167	ITEMS LESS THAN \$5.0M (CONST EQUIP)	350	350
	GENERATORS		
171	GENERATORS AND ASSOCIATED EQUIP	2,436	2,436
	MATERIAL HANDLING EQUIPMENT		
173	FAMILY OF FORKLIFTS	5,152	5,152
	TRAINING EQUIPMENT		
175	TRAINING DEVICES, NONSYSTEM	2,106	2,106
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
181	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	1,395	1,395
	OTHER SUPPORT EQUIPMENT		
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	24,122	24,122
185	PHYSICAL SECURITY SYSTEMS (OPA3)	10,016	10,016
187	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	33,354	33,354
189	BUILDING, PRE-FAB, RELOCATABLE	62,654	62,654
	TOTAL OTHER PROCUREMENT, ARMY	1,131,450	1,076,047
	AIRCRAFT PROCUREMENT, NAVY		
	OTHER AIRCRAFT		
026	STUASLO UAV	7,921	7,921
027	MQ–9A REAPER	77,000	77,000
	MODIFICATION OF AIRCRAFT		
036	EP–3 SERIES	5,488	5,488
046	SPECIAL PROJECT AIRCRAFT	3,498	3,498
051	COMMON ECM EQUIPMENT	3,406	3,406
053	COMMON DEFENSIVE WEAPON SYSTEM	3,274	3,274
062	QRC	18,458	18,458
	TOTAL AIRCRAFT PROCUREMENT, NAVY	119,045	119,045
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
011	JOINT AIR GROUND MISSILE (JAGM)	90,966	90,966
015	AERIAL TARGETS	6,500	6,500

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
	TOTAL WEAPONS PROCUREMENT, NAVY	97,466	97,466
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	26,978	26,978
002	JDAM	12,263	12,263
003	AIRBORNE ROCKETS, ALL TYPES	45,020	45,020
004	MACHINE GUN AMMUNITION	33,577	33,577
005	PRACTICE BOMBS	11,903	11,903
006	CARTRIDGES & CART ACTUATED DEVICES	15,081	15,081
007	AIR EXPENDABLE COUNTERMEASURES	16,911	16,911
011	OTHER SHIP GUN AMMUNITION	3,262	3,262
012	SMALL ARMS & LANDING PARTY AMMO	1,010	1,010
013	PYROTECHNIC AND DEMOLITION	537	537
	MARINE CORPS AMMUNITION		
016	MORTARS	1,930	1,930
017	DIRECT SUPPORT MUNITIONS	1,172	1,172
018	INFANTRY WEAPONS AMMUNITION	2,158	2,158
019	COMBAT SUPPORT MUNITIONS	965	965
021	ARTILLERY MUNITIONS	32,047	32,047
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	204,814	204,814
	OTHER PROCUREMENT, NAVY		
	OTHER SHIPBOARD EQUIPMENT		
020	UNDERWATER EOD PROGRAMS	5,800	5,800
	ASW ELECTRONIC EQUIPMENT		
042	FIXED SURVEILLANCE SYSTEM	310,503	310,503
	SONOBUOYS		
085	SONOBUOYS—ALL TYPES	2,910	2,910
	AIRCRAFT SUPPORT EQUIPMENT		
088	AIRCRAFT SUPPORT EQUIPMENT	13,420	13,420
094	AVIATION SUPPORT EQUIPMENT	500	500
	OTHER ORDNANCE SUPPORT EQUIPMENT		
103	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	15,307	15,307
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
108	PASSENGER CARRYING VEHICLES	173	173
109	GENERAL PURPOSE TRUCKS	408	408
111	FIRE FIGHTING EQUIPMENT	785	785
	SUPPLY SUPPORT EQUIPMENT		
117	SUPPLY EQUIPMENT	100	100
118	FIRST DESTINATION TRANSPORTATION	510	510
	COMMAND SUPPORT EQUIPMENT		
122	COMMAND SUPPORT EQUIPMENT	2,800	2,800
123	MEDICAL SUPPORT EQUIPMENT	1,794	1,794
126	OPERATING FORCES SUPPORT EQUIPMENT	1,090	1,090
128	ENVIRONMENTAL SUPPORT EQUIPMENT	200	200
129	PHYSICAL SECURITY EQUIPMENT	1,300	1,300
	TOTAL OTHER PROCUREMENT, NAVY	357,600	357,600
	PROCUREMENT, MARINE CORPS		
	GUIDED MISSILES		
012	GUIDED MLRS ROCKET (GMLRS)	16,919	16,919
	ENGINEER AND OTHER EQUIPMENT		
045	EOD SYSTEMS	3,670	3,670
	TOTAL PROCUREMENT, MARINE CORPS	20,589	20,589
	AIRCRAFT PROCUREMENT, AIR FORCE		
	OTHER AIRCRAFT		
017	MQ–9	172,240	172,240
018	RQ–20B PUMA	12,150	12,150
	STRATEGIC AIRCRAFT		
022	LARGE AIRCRAFT INFRARED COUNTERMEASURES	53,335	53,335
	OTHER AIRCRAFT		
067	MQ–9 UAS PAYLOADS	19,800	19,800
	AIRCRAFT SPARES AND REPAIR PARTS		
069	INITIAL SPARES/REPAIR PARTS	44,560	44,560
	COMMON SUPPORT EQUIPMENT		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
072	AIRCRAFT REPLACEMENT SUPPORT EQUIP	7,025	7,025
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	309,110	309,110
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
004	JOINT AIR-SURFACE STANDOFF MISSILE	20,900	20,900
008	PREDATOR HELLFIRE MISSILE	180,771	180,771
	TOTAL MISSILE PROCUREMENT, AIR FORCE	201,671	201,671
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	84,960	84,960
	CARTRIDGES		
002	CARTRIDGES	52,642	52,642
	BOMBS		
004	GENERAL PURPOSE BOMBS	545,309	545,309
	FLARES		
015	FLARES	93,272	93,272
	FUZES		
016	FUZES	157,155	157,155
	SMALL ARMS		
017	SMALL ARMS	6,095	6,095
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE ...	939,433	939,433
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	1,276	1,276
	CARGO AND UTILITY VEHICLES		
004	CARGO AND UTILITY VEHICLES	9,702	9,702
	SPECIAL PURPOSE VEHICLES		
005	JOINT LIGHT TACTICAL VEHICLE	40,999	40,999
007	SPECIAL PURPOSE VEHICLES	52,502	52,502
	FIRE FIGHTING EQUIPMENT		
008	FIRE FIGHTING/CRASH RESCUE VEHICLES	16,652	16,652
	MATERIALS HANDLING EQUIPMENT		
009	MATERIALS HANDLING VEHICLES	2,944	2,944
	BASE MAINTENANCE SUPPORT		
010	RUNWAY SNOW REMOV AND CLEANING EQU	3,753	3,753
011	BASE MAINTENANCE SUPPORT VEHICLES	11,837	11,837
	SPCL COMM-ELECTRONICS PROJECTS		
027	GENERAL INFORMATION TECHNOLOGY	5,000	5,000
031	AIR FORCE PHYSICAL SECURITY SYSTEM	106,919	106,919
	ORGANIZATION AND BASE		
048	TACTICAL C-E EQUIPMENT	306	306
052	BASE COMM INFRASTRUCTURE	4,300	4,300
	PERSONAL SAFETY & RESCUE EQUIP		
054	PERSONAL SAFETY AND RESCUE EQUIPMENT	22,200	22,200
	BASE SUPPORT EQUIPMENT		
059	MOBILITY EQUIPMENT	26,535	26,535
060	FUELS SUPPORT EQUIPMENT (FSE)	4,040	4,040
061	BASE MAINTENANCE AND SUPPORT EQUIPMENT	20,067	20,067
	CLASSIFIED PROGRAMS		
066A	CLASSIFIED PROGRAMS	3,209,066	3,209,066
	TOTAL OTHER PROCUREMENT, AIR FORCE	3,538,098	3,538,098
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
009	TELEPORT PROGRAM	3,800	3,800
012	DEFENSE INFORMATION SYSTEM NETWORK	12,000	12,000
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
027	COUNTER IED & IMPROVISED THREAT TECHNOLOGIES	4,590	4,590
	CLASSIFIED PROGRAMS		
049A	CLASSIFIED PROGRAMS	51,380	46,380
	Program decrease		[-5,000]
	AVIATION PROGRAMS		
050	MANNED ISR	5,000	5,000

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2020 Request	Conference Authorized
051	MC-12	5,000	5,000
052	MH-60 BLACKHAWK	28,100	28,100
054	UNMANNED ISR	8,207	8,207
056	U-28	31,500	31,500
057	MH-47 CHINOOK	37,500	37,500
059	MQ-9 UNMANNED AERIAL VEHICLE	1,900	1,900
	AMMUNITION PROGRAMS		
064	ORDNANCE ITEMS <\$5M	138,252	138,252
	OTHER PROCUREMENT PROGRAMS		
065	INTELLIGENCE SYSTEMS	16,500	16,500
067	OTHER ITEMS <\$5M	28	28
070	TACTICAL VEHICLES	2,990	2,990
071	WARRIOR SYSTEMS <\$5M	37,512	37,512
072	COMBAT MISSION REQUIREMENTS	10,000	10,000
074	OPERATIONAL ENHANCEMENTS INTELLIGENCE	7,594	7,594
075	OPERATIONAL ENHANCEMENTS	45,194	45,194
	TOTAL PROCUREMENT, DEFENSE-WIDE	447,047	442,047
	NATIONAL GUARD AND RESERVE EQUIPMENT		
	UNDISTRIBUTED		
007	UNDISTRIBUTED		265,000
	Program increase		[265,000]
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT		265,000
	TOTAL PROCUREMENT	9,688,058	9,881,155

SEC. 4103. PROCUREMENT FOR EMERGENCY REQUIREMENTS.

SEC. 4103. PROCUREMENT FOR EMERGENCY REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2020 Request	Conference Authorized
	OTHER PROCUREMENT, NAVY		
	COMMAND SUPPORT EQUIPMENT		
122	COMMAND SUPPORT EQUIPMENT	0	233,000
	Earthquake damage recovery		[233,000]
	TOTAL PROCUREMENT, NAVY		233,000
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
	OTHER AIRCRAFT		
055	RC-135	0	204,448
	Equipment replacement		[204,448]
	COMMON SUPPORT EQUIPMENT		
072	AIRCRAFT REPLACEMENT SUPPORT EQUIP		46,000
	Equipment replacement		[46,000]
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	0	250,448
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	0	994
	Equipment replacement		[994]
	CARGO AND UTILITY VEHICLES		
004	CARGO AND UTILITY VEHICLES	0	126
	Equipment replacement		[126]
	SPECIAL PURPOSE VEHICLES		
007	SPECIAL PURPOSE VEHICLES	0	306
	Equipment replacement		[306]
	FIRE FIGHTING EQUIPMENT		
009	MATERIALS HANDLING VEHICLES	0	276
	Equipment replacement		[994]
	BASE MAINTENANCE SUPPORT		
011	BASE MAINTENANCE SUPPORT VEHICLES	0	2,400
	Equipment replacement		[994]
	BASE SUPPORT EQUIPMENT		

SEC. 4103. PROCUREMENT FOR EMERGENCY REQUIREMENTS (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
057	BASE PROCURED EQUIPMENT	0	49,434
	Equipment replacement		[49,434]
	SPECIAL SUPPORT PROJECTS		
063	DARP RC135	0	29,438
	Equipment replacement		[29,438]
	TOTAL OTHER PROCUREMENT, AIR FORCE	0	82,974
	TOTAL PROCUREMENT	0	566,422

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 4201. Research, development, test, and evaluation.

Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

Sec. 4203. Research, development, test, and evaluation for emergency requirements.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2020 Request	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH		
002	0601102A	DEFENSE RESEARCH SCIENCES	297,976	307,976
		Counter UAS University Research		[5,000]
		Cyber basic research		[5,000]
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	65,858	75,858
		Program increase		[10,000]
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS. Program increase—artificial intelligence	86,164	95,164
		University and industry biotechnology research		[5,000]
005	0601121A	CYBER COLLABORATIVE RESEARCH ALLIANCE	4,982	4,982
		SUBTOTAL BASIC RESEARCH	454,980	483,980
		APPLIED RESEARCH		
010	0602141A	LETHALITY TECHNOLOGY	26,961	31,961
		Program increase—next generation air-breathing propulsion technology.		[5,000]
011	0602142A	ARMY APPLIED RESEARCH	25,319	25,319
012	0602143A	SOLDIER LETHALITY TECHNOLOGY	115,274	128,274
		Expeditionary mobile base camp technology		[5,000]
		HEROES program		[5,000]
		UPL MDTF for INDOPACOM		[3,000]
013	0602144A	GROUND TECHNOLOGY	35,199	54,199
		Advanced materials manufacturing process		[2,000]
		Biopolymer structural materials		[2,000]
		Cellulose structural materials		[5,000]
		High performance polymers research		[5,000]
		Manufacturing research technology		[5,000]
014	0602145A	NEXT GENERATION COMBAT VEHICLE TECHNOLOGY. Structural thermoplastics	219,047	225,047
		Next generation SAR small sat		[6,000]
015	0602146A	NETWORK C3I TECHNOLOGY	114,516	117,016
		Next generation SAR small sat		[2,500]
016	0602147A	LONG RANGE PRECISION FIRES TECHNOLOGY	74,327	86,327
		Composite tube and propulsion technology		[10,000]
		Novel printed armament components		[2,000]
017	0602148A	FUTURE VERTICLE LIFT TECHNOLOGY	93,601	96,601

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2020 Request	Conference Authorized
		Program increase		[3,000]
018	0602150A	AIR AND MISSILE DEFENSE TECHNOLOGY	50,771	50,771
020	0602213A	C3I APPLIED CYBER	18,947	18,947
038	0602785A	MANPOWER/PERSONNEL/TRAINING TECH- NOLOGY.	20,873	20,873
040	0602787A	MEDICAL TECHNOLOGY	99,155	108,955
		Female warfighter performance research		[2,000]
		Musculoskeletal injury risk mitigation		[4,800]
		Program increase		[3,000]
		SUBTOTAL APPLIED RESEARCH	893,990	964,290
ADVANCED TECHNOLOGY DEVELOPMENT				
042	0603002A	MEDICAL ADVANCED TECHNOLOGY	42,030	42,030
047	0603007A	MANPOWER, PERSONNEL AND TRAINING AD- VANCED TECHNOLOGY.	11,038	11,038
050	0603117A	ARMY ADVANCED TECHNOLOGY DEVELOP- MENT.	63,338	63,338
051	0603118A	SOLDIER LETHALITY ADVANCED TECH- NOLOGY.	118,468	128,468
		Improvement of combat helmet suspension sys- tems.		[5,000]
		Thermal mitigation technologies		[5,000]
052	0603119A	GROUND ADVANCED TECHNOLOGY	12,593	35,593
		100 hour battery		[10,000]
		Ground advanced technology for cold regions		[5,000]
		Lightweight protective and hardening materials		[3,000]
		Robotic construction research		[5,000]
059	0603457A	C3I CYBER ADVANCED DEVELOPMENT	13,769	13,769
060	0603461A	HIGH PERFORMANCE COMPUTING MOD- ERNIZATION PROGRAM.	184,755	224,755
		Program increase		[40,000]
061	0603462A	NEXT GENERATION COMBAT VEHICLE AD- VANCED TECHNOLOGY.	160,035	174,035
		Ground vehicle sustainment research		[4,000]
		Program increase—hydrogen fuel cells		[10,000]
062	0603463A	NETWORK C3I ADVANCED TECHNOLOGY	106,899	103,899
		Underexecution		[–3,000]
063	0603464A	LONG RANGE PRECISION FIRES ADVANCED TECHNOLOGY.	174,386	183,386
		Hypersonics research		[4,000]
		Program increase missile demonstrations		[5,000]
064	0603465A	FUTURE VERTICAL LIFT ADVANCED TECH- NOLOGY.	151,640	151,640
065	0603466A	AIR AND MISSILE DEFENSE ADVANCED TECH- NOLOGY.	60,613	60,613
		SUBTOTAL ADVANCED TECHNOLOGY DE- VELOPMENT.	1,099,564	1,192,564
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
073	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRA- TION.	10,987	18,987
		Conventional mission capabilities		[8,000]
074	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGI- NEERING.	15,148	15,148
075	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV.	92,915	92,915
077	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	82,146	82,146
078	0603645A	ARMORED SYSTEM MODERNIZATION—ADV DEV.	157,656	157,656
079	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	6,514	6,514
080	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYS- TEM—ADV DEV.	34,890	34,890
081	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOP- MENT.	251,011	222,791
		IVAS insufficient justification		[–28,220]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)					
Line	Program Element	Item	FY 2020 Request	Conference Authorized	
082	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY— DEM/VAL.	15,132	15,132	
083	0603790A	NATO RESEARCH AND DEVELOPMENT	5,406	5,406	
084	0603801A	AVIATION—ADV DEV	459,290	534,890	
		Program increase: Future long-range assault aircraft.		[75,600]	
085	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV.	6,254	6,254	
086	0603807A	MEDICAL SYSTEMS—ADV DEV	31,175	31,175	
087	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOP- MENT.	22,113	22,113	
088	0604017A	ROBOTICS DEVELOPMENT	115,222	88,222	
		Early to need		[–27,000]	
090	0604021A	ELECTRONIC WARFARE TECHNOLOGY MATU- RATION (MIP).	18,043	18,043	
091	0604100A	ANALYSIS OF ALTERNATIVES	10,023	10,023	
092	0604113A	FUTURE TACTICAL UNMANNED AIRCRAFT SYSTEM (FTUAS).	40,745	35,745	
		Program adjustment		[–5,000]	
093	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR.	427,772	379,772	
		Rapid prototyping excess funding		[–48,000]	
094	0604115A	TECHNOLOGY MATURATION INITIATIVES	196,676	161,676	
		Insufficient schedule detail		[–35,000]	
095	0604117A	MANEUVER—SHORT RANGE AIR DEFENSE (M- SHORAD).	33,100	29,400	
		Excess testing cost		[–3,700]	
097	0604119A	ARMY ADVANCED COMPONENT DEVELOP- MENT & PROTOTYPING.	115,116	103,331	
		Early to need		[–11,785]	
099	0604121A	SYNTHETIC TRAINING ENVIRONMENT RE- FINEMENT & PROTOTYPING.	136,761	111,761	
		Early to need (IVAS)		[–25,000]	
100	0604182A	HYPERSONICS	228,000	389,610	
		Transfer from RDTE Defense-Wide, line 124		[31,000]	
		UPL accelerate Hypersonic Weapons System		[130,610]	
102	0604403A	FUTURE INTERCEPTOR	8,000	0	
		Early to need		[–8,000]	
103	0604541A	UNIFIED NETWORK TRANSPORT	39,600	29,700	
		Early to need		[–9,900]	
104	0604644A	MOBILE MEDIUM RANGE MISSILE	20,000	10,000	
		Program decrease		[–10,000]	
106	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT.	52,102	52,102	
107	1206120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT).	192,562	150,062	
		Project cancellation		[–42,500]	
108	1206308A	ARMY SPACE SYSTEMS INTEGRATION	104,996	104,996	
		SUBTOTAL ADVANCED COMPONENT DE- VELOPMENT & PROTOTYPES.	2,929,355	2,920,460	
SYSTEM DEVELOPMENT & DEMONSTRATION					
109	0604201A	AIRCRAFT AVIONICS	29,164	29,164	
110	0604270A	ELECTRONIC WARFARE DEVELOPMENT	70,539	70,539	
113	0604601A	INFANTRY SUPPORT WEAPONS	106,121	106,121	
114	0604604A	MEDIUM TACTICAL VEHICLES	2,152	2,152	
115	0604611A	JAVELIN	17,897	16,055	
		Qualification testing early to need		[–1,842]	
116	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	16,745	16,745	
117	0604633A	AIR TRAFFIC CONTROL	6,989	6,989	
118	0604642A	LIGHT TACTICAL WHEELED VEHICLES	10,465	2,965	
		Program reduction		[–7,500]	
119	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)— ENG DEV.	310,152	293,964	
		Program delay		[–16,188]	
120	0604710A	NIGHT VISION SYSTEMS—ENG DEV	181,732	166,732	

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2020 Request	Conference Authorized
		Insufficient justification (IVAS)		[–15,000]
121	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIP- MENT.	2,393	2,393
122	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV ...	27,412	27,412
123	0604741A	AIR DEFENSE COMMAND, CONTROL AND IN- TELLIGENCE—ENG DEV.	43,502	43,502
124	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DE- VELOPMENT.	11,636	11,636
125	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	10,915	10,915
126	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV.	7,801	7,801
127	0604768A	BRILLIANT ANTI-ARMOR SUBMUNITION (BAT) PFAL excess	25,000	20,000 [–5,000]
128	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE.	9,241	9,241
129	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVAL- UATION.	42,634	38,303
		RCO support excess		[–4,331]
130	0604802A	WEAPONS AND MUNITIONS—ENG DEV	181,023	181,023
131	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV.	103,226	103,226
132	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYS- TEMS—ENG DEV.	12,595	12,595
133	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	48,264	48,264
134	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	39,208	39,208
135	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	140,637	138,137
		CPI2 testing previously funded		[–2,500]
136	0604820A	RADAR DEVELOPMENT	105,243	105,243
137	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYS- TEM (GFEBS).	46,683	46,683
138	0604823A	FIREFINDER	17,294	17,294
139	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	5,803	5,803
140	0604852A	SUITE OF SURVIVABILITY ENHANCEMENT SYSTEMS—EMD.	98,698	118,698
		Program increase for vehicle active protection system evaluation.		[30,000]
		Program reduction		[–10,000]
141	0604854A	ARTILLERY SYSTEMS—EMD	15,832	15,832
142	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT Historical underexecution	126,537	71,537 [–10,000]
		Program decrease		[–45,000]
143	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM- ARMY (IPPS-A).	142,773	92,073
		Poor business process reengineering		[–50,700]
144	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV) ...	96,730	92,130
		Program reduction		[–4,600]
145	0605029A	INTEGRATED GROUND SECURITY SURVEIL- LANCE RESPONSE CAPABILITY (IGSSR-C).	6,699	6,699
146	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	15,882	15,882
147	0605031A	JOINT TACTICAL NETWORK (JTN)	40,808	40,808
149	0605033A	GROUND-BASED OPERATIONAL SURVEIL- LANCE SYSTEM—EXPEDITIONARY (GBOSS-E).	3,847	3,847
150	0605034A	TACTICAL SECURITY SYSTEM (TSS)	6,928	6,928
151	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM).	34,488	34,488
152	0605036A	COMBATING WEAPONS OF MASS DESTRUC- TION (CWMD).	10,000	10,000
154	0605038A	NUCLEAR BIOLOGICAL CHEMICAL RECON- NAISSANCE VEHICLE (NBCRV) SENSOR SUITE.	6,054	6,054
155	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	62,262	45,662
		Contract delays		[–10,000]
		Excess growth		[–6,600]
156	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW- TIER).	35,654	29,254

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2020 Request	Conference Authorized
		Excess growth		[–6,400]
157	0605047A	CONTRACT WRITING SYSTEM	19,682	19,682
158	0605049A	MISSILE WARNING SYSTEM MODERNIZATION (MWSM).	1,539	1,539
159	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	64,557	64,557
160	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1.	243,228	236,428
		EMAM development ahead of need		[–6,800]
161	0605053A	GROUND ROBOTICS	41,308	28,508
		Excess to requirement		[–12,800]
162	0605054A	EMERGING TECHNOLOGY INITIATIVES	45,896	31,616
		Testing and evaluation excess growth		[–4,280]
		Unjustified request		[–10,000]
163	0605203A	ARMY SYSTEM DEVELOPMENT & DEMONSTRATION.	164,883	164,883
165	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	9,500	9,500
166	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD).	208,938	193,938
		Testing and evaluation excess growth		[–15,000]
167	0605625A	MANNED GROUND VEHICLE	378,400	228,400
		Program decrease		[–150,000]
168	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	7,835	7,835
169	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	2,732	7,232
		Army requested realignment from OPA 7		[4,500]
170	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	1,664	1,664
172	0303032A	TROJAN—RH12	3,936	3,936
174	0304270A	ELECTRONIC WARFARE DEVELOPMENT	19,675	19,675
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	3,549,431	3,189,390
		RDT&E MANAGEMENT SUPPORT		
176	0604256A	THREAT SIMULATOR DEVELOPMENT	14,117	16,117
		Cybersecurity threat simulation		[2,000]
177	0604258A	TARGET SYSTEMS DEVELOPMENT	8,327	8,327
178	0604759A	MAJOR T&E INVESTMENT	136,565	136,565
179	0605103A	RAND ARROYO CENTER	13,113	13,113
180	0605301A	ARMY KWAJALEIN ATOLL	238,691	238,691
181	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	42,922	36,922
		Program reduction		[–6,000]
183	0605601A	ARMY TEST RANGES AND FACILITIES	334,468	334,468
184	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS.	46,974	51,974
		Program increase—space and missile cybersecurity.		[5,000]
185	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	35,075	35,075
186	0605606A	AIRCRAFT CERTIFICATION	3,461	3,461
187	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES.	6,233	6,233
188	0605706A	MATERIEL SYSTEMS ANALYSIS	21,342	21,342
189	0605709A	EXPLOITATION OF FOREIGN ITEMS	11,168	11,168
190	0605712A	SUPPORT OF OPERATIONAL TESTING	52,723	52,723
191	0605716A	ARMY EVALUATION CENTER	60,815	60,815
192	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG.	2,527	2,527
193	0605801A	PROGRAMWIDE ACTIVITIES	58,175	58,175
194	0605803A	TECHNICAL INFORMATION ACTIVITIES	25,060	25,060
195	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY.	44,458	44,458
196	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT.	4,681	4,681
197	0605898A	ARMY DIRECT REPORT HEADQUARTERS—R&D - MHA.	53,820	53,820
198	0606001A	MILITARY GROUND-BASED CREW TECHNOLOGY.	4,291	4,291

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
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199	0606002A	RONALD REAGAN BALLISTIC MISSILE DE- FENSE TEST SITE.	62,069	62,069
200	0606003A	COUNTERINTEL AND HUMAN INTEL MOD- ERNIZATION.	1,050	1,050
201	0606942A	ASSESSMENTS AND EVALUATIONS CYBER VULNERABILITIES.	4,500	4,500
		SUBTOTAL RDT&E MANAGEMENT SUP- PORT.	1,286,625	1,287,625
OPERATIONAL SYSTEMS DEVELOPMENT UNDISTRIBUTED				
204	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	22,877	19,877
		HIMARS excess growth		[–3,000]
206	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	8,491	8,491
207	0607131A	WEAPONS AND MUNITIONS PRODUCT IM- PROVEMENT PROGRAMS.	15,645	15,645
209	0607134A	LONG RANGE PRECISION FIRES (LRPF)	164,182	164,182
211	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PRO- GRAM.	13,039	13,039
212	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM Program reduction	174,371	168,371
213	0607138A	FIXED WING PRODUCT IMPROVEMENT PRO- GRAM. Program reduction	4,545	0
				[–4,545]
214	0607139A	IMPROVED TURBINE ENGINE PROGRAM	206,434	206,434
216	0607142A	AVIATION ROCKET SYSTEM PRODUCT IM- PROVEMENT AND DEVELOPMENT. Integrated munitions launcher early to need	24,221	21,130
				[–3,091]
217	0607143A	UNMANNED AIRCRAFT SYSTEM UNIVERSAL PRODUCTS. Program reduction	32,016	25,516
				[–6,500]
218	0607145A	APACHE FUTURE DEVELOPMENT	5,448	448
		Unjustified request		[–5,000]
219	0607312A	ARMY OPERATIONAL SYSTEMS DEVELOPMENT	49,526	49,526
220	0607665A	FAMILY OF BIOMETRICS	1,702	1,702
221	0607865A	PATRIOT PRODUCT IMPROVEMENT	96,430	63,630
		Excess growth		[–32,800]
222	0203728A	JOINT AUTOMATED DEEP OPERATION CO- ORDINATION SYSTEM (JADOCs).	47,398	47,398
223	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS Early to need	334,463	290,545
				[–41,918]
		Program support excess growth		[–2,000]
225	0203743A	155MM SELF-PROPELLED HOWITZER IM- PROVEMENTS. Program reduction	214,246	192,746
				[–21,500]
226	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IM- PROVEMENT PROGRAMS. Excess to need	16,486	13,778
				[–2,708]
227	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVE- MENT PROGRAM.	144	144
228	0203758A	DIGITIZATION	5,270	5,270
229	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVE- MENT PROGRAM.	1,287	1,287
234	0205412A	ENVIRONMENTAL QUALITY TECHNOLOGY— OPERATIONAL SYSTEM DEV.	732	732
235	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM. Testing excess to need	107,746	99,746
				[–8,000]
236	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS). Testing excess to need	138,594	128,594
				[–10,000]
238	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	13,845	13,845
239	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	29,185	29,185
240	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	68,976	48,376
		Program decrease		[–20,600]
241	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM.	2,073	2,073

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2020 Request	Conference Authorized
245	0305179A	INTEGRATED BROADCAST SERVICE (IBS)	459	459
246	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	5,097	5,097
247	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	11,177	11,177
248	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	38,121	38,121
250	0305232A	RQ–11 UAV	3,218	3,218
251	0305233A	RQ–7 UAV	7,817	7,817
252	0307665A	BIOMETRICS ENABLED INTELLIGENCE	2,000	2,000
253	0708045A	END ITEM INDUSTRIAL PREPAREDNESS AC- TIVITIES.	59,848	67,848
		Nanoscale materials manufacturing		[3,000]
		Program increase—additive manufacturing tech- nology insertion.		[5,000]
254	1203142A	SATCOM GROUND ENVIRONMENT (SPACE)	34,169	34,169
255	1208053A	JOINT TACTICAL GROUND SYSTEM	10,275	10,275
255A	9999999999	CLASSIFIED PROGRAMS	7,273	7,273
		SUBTOTAL OPERATIONAL SYSTEMS DE- VELOPMENT.	1,978,826	1,819,164
		SUBTOTAL UNDISTRIBUTED		–159,662
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	12,192,771	11,857,473
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	116,850	146,850
		Advanced radar research		[5,000]
		Cyber basic research		[10,000]
		Defense University research initiatives		[5,000]
		Program increase		[10,000]
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RE- SEARCH.	19,121	19,121
003	0601153N	DEFENSE RESEARCH SCIENCES	470,007	470,007
		SUBTOTAL BASIC RESEARCH	605,978	635,978
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	18,546	25,546
		Hypersonic testing facilities		[7,000]
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	119,517	166,017
		Carbon capture		[8,000]
		Electric propulsion research		[2,500]
		Energy resilience		[5,000]
		Energy resilience research		[3,000]
		Hybrid composite struct. res. enhanced mobility		[5,000]
		Navy power and energy systems technology		[5,000]
		Program increase		[10,000]
		Test bed for autonomous ship systems		[8,000]
006	0602131M	MARINE CORPS LANDING FORCE TECH- NOLOGY.	56,604	61,604
		Interdisciplinary expeditionary cybersecurity re- search.		[5,000]
007	0602235N	COMMON PICTURE APPLIED RESEARCH	49,297	44,297
		Coordinate space activities		[–5,000]
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RE- SEARCH.	63,825	63,825
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RE- SEARCH.	83,497	83,497
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT AP- PLIED RESEARCH.	63,894	63,894
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RE- SEARCH.	6,346	6,346
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	57,075	74,075
		Academic partnerships for undersea vehicle re- search.		[10,000]
		Resident autonomous undersea robotics		[7,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2020 Request	Conference Authorized
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RE- SEARCH.	154,755	154,755
014	0602782N	MINE AND EXPEDITIONARY WARFARE AP- PLIED RESEARCH.	36,074	36,074
015	0602792N	INNOVATIVE NAVAL PROTOTYPES (INP) AP- PLIED RESEARCH.	153,062	153,062
016	0602861N	SCIENCE AND TECHNOLOGY MANAGEMENT— ONR FIELD ACITIVITIES.	73,961	73,961
		SUBTOTAL APPLIED RESEARCH	936,453	1,006,953
		ADVANCED TECHNOLOGY DEVELOPMENT		
017	0603123N	FORCE PROTECTION ADVANCED TECH- NOLOGY.	35,286	35,286
018	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY.	9,499	9,499
019	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRA- TION (ATD).	172,847	177,847
		Program increase—modular advanced armed robotic system.		[5,000]
020	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.	13,307	13,307
021	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT.	231,907	231,907
022	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	60,138	65,138
		Program increase		[5,000]
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECH- NOLOGY.	4,849	4,849
025	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEM- ONSTRATIONS.	67,739	67,739
026	0603782N	MINE AND EXPEDITIONARY WARFARE AD- VANCED TECHNOLOGY.	13,335	13,335
027	0603801N	INNOVATIVE NAVAL PROTOTYPES (INP) AD- VANCED TECHNOLOGY DEVELOPMENT.	133,303	150,330
		Electromagnetic railgun		[10,000]
		Funds excess to requirements		[–7,973]
		Program increase		[15,000]
		SUBTOTAL ADVANCED TECHNOLOGY DE- VELOPMENT.	742,210	769,237
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
028	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	32,643	38,643
		Program increase for 1 REMUS 600 vehicle		[6,000]
029	0603216N	AVIATION SURVIVABILITY	11,919	11,919
030	0603251N	AIRCRAFT SYSTEMS	1,473	1,473
031	0603254N	ASW SYSTEMS DEVELOPMENT	7,172	7,172
032	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,419	3,419
033	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY ..	64,694	64,694
034	0603502N	SURFACE AND SHALLOW WATER MINE COUN- TERMEASURES.	507,000	310,500
		Reduce one LUSV		[–86,500]
		VLS concept design and LLTM early to need		[–110,000]
035	0603506N	SURFACE SHIP TORPEDO DEFENSE	15,800	7,242
		Excess sundown costs		[–8,558]
036	0603512N	CARRIER SYSTEMS DEVELOPMENT	4,997	4,997
037	0603525N	PILOT FISH	291,148	186,328
		Program adjustment		[–104,820]
038	0603527N	RETRACT LARCH	11,980	11,980
039	0603536N	RETRACT JUNIPER	129,163	129,163
040	0603542N	RADIOLOGICAL CONTROL	689	689
041	0603553N	SURFACE ASW	1,137	1,137
042	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOP- MENT.	148,756	120,046
		Program decrease		[–19,000]
		Project 9710: Unjustified new start		[–9,710]
043	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	11,192	11,192
044	0603563N	SHIP CONCEPT ADVANCED DESIGN	81,846	57,846

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
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045	0603564N	Future surface combatant concept development SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES.	69,084	[-24,000] 22,584
046	0603570N	Early to need		[-46,500]
047	0603573N	ADVANCED NUCLEAR POWER SYSTEMS	181,652	181,652
		ADVANCED SURFACE MACHINERY SYSTEMS ...	25,408	155,408
		Program increase		[5,000]
		Surface combatant component-level prototyping		[125,000]
048	0603576N	CHALK EAGLE	64,877	64,877
049	0603581N	LITTORAL COMBAT SHIP (LCS)	9,934	9,934
050	0603582N	COMBAT SYSTEM INTEGRATION	17,251	17,251
051	0603595N	OHIO REPLACEMENT	419,051	434,051
		Accelerate advanced propulsor development		[15,000]
052	0603596N	LCS MISSION MODULES	108,505	105,595
		Available prior year funds due to SUW MP test- ing delay.		[-2,910]
053	0603597N	AUTOMATED TEST AND ANALYSIS	7,653	7,653
054	0603599N	FRIGATE DEVELOPMENT	59,007	59,007
055	0603609N	CONVENTIONAL MUNITIONS	9,988	9,988
056	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM.	86,464	16,477
		Insufficient justification and contract delay		[-69,987]
057	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DE- VELOPMENT.	33,478	33,478
058	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVEL- OPMENT.	5,619	5,619
059	0603721N	ENVIRONMENTAL PROTECTION	20,564	20,564
060	0603724N	NAVY ENERGY PROGRAM	26,514	49,514
		Battery development and safety enterprise		[13,000]
		Marine energy systems for sensors and microgrids.		[10,000]
061	0603725N	FACILITIES IMPROVEMENT	3,440	3,440
062	0603734N	CHALK CORAL	346,800	310,400
		Insufficient budget justification		[-36,400]
063	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,857	3,857
064	0603746N	RETRACT MAPLE	258,519	258,519
065	0603748N	LINK PLUMERIA	403,909	396,509
		Insufficient budget justification		[-7,400]
066	0603751N	RETRACT ELM	63,434	63,434
067	0603764N	LINK EVERGREEN	184,110	184,110
068	0603790N	NATO RESEARCH AND DEVELOPMENT	7,697	7,697
069	0603795N	LAND ATTACK TECHNOLOGY	9,086	9,086
070	0603851M	JOINT NON-LETHAL WEAPONS TESTING	28,466	28,466
071	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL.	51,341	51,341
072	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS.	118,169	118,169
073	0604014N	F/A -18 INFRARED SEARCH AND TRACK (IRST) Program delay	113,456	112,456 [-1,000]
074	0604027N	DIGITAL WARFARE OFFICE	50,120	25,120
		Artificial intelligence development operations unjustified growth.		[-10,000]
		Program decrease		[-15,000]
075	0604028N	SMALL AND MEDIUM UNMANNED UNDERSEA VEHICLES.	32,527	32,527
076	0604029N	UNMANNED UNDERSEA VEHICLE CORE TECH- NOLOGIES.	54,376	54,376
077	0604030N	RAPID PROTOTYPING, EXPERIMENTATION AND DEMONSTRATION..	36,197	36,197
078	0604031N	LARGE UNMANNED UNDERSEA VEHICLES	68,310	68,310
079	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80).	121,310	112,310
		Integrated digital shipbuilding insufficient budg- et justification.		[-9,000]
080	0604126N	LITTORAL AIRBORNE MCM	17,248	17,248
081	0604127N	SURFACE MINE COUNTERMEASURES	18,735	18,735

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082	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	68,346	58,449
		Excess to need		[-9,897]
084	0604289M	NEXT GENERATION LOGISTICS	4,420	13,420
		Additive manufacturing logistics software pilot ..		[9,000]
085	0604320M	RAPID TECHNOLOGY CAPABILITY PROTOTYPE ..	4,558	4,558
086	0604454N	LX (R)	12,500	12,500
087	0604536N	ADVANCED UNDERSEA PROTOTYPING	181,967	181,967
088	0604636N	COUNTER UNMANNED AIRCRAFT SYSTEMS (C-UAS).	5,500	5,500
089	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM.	718,148	688,148
		Excess growth		[-30,000]
090	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	5,263	5,263
091	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT.	65,419	65,419
092	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	9,991	9,991
093	0304240M	ADVANCED TACTICAL UNMANNED AIRCRAFT SYSTEM.	21,157	39,657
		KMAX Large Unmanned Logistics System USMC unfunded priority.		[18,500]
095	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	609	609
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	5,559,062	5,159,880
SYSTEM DEVELOPMENT & DEMONSTRATION				
096	0603208N	TRAINING SYSTEM AIRCRAFT	15,514	15,514
097	0604212N	OTHER HELO DEVELOPMENT	28,835	28,835
098	0604214M	AV-8B AIRCRAFT—ENG DEV	27,441	27,441
100	0604215N	STANDARDS DEVELOPMENT	3,642	3,642
101	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT.	19,196	19,196
104	0604230N	WARFARE SUPPORT SYSTEM	8,601	8,601
105	0604231N	TACTICAL COMMAND SYSTEM	77,232	77,232
106	0604234N	ADVANCED HAWKEYE	232,752	232,752
107	0604245M	H-1 UPGRADES	65,359	65,359
109	0604261N	ACOUSTIC SEARCH SENSORS	47,013	47,013
110	0604262N	V-22A	185,105	190,105
		Increase reliability and reduce vibrations of V-22 nacelles.		[5,000]
111	0604264N	AIR CREW SYSTEMS DEVELOPMENT	21,172	21,172
112	0604269N	EA-18	143,585	133,585
		Unjustified cost growth		[-10,000]
113	0604270N	ELECTRONIC WARFARE DEVELOPMENT	116,811	109,651
		Unjustified request		[-7,160]
114	0604273M	EXECUTIVE HELO DEVELOPMENT	187,436	187,436
116	0604274N	NEXT GENERATION JAMMER (NGJ)	524,261	448,261
		Underexecution		[-76,000]
117	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY).	192,345	190,845
		Early to need		[-1,500]
118	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II.	111,068	90,922
		Program reduction		[-20,146]
119	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING.	415,625	413,684
		Aegis development support studies and analysis early to need.		[-1,941]
120	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION	640	640
121	0604329N	SMALL DIAMETER BOMB (SDB)	50,096	50,096
122	0604366N	STANDARD MISSILE IMPROVEMENTS	232,391	232,391
123	0604373N	AIRBORNE MCM	10,916	10,916
124	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	33,379	33,379
125	0604501N	ADVANCED ABOVE WATER SENSORS	34,554	34,554

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
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126	0604503N	SSN–688 AND TRIDENT MODERNIZATION	84,663	84,663
127	0604504N	AIR CONTROL	44,923	44,923
128	0604512N	SHIPBOARD AVIATION SYSTEMS	10,632	10,632
129	0604518N	COMBAT INFORMATION CENTER CONVERSION	16,094	16,094
130	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM. Engineering changes testing and evaluation early to need.	55,349	52,349 [–3,000]
131	0604530N	ADVANCED ARRESTING GEAR (AAG)	123,490	123,490
132	0604558N	NEW DESIGN SSN	121,010	221,010
		Accelerate capability development		[100,000]
133	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	62,426	62,426
134	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	46,809	46,809
135	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,692	3,692
137	0604601N	MINE DEVELOPMENT	28,964	28,964
138	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	148,349	115,541
		Excess to need		[–32,808]
139	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DE- VELOPMENT.	8,237	8,237
140	0604657M	USMC GROUND COMBAT/SUPPORTING ARMS SYSTEMS—ENG DEV.	22,000	22,000
141	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS.	5,500	5,500
142	0604727N	JOINT STANDOFF WEAPON SYSTEMS	18,725	16,225
		Excess to need		[–2,500]
143	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	192,603	180,085
		Project 2178 prior year carryover		[–12,518]
144	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	137,268	121,630
		Project 2070 excess test assets		[–15,638]
145	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	97,363	97,363
146	0604761N	INTELLIGENCE ENGINEERING	26,710	26,710
147	0604771N	MEDICAL DEVELOPMENT	8,181	8,181
148	0604777N	NAVIGATION/ID SYSTEM	40,755	40,755
149	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	1,710	1,710
150	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	1,490	1,490
153	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	1,494	1,494
154	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT Program decrease	384,162	268,364
		Unjustified growth over FY19 projection		[–36,000]
155	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	4,882	4,882
156	0605212M	CH–53K RDTE	516,955	516,955
158	0605215N	MISSION PLANNING	75,886	75,886
159	0605217N	COMMON AVIONICS	43,187	43,187
160	0605220N	SHIP TO SHORE CONNECTOR (SSC)	4,909	19,909
		Expand development and use of composite mate- rials.		[15,000]
161	0605327N	T-AO 205 CLASS	1,682	1,682
162	0605414N	UNMANNED CARRIER AVIATION (UCA)	671,258	657,098
		UMCS excess to need		[–14,160]
163	0605450M	JOINT AIR-TO-GROUND MISSILE (JAGM)	18,393	18,393
165	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA) ...	21,472	21,472
166	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III.	177,234	177,234
167	0605611M	MARINE CORPS ASSAULT VEHICLES SYSTEM DEVELOPMENT & DEMONSTRATION. Early to need	77,322	69,121
		Excess growth		[–2,201]
168	0605813M	JOINT LIGHT TACTICAL VEHICLE (JLTV) SYS- TEM DEVELOPMENT & DEMONSTRATION.	2,105	2,105
169	0204202N	DDG–1000	111,435	111,435
172	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	101,339	101,339
173	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOP- MENT.	26,406	26,406
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	6,332,033	6,130,663
		MANAGEMENT SUPPORT		

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174	0604256N	THREAT SIMULATOR DEVELOPMENT	66,678	66,678
175	0604258N	TARGET SYSTEMS DEVELOPMENT	12,027	12,027
176	0604759N	MAJOR T&E INVESTMENT	85,348	85,348
178	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,908	3,908
179	0605154N	CENTER FOR NAVAL ANALYSES	47,669	47,669
180	0605285N	NEXT GENERATION FIGHTER	20,698	20,698
182	0605804N	TECHNICAL INFORMATION SERVICES	988	988
183	0605853N	MANAGEMENT, TECHNICAL & INTER- NATIONAL SUPPORT.	102,401	102,401
184	0605856N	STRATEGIC TECHNICAL SUPPORT	3,742	3,742
186	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	93,872	93,872
187	0605864N	TEST AND EVALUATION SUPPORT	394,020	394,020
188	0605865N	OPERATIONAL TEST AND EVALUATION CAPA- BILITY.	25,145	25,145
189	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT.	15,773	15,773
190	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUP- PORT.	8,402	8,402
191	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	37,265	29,265
		Unjustified growth		[–8,000]
192	0605898N	MANAGEMENT HQ—R&D	39,673	39,673
193	0606355N	WARFARE INNOVATION MANAGEMENT	28,750	28,750
196	0305327N	INSIDER THREAT	2,645	2,645
197	0902498N	MANAGEMENT HEADQUARTERS (DEPART- MENTAL SUPPORT ACTIVITIES).	1,460	1,460
		SUBTOTAL MANAGEMENT SUPPORT	990,464	982,464
OPERATIONAL SYSTEMS DEVELOPMENT UNDISTRIBUTED				
202	0604227N	HARPOON MODIFICATIONS	2,302	2,302
203	0604840M	F–35 C2D2	422,881	422,881
204	0604840N	F–35 C2D2	383,741	383,741
205	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC).	127,924	127,924
207	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUP- PORT.	157,676	113,492
		D5LE2 unjustified request		[–44,184]
208	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	43,354	43,354
209	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOP- MENT.	6,815	6,815
210	0101402N	NAVY STRATEGIC COMMUNICATIONS	31,174	31,174
211	0204136N	F/A–18 SQUADRONS	213,715	208,215
		Block III support prior year carryover		[–7,500]
		Jet noise reduction research		[2,000]
213	0204228N	SURFACE SUPPORT	36,389	36,389
214	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLAN- NING CENTER (TMPC).	320,134	286,799
		JMEWS schedule delays		[–12,098]
		Maritime strike schedule delays		[–21,237]
215	0204311N	INTEGRATED SURVEILLANCE SYSTEM	88,382	103,382
		Additional TRAPS units		[15,000]
216	0204313N	SHIP-TOWED ARRAY SURVEILLANCE SYSTEMS	14,449	14,449
217	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DIS- PLACEMENT CRAFT).	6,931	6,931
218	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	23,891	23,891
219	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVEL- OPMENT.	129,873	129,873
221	0204575N	ELECTRONIC WARFARE (EW) READINESS SUP- PORT.	82,325	62,434
		Prior year carryover		[–19,891]
222	0205601N	HARM IMPROVEMENT	138,431	132,371
		AARGM ER test schedule discrepancy		[–6,060]
224	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRA- TION.	29,572	29,572
225	0205632N	MK–48 ADCAP	85,973	85,973
226	0205633N	AVIATION IMPROVEMENTS	125,461	125,461
227	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	106,192	106,192

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
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228	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS ..	143,317	134,317
		Program delay		[-9,000]
229	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S).	4,489	4,489
230	0206623M	MARINE CORPS GROUND COMBAT/SUP- PORTING ARMS SYSTEMS.	51,788	51,788
231	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT ..	37,761	42,761
		Airborne Power Generation Tech Development ..		[5,000]
232	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP).	21,458	21,458
233	0206629M	AMPHIBIOUS ASSAULT VEHICLE	5,476	5,476
234	0207161N	TACTICAL AIM MISSILES	19,488	19,488
235	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MIS- SILE (AMRAAM).	39,029	39,029
239	0303109N	SATELLITE COMMUNICATIONS (SPACE)	34,344	34,344
240	0303138N	CONSOLIDATED AFLOAT NETWORK ENTER- PRISE SERVICES (CANES).	22,873	22,873
241	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	41,853	41,853
243	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) AC- TIVITIES.	8,913	8,913
244	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	9,451	9,451
245	0305205N	UAS INTEGRATION AND INTEROPERABILITY ...	42,315	42,315
246	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	22,042	22,042
248	0305220N	MQ-4C TRITON	11,784	11,784
249	0305231N	MQ-8 UAV	29,618	29,618
250	0305232M	RQ-11 UAV	509	509
251	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	11,545	11,545
252	0305239M	RQ-21A	10,914	10,914
253	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOP- MENT.	70,612	70,612
254	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAY- LOADS (MIP).	3,704	3,704
255	0305421N	RQ-4 MODERNIZATION	202,346	185,446
		IFC 5.0 concurrency		[-16,900]
256	0308601N	MODELING AND SIMULATION SUPPORT	7,119	7,119
257	0702207N	DEPOT MAINTENANCE (NON-IF)	38,182	38,182
258	0708730N	MARITIME TECHNOLOGY (MARITECH)	6,779	6,779
259	1203109N	SATELLITE COMMUNICATIONS (SPACE)	15,868	15,868
259A	9999999999	CLASSIFIED PROGRAMS	1,613,137	1,613,137
		SUBTOTAL OPERATIONAL SYSTEMS DE- VELOPMENT.	5,104,299	4,989,429
		SUBTOTAL UNDISTRIBUTED		-114,870
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	20,270,499	19,674,604
RESEARCH, DEVELOPMENT, TEST & EVAL, AF				
BASIC RESEARCH				
001	0601102F	DEFENSE RESEARCH SCIENCES	356,107	356,107
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	158,859	163,859
		Program increase		[5,000]
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	14,795	14,795
		SUBTOTAL BASIC RESEARCH	529,761	534,761
APPLIED RESEARCH				
004	0602102F	MATERIALS	128,851	152,851
		Advanced materials high energy x-ray		[4,000]
		Advanced materials manufacturing flexible bio- sensors.		[5,000]
		Advanced thermal protection systems		[5,000]
		Program increase		[10,000]
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	147,724	147,724
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	131,795	131,795
007	0602203F	AEROSPACE PROPULSION	198,775	208,775

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		Educational partnership agreements for next generation liquid propulsion.		[5,000]
		Electrical power/thermal management systems ..		[5,000]
008	0602204F	AEROSPACE SENSORS	202,912	202,912
010	0602298F	SCIENCE AND TECHNOLOGY MANAGEMENT—MAJOR HEADQUARTERS ACTIVITIES.	7,968	7,968
012	0602602F	CONVENTIONAL MUNITIONS	142,772	142,772
013	0602605F	DIRECTED ENERGY TECHNOLOGY	124,379	124,379
014	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS.	181,562	199,562
		Detection and countering of adversarial UAS		[5,000]
		Quantum Information Science Innovation Center.		[8,000]
		Quantum science		[5,000]
015	0602890F	HIGH ENERGY LASER RESEARCH	44,221	44,221
016	1206601F	SPACE TECHNOLOGY	124,667	124,667
		SUBTOTAL APPLIED RESEARCH	1,435,626	1,487,626
		ADVANCED TECHNOLOGY DEVELOPMENT		
017	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS.	36,586	41,586
		Metals affordability initiative		[5,000]
018	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T).	16,249	16,249
019	0603203F	ADVANCED AEROSPACE SENSORS	38,292	38,292
020	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	102,949	202,949
		Low cost attritable aircraft technology		[100,000]
021	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY.	113,973	128,973
		Advanced turbine engine gas generator		[10,000]
		Electrical power systems		[5,000]
022	0603270F	ELECTRONIC COMBAT TECHNOLOGY	48,408	48,408
023	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	70,525	73,525
		Strategic radiation hardened microelectronic processors.		[3,000]
024	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS) ..	11,878	11,878
025	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	37,542	37,542
026	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	225,817	225,817
027	0603605F	ADVANCED WEAPONS TECHNOLOGY	37,404	37,404
028	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	43,116	66,116
		Advanced materials and materials manufacturing.		[7,000]
		Aerospace composites manufacturing		[10,000]
		Program increase		[6,000]
029	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	56,414	56,414
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	839,153	985,153
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
031	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,672	5,672
032	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	27,085	27,085
033	0603790F	NATO RESEARCH AND DEVELOPMENT	4,955	4,955
034	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL.	44,109	44,109
036	0604002F	AIR FORCE WEATHER SERVICES RESEARCH	772	772
037	0604004F	ADVANCED ENGINE DEVELOPMENT	878,442	878,442
038	0604015F	LONG RANGE STRIKE—BOMBER	3,003,899	3,003,899
039	0604032F	DIRECTED ENERGY PROTOTYPING	10,000	20,000
		High-value airborne asset protection		[10,000]
040	0604033F	HYPERSONICS PROTOTYPING	576,000	576,000
041	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS	92,600	124,600
		Program increase		[32,000]
042	0604257F	ADVANCED TECHNOLOGY AND SENSORS	23,145	23,145

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043	0604288F	NATIONAL AIRBORNE OPS CENTER (NAOC) RECAP.	16,669	16,669
044	0604317F	TECHNOLOGY TRANSFER	23,614	23,614
045	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	113,121	113,121
046	0604414F	CYBER RESILIENCY OF WEAPON SYSTEMS-ACS	56,325	56,325
047	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D.	28,034	28,034
048	0604858F	TECH TRANSITION PROGRAM	128,476	134,476
		Rapid repair		[6,000]
049	0605230F	GROUND BASED STRATEGIC DETERRENT	570,373	552,395
		Program reduction		[-40,000]
		Technical adjustment for NC3		[22,022]
050	0207100F	LIGHT ATTACK ARMED RECONNAISSANCE (LAAR) SQUADRONS.	35,000	35,000
051	0207110F	NEXT GENERATION AIR DOMINANCE	1,000,000	955,000
		Cost-risk associated with development profile		[-45,000]
052	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR).	37,290	37,290
053	0208099F	UNIFIED PLATFORM (UP)	10,000	10,000
054	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA).	36,910	36,910
055	0305251F	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT.	35,000	35,000
056	0305601F	MISSION PARTNER ENVIRONMENTS	8,550	8,550
057	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOP- MENT.	198,864	240,064
		Accelerate development of Cyber National Mis- sion Force capabilities.		[13,600]
		ETERNALDARKNESS		[7,100]
		Joint Common Access Platform		[20,500]
058	0306415F	ENABLED CYBER ACTIVITIES	16,632	16,632
060	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM.	20,830	20,830
061	1203164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	329,948	329,948
062	1203710F	EO/IR WEATHER SYSTEMS	101,222	101,222
063	1206422F	WEATHER SYSTEM FOLLOW-ON	225,660	205,660
		Unjustified growth		[-20,000]
064	1206425F	SPACE SITUATION AWARENESS SYSTEMS	29,776	29,776
065	1206427F	SPACE SYSTEMS PROTOTYPE TRANSITIONS (SSPT).	142,045	142,045
067	1206438F	SPACE CONTROL TECHNOLOGY	64,231	59,231
		Unjustified growth		[-5,000]
068	1206730F	SPACE SECURITY AND DEFENSE PROGRAM	56,385	56,385
069	1206760F	PROTECTED TACTICAL ENTERPRISE SERVICE (PTES).	105,003	105,003
070	1206761F	PROTECTED TACTICAL SERVICE (PTS)	173,694	163,694
		Unjustified growth		[-10,000]
071	1206855F	EVOLVED STRATEGIC SATCOM (ESS)	172,206	172,206
072	1206857F	SPACE RAPID CAPABILITIES OFFICE	33,742	23,742
		Program decrease		[-10,000]
		SUBTOTAL ADVANCED COMPONENT DE- VELOPMENT & PROTOTYPES.	8,436,279	8,417,501
SYSTEM DEVELOPMENT & DEMONSTRATION				
073	0604200F	FUTURE ADVANCED WEAPON ANALYSIS & PROGRAMS.	246,200	0
		Excess to need		[-246,200]
074	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS UPL M-Code Acceleration	67,782	148,782
		NUCLEAR WEAPONS SUPPORT	4,406	4,406
075	0604222F	ELECTRONIC WARFARE DEVELOPMENT	2,066	2,066
077	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	229,631	210,331
		Prior-year carryover		[-19,300]
078	0604287F	PHYSICAL SECURITY EQUIPMENT	9,700	9,700

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Line	Program Element	Item	FY 2020 Request	Conference Authorized
079	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	31,241	41,241
		Program efficiency initiative		[10,000]
080	0604429F	AIRBORNE ELECTRONIC ATTACK	2	2
081	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	28,043	28,043
082	0604604F	SUBMUNITIONS	3,045	3,045
083	0604617F	AGILE COMBAT SUPPORT	19,944	19,944
084	0604706F	LIFE SUPPORT SYSTEMS	8,624	8,624
085	0604735F	COMBAT TRAINING RANGES	37,365	37,365
086	0604800F	F–35—EMD	7,628	7,628
087	0604932F	LONG RANGE STANDOFF WEAPON	712,539	712,539
088	0604933F	ICBM FUZE MODERNIZATION	161,199	161,199
089	0605030F	JOINT TACTICAL NETWORK CENTER (JTNC)	2,414	2,414
091	0605056F	OPEN ARCHITECTURE MANAGEMENT	30,000	30,000
093	0605221F	KC–46	59,561	59,561
094	0605223F	ADVANCED PILOT TRAINING	348,473	348,473
095	0605229F	COMBAT RESCUE HELICOPTER	247,047	247,047
098	0605931F	B–2 DEFENSIVE MANAGEMENT SYSTEM	294,400	294,400
099	0101125F	NUCLEAR WEAPONS MODERNIZATION	27,564	27,564
100	0101213F	MINUTEMAN SQUADRONS	1	1
101	0207171F	F–15 EPAWSS	47,322	47,322
102	0207328F	STAND IN ATTACK WEAPON	162,840	162,840
103	0207701F	FULL COMBAT MISSION TRAINING	9,797	9,797
106	0401310F	C–32 EXECUTIVE TRANSPORT RECAPITALIZA- TION.	9,930	9,930
107	0401319F	VC–25B	757,923	757,923
108	0701212F	AUTOMATED TEST SYSTEMS	2,787	2,787
109	1203176F	COMBAT SURVIVOR EVADER LOCATOR	2,000	2,000
110	1203269F	GPS III FOLLOW-ON (GPS IIIF)	462,875	452,875
		Unjustified growth		[–10,000]
111	1203940F	SPACE SITUATION AWARENESS OPERATIONS ..	76,829	56,829
		GBOSS unjustified growth		[–20,000]
112	1206421F	COUNTERSPACE SYSTEMS	29,037	29,037
113	1206422F	WEATHER SYSTEM FOLLOW-ON	2,237	2,237
114	1206425F	SPACE SITUATION AWARENESS SYSTEMS	412,894	412,894
116	1206431F	ADVANCED EHF MILSATCOM (SPACE)	117,290	117,290
117	1206432F	POLAR MILSATCOM (SPACE)	427,400	401,400
		Prior year carryover		[–26,000]
118	1206433F	WIDEBAND GLOBAL SATCOM (SPACE)	1,920	1,920
119	1206441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD.	1	1
120	1206442F	NEXT GENERATION OPIR	1,395,278	1,395,278
121	1206445F	COMMERCIAL SATCOM (COMSATCOM) INTE- GRATION.		5,000
		Accelerate integration of COMSATCOM capa- bilities.		[5,000]
122	1206853F	NATIONAL SECURITY SPACE LAUNCH PRO- GRAM (SPACE)—EMD.	432,009	432,009
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	6,929,244	6,703,744
		MANAGEMENT SUPPORT		
123	0604256F	THREAT SIMULATOR DEVELOPMENT	59,693	59,693
124	0604759F	MAJOR T&E INVESTMENT	181,663	219,663
		Telemetry extension SATCOM relay		[2,000]
		UPL M-Code Acceleration		[36,000]
125	0605101F	RAND PROJECT AIR FORCE	35,258	35,258
127	0605712F	INITIAL OPERATIONAL TEST & EVALUATION ...	13,793	13,793
128	0605807F	TEST AND EVALUATION SUPPORT	717,895	717,895
129	0605826F	ACQ WORKFORCE- GLOBAL POWER	258,667	258,667
130	0605827F	ACQ WORKFORCE- GLOBAL VIG & COMBAT SYS.	251,992	251,992
131	0605828F	ACQ WORKFORCE- GLOBAL REACH	149,191	149,191
132	0605829F	ACQ WORKFORCE- CYBER, NETWORK, & BUS SYS.	235,360	235,360
133	0605830F	ACQ WORKFORCE- GLOBAL BATTLE MGMT	160,196	160,196
134	0605831F	ACQ WORKFORCE- CAPABILITY INTEGRATION	220,255	220,255

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135	0605832F	ACQ WORKFORCE- ADVANCED PRGM TECH- NOLOGY.	42,392	42,392
136	0605833F	ACQ WORKFORCE- NUCLEAR SYSTEMS	133,231	133,231
137	0605898F	MANAGEMENT HQ—R&D	5,590	5,590
138	0605976F	FACILITIES RESTORATION AND MODERNIZA- TION—TEST AND EVALUATION SUPPORT.	88,445	88,445
139	0605978F	FACILITIES SUSTAINMENT—TEST AND EVAL- UATION SUPPORT.	29,424	29,424
140	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	62,715	62,715
141	0606398F	MANAGEMENT HQ—T&E	5,013	5,013
142	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	17,128	17,128
143	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	5,913	5,913
144	0804731F	GENERAL SKILL TRAINING	1,475	1,475
146	1001004F	INTERNATIONAL ACTIVITIES	4,071	4,071
147	1206116F	SPACE TEST AND TRAINING RANGE DEVELOP- MENT.	19,942	19,942
148	1206392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE.	167,810	167,810
149	1206398F	SPACE & MISSILE SYSTEMS CENTER—MHA	10,170	10,170
150	1206860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	13,192	13,192
151	1206864F	SPACE TEST PROGRAM (STP)	26,097	26,097
		SUBTOTAL MANAGEMENT SUPPORT	2,916,571	2,954,571
OPERATIONAL SYSTEMS DEVELOPMENT UNDISTRIBUTED				
152	0604003F	ADVANCED BATTLE MANAGEMENT SYSTEM (ABMS).	35,611	33,611
		Program increase—sensor fusion and artificial intelligence technology.		[8,000]
		Unjustified request		[–10,000]
154	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING.	2,584	2,584
156	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D.	903	903
157	0604840F	F–35 C2D2	694,455	694,455
158	0605018F	AF INTEGRATED PERSONNEL AND PAY SYS- TEM (AF-IPPS).	40,567	40,567
159	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY.	47,193	47,193
160	0605117F	FOREIGN MATERIEL ACQUISITION AND EX- PLOITATION.	70,083	70,083
161	0605278F	HC/MC–130 RECAP RDT&E	17,218	17,218
162	0606018F	NC3 INTEGRATION	25,917	25,917
164	0101113F	B–52 SQUADRONS	325,974	325,974
165	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	10,217	10,217
166	0101126F	B–1B SQUADRONS	1,000	1,000
167	0101127F	B–2 SQUADRONS	97,276	97,276
168	0101213F	MINUTEMAN SQUADRONS	128,961	128,961
170	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICA- TIONS.	18,177	18,177
171	0101324F	INTEGRATED STRATEGIC PLANNING & ANAL- YSIS NETWORK.	24,261	24,261
172	0101328F	ICBM REENTRY VEHICLES	75,571	41,271
		Program delay		[–34,300]
174	0102110F	UH–1N REPLACEMENT PROGRAM	170,975	170,975
176	0205219F	MQ–9 UAV	154,996	127,296
		Program reduction		[–27,700]
178	0207131F	A–10 SQUADRONS	36,816	36,816
179	0207133F	F–16 SQUADRONS	193,013	193,013
180	0207134F	F–15E SQUADRONS	336,079	319,829
		Unjustified F–15C requirements		[–16,250]
181	0207136F	MANNED DESTRUCTIVE SUPPRESSION	15,521	15,521
182	0207138F	F–22A SQUADRONS	496,298	496,298
183	0207142F	F–35 SQUADRONS	99,943	99,943
184	0207161F	TACTICAL AIM MISSILES	10,314	10,314
185	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MIS- SILE (AMRAAM).	55,384	55,384

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186	0207227F	COMBAT RESCUE—PARARESCUE	281	281
187	0207247F	AF TENCAP	21,365	21,365
188	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	10,696	10,696
189	0207253F	COMPASS CALL	15,888	15,888
190	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVE- MENT PROGRAM.	112,505	112,505
191	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM).	78,498	78,498
192	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	114,864	114,864
193	0207412F	CONTROL AND REPORTING CENTER (CRC)	8,109	8,109
194	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS).	67,996	67,996
195	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	2,462	2,462
197	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVI- TIES.	13,668	13,668
198	0207444F	TACTICAL AIR CONTROL PARTY-MOD	6,217	6,217
200	0207452F	DCAPES	19,910	19,910
201	0207573F	NATIONAL TECHNICAL NUCLEAR FORENSICS	1,788	1,788
202	0207590F	SEEK EAGLE	28,237	28,237
203	0207601F	USAF MODELING AND SIMULATION	15,725	15,725
204	0207605F	WARGAMING AND SIMULATION CENTERS	4,316	4,316
205	0207610F	BATTLEFIELD ABN COMM NODE (BACN)	26,946	26,946
206	0207697F	DISTRIBUTED TRAINING AND EXERCISES	4,303	4,303
207	0208006F	MISSION PLANNING SYSTEMS	71,465	71,465
208	0208007F	TACTICAL DECEPTION	7,446	7,446
209	0208064F	OPERATIONAL HQ—CYBER	7,602	7,602
210	0208087F	DISTRIBUTED CYBER WARFARE OPERATIONS	35,178	35,178
211	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	16,609	16,609
212	0208097F	JOINT CYBER COMMAND AND CONTROL (JCC2)	11,603	11,603
213	0208099F	UNIFIED PLATFORM (UP)	84,702	84,702
219	0301025F	GEOBASE	2,723	2,723
220	0301112F	NUCLEAR PLANNING AND EXECUTION SYS- TEM (NPES).	44,190	44,190
226	0301401F	AIR FORCE SPACE AND CYBER NON-TRADI- TIONAL ISR FOR BATTLESPACE AWARENESS.	3,575	3,575
227	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CEN- TER (NAOC).	70,173	42,623
		Unclear acquisition strategy		[–27,550]
228	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMU- NICATIONS NETWORK (MEECN).	13,543	13,543
229	0303133F	HIGH FREQUENCY RADIO SYSTEMS	15,881	15,881
230	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	27,726	27,726
232	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIA- TIVE.	2,210	2,210
234	0304115F	MULTI DOMAIN COMMAND AND CONTROL (MDC2).	150,880	150,880
235	0304260F	AIRBORNE SIGINT ENTERPRISE	102,667	85,167
		Common development ahead of need		[–8,500]
		Program reduction		[–9,000]
236	0304310F	COMMERCIAL ECONOMIC ANALYSIS	3,431	3,431
239	0305015F	C2 AIR OPERATIONS SUITE—C2 INFO SERV- ICES.	9,313	9,313
240	0305020F	CCMD INTELLIGENCE INFORMATION TECH- NOLOGY.	1,121	1,121
241	0305022F	ISR MODERNIZATION & AUTOMATION DVMT (IMAD).	19,000	3,000
		Unjustified request		[–16,000]
242	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM) ...	4,544	4,544
243	0305111F	WEATHER SERVICE	25,461	27,461
		Commercial weather data pilot		[2,000]
244	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALs).	5,651	5,651
245	0305116F	AERIAL TARGETS	7,448	7,448
248	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	425	425
249	0305145F	ARMS CONTROL IMPLEMENTATION	54,546	54,546
250	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE AC- TIVITIES.	6,858	6,858

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252	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	8,728	8,728
253	0305202F	DRAGON U-2	38,939	38,939
255	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	122,909	132,909
		Program increase for Gorgon Stare sensor en- hancements.		[10,000]
256	0305207F	MANNED RECONNAISSANCE SYSTEMS	11,787	11,787
257	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	25,009	25,009
258	0305220F	RQ-4 UAV	191,733	191,733
259	0305221F	NETWORK-CENTRIC COLLABORATIVE TAR- GETING.	10,757	10,757
260	0305238F	NATO AGS	32,567	32,567
261	0305240F	SUPPORT TO DCGS ENTERPRISE	37,774	37,774
262	0305600F	INTERNATIONAL INTELLIGENCE TECH- NOLOGY AND ARCHITECTURES.	13,515	13,515
263	0305881F	RAPID CYBER ACQUISITION	4,383	4,383
264	0305984F	PERSONNEL RECOVERY COMMAND & CTRL (PRC2).	2,133	2,133
265	0307577F	INTELLIGENCE MISSION DATA (IMD)	8,614	8,614
266	0401115F	C-130 AIRLIFT SQUADRON	140,425	101,425
		Contract award savings		[-39,000]
267	0401119F	C-5 AIRLIFT SQUADRONS (IF)	10,223	10,223
268	0401130F	C-17 AIRCRAFT (IF)	25,101	25,101
269	0401132F	C-130J PROGRAM	8,640	8,640
270	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM).	5,424	5,424
272	0401219F	KC-10S	20	20
274	0401318F	CV-22	17,906	17,906
276	0408011F	SPECIAL TACTICS / COMBAT CONTROL	3,629	3,629
277	0702207F	DEPOT MAINTENANCE (NON-IF)	1,890	1,890
278	0708055F	MAINTENANCE, REPAIR & OVERHAUL SYSTEM	10,311	10,311
279	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT).	16,065	16,065
280	0708611F	SUPPORT SYSTEMS DEVELOPMENT	539	539
281	0804743F	OTHER FLIGHT TRAINING	2,057	2,057
282	0808716F	OTHER PERSONNEL ACTIVITIES	10	10
283	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,060	2,060
284	0901218F	CIVILIAN COMPENSATION PROGRAM	3,809	3,809
285	0901220F	PERSONNEL ADMINISTRATION	6,476	6,476
286	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY ..	1,443	1,443
287	0901538F	FINANCIAL MANAGEMENT INFORMATION SYS- TEMS DEVELOPMENT.	9,323	9,323
288	0901554F	DEFENSE ENTERPRISE ACNTNG AND MGT SYS (DEAMS).	46,789	46,789
289	1201017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN).	3,647	3,647
290	1201921F	SERVICE SUPPORT TO STRATCOM—SPACE AC- TIVITIES.	988	988
291	1202140F	SERVICE SUPPORT TO SPACECOM ACTIVITIES	11,863	11,863
293	1203001F	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T).	197,388	177,388
		FET schedule slip		[-15,000]
		Unjustified growth		[-5,000]
294	1203110F	SATELLITE CONTROL NETWORK (SPACE)	61,891	61,891
297	1203173F	SPACE AND MISSILE TEST AND EVALUATION CENTER.	4,566	4,566
298	1203174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT.	43,292	43,292
300	1203182F	SPACELIFT RANGE SYSTEM (SPACE)	10,837	10,837
301	1203265F	GPS III SPACE SEGMENT	42,440	42,440
302	1203400F	SPACE SUPERIORITY INTELLIGENCE	14,428	14,428
303	1203614F	JSPOC MISSION SYSTEM	72,762	72,762
304	1203620F	NATIONAL SPACE DEFENSE CENTER	2,653	2,653
306	1203873F	BALLISTIC MISSILE DEFENSE RADARS	15,881	15,881
308	1203913F	NUDET DETECTION SYSTEM (SPACE)	49,300	49,300
309	1203940F	SPACE SITUATION AWARENESS OPERATIONS ..	17,834	17,834

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310	1206423F	GLOBAL POSITIONING SYSTEM III—OPER- ATIONAL CONTROL SEGMENT.	445,302	445,302
311	1206770F	ENTERPRISE GROUND SERVICES	138,870	99,070
		Contract award delay		[–39,800]
311A	999999999	CLASSIFIED PROGRAMS	18,351,506	18,229,506
		Classified reduction		[–122,000]
		SUBTOTAL OPERATIONAL SYSTEMS DE- VELOPMENT.	24,851,488	24,501,388
		SUBTOTAL UNDISTRIBUTED		–350,100
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	45,938,122	45,584,744
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH	26,000	26,000
002	0601101E	DEFENSE RESEARCH SCIENCES	432,284	432,284
003	0601110D8Z	BASIC RESEARCH INITIATIVES	48,874	68,874
		DEPSCOR		[10,000]
		Program increase		[10,000]
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE.	54,122	54,122
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	92,074	102,074
		Civics education grant program		[2,000]
		Submarine industrial base workforce training and education.		[8,000]
006	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNI- VERSITIES/MINORITY INSTITUTIONS.	30,708	46,708
		Aerospace research and education		[2,000]
		Program increase		[14,000]
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PRO- GRAM.	45,238	45,238
		SUBTOTAL BASIC RESEARCH	729,300	775,300
		APPLIED RESEARCH		
008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	19,306	19,306
009	0602115E	BIOMEDICAL TECHNOLOGY	97,771	97,771
011	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	52,317	52,317
012	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES.	62,200	55,400
		Computer modeling of PFAS		[2,000]
		Excess growth		[–8,800]
013	0602303E	INFORMATION & COMMUNICATIONS TECH- NOLOGY.	442,556	437,556
		Unjustified growth		[–5,000]
014	0602383E	BIOLOGICAL WARFARE DEFENSE	34,588	34,588
015	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PRO- GRAM.	202,587	215,087
		Program increase		[12,500]
016	0602668D8Z	CYBER SECURITY RESEARCH	15,118	25,118
		Academic cyber institutes		[10,000]
017	0602702E	TACTICAL TECHNOLOGY	337,602	337,602
018	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY ...	223,976	223,976
019	0602716E	ELECTRONICS TECHNOLOGY	332,192	326,192
		Unjustified growth		[–6,000]
020	0602718BR	COUNTER WEAPONS OF MASS DESTRUCTION APPLIED RESEARCH.	179,096	174,096
		Unjustified growth		[–5,000]
021	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) AP- PLIED RESEARCH.	9,580	9,580
022	1160401BB	SOF TECHNOLOGY DEVELOPMENT	40,569	40,569
		SUBTOTAL APPLIED RESEARCH	2,049,458	2,049,158
		ADVANCED TECHNOLOGY DEVELOPMENT		
023	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY ..	25,779	25,779
024	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	5,000	5,000

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025	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUP- PORT. Program increase	70,517	75,517 [5,000]
026	0603133D8Z	FOREIGN COMPARATIVE TESTING	24,970	24,970
028	0603160BR	COUNTER WEAPONS OF MASS DESTRUCTION ADVANCED TECHNOLOGY DEVELOPMENT. Excess growth	340,065	338,575 [–1,490]
029	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT.	14,208	14,208
030	0603178C	WEAPONS TECHNOLOGY	10,000	0
031	0603180C	MD72 program termination	20,674	[–10,000]
		ADVANCED RESEARCH		27,674
		Advanced carbon-carbon composites manufac- turing.		[7,000]
032	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT.	18,773	18,773
033	0603286E	ADVANCED AEROSPACE SYSTEMS	279,741	279,741
034	0603287E	SPACE PROGRAMS AND TECHNOLOGY	202,606	172,606
		RSGS program delays		[–30,000]
035	0603288D8Z	ANALYTIC ASSESSMENTS	19,429	19,429
036	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CON- CEPTS.	37,645	37,645
037	0603291D8Z	ADVANCED INNOVATIVE ANALYSIS AND CON- CEPTS—MHA.	14,668	14,668
038	0603294C	COMMON KILL VEHICLE TECHNOLOGY	13,600	13,600
040	0603342D8Z	DEFENSE INNOVATION UNIT (DIU)	29,398	29,398
041	0603375D8Z	TECHNOLOGY INNOVATION	60,000	30,000
		Insufficient justification		[–30,000]
042	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PRO- GRAM—ADVANCED DEVELOPMENT.	172,486	172,486
043	0603527D8Z	RETRACT LARCH	159,688	159,688
044	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	12,063	12,063
045	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEM- ONSTRATIONS.	107,359	89,859
		Program reduction		[–17,500]
046	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILI- TIES.	2,858	2,858
047	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM. Additive manufacturing	96,397	116,397 [10,000]
		Integrated silicon based lasers		[5,000]
		Program increase		[5,000]
048	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	42,834	42,834
049	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DE- VELOPMENT.	80,911	80,911
050	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEM- ONSTRATIONS.	10,817	10,817
051	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PRO- GRAM.	66,157	66,157
052	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOP- MENT AND SUPPORT.	171,771	171,771
053	0603727D8Z	JOINT WARFIGHTING PROGRAM	4,846	4,846
054	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	128,616	128,616
055	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS.	232,134	232,134
056	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY .. Unjustified increase	512,424	507,424 [–5,000]
057	0603767E	SENSOR TECHNOLOGY	163,903	163,903
058	0603769D8Z	DISTRIBUTED LEARNING ADVANCED TECH- NOLOGY DEVELOPMENT.	13,723	13,723
059	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	15,111	15,111
060	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	47,147	47,147
061	0603833D8Z	ENGINEERING SCIENCE & TECHNOLOGY	19,376	19,376
062	0603924D8Z	HIGH ENERGY LASER ADVANCED TECH- NOLOGY PROGRAM.	85,223	85,223
063	0603941D8Z	TEST & EVALUATION SCIENCE & TECH- NOLOGY.	175,574	185,574

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		Program increase to support NDS technologies ..		[10,000]
064	0603950D8Z	NATIONAL SECURITY INNOVATION NETWORK	25,000	25,000
065	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVE- MENT.	70,536	53,900
		Excess growth		[-16,636]
066	0303310D8Z	CWMD SYSTEMS	28,907	28,907
068	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	89,154	89,154
069	1206310SDA	SPACE SCIENCE AND TECHNOLOGY RE- SEARCH AND DEVELOPMENT.	20,000	20,000
		SUBTOTAL ADVANCED TECHNOLOGY DE- VELOPMENT.	3,742,088	3,673,462
		ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES		
070	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SE- CURITY EQUIPMENT RDT&E ADC&P.	42,695	42,695
071	0603600D8Z	WALKOFF	92,791	92,791
072	0603821D8Z	ACQUISITION ENTERPRISE DATA & INFORMA- TION SERVICES.	5,659	5,659
073	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CER- TIFICATION PROGRAM.	66,572	68,572
		ESTCP		[2,000]
074	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DE- FENSE SEGMENT.	302,761	302,761
075	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DE- FENSE SEGMENT.	1,156,506	1,237,606
		Common booster engineering early to need		[-15,000]
		Homeland Defense Radar-Hawaii delay		[-30,400]
		RKV cancellation—on demand communications		[-13,500]
		RKV Program Termination—Trasfer from RD,DW 109 for SLEP program.		[140,000]
076	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PRO- GRAM—DEM/VAL.	83,662	83,662
077	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	283,487	283,487
078	0603890C	BMD ENABLING PROGRAMS	571,507	571,507
079	0603891C	SPECIAL PROGRAMS—MDA	377,098	512,098
		Classified unfunded priority		[135,000]
080	0603892C	AEGIS BMD	727,479	699,479
		Unjustified growth		[-28,000]
081	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.	564,206	562,706
		IBCS integration delays		[-1,500]
082	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	51,532	51,532
083	0603904C	MISSILE DEFENSE INTEGRATION & OPER- ATIONS CENTER (MDIOC).	56,161	56,161
084	0603906C	REGARDING TRENCH	22,424	22,424
085	0603907C	SEA BASED X-BAND RADAR (SBX)	128,156	128,156
086	0603913C	ISRAELI COOPERATIVE PROGRAMS	300,000	300,000
087	0603914C	BALLISTIC MISSILE DEFENSE TEST	395,924	395,924
088	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	554,171	554,171
089	0603920D8Z	HUMANITARIAN DEMINING	10,820	14,700
		Program increase		[3,880]
090	0603923D8Z	COALITION WARFARE	11,316	11,316
091	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PRO- GRAM.	3,365	3,365
092	0604115C	TECHNOLOGY MATURATION INITIATIVES	303,458	269,458
		Cancel Neutral Particle Beam		[-34,000]
093	0604132D8Z	MISSILE DEFEAT PROJECT	17,816	10,000
		Unjustified budget request—program transitioned to services.		[-7,816]
095	0604181C	HYPERSONIC DEFENSE	157,425	157,425
096	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	1,312,735	1,312,735
		Hypervelocity Gun Weapon System		[80,000]
		Insufficient justification		[-80,000]
097	0604294D8Z	TRUSTED & ASSURED MICROELECTRONICS	542,421	547,421

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2020 Request	Conference Authorized
		Trusted and assured microelectronics research ..		[5,000]
098	0604331D8Z	RAPID PROTOTYPING PROGRAM	100,957	50,957
		Uncoordinated prototyping efforts		[-50,000]
099	0604341D8Z	DEFENSE INNOVATION UNIT (DIU) PROTO- TYPING.	92,000	92,000
100	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT.	3,021	3,021
102	0604672C	HOMELAND DEFENSE RADAR—HAWAII (HDR- H).	274,714	173,598
		Funding acceleration early to need		[-60,000]
		Radar foundation and thermal control system early to need.		[-41,116]
103	0604673C	PACIFIC DISCRIMINATING RADAR	6,711	6,711
104	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA).	3,751	3,751
105	0604775BR	DEFENSE RAPID INNOVATION PROGRAM	14,021	14,021
107	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTE- GRATION AND INTEROPERABILITY ASSESS- MENTS.	20,062	20,062
108	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	136,423	136,423
109	0604874C	IMPROVED HOMELAND DEFENSE INTERCEP- TORS.	412,363	272,363
		RKV Termination – transfer to RD,DW 075 for SLEP program.		[-140,000]
110	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DE- FENSE SEGMENT TEST.	25,137	25,137
111	0604878C	AEGIS BMD TEST	169,822	169,822
112	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	105,530	105,530
113	0604880C	LAND-BASED SM–3 (LBSM3)	38,352	38,352
115	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST.	98,139	98,139
117	0300206R	ENTERPRISE INFORMATION TECHNOLOGY SYSTEMS.	1,600	1,600
118	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM.	3,191	3,191
119	0305103C	CYBER SECURITY INITIATIVE	1,138	1,138
120	1206410SDA	SPACE TECHNOLOGY DEVELOPMENT AND PROTOTYPING.	85,000	55,000
		Missile defense studies realignment		[-30,000]
121	1206893C	SPACE TRACKING & SURVEILLANCE SYSTEM ..	35,849	35,849
122	1206895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS.	27,565	135,565
		Hypersonic and Ballistic Tracking Space Sensor		[108,000]
122A	0604011D8Z	NEXT GENERATION INFORMATION COMMU- NICATIONS TECHNOLOGY (5G).		275,000
		NTTR and additional AF installation 5G net- work.		[100,000]
		Program increase		[175,000]
		SUBTOTAL ADVANCED COMPONENT DE- VELOPMENT AND PROTOTYPES.	9,797,493	10,015,041
		SYSTEM DEVELOPMENT AND DEMONSTRA- TION		
123	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SE- CURITY EQUIPMENT RDT&E SDD.	11,276	11,276
124	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVEL- OPMENT.	107,000	76,000
		Transfer to RDTE, Army Line 100		[-31,000]
125	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PRO- GRAM—EMD.	384,047	374,047
		Excess growth		[-10,000]
126	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBU- TION SYSTEM (JTIDS).	40,102	40,102
127	0605000BR	COUNTER WEAPONS OF MASS DESTRUCTION SYSTEMS DEVELOPMENT.	13,100	13,100
128	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	3,070	3,070

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2020 Request	Conference Authorized
129	0605021SE	HOMELAND PERSONNEL SECURITY INITIA- TIVE.	7,295	7,295
130	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	17,615	17,615
131	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	15,653	15,653
132	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION.	2,378	2,378
133	0605075D8Z	CMO POLICY AND INTEGRATION	1,618	1,618
134	0605080S	DEFENSE AGENCY INITIATIVES (DAI)—FINAN- CIAL SYSTEM.	27,944	27,944
135	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYS- TEM (DRAS).	6,609	6,609
136	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES.	9,619	9,619
137	0605294D8Z	TRUSTED & ASSURED MICROELECTRONICS	175,032	175,032
138	0303140BL	INFORMATION SYSTEMS SECURITY PROGRAM	425	425
139	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	1,578	1,578
140	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM).	4,373	4,373
141	0305310D8Z	CWMD SYSTEMS: SYSTEM DEVELOPMENT AND DEMONSTRATION.	12,854	12,854
		SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION.	841,588	800,588
		MANAGEMENT SUPPORT		
142	0603829J	JOINT CAPABILITY EXPERIMENTATION	13,000	13,000
143	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS).	9,724	9,724
144	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOP- MENT.	9,593	9,593
145	0604940D8Z	CENTRAL TEST AND EVALUATION INVEST- MENT DEVELOPMENT (CTEIP).	260,267	260,267
146	0604942D8Z	ASSESSMENTS AND EVALUATIONS	30,834	30,834
147	0605001E	MISSION SUPPORT	68,498	68,498
148	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPA- BILITY (JMETC).	83,091	89,091
		Cyber range development		[6,000]
149	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANAL- YSIS.	18,079	18,079
150	0605126J	JOINT INTEGRATED AIR AND MISSILE DE- FENSE ORGANIZATION (JAMDO).	70,038	70,038
152	0605142D8Z	SYSTEMS ENGINEERING	37,140	37,140
153	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	4,759	4,759
154	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	8,307	8,307
155	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION.	9,441	9,441
156	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE) ..	1,700	1,700
157	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PRO- GRAM.	110,363	110,363
166	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	3,568	3,568
167	0605797D8Z	MAINTAINING TECHNOLOGY ADVANTAGE	19,936	19,936
168	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	16,875	19,875
		National Science, Technology, and Security Roundtable with Academia.		[3,000]
169	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	57,716	57,716
170	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TEST- ING AND EVALUATION.	34,448	34,448
171	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	22,203	22,203
172	0605898E	MANAGEMENT HQ—R&D	13,208	13,208
173	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL IN- FORMATION CENTER (DTIC).	3,027	3,027
174	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	8,017	8,017
175	0606225D8Z	ODNA TECHNOLOGY AND RESOURCE ANAL- YSIS.	3,194	3,194

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2020 Request	Conference Authorized
176	0606589D8W	DEFENSE DIGITAL SERVICE (DDS) DEVELOPMENT SUPPORT.	1,000	1,000
179	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI).	3,037	3,037
180	0204571J	JOINT STAFF ANALYTICAL SUPPORT	9,216	9,216
183	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES.	553	553
184	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO).	1,014	1,014
185	0305172K	COMBINED ADVANCED APPLICATIONS Unjustified growth	58,667	48,667 [–10,000]
187	0305245D8Z	INTELLIGENCE CAPABILITIES AND INNOVATION INVESTMENTS.	21,081	21,081
189	0307588D8Z	ALGORITHMIC WARFARE CROSS FUNCTIONAL TEAMS.	221,235	221,235
191	0804768J	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—NON-MHA.	40,073	40,073
192	0808709SE	DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE (DEOMI).	100	100
193	0901598C	MANAGEMENT HQ—MDA	27,065	27,065
194	0903235K	JOINT SERVICE PROVIDER (JSP)	3,090	3,090
194A	9999999999	CLASSIFIED PROGRAMS	51,471	51,471
		SUBTOTAL MANAGEMENT SUPPORT	1,354,628	1,353,628
OPERATIONAL SYSTEM DEVELOPMENT UNDISTRIBUTED				
195	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	7,945	7,945
196	0604532K	JOINT ARTIFICIAL INTELLIGENCE	208,834	208,834
197	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	1,947	1,947
198	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHAIS).	310	310
199	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT. Advanced systems manufacturing Rare earth element production	10,051	18,551 [5,000] [3,500]
200	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT.	12,734	12,734
201	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS). Excess growth	14,800	10,350 [–4,450]
202	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	54,023	54,023
203	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	4,537	4,537
204	0208045K	C4I INTEROPERABILITY	64,122	64,122
210	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	15,798	15,798
211	0303126K	LONG-HAUL COMMUNICATIONS—DCS	11,166	11,166
212	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	17,383	17,383
214	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI) ...	54,516	54,516
215	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM AI and Cyber Center of Excellence	67,631	92,631 [25,000]
216	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM Realignment to DISA for Sharkseer	289,080	287,198 [–1,882]
217	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM Realignment for Sharkseer	42,796	44,678 [1,882]
218	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	25,218	25,218
219	0303153K	DEFENSE SPECTRUM ORGANIZATION	21,698	21,698
220	0303228K	JOINT REGIONAL SECURITY STACKS (JRSS)	18,077	18,077
222	0303430K	FEDERAL INVESTIGATIVE SERVICES INFORMATION TECHNOLOGY.	44,001	44,001
228	0305128V	SECURITY AND INVESTIGATIVE ACTIVITIES	2,400	2,400
232	0305186D8Z	POLICY R&D PROGRAMS	6,301	6,301
233	0305199D8Z	NET CENTRICITY	21,384	21,384

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)						
Line	Program Element	Item			FY 2020 Request	Conference Authorized
235	0305208BB	DISTRIBUTED	COMMON	GROUND/SURFACE SYSTEMS.	6,359	6,359
238	0305208K	DISTRIBUTED	COMMON	GROUND/SURFACE SYSTEMS.	2,981	2,981
241	0305327V	INSIDER THREAT			1,964	1,964
242	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANS- FER PROGRAM.			2,221	2,221
250	0708012K	LOGISTICS SUPPORT ACTIVITIES			1,361	1,361
251	0708012S	PACIFIC DISASTER CENTERS			1,770	1,770
252	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYS- TEM.			3,679	3,679
254	1105219BB	MQ-9 UAV			20,697	20,697
256	1160403BB	AVIATION SYSTEMS			245,795	262,995
		Program increase—Future Vertical Lift				[8,800]
		UPL FVL realignment from RFCM				[8,400]
257	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT			15,484	15,484
258	1160408BB	OPERATIONAL ENHANCEMENTS			166,922	166,922
259	1160431BB	WARRIOR SYSTEMS			62,332	62,332
260	1160432BB	SPECIAL PROGRAMS			21,805	21,805
261	1160434BB	UNMANNED ISR			37,377	37,377
262	1160480BB	SOF TACTICAL VEHICLES			11,150	11,150
263	1160483BB	MARITIME SYSTEMS			72,626	72,626
264	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES			5,363	5,363
265	1160490BB	OPERATIONAL ENHANCEMENTS INTEL- LIGENCE.			12,962	12,962
266	1203610K	TELEPORT PROGRAM			6,158	6,158
266A	9999999999	CLASSIFIED PROGRAMS			4,542,640	4,542,640
		SUBTOTAL OPERATIONAL SYSTEM DE- VELOPMENT.			6,258,398	6,304,648
		SUBTOTAL UNDISTRIBUTED				46,250
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.			24,772,953	24,971,825
		OPERATIONAL TEST & EVAL, DEFENSE MANAGEMENT SUPPORT				
001	0605118OTE	OPERATIONAL TEST AND EVALUATION			93,291	93,291
002	0605131OTE	LIVE FIRE TEST AND EVALUATION			69,172	69,172
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANAL- YSES.			58,737	58,737
		SUBTOTAL MANAGEMENT SUPPORT			221,200	221,200
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE.			221,200	221,200
		TOTAL RDT&E			103,395,545	102,309,846

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTIN- GENCY OPERATIONS (In Thousands of Dollars)						
Line	Program Element	Item			FY 2020 Request	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
074	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEER- ING.			500	500
079	0603747A	SOLDIER SUPPORT AND SURVIVABILITY			3,000	3,000
085	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV			1,085	1,085
095	0604117A	MANEUVER—SHORT RANGE AIR DEFENSE (M- SHORAD).			6,000	0

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTIN- GENY OPERATIONS (In Thousands of Dollars)				
Line	Program Element	Item	FY 2020 Request	Conference Authorized
		Unjustified request		[–6,000]
097	0604119A	ARMY ADVANCED COMPONENT DEVELOPMENT & PROTOTYPING.	4,529	4,529
105	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4)	2,000	2,000
		SUBTOTAL ADVANCED COMPONENT DEVELOP- MENT & PROTOTYPES.	17,114	17,114
		SYSTEM DEVELOPMENT & DEMONSTRATION		
151	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	11,770	11,770
159	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	77,420	77,420
163	0605203A	ARMY SYSTEM DEVELOPMENT & DEMONSTRATION	19,527	19,527
174	0304270A	ELECTRONIC WARFARE DEVELOPMENT	3,200	3,200
		SUBTOTAL SYSTEM DEVELOPMENT & DEM- ONSTRATION.	111,917	111,917
		RDT&E MANAGEMENT SUPPORT		
200	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZA- TION.	1,875	1,875
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	1,875	1,875
		OPERATIONAL SYSTEMS DEVELOPMENT UNDISTRIBUTED		
238	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	22,904	22,904
246	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	34,100	34,100
247	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	14,000	14,000
252	0307665A	BIOMETRICS ENABLED INTELLIGENCE	2,214	2,214
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOP- MENT.	73,218	73,218
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	204,124	198,124
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
028	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	2,400	2,400
038	0603527N	RETRACT LARCH	22,000	22,000
057	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOP- MENT.	14,178	14,178
069	0603795N	LAND ATTACK TECHNOLOGY	1,428	1,428
		SUBTOTAL ADVANCED COMPONENT DEVELOP- MENT & PROTOTYPES.	40,006	40,006
		SYSTEM DEVELOPMENT & DEMONSTRATION		
143	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	1,122	1,122
		SUBTOTAL SYSTEM DEVELOPMENT & DEM- ONSTRATION.	1,122	1,122
		OPERATIONAL SYSTEMS DEVELOPMENT UNDISTRIBUTED		
228	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	15,000	15,000
259A	9999999999	CLASSIFIED PROGRAMS	108,282	108,282
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOP- MENT.	123,282	123,282
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	164,410	164,410
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
048	0604858F	TECH TRANSITION PROGRAM	26,450	26,450
072	1206857F	SPACE RAPID CAPABILITIES OFFICE	17,885	17,885
		SUBTOTAL ADVANCED COMPONENT DEVELOP- MENT & PROTOTYPES.	44,335	44,335

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Line	Program Element	Item	FY 2020 Request	Conference Authorized
		OPERATIONAL SYSTEMS DEVELOPMENT		
		UNDISTRIBUTED		
177	0205671F	JOINT COUNTER RCIED ELECTRONIC WARFARE	4,000	4,000
217	0208288F	INTEL DATA APPLICATIONS	1,200	1,200
311A	999999999	CLASSIFIED PROGRAMS	78,713	78,713
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	83,913	83,913
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	128,248	128,248
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		APPLIED RESEARCH		
010	0602134BR	COUNTER IMPROVISED-THREAT ADVANCED STUDIES.	1,677	1,677
		SUBTOTAL APPLIED RESEARCH	1,677	1,677
		ADVANCED TECHNOLOGY DEVELOPMENT		
025	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT ..	25,230	25,230
027	0603134BR	COUNTER IMPROVISED-THREAT SIMULATION	49,528	49,528
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	74,758	74,758
		ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES		
094	0604134BR	COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE DEVELOPMENT, AND TESTING.	113,590	113,590
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES.	113,590	113,590
		OPERATIONAL SYSTEM DEVELOPMENT		
		UNDISTRIBUTED		
258	1160408BB	OPERATIONAL ENHANCEMENTS	726	726
259	1160431BB	WARRIOR SYSTEMS	6,000	6,000
261	1160434BB	UNMANNED ISR	5,000	5,000
266A	999999999	CLASSIFIED PROGRAMS	200,199	200,199
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT.	211,925	211,925
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	401,950	401,950
		TOTAL RDT&E	898,732	892,732

SEC. 4203. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR EMERGENCY REQUIREMENTS.

SEC. 4203. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR EMERGENCY REQUIREMENTS (In Thousands of Dollars)				
Line	Program Element	Item	FY 2020 Request	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		MANAGEMENT SUPPORT		
187	0605864N	TEST AND EVALUATION SUPPORT	0	129,000
		Earthquake damage recovery		[129,000]
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	0	129,000
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		MANAGEMENT SUPPORT		
128	0605807F	TEST AND EVALUATION SUPPORT	0	14,436
		Earthquake damage recovery		[14,436]
138	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	0	1,060

SEC. 4203. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR EMERGENCY REQUIREMENTS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2020 Request	Conference Authorized
		Earthquake damage recovery		[1,060]
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	0	15,496
		TOTAL RDT&E	0	144,496

TITLE XLIII—OPERATION AND MAINTENANCE

Sec. 4301. Operation and maintenance.
 Sec. 4302. Operation and maintenance for overseas contingency operations.
 Sec. 4303. Operation and maintenance for emergency requirements.

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2020 Request	Conference Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	1,735,922	1,398,674
	Realignment to OCO		[–260,548]
	Unjustified growth		[–76,700]
020	MODULAR SUPPORT BRIGADES	127,815	124,665
	Unjustified growth		[–3,150]
030	ECHELONS ABOVE BRIGADE	716,356	709,356
	Unjustified growth		[–7,000]
040	THEATER LEVEL ASSETS	890,891	878,891
	Unjustified growth		[–12,000]
050	LAND FORCES OPERATIONS SUPPORT	1,232,477	1,222,977
	Unjustified growth		[–9,500]
060	AVIATION ASSETS	1,355,606	1,269,106
	Excess to need		[–86,500]
070	FORCE READINESS OPERATIONS SUPPORT	3,882,315	2,664,315
	Female personal protective equipment		[2,000]
	Realignment to OCO		[–1,100,000]
	Unjustified growth		[–120,000]
080	LAND FORCES SYSTEMS READINESS	417,069	446,269
	UPL MDTF INDOPACOM		[29,200]
090	LAND FORCES DEPOT MAINTENANCE	1,633,327	1,608,327
	Unjustified growth		[–25,000]
100	BASE OPERATIONS SUPPORT	8,047,933	8,002,933
	Unjustified growth		[–45,000]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	4,326,840	4,326,840
120	MANAGEMENT AND OPERATIONAL HEAD-QUARTERS	405,612	405,612
160	US AFRICA COMMAND	251,511	243,011
	Unjustified growth		[–8,500]
170	US EUROPEAN COMMAND	146,358	146,358
180	US SOUTHERN COMMAND	191,840	209,840
	Multi-Mission Support Vessel		[18,000]
190	US FORCES KOREA	57,603	57,603
200	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	423,156	423,156

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
210	CYBERSPACE ACTIVITIES—CYBERSECURITY	551,185	551,185
	SUBTOTAL OPERATING FORCES	26,393,816	24,689,118
	MOBILIZATION		
220	STRATEGIC MOBILITY	380,577	380,577
230	ARMY PREPOSITIONED STOCKS	362,942	362,942
240	INDUSTRIAL PREPAREDNESS	4,637	5,637
	Advanced Manufacturing COE Tech Roadmapping		[1,000]
	SUBTOTAL MOBILIZATION	748,156	749,156
	TRAINING AND RECRUITING		
250	OFFICER ACQUISITION	157,175	157,175
260	RECRUIT TRAINING	55,739	55,739
270	ONE STATION UNIT TRAINING	62,300	62,300
280	SENIOR RESERVE OFFICERS TRAINING CORPS ..	538,357	538,357
290	SPECIALIZED SKILL TRAINING	969,813	969,813
300	FLIGHT TRAINING	1,234,049	1,234,049
310	PROFESSIONAL DEVELOPMENT EDUCATION	218,338	218,338
320	TRAINING SUPPORT	554,659	552,659
	Excess travel request		[-2,000]
330	RECRUITING AND ADVERTISING	716,056	706,056
	Unjustified growth for recruiting		[-10,000]
340	EXAMINING	185,034	185,034
350	OFF-DUTY AND VOLUNTARY EDUCATION	214,275	214,275
360	CIVILIAN EDUCATION AND TRAINING	147,647	147,647
370	JUNIOR RESERVE OFFICER TRAINING CORPS	173,812	173,812
	SUBTOTAL TRAINING AND RECRUITING ..	5,227,254	5,215,254
	ADMIN & SRVWIDE ACTIVITIES		
390	SERVICEWIDE TRANSPORTATION	559,229	559,229
400	CENTRAL SUPPLY ACTIVITIES	929,944	928,944
	Excess personnel		[-1,000]
410	LOGISTIC SUPPORT ACTIVITIES	629,981	629,981
420	AMMUNITION MANAGEMENT	458,771	451,771
	Unjustified growth		[-7,000]
430	ADMINISTRATION	428,768	418,768
	Unjustified growth		[-10,000]
440	SERVICEWIDE COMMUNICATIONS	1,512,736	1,472,736
	Program decrease unaccounted for		[-40,000]
450	MANPOWER MANAGEMENT	272,738	272,738
460	OTHER PERSONNEL SUPPORT	391,869	361,869
	Unjustified growth		[-30,000]
470	OTHER SERVICE SUPPORT	1,901,165	1,881,165
	Unjustified headquarters growth		[-20,000]
480	ARMY CLAIMS ACTIVITIES	198,765	191,265
	Historical underexecution		[-7,500]
490	REAL ESTATE MANAGEMENT	226,248	226,248
500	FINANCIAL MANAGEMENT AND AUDIT READI- NESS	315,489	292,489
	Program decrease unaccounted for		[-23,000]
510	INTERNATIONAL MILITARY HEADQUARTERS	427,254	427,254
520	MISC. SUPPORT OF OTHER NATIONS	43,248	43,248
565	CLASSIFIED PROGRAMS	1,347,053	1,347,053
	SUBTOTAL ADMIN & SRVWIDE ACTIVI- TIES	9,643,258	9,504,758
	TOTAL OPERATION & MAINTENANCE, ARMY	42,012,484	40,158,286

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
OPERATION & MAINTENANCE, ARMY RES			
OPERATING FORCES			
010	MODULAR SUPPORT BRIGADES	11,927	11,927
020	ECHELONS ABOVE BRIGADE	533,015	533,015
030	THEATER LEVEL ASSETS	119,517	118,101
	Insufficient justification		[–1,416]
040	LAND FORCES OPERATIONS SUPPORT	550,468	543,468
	Insufficient justification		[–7,000]
050	AVIATION ASSETS	86,670	85,170
	Unjustified growth		[–1,500]
060	FORCE READINESS OPERATIONS SUPPORT	390,061	388,661
	Excess civilian increase		[–1,400]
070	LAND FORCES SYSTEMS READINESS	101,890	101,890
080	LAND FORCES DEPOT MAINTENANCE	48,503	48,503
090	BASE OPERATIONS SUPPORT	598,907	594,707
	Insufficient justification		[–4,200]
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	444,376	444,376
110	MANAGEMENT AND OPERATIONAL HEAD- QUARTERS	22,095	22,095
120	CYBERSPACE ACTIVITIES—CYBERSPACE OPER- ATIONS	3,288	3,288
130	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,655	7,655
	SUBTOTAL OPERATING FORCES	2,918,372	2,902,856
ADMIN & SRVWD ACTIVITIES			
UNDISTRIBUTED			
140	SERVICEWIDE TRANSPORTATION	14,533	14,533
150	ADMINISTRATION	17,231	17,231
160	SERVICEWIDE COMMUNICATIONS	14,304	14,304
170	MANPOWER MANAGEMENT	6,129	6,129
180	RECRUITING AND ADVERTISING	58,541	58,541
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	110,738	110,738
200	UNDISTRIBUTED		–25,000
	Overestimation of civilian FTE targets		[–25,000]
	SUBTOTAL UNDISTRIBUTED		–25,000
	TOTAL OPERATION & MAINTENANCE, ARMY RES	3,029,110	2,988,594
OPERATION & MAINTENANCE, ARNG			
UNDISTRIBUTED			
010	MANEUVER UNITS	805,671	775,671
	Excess growth		[–30,000]
020	MODULAR SUPPORT BRIGADES	195,334	193,334
	Excess growth		[–2,000]
030	ECHELONS ABOVE BRIGADE	771,048	770,548
	Excess growth		[–500]
040	THEATER LEVEL ASSETS	94,726	94,226
	Excess growth		[–500]
050	LAND FORCES OPERATIONS SUPPORT	33,696	35,185
	Program increase—advanced trauma training program		[1,489]
060	AVIATION ASSETS	981,819	973,819
	Insufficient justification		[–8,000]
070	FORCE READINESS OPERATIONS SUPPORT	743,206	743,206
080	LAND FORCES SYSTEMS READINESS	50,963	50,963
090	LAND FORCES DEPOT MAINTENANCE	258,278	254,028

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
	Insufficient justification		[–4,250]
100	BASE OPERATIONS SUPPORT	1,153,076	1,133,076
	Insufficient justification		[–20,000]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,113,475	1,113,475
120	MANAGEMENT AND OPERATIONAL HEAD- QUARTERS	1,001,042	987,042
	Insufficient justification		[–14,000]
130	CYBERSPACE ACTIVITIES—CYBERSPACE OPER- ATIONS	8,448	8,448
140	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,768	7,768
	SUBTOTAL OPERATING FORCES	7,218,550	7,140,789
210	UNDISTRIBUTED		–20,000
	Overestimation of civilian FTE targets		[–20,000]
	SUBTOTAL UNDISTRIBUTED		–20,000
ADMIN & SRVWD ACTIVITIES			
150	SERVICEWIDE TRANSPORTATION	9,890	9,890
160	ADMINISTRATION	71,070	71,070
170	SERVICEWIDE COMMUNICATIONS	68,213	62,213
	Program decrease unaccounted for		[–6,000]
180	MANPOWER MANAGEMENT	8,628	8,628
190	OTHER PERSONNEL SUPPORT	250,376	250,376
200	REAL ESTATE MANAGEMENT	2,676	2,676
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	410,853	404,853
	TOTAL OPERATION & MAINTENANCE, ARNG	7,629,403	7,525,642
OPERATION & MAINTENANCE, NAVY OPERATING FORCES			
010	MISSION AND OTHER FLIGHT OPERATIONS	5,309,109	4,659,109
	Projected underexecution		[–50,000]
	Realignment to OCO		[–600,000]
020	FLEET AIR TRAINING	2,284,828	2,249,828
	Projected underexecution		[–35,000]
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	59,299	59,299
040	AIR OPERATIONS AND SAFETY SUPPORT	155,896	155,896
050	AIR SYSTEMS SUPPORT	719,107	719,107
060	AIRCRAFT DEPOT MAINTENANCE	1,154,181	1,154,181
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	60,402	59,202
	Excess growth		[–1,200]
080	AVIATION LOGISTICS	1,241,421	1,219,421
	Projected underexecution		[–22,000]
090	MISSION AND OTHER SHIP OPERATIONS	4,097,262	3,547,262
	Realignment to OCO		[–450,000]
	Unjustified growth		[–100,000]
100	SHIP OPERATIONS SUPPORT & TRAINING	1,031,792	1,029,792
	Excess civilian growth		[–2,000]
110	SHIP DEPOT MAINTENANCE	8,061,298	8,714,298
	Program increase		[653,000]
120	SHIP DEPOT OPERATIONS SUPPORT	2,073,641	2,066,141
	Insufficient justification		[–7,500]
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE	1,378,856	1,364,856
	Unjustified growth		[–14,000]
140	SPACE SYSTEMS AND SURVEILLANCE	276,245	273,745
	Unjustified growth		[–2,500]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
150	WARFARE TACTICS	675,209	675,209
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY		
	RAPHY	389,516	389,516
170	COMBAT SUPPORT FORCES	1,536,310	1,126,310
	Realignment to OCO		[–400,000]
	Unjustified growth		[–10,000]
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	161,579	161,579
190	COMBATANT COMMANDERS CORE OPERATIONS	59,521	59,521
200	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	93,978	98,978
	Posture site assessments INDOPACOM		[5,000]
210	MILITARY INFORMATION SUPPORT OPERATIONS	8,641	8,641
220	CYBERSPACE ACTIVITIES	496,385	496,385
230	FLEET BALLISTIC MISSILE	1,423,339	1,423,339
240	WEAPONS MAINTENANCE	924,069	895,032
	Insufficient justification		[–29,037]
250	OTHER WEAPON SYSTEMS SUPPORT	540,210	540,210
260	ENTERPRISE INFORMATION	1,131,627	1,111,627
	Unjustified growth		[–20,000]
270	SUSTAINMENT, RESTORATION AND MODERNIZATION	3,029,634	3,029,634
280	BASE OPERATING SUPPORT	4,414,943	4,414,943
	SUBTOTAL OPERATING FORCES	42,788,298	41,703,061
	MOBILIZATION		
290	SHIP PREPOSITIONING AND SURGE	942,902	942,902
300	READY RESERVE FORCE	352,044	352,044
310	SHIP ACTIVATIONS/INACTIVATIONS	427,555	427,555
320	EXPEDITIONARY HEALTH SERVICES SYSTEMS ..	137,597	137,597
330	COAST GUARD SUPPORT	24,604	24,604
	SUBTOTAL MOBILIZATION	1,884,702	1,884,702
	TRAINING AND RECRUITING		
340	OFFICER ACQUISITION	150,765	150,765
350	RECRUIT TRAINING	11,584	11,584
360	RESERVE OFFICERS TRAINING CORPS	159,133	159,133
370	SPECIALIZED SKILL TRAINING	911,316	891,316
	Insufficient justification		[–20,000]
380	PROFESSIONAL DEVELOPMENT EDUCATION	185,211	186,261
	Program increase: Sea Cadets		[1,050]
390	TRAINING SUPPORT	267,224	267,224
400	RECRUITING AND ADVERTISING	209,252	204,252
	Insufficient justification		[–5,000]
410	OFF-DUTY AND VOLUNTARY EDUCATION	88,902	88,902
420	CIVILIAN EDUCATION AND TRAINING	67,492	67,492
430	JUNIOR ROTC	55,164	55,164
	SUBTOTAL TRAINING AND RECRUITING ..	2,106,043	2,082,093
	ADMIN & SRVWD ACTIVITIES		
440	ADMINISTRATION	1,143,358	1,103,358
	Unjustified growth		[–40,000]
450	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	178,342	175,342
	Excess civilian growth		[–3,000]
460	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	418,413	418,413
490	SERVICEWIDE TRANSPORTATION	157,465	157,465

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
510	PLANNING, ENGINEERING, AND PROGRAM SUP- PORT	485,397	490,397
	REPO		[5,000]
520	ACQUISITION, LOGISTICS, AND OVERSIGHT	654,137	647,137
	Unjustified growth		[–7,000]
530	INVESTIGATIVE AND SECURITY SERVICES	718,061	718,061
645	CLASSIFIED PROGRAMS	591,535	591,535
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	4,346,708	4,301,708
	UNDISTRIBUTED		
650	UNDISTRIBUTED		–20,000
	Overestimation of civilian FTE targets		[–20,000]
	SUBTOTAL UNDISTRIBUTED		–20,000
	TOTAL OPERATION & MAINTENANCE, NAVY	51,125,751	49,951,564
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	968,224	727,224
	Excess civilian growth		[–1,000]
	Realignment to OCO		[–200,000]
	Unjustified growth		[–40,000]
020	FIELD LOGISTICS	1,278,533	1,064,533
	Realignment to OCO		[–200,000]
	Unjustified growth		[–14,000]
030	DEPOT MAINTENANCE	232,991	232,991
040	MARITIME PREPOSITIONING	100,396	100,396
050	CYBERSPACE ACTIVITIES	203,580	203,580
060	SUSTAINMENT, RESTORATION & MODERNIZA- TION	1,559,034	1,559,034
070	BASE OPERATING SUPPORT	2,253,776	2,223,776
	Unjustified growth		[–30,000]
	SUBTOTAL OPERATING FORCES	6,596,534	6,111,534
	TRAINING AND RECRUITING		
080	RECRUIT TRAINING	21,240	21,240
090	OFFICER ACQUISITION	1,168	1,168
100	SPECIALIZED SKILL TRAINING	106,601	106,601
110	PROFESSIONAL DEVELOPMENT EDUCATION	49,095	49,095
120	TRAINING SUPPORT	407,315	407,315
130	RECRUITING AND ADVERTISING	210,475	210,475
140	OFF-DUTY AND VOLUNTARY EDUCATION	42,810	42,810
150	JUNIOR ROTC	25,183	25,183
	SUBTOTAL TRAINING AND RECRUITING ..	863,887	863,887
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE TRANSPORTATION	29,894	29,894
170	ADMINISTRATION	384,352	384,352
225	CLASSIFIED PROGRAMS	52,057	52,057
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	466,303	466,303
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	7,926,724	7,441,724
	OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	654,220	629,220

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
	Unjustified growth		[–25,000]
020	INTERMEDIATE MAINTENANCE	8,767	8,767
030	AIRCRAFT DEPOT MAINTENANCE	108,236	108,236
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	463	463
050	AVIATION LOGISTICS	26,014	26,014
060	SHIP OPERATIONS SUPPORT & TRAINING	583	583
070	COMBAT COMMUNICATIONS	17,883	17,883
080	COMBAT SUPPORT FORCES	128,079	128,079
090	CYBERSPACE ACTIVITIES	356	356
100	ENTERPRISE INFORMATION	26,133	26,133
110	SUSTAINMENT, RESTORATION AND MOD- ERNIZATION	35,397	35,397
120	BASE OPERATING SUPPORT	101,376	101,376
	SUBTOTAL OPERATING FORCES	1,107,507	1,082,507
	ADMIN & SRVWD ACTIVITIES		
130	ADMINISTRATION	1,888	1,888
140	MILITARY MANPOWER AND PERSONNEL MAN- AGEMENT	12,778	12,778
150	ACQUISITION AND PROGRAM MANAGEMENT	2,943	2,943
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	17,609	17,609
	TOTAL OPERATION & MAINTENANCE, NAVY RES	1,125,116	1,100,116
	OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES		
010	OPERATING FORCES	106,484	106,484
020	DEPOT MAINTENANCE	18,429	18,429
030	SUSTAINMENT, RESTORATION AND MOD- ERNIZATION	47,516	47,516
040	BASE OPERATING SUPPORT	106,073	106,073
	SUBTOTAL OPERATING FORCES	278,502	278,502
	ADMIN & SRVWD ACTIVITIES		
050	ADMINISTRATION	13,574	13,574
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	13,574	13,574
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	292,076	292,076
	OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES		
010	PRIMARY COMBAT FORCES	729,127	729,127
020	COMBAT ENHANCEMENT FORCES	1,318,770	918,770
	Realignment to OCO		[–400,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,486,790	1,446,790
	Unjustified growth		[–40,000]
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE	3,334,792	3,299,792
	Unjustified growth		[–35,000]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	4,142,435	4,142,435
060	CYBERSPACE SUSTAINMENT	228,811	228,811
070	CONTRACTOR LOGISTICS SUPPORT AND SYS- TEM SUPPORT	8,329,364	8,347,364
	Expansion of Conditions Based Maintenance Plus (CBM+)		[18,000]
080	FLYING HOUR PROGRAM	4,048,773	3,418,773

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
	Realignment to OCO		[–550,000]
	Unjustified growth		[–80,000]
090	BASE OPERATIONS SUPPORT	7,223,982	6,933,982
	Insufficient justification		[–90,000]
	Realignment to OCO		[–200,000]
100	GLOBAL C3I AND EARLY WARNING	964,553	964,553
110	OTHER COMBAT OPS SPT PROGRAMS	1,032,307	1,026,161
	Unjustified growth		[–6,146]
120	CYBERSPACE ACTIVITIES	670,076	670,076
140	LAUNCH FACILITIES	179,980	179,980
150	SPACE CONTROL SYSTEMS	467,990	464,390
	Insufficient justification		[–3,600]
160	US NORTHCOM/NORAD	184,655	184,655
170	US STRATCOM	478,357	478,357
180	US CYBERCOM	323,121	347,921
	Accelerate development of Cyber National Mis- sion Force capabilities		[1,500]
	Cyber National Mission Force mobile & modular hunt forward kit		[5,300]
	ETERNALDARKNESS		[18,000]
190	US CENTCOM	160,989	160,989
200	US SOCOM	6,225	6,225
210	US TRANSCOM	544	544
220	CENTCOM CYBERSPACE SUSTAINMENT	2,073	2,073
230	USSPACECOM	70,588	70,588
235	CLASSIFIED PROGRAMS	1,322,944	1,316,694
	Unjustified increase		[–6,250]
	SUBTOTAL OPERATING FORCES	36,707,246	35,339,050
MOBILIZATION			
240	AIRLIFT OPERATIONS	1,158,142	1,158,142
250	MOBILIZATION PREPAREDNESS	138,672	130,172
	Unjustified growth		[–8,500]
	SUBTOTAL MOBILIZATION	1,296,814	1,288,314
TRAINING AND RECRUITING			
260	OFFICER ACQUISITION	130,835	130,835
270	RECRUIT TRAINING	26,021	26,021
280	RESERVE OFFICERS TRAINING CORPS (ROTC)	121,391	121,391
290	SPECIALIZED SKILL TRAINING	454,539	414,539
	Unjustified growth		[–40,000]
300	FLIGHT TRAINING	600,565	600,565
310	PROFESSIONAL DEVELOPMENT EDUCATION	282,788	282,788
320	TRAINING SUPPORT	123,988	113,988
	Unjustified growth		[–10,000]
330	RECRUITING AND ADVERTISING	167,731	162,731
	Unjustified growth		[–5,000]
340	EXAMINING	4,576	4,576
350	OFF-DUTY AND VOLUNTARY EDUCATION	211,911	211,911
360	CIVILIAN EDUCATION AND TRAINING	219,021	219,021
370	JUNIOR ROTC	62,092	62,092
	SUBTOTAL TRAINING AND RECRUITING ..	2,405,458	2,350,458
ADMIN & SRVWD ACTIVITIES			
UNDISTRIBUTED			
380	LOGISTICS OPERATIONS	664,926	664,926
390	TECHNICAL SUPPORT ACTIVITIES	101,483	101,483
400	ADMINISTRATION	892,480	892,480
410	SERVICEWIDE COMMUNICATIONS	152,532	122,532

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
	Insufficient justification		[–30,000]
420	OTHER SERVICEWIDE ACTIVITIES	1,254,089	1,204,089
	Program decrease unaccounted for		[–20,000]
	Remove one-time fiscal year 2019 increase		[–30,000]
430	CIVIL AIR PATROL	30,070	37,200
	Improved emergency crew readiness		[7,130]
460	INTERNATIONAL SUPPORT	136,110	136,110
465	CLASSIFIED PROGRAMS	1,269,624	1,269,624
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	4,501,314	4,428,444
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	44,910,832	43,406,266
	OPERATION & MAINTENANCE, SPACE FORCE UNDISTRIBUTED		
010	BASE SUPPORT	72,436	72,436
	SUBTOTAL OPERATING FORCES	72,436	72,436
	TOTAL OPERATION & MAINTENANCE, SPACE FORCE	72,436	72,436
	OPERATION & MAINTENANCE, AF RESERVE OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,781,413	1,756,413
	Delay in KC–46 aircraft delivery		[–25,000]
020	MISSION SUPPORT OPERATIONS	209,650	204,150
	Unjustified growth		[–5,500]
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	494,235	484,235
	Excess growth		[–10,000]
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	128,746	128,746
050	CONTRACTOR LOGISTICS SUPPORT AND SYS- TEM SUPPORT	256,512	256,512
060	BASE SUPPORT	414,626	414,626
070	CYBERSPACE ACTIVITIES	1,673	1,673
	SUBTOTAL OPERATING FORCES	3,286,855	3,246,355
	ADMINISTRATION AND SERVICEWIDE AC- TIVITIES UNDISTRIBUTED		
080	ADMINISTRATION	69,436	69,436
090	RECRUITING AND ADVERTISING	22,124	22,124
100	MILITARY MANPOWER AND PERS MGMT (ARPC)	10,946	10,946
110	OTHER PERS SUPPORT (DISABILITY COMP)	7,009	7,009
120	AUDIOVISUAL	448	448
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	109,963	109,963
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	3,396,818	3,356,318
	OPERATION & MAINTENANCE, ANG OPERATING FORCES		
010	AIRCRAFT OPERATIONS	2,497,967	2,472,967
	Delay in KC–46 aircraft delivery		[–25,000]
020	MISSION SUPPORT OPERATIONS	600,377	585,377
	Insufficient justification		[–15,000]
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	879,467	879,467
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	400,734	400,734

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	1,299,089	1,299,089
060	BASE SUPPORT	911,775	911,775
070	CYBERSPACE SUSTAINMENT	24,742	24,742
080	CYBERSPACE ACTIVITIES	25,507	25,507
	SUBTOTAL OPERATING FORCES	6,639,658	6,599,658
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
	UNDISTRIBUTED		
090	ADMINISTRATION	47,215	47,215
100	RECRUITING AND ADVERTISING	40,356	40,356
	SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES	87,571	87,571
110	UNDISTRIBUTED		–30,000
	Maintain program affordability: Overestimation of civilian FTE targets		[–30,000]
	SUBTOTAL UNDISTRIBUTED		–30,000
	TOTAL OPERATION & MAINTENANCE, ANG	6,727,229	6,657,229
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	409,542	392,542
	Program decrease unaccounted for		[–12,000]
	Remove one-time fiscal year 2019 costs		[–5,000]
020	JOINT CHIEFS OF STAFF—CE2T2	579,179	579,179
030	JOINT CHIEFS OF STAFF—CYBER	24,598	24,598
040	SPECIAL OPERATIONS COMMAND COMBAT DEVELOPMENT ACTIVITIES	1,075,762	1,070,262
	Classified adjustment		[–5,500]
050	SPECIAL OPERATIONS COMMAND CYBERSPACE ACTIVITIES	14,409	14,409
060	SPECIAL OPERATIONS COMMAND INTELLIGENCE	501,747	486,953
	DCGS—SOF - excess to need		[–5,794]
	Program decrease—SOCRATES		[–9,000]
070	SPECIAL OPERATIONS COMMAND MAINTENANCE	559,300	544,300
	Projected underexecution		[–15,000]
080	SPECIAL OPERATIONS COMMAND MANAGEMENT/OPERATIONAL HEADQUARTERS	177,928	177,928
090	SPECIAL OPERATIONS COMMAND OPERATIONAL SUPPORT	925,262	899,762
	Base support underexecution		[–5,900]
	Operational support underexecution		[–9,600]
	Unjustified growth—C4IAS Saas		[–10,000]
100	SPECIAL OPERATIONS COMMAND THEATER FORCES	2,764,738	2,250,038
	Program decrease		[–14,700]
	Realignment to OCO		[–500,000]
	SUBTOTAL OPERATING FORCES	7,032,465	6,439,971
	TRAINING AND RECRUITING		
120	DEFENSE ACQUISITION UNIVERSITY	180,250	180,250
130	JOINT CHIEFS OF STAFF	100,610	100,610
140	PROFESSIONAL DEVELOPMENT EDUCATION	33,967	33,967

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
	SUBTOTAL TRAINING AND RECRUITING ..	314,827	314,827
	ADMIN & SRVWIDE ACTIVITIES		
160	CIVIL MILITARY PROGRAMS	165,707	260,007
	IRT Increase		[14,300]
	National Guard Youth Challenge Program sup- port		[50,000]
	Program increase—STARBASE		[30,000]
180	DEFENSE CONTRACT AUDIT AGENCY	627,467	627,467
190	DEFENSE CONTRACT AUDIT AGENCY—CYBER ...	3,362	3,362
200	DEFENSE CONTRACT MANAGEMENT AGENCY ...	1,438,068	1,418,068
	Program decrease		[–20,000]
210	DEFENSE CONTRACT MANAGEMENT AGENCY— CYBER	24,391	24,391
220	DEFENSE HUMAN RESOURCES ACTIVITY	892,438	882,438
	Defense Manpower Data Center—Excess Growth		[–5,000]
	Enterprise Operations Center—Excess Growth ...		[–5,000]
230	DEFENSE INFORMATION SYSTEMS AGENCY	2,012,885	1,992,885
	Unjustified growth		[–20,000]
240	DEFENSE INFORMATION SYSTEMS AGENCY— CYBER	601,223	636,360
	Sharkseer transfer		[35,137]
270	DEFENSE LEGAL SERVICES AGENCY	34,632	34,632
280	DEFENSE LOGISTICS AGENCY	415,699	435,199
	Program increase—PTAP		[19,500]
290	DEFENSE MEDIA ACTIVITY	202,792	202,792
300	DEFENSE PERSONNEL ACCOUNTING AGENCY ...	144,881	144,881
310	DEFENSE SECURITY COOPERATION AGENCY	696,884	666,884
	Assessment, monitoring, and evaluation		[11,000]
	Security cooperation account		[–11,000]
	Unjustified growth		[–30,000]
320	DEFENSE SECURITY SERVICE	889,664	889,664
340	DEFENSE SECURITY SERVICE—CYBER	9,220	9,220
360	DEFENSE TECHNICAL INFORMATION CENTER ..	3,000	3,000
370	DEFENSE TECHNOLOGY SECURITY ADMINIS- TRATION	35,626	35,626
380	DEFENSE THREAT REDUCTION AGENCY	568,133	568,133
400	DEFENSE THREAT REDUCTION AGENCY— CYBER	13,339	13,339
410	DEPARTMENT OF DEFENSE EDUCATION ACTIV- ITY	2,932,226	2,912,226
	Remove one-time fiscal year 2019 increase		[–50,000]
	Overestimation of civilian FTE targets		[–20,000]
	Program increase—impact aid for children with severe disabilities		[10,000]
	Program increase—impact aid to schools with military dependents		[40,000]
420	MISSILE DEFENSE AGENCY	522,529	509,859
	THAAD prior year under-execution		[–12,670]
450	OFFICE OF ECONOMIC ADJUSTMENT	59,513	134,513
	Defense Community Infrastructure Program (DCIP)		[75,000]
460	OFFICE OF THE SECRETARY OF DEFENSE	1,604,738	1,625,738
	Bien Hoa dioxin cleanup		[15,000]
	CDC study		[10,000]
	Emerging contaminants		[1,000]
	Excess growth		[–37,000]
	Interstate compacts for licensure and credentialing		[4,000]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
	Military aviation safety commission		[3,000]
	Readiness and Environmental Protection Initia- tive increase		[25,000]
470	OFFICE OF THE SECRETARY OF DEFENSE— CYBER	48,783	48,783
480	SPACE DEVELOPMENT AGENCY	44,750	34,750
	Insufficient justification		[–10,000]
500	WASHINGTON HEADQUARTERS SERVICES	324,001	296,201
	Insufficient justification		[–27,800]
505	CLASSIFIED PROGRAMS	15,816,598	15,757,457
	Classified adjustment		[–24,004]
	Realignment to DISA for Sharkseer		[–35,137]
	SUBTOTAL ADMIN & SRVWIDE ACTIVI- TIES	30,132,549	30,167,875
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	37,479,841	36,922,673
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE		–557,168
	US COURT OF APPEALS FOR ARMED FORCES, DEF ADMINISTRATION AND ASSOCIATED ACTIVI- TIES		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	14,771	14,771
	SUBTOTAL ADMINISTRATION AND ASSO- CIATED ACTIVITIES	14,771	14,771
	TOTAL US COURT OF APPEALS FOR ARMED FORCES, DEF	14,771	14,771
	DOD ACQUISITION WORKFORCE DEVELOP- MENT FUND		
	ACQUISITION WORKFORCE DEVELOPMENT		
010	ACQ WORKFORCE DEV FD	400,000	400,000
	SUBTOTAL ACQUISITION WORKFORCE DEVELOPMENT	400,000	400,000
	TOTAL DOD ACQUISITION WORKFORCE DEVELOPMENT FUND	400,000	400,000
	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID		
	HUMANITARIAN ASSISTANCE		
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	108,600	117,663
	Increase for foreign disaster relief		[6,822]
	Increase for humanitarian mine action program ..		[2,241]
	SUBTOTAL HUMANITARIAN ASSISTANCE	108,600	117,663
	TOTAL OVERSEAS HUMANITARIAN, DIS- ASTER, AND CIVIC AID	108,600	117,663
	COOPERATIVE THREAT REDUCTION AC- COUNT		
	COOPERATIVE THREAT REDUCTION		
010	COOPERATIVE THREAT REDUCTION	338,700	358,700

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
	Cooperative biological engagement		[20,000]
	SUBTOTAL COOPERATIVE THREAT REDUCTION	338,700	358,700
	TOTAL COOPERATIVE THREAT REDUCTION ACCOUNT	338,700	358,700
	ENVIRONMENTAL RESTORATION, ARMY DEPARTMENT OF THE ARMY		
050	ENVIRONMENTAL RESTORATION, ARMY	207,518	212,518
	Perfluorinated chemicals		[5,000]
	SUBTOTAL DEPARTMENT OF THE ARMY ..	207,518	212,518
	TOTAL ENVIRONMENTAL RESTORATION, ARMY	207,518	290,582
	ENVIRONMENTAL RESTORATION, NAVY DEPARTMENT OF THE NAVY		
060	ENVIRONMENTAL RESTORATION, NAVY	335,932	350,932
	Perfluorinated chemicals		[5,000]
	Unexploded ordnance remediation		[10,000]
	SUBTOTAL DEPARTMENT OF THE NAVY ...	335,932	350,932
	TOTAL ENVIRONMENTAL RESTORATION, NAVY	335,932	418,996
	ENVIRONMENTAL RESTORATION, AIR FORCE DEPARTMENT OF THE AIR FORCE		
070	ENVIRONMENTAL RESTORATION, AIR FORCE	302,744	365,808
	Perfluorinated chemicals		[63,064]
	SUBTOTAL DEPARTMENT OF THE AIR FORCE	302,744	365,808
	TOTAL ENVIRONMENTAL RESTORATION, AIR FORCE	302,744	385,808
	ENVIRONMENTAL RESTORATION, DEFENSE-WIDE		
080	ENVIRONMENTAL RESTORATION, DEFENSE-WIDE	9,105	9,105
	SUBTOTAL DEFENSE-WIDE	9,105	9,105
	TOTAL ENVIRONMENTAL RESTORATION, DEFENSE-WIDE	9,105	92,169
	ENVIRONMENTAL RESTORATION FORMERLY USED SITES DEFENSE-WIDE		
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	216,499	216,499
	SUBTOTAL DEFENSE-WIDE	216,499	216,499
	TOTAL ENVIRONMENTAL RESTORATION FORMERLY USED SITES	216,499	216,499
	TOTAL OPERATION & MAINTENANCE	207,661,689	201,610,944

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
OPERATION & MAINTENANCE, ARMY			
OPERATING FORCES			
010	MANEUVER UNITS	1,410,874	1,671,422
	Realignment from base		[260,548]
030	ECHELONS ABOVE BRIGADE	26,502	26,502
040	THEATER LEVEL ASSETS	2,274,490	2,259,490
	Unjustified growth		[–15,000]
050	LAND FORCES OPERATIONS SUPPORT	136,288	136,288
060	AVIATION ASSETS	300,240	300,240
070	FORCE READINESS OPERATIONS SUPPORT	3,415,009	4,510,009
	Insufficient justification		[–5,000]
	Realignment from base		[1,100,000]
080	LAND FORCES SYSTEMS READINESS	29,985	29,985
090	LAND FORCES DEPOT MAINTENANCE	86,931	86,931
100	BASE OPERATIONS SUPPORT	115,706	115,706
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	72,657	72,657
130	ADDITIONAL ACTIVITIES	6,397,586	6,385,586
	Insufficient justification		[–12,000]
140	COMMANDER'S EMERGENCY RESPONSE PRO- GRAM	5,000	2,500
	Insufficient justification		[–2,500]
150	RESET	1,048,896	1,048,896
160	US AFRICA COMMAND	203,174	203,174
170	US EUROPEAN COMMAND	173,676	173,676
200	CYBERSPACE ACTIVITIES—CYBERSPACE OPER- ATIONS	188,529	188,529
210	CYBERSPACE ACTIVITIES—CYBERSECURITY	5,682	5,682
	SUBTOTAL OPERATING FORCES	15,891,225	17,217,273
MOBILIZATION			
230	ARMY PREPOSITIONED STOCKS	131,954	131,954
	SUBTOTAL MOBILIZATION	131,954	131,954
ADMIN & SRVWIDE ACTIVITIES			
390	SERVICEWIDE TRANSPORTATION	721,014	721,014
400	CENTRAL SUPPLY ACTIVITIES	66,845	66,845
410	LOGISTIC SUPPORT ACTIVITIES	9,309	9,309
420	AMMUNITION MANAGEMENT	23,653	23,653
460	OTHER PERSONNEL SUPPORT	109,019	109,019
490	REAL ESTATE MANAGEMENT	251,355	251,355
565	CLASSIFIED PROGRAMS	1,568,564	1,568,564
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	2,749,759	2,749,759
	TOTAL OPERATION & MAINTENANCE, ARMY	18,772,938	20,098,986
OPERATION & MAINTENANCE, ARMY RES			
OPERATING FORCES			
020	ECHELONS ABOVE BRIGADE	20,440	20,440
060	FORCE READINESS OPERATIONS SUPPORT	689	689
090	BASE OPERATIONS SUPPORT	16,463	16,463
	SUBTOTAL OPERATING FORCES	37,592	37,592
	TOTAL OPERATION & MAINTENANCE, ARMY RES	37,592	37,592

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
OPERATION & MAINTENANCE, ARNG			
UNDISTRIBUTED			
010	MANEUVER UNITS	45,896	45,896
020	MODULAR SUPPORT BRIGADES	180	180
030	ECHELONS ABOVE BRIGADE	2,982	2,982
040	THEATER LEVEL ASSETS	548	548
060	AVIATION ASSETS	9,229	9,229
070	FORCE READINESS OPERATIONS SUPPORT	1,584	1,584
100	BASE OPERATIONS SUPPORT	22,063	22,063
120	MANAGEMENT AND OPERATIONAL HEAD- QUARTERS	606	606
	SUBTOTAL OPERATING FORCES	83,088	83,088
ADMIN & SRVWD ACTIVITIES			
170	SERVICEWIDE COMMUNICATIONS	203	203
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	203	203
	TOTAL OPERATION & MAINTENANCE, ARNG	83,291	83,291
AFGHANISTAN SECURITY FORCES FUND			
AFGHAN NATIONAL ARMY			
090	SUSTAINMENT	1,313,047	1,313,047
100	INFRASTRUCTURE	37,152	37,152
110	EQUIPMENT AND TRANSPORTATION	120,868	120,868
120	TRAINING AND OPERATIONS	118,591	118,591
	SUBTOTAL AFGHAN NATIONAL ARMY	1,589,658	1,589,658
AFGHAN NATIONAL POLICE			
130	SUSTAINMENT	422,806	422,806
140	INFRASTRUCTURE	2,358	2,358
150	EQUIPMENT AND TRANSPORTATION	127,081	127,081
160	TRAINING AND OPERATIONS	108,112	108,112
	SUBTOTAL AFGHAN NATIONAL POLICE	660,357	660,357
AFGHAN AIR FORCE			
170	SUSTAINMENT	893,829	893,829
180	INFRASTRUCTURE	8,611	8,611
190	EQUIPMENT AND TRANSPORTATION	566,967	566,967
200	TRAINING AND OPERATIONS	356,108	356,108
	SUBTOTAL AFGHAN AIR FORCE	1,825,515	1,825,515
AFGHAN SPECIAL SECURITY FORCES			
210	SUSTAINMENT	437,909	437,909
220	INFRASTRUCTURE	21,131	21,131
230	EQUIPMENT AND TRANSPORTATION	153,806	153,806
240	TRAINING AND OPERATIONS	115,602	115,602
	SUBTOTAL AFGHAN SPECIAL SECURITY FORCES	728,448	728,448
UNDISTRIBUTED			
245	UNDISTRIBUTED		–300,000
	Unjustified request		[–300,000]
	SUBTOTAL UNDISTRIBUTED		–300,000
	TOTAL AFGHANISTAN SECURITY FORCES FUND	4,803,978	4,503,978
COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)			

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)			
010	IRAQ	745,000	545,000
	Program decrease		[–100,000]
	Transfer to DSCA Security Cooperation		[–100,000]
020	SYRIA	300,000	300,000
	SUBTOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	1,045,000	845,000
	TOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	1,045,000	845,000
OPERATION & MAINTENANCE, NAVY OPERATING FORCES			
010	MISSION AND OTHER FLIGHT OPERATIONS	373,047	973,047
	Realignment from base		[600,000]
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	816	816
040	AIR OPERATIONS AND SAFETY SUPPORT	9,582	9,582
050	AIR SYSTEMS SUPPORT	197,262	197,262
060	AIRCRAFT DEPOT MAINTENANCE	168,246	168,246
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	3,594	3,594
080	AVIATION LOGISTICS	10,618	10,618
090	MISSION AND OTHER SHIP OPERATIONS	1,485,108	1,935,108
	Realignment from base		[450,000]
100	SHIP OPERATIONS SUPPORT & TRAINING	20,334	20,334
110	SHIP DEPOT MAINTENANCE	2,365,615	2,365,615
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE	58,092	58,092
140	SPACE SYSTEMS AND SURVEILLANCE	18,000	18,000
150	WARFARE TACTICS	16,984	16,984
160	OPERATIONAL METEOROLOGY AND OCEANOGR- APHY	29,382	29,382
170	COMBAT SUPPORT FORCES	608,870	1,008,870
	Realignment from base		[400,000]
180	EQUIPMENT MAINTENANCE AND DEPOT OPER- ATIONS SUPPORT	7,799	7,799
200	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	24,800	24,800
220	CYBERSPACE ACTIVITIES	363	363
240	WEAPONS MAINTENANCE	486,188	486,188
250	OTHER WEAPON SYSTEMS SUPPORT	12,189	12,189
270	SUSTAINMENT, RESTORATION AND MODERNIZA- TION	68,667	68,667
280	BASE OPERATING SUPPORT	219,099	219,099
	SUBTOTAL OPERATING FORCES	6,184,655	7,634,655
MOBILIZATION			
320	EXPEDITIONARY HEALTH SERVICES SYSTEMS	17,580	17,580
330	COAST GUARD SUPPORT	190,000	190,000
	SUBTOTAL MOBILIZATION	207,580	207,580
TRAINING AND RECRUITING			
370	SPECIALIZED SKILL TRAINING	52,161	52,161
	SUBTOTAL TRAINING AND RECRUITING	52,161	52,161
ADMIN & SRVWD ACTIVITIES			
440	ADMINISTRATION	8,475	8,475
460	MILITARY MANPOWER AND PERSONNEL MAN- AGEMENT	7,653	7,653

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
490	SERVICEWIDE TRANSPORTATION	70,683	70,683
520	ACQUISITION, LOGISTICS, AND OVERSIGHT	11,130	11,130
530	INVESTIGATIVE AND SECURITY SERVICES	1,559	1,559
645	CLASSIFIED PROGRAMS	17,754	17,754
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	117,254	117,254
	TOTAL OPERATION & MAINTENANCE, NAVY	6,561,650	8,011,650
	OPERATION & MAINTENANCE, MARINE CORPS OPERATING FORCES		
010	OPERATIONAL FORCES	714,653	914,653
	Realignment from base		[200,000]
020	FIELD LOGISTICS	232,508	432,508
	Realignment from base		[200,000]
030	DEPOT MAINTENANCE	54,101	54,101
050	CYBERSPACE ACTIVITIES	2,000	2,000
070	BASE OPERATING SUPPORT	24,570	24,570
	SUBTOTAL OPERATING FORCES	1,027,832	1,427,832
	TRAINING AND RECRUITING		
120	TRAINING SUPPORT	30,459	30,459
	SUBTOTAL TRAINING AND RECRUITING	30,459	30,459
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE TRANSPORTATION	61,400	61,400
225	CLASSIFIED PROGRAMS	5,100	5,100
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	66,500	66,500
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	1,124,791	1,524,791
	OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES		
020	INTERMEDIATE MAINTENANCE	510	510
030	AIRCRAFT DEPOT MAINTENANCE	11,628	11,628
080	COMBAT SUPPORT FORCES	10,898	10,898
	SUBTOTAL OPERATING FORCES	23,036	23,036
	TOTAL OPERATION & MAINTENANCE, NAVY RES	23,036	23,036
	OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES		
010	OPERATING FORCES	7,627	7,627
040	BASE OPERATING SUPPORT	1,080	1,080
	SUBTOTAL OPERATING FORCES	8,707	8,707
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	8,707	8,707
	OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES		
010	PRIMARY COMBAT FORCES	163,632	163,632
020	COMBAT ENHANCEMENT FORCES	1,049,170	1,449,170
	Realignment from base		[400,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	111,808	111,808
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE ...	408,699	408,699

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	147,264	147,264
060	CYBERSPACE SUSTAINMENT	10,061	10,061
070	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	953,594	953,594
080	FLYING HOUR PROGRAM	2,495,266	3,045,266
	Realignment from base		[550,000]
090	BASE OPERATIONS SUPPORT	1,538,120	1,738,120
	Realignment from base		[200,000]
100	GLOBAL C3I AND EARLY WARNING	13,863	13,863
110	OTHER COMBAT OPS SPT PROGRAMS	272,020	272,020
120	CYBERSPACE ACTIVITIES	17,657	17,657
130	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	36,098	36,098
140	LAUNCH FACILITIES	391	391
150	SPACE CONTROL SYSTEMS	39,990	39,990
160	US NORTHCOM/NORAD	725	725
170	US STRATCOM	926	926
180	US CYBERCOM	35,189	35,189
190	US CENTCOM	163,015	163,015
200	US SOCOM	19,000	19,000
	SUBTOTAL OPERATING FORCES	7,476,488	8,626,488
	MOBILIZATION		
240	AIRLIFT OPERATIONS	1,271,439	1,271,439
250	MOBILIZATION PREPAREDNESS	109,682	109,682
	SUBTOTAL MOBILIZATION	1,381,121	1,381,121
	TRAINING AND RECRUITING		
260	OFFICER ACQUISITION	200	200
270	RECRUIT TRAINING	352	352
290	SPECIALIZED SKILL TRAINING	26,802	26,802
300	FLIGHT TRAINING	844	844
310	PROFESSIONAL DEVELOPMENT EDUCATION	1,199	1,199
320	TRAINING SUPPORT	1,320	1,320
	SUBTOTAL TRAINING AND RECRUITING	30,717	30,717
	ADMIN & SRVWD ACTIVITIES		
	UNDISTRIBUTED		
380	LOGISTICS OPERATIONS	164,701	164,701
390	TECHNICAL SUPPORT ACTIVITIES	11,608	11,608
400	ADMINISTRATION	4,814	4,814
410	SERVICEWIDE COMMUNICATIONS	145,204	145,204
420	OTHER SERVICEWIDE ACTIVITIES	98,841	98,841
460	INTERNATIONAL SUPPORT	29,890	29,890
465	CLASSIFIED PROGRAMS	52,995	52,995
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	508,053	508,053
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	9,396,379	10,546,379
	OPERATION & MAINTENANCE, AF RESERVE OPERATING FORCES		
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE ...	24,188	24,188
060	BASE SUPPORT	5,570	5,570
	SUBTOTAL OPERATING FORCES	29,758	29,758
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	29,758	29,758

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
OPERATION & MAINTENANCE, ANG			
OPERATING FORCES			
020	MISSION SUPPORT OPERATIONS	3,666	3,666
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE ...	66,944	66,944
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	93,620	93,620
060	BASE SUPPORT	12,679	12,679
	SUBTOTAL OPERATING FORCES	176,909	176,909
	TOTAL OPERATION & MAINTENANCE, ANG	176,909	176,909
OPERATION AND MAINTENANCE, DEFENSE- WIDE			
OPERATING FORCES			
010	JOINT CHIEFS OF STAFF	21,866	21,866
020	JOINT CHIEFS OF STAFF—CE2T2	6,634	6,634
040	SPECIAL OPERATIONS COMMAND COMBAT DE- VELOPMENT ACTIVITIES	1,121,580	1,111,580
	Classified adjustment		[–10,000]
060	SPECIAL OPERATIONS COMMAND INTELLIGENCE	1,328,201	1,328,201
070	SPECIAL OPERATIONS COMMAND MAINTENANCE	399,845	399,845
090	SPECIAL OPERATIONS COMMAND OPERATIONAL SUPPORT	138,458	103,458
	Projected underexecution—communications		[–35,000]
100	SPECIAL OPERATIONS COMMAND THEATER FORCES	808,729	1,308,729
	Realignment from base		[500,000]
	SUBTOTAL OPERATING FORCES	3,825,313	4,280,313
ADMIN & SRVWIDE ACTIVITIES			
180	DEFENSE CONTRACT AUDIT AGENCY	1,810	1,810
200	DEFENSE CONTRACT MANAGEMENT AGENCY	21,723	21,723
230	DEFENSE INFORMATION SYSTEMS AGENCY	81,133	81,133
240	DEFENSE INFORMATION SYSTEMS AGENCY— CYBER	3,455	3,455
270	DEFENSE LEGAL SERVICES AGENCY	196,124	196,124
290	DEFENSE MEDIA ACTIVITY	14,377	14,377
310	DEFENSE SECURITY COOPERATION AGENCY	1,927,217	1,677,217
	Security cooperation account, unjustified growth		[–37,030]
	Transfer from CTEF Iraq		[100,000]
	Transfer of funds to Ukraine Security Assistance Initiative		[–250,000]
	Unjustified growth		[–62,970]
380	DEFENSE THREAT REDUCTION AGENCY	317,558	317,558
410	DEPARTMENT OF DEFENSE EDUCATION ACTIV- ITY	31,620	31,620
460	OFFICE OF THE SECRETARY OF DEFENSE	16,666	16,666
500	WASHINGTON HEADQUARTERS SERVICES	6,331	6,331
505	CLASSIFIED PROGRAMS	1,924,785	1,924,785
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	4,542,799	4,292,799
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	8,368,112	8,573,112
	TOTAL OPERATION & MAINTENANCE, DE- FENSE-WIDE		205,000

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
UKRAINE SECURITY ASSISTANCE			
UKRAINE SECURITY ASSISTANCE			
010	UKRAINE SECURITY ASSISTANCE INITIATIVE		300,000
	Program increase		[50,000]
	Transfer of funds from Defense Security Coopera- tion Agency		[250,000]
	SUBTOTAL UKRAINE SECURITY ASSIST- ANCE		300,000
	TOTAL UKRAINE SECURITY ASSISTANCE		300,000
	TOTAL OPERATION & MAINTENANCE	50,432,141	54,968,189
SEC. 4303. OPERATION AND MAINTENANCE FOR EMERGENCY REQUIREMENTS.			
SEC. 4303. OPERATION AND MAINTENANCE FOR EMERGENCY REQUIREMENTS (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Conference Authorized
OPERATION & MAINTENANCE, NAVY			
OPERATING FORCES			
270	SUSTAINMENT, RESTORATION AND MODERNIZA- TION	0	462,000
	Earthquake damage repair		[370,000]
	Navy Working Capital Fund earthquake recovery losses		[92,000]
280	BASE OPERATING SUPPORT	0	9,000
	Earthquake damage recovery		[9,000]
	TOTAL OPERATION & MAINTENANCE, NAVY	0	471,000
OPERATION & MAINTENANCE, MARINE CORPS			
OPERATING FORCES			
060	SUSTAINMENT, RESTORATION & MODERNIZATION Earthquake damage repair	0	6,000
			[6,000]
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	0	6,000
OPERATION & MAINTENANCE, ANG			
OPERATING FORCES			
040	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	0	58,900
	Hurricane recovery		[58,900]
	TOTAL OPERATION & MAINTENANCE, ANG	0	58,900
	TOTAL OPERATION & MAINTENANCE	0	535,900

TITLE XLIV—MILITARY PERSONNEL

Sec. 4401. Military personnel.

Sec. 4402. Military personnel for overseas contingency operations.

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL (In Thousands of Dollars)		
Item	FY 2020 Request	Conference Authorized
Military Personnel Appropriations	143,476,503	142,676,503
Historical unobligated balances		[–800,000]
Medicare-Eligible Retiree Health Fund Contributions	7,816,815	7,816,815

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Item	FY 2020 Request	Conference Authorized
Military Personnel Appropriations	4,485,808	4,485,808
Total, Military Personnel Appropriations	4,485,808	4,485,808

TITLE XLV—OTHER AUTHORIZATIONS

Sec. 4501. Other authorizations.

Sec. 4502. Other authorizations for overseas contingency operations.

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2020 Request	Conference Authorized
WORKING CAPITAL FUND, ARMY		
INDUSTRIAL OPERATIONS	57,467	57,467
SUPPLY MANAGEMENT—ARMY	32,130	32,130
TOTAL WORKING CAPITAL FUND, ARMY	89,597	89,597
WORKING CAPITAL FUND, AIR FORCE		
TRANSPORTATION		
SUPPLIES AND MATERIALS	92,499	92,499
TOTAL WORKING CAPITAL FUND, AIR FORCE	92,499	92,499
WORKING CAPITAL FUND, DEFENSE-WIDE		
SUPPLY CHAIN MANAGEMENT—DEF	49,085	49,085
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	49,085	49,085
WORKING CAPITAL FUND, DECA		
WORKING CAPITAL FUND, DECA	995,030	995,030
TOTAL WORKING CAPITAL FUND, DECA	995,030	995,030
WCF, DEF COUNTERINTELLIGENCE & SECURITY AGENCY		
DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY	200,000	200,000
TOTAL WCF, DEF COUNTERINTELLIGENCE & SECURITY AGENCY	200,000	200,000
CHEM AGENTS & MUNITIONS DESTRUCTION		
OPERATION & MAINTENANCE	107,351	107,351
RDT&E	875,930	875,930

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2020 Request	Conference Authorized
PROCUREMENT	2,218	2,218
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	985,499	985,499
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
COUNTER-NARCOTICS SUPPORT	581,739	532,818
Realignment of National Guard Bureau funding		[–30,921]
Unjustified growth		[–18,000]
DRUG DEMAND REDUCTION PROGRAM	120,922	120,922
NATIONAL GUARD COUNTER-DRUG PROGRAM	91,370	122,291
Realignment of National Guard Bureau funding		[30,921]
NATIONAL GUARD COUNTER-DRUG SCHOOLS	5,371	5,371
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	799,402	781,402
OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF THE INSPECTOR GENERAL	359,022	359,022
OFFICE OF THE INSPECTOR GENERAL—CYBER	1,179	1,179
OFFICE OF THE INSPECTOR GENERAL	2,965	2,965
OFFICE OF THE INSPECTOR GENERAL	333	333
TOTAL OFFICE OF THE INSPECTOR GENERAL	363,499	363,499
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	9,570,615	9,320,615
Unjustified growth		[–250,000]
PRIVATE SECTOR CARE	15,041,006	15,002,506
Historical underexecution		[–38,500]
CONSOLIDATED HEALTH SUPPORT	1,975,536	1,986,536
Wounded Warrior Service Dog program		[11,000]
INFORMATION MANAGEMENT	2,004,588	1,998,938
Historical underexecution		[–5,650]
MANAGEMENT ACTIVITIES	333,246	333,246
EDUCATION AND TRAINING	793,810	793,310
Other costs excess growth		[–3,000]
Program increase—specialized medical pilot program		[2,500]
BASE OPERATIONS/COMMUNICATIONS	2,093,289	2,093,289
R&D RESEARCH	12,621	12,621
R&D EXPLORATORY DEVELOPMENT	84,266	84,266
R&D ADVANCED DEVELOPMENT	279,766	279,766
R&D DEMONSTRATION/VALIDATION	128,055	128,055
R&D ENGINEERING DEVELOPMENT	143,527	143,527
R&D MANAGEMENT AND SUPPORT	67,219	67,219
R&D CAPABILITIES ENHANCEMENT	16,819	16,819
PROC INITIAL OUTFITTING	26,135	26,135
PROC REPLACEMENT & MODERNIZATION	225,774	225,774
PROC JOINT OPERATIONAL MEDICINE INFORMATION SYSTEM	314	314
PROC MILITARY HEALTH SYSTEM—DESKTOP TO DATACENTER	73,010	73,010
PROC DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION	129,091	129,091
TOTAL DEFENSE HEALTH PROGRAM	32,998,687	32,715,037
TOTAL OTHER AUTHORIZATIONS	36,573,298	36,271,648

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Program Title	FY 2020 Request	Conference Authorized
WORKING CAPITAL FUND, ARMY		
INDUSTRIAL OPERATIONS		
SUPPLY MANAGEMENT—ARMY	20,100	20,100
TOTAL WORKING CAPITAL FUND, ARMY	20,100	20,100
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
COUNTER-NARCOTICS SUPPORT	163,596	163,596
TOTAL DRUG INTERDICTION & CTR-DRUG AC- TIVITIES, DEF	163,596	163,596
OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF THE INSPECTOR GENERAL	24,254	24,254
TOTAL OFFICE OF THE INSPECTOR GENERAL	24,254	24,254
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	57,459	57,459
PRIVATE SECTOR CARE	287,487	287,487
CONSOLIDATED HEALTH SUPPORT	2,800	2,800
TOTAL DEFENSE HEALTH PROGRAM	347,746	347,746
TOTAL OTHER AUTHORIZATIONS	555,696	555,696

TITLE XLVI—MILITARY CONSTRUCTION

Sec. 4601. Military construction.

Sec. 4602. Military construction for overseas contingency operations.

Sec. 4603. Military construction for emergency requirements.

SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2020 Request	Conference Authorized
Army	Alabama	Aircraft and Flight Equipment Building	38,000	38,000
	Redstone Arsenal			
Army	Colorado	Company Operations Facility	71,000	71,000
	Fort Carson			
Army	Georgia	Cyber Instructional Fac (Admin/Com- mand).	107,000	67,000
	Fort Gordon			
Army	Hunter Army Air- field	Aircraft Maintenance Hangar	62,000	62,000
Army	Hawaii	Command and Control Facility, Incr 5 ...	60,000	60,000
	Fort Shafter			
Army	Honduras	Aircraft Maintenance Hangar	34,000	34,000
	Soto Cano Air Base			
Army	Kentucky	Automated Infantry Platoon Battle Course.	7,100	7,100
	Fort Campbell			
Army	Fort Campbell	Easements	3,200	3,200
Army	Fort Campbell	General Purpose Maintenance Shop	51,000	51,000
Army	Kwajalein	Air Traffic Control Tower and Terminal	0	40,000
	Kwajalein Atoll			
	Massachusetts			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2020 Request	Conference Authorized
Army	U.S. Army Natick Soldier Systems Center	Human Engineering Lab	50,000	50,000
	Michigan			
Army	Detroit Arsenal	Substation	24,000	24,000
	New York			
Army	Fort Drum	Railhead	0	21,000
Army	Fort Drum	Unmanned Aerial Vehicle Hangar	23,000	23,000
	North Carolina			
Army	Fort Bragg	Dining Facility	12,500	12,500
	Oklahoma			
Army	Fort Sill	Adv Individual Training Barracks Cplx, Ph2.	73,000	73,000
	Pennsylvania			
Army	Carlisle Barracks	General Instruction Building	98,000	60,000
	South Carolina			
Army	Fort Jackson	Reception Complex, Ph2	54,000	54,000
	Texas			
Army	Corpus Christi Army Depot	Powertrain Facility (Machine Shop)	86,000	86,000
Army	Fort Hood	Barracks	32,000	32,000
Army	Fort Hood	Vehicle Bridge	0	18,500
	Virginia			
Army	Fort Belvoir	Secure Operations and Admin Facility ...	60,000	60,000
Army	Joint Base Lang- ley-Eustis	Adv Individual Training Barracks Cplx, Ph4.	55,000	55,000
	Washington			
Army	Joint Base Lewis- McChord	Information Systems Facility	46,000	46,000
	Worldwide Unspec- ified			
Army	Unspecified	Child Development Centers	0	27,000
	Worldwide Lo- cations			
Army	Unspecified	Host Nation Support	31,000	31,000
	Worldwide Lo- cations			
Army	Unspecified	Planning and Design	94,099	94,099
	Worldwide Lo- cations			
Army	Unspecified	Unspecified Minor Construction	70,600	70,600
	Worldwide Lo- cations			
Army	Unspecified	Unspecified Worldwide Construction	211,000	0
	Worldwide Lo- cations			
Military Construction, Army Total			1,453,499	1,270,999
	Arizona			
Navy	Marine Corps Air Station Yuma	Bachelor Enlisted Quarters	0	99,600
Navy	Marine Corps Air Station Yuma	Hangar 95 Renovation & Addition	90,160	90,160
	Australia			
Navy	Darwin	Aircraft Parking Apron	0	50,000
	Bahrain Island			
Navy	SW Asia	Electrical System Upgrade	53,360	0
	California			
Navy	Camp Pendleton	62 Area Mess Hall and Consolidated Warehouse.	71,700	71,700
Navy	Camp Pendleton	I MEF Consolidated Information Center	113,869	38,869
Navy	Marine Corps Air Station Miramar	Child Development Center	0	37,400

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2020 Request	Conference Authorized
Navy	Naval Air Weapons Station China Lake	Runway & Taxiway Extension	64,500	64,500
Navy	Naval Air Weapons Station China Lake	Unspecified Military Construction— Earthquake Damage Recovery.	0	0
Navy	Naval Base Coronado	Aircraft Paint Complex	0	79,000
Navy	Naval Base Coronado	Navy V–22 Hangar	86,830	86,830
Navy	Naval Base San Diego	Pier 8 Replacement (Inc)	59,353	59,353
Navy	Naval Base San Diego	PMO Facility Repair	0	9,900
Navy	Naval Weapons Station Seal Beach	Ammunition Pier	95,310	60,310
Navy	Naval Weapons Station Seal Beach	Missile Magazine	0	28,000
Navy	Travis Air Force Base	Alert Force Complex	64,000	64,000
Navy	Connecticut Naval Submarine Base New London	SSN Berthing Pier 32	72,260	72,260
Navy	District of Columbia Naval Observatory	Master Time Clocks & Operations Facility (Inc).	75,600	20,000
Navy	Florida Blount Island	Police Station and EOC Facility	0	18,700
Navy	Naval Air Station Jacksonville	Targeting & Surveillance System Production Facility.	32,420	32,420
Navy	Guam Joint Region Marianas	Bachelor Enlisted Quarters H	164,100	34,100
Navy	Joint Region Marianas	EOD Compound Facilities	61,900	61,900
Navy	Joint Region Marianas	Machine Gun Range (Inc)	91,287	91,287
Navy	Hawaii Marine Corps Air Station Kaneohe Bay	Bachelor Enlisted Quarters	13,4050	65,490
Navy	Naval Ammunition Depot West Loch	Magazine Consolidation, Phase 1	53,790	53,790
Navy	Italy Naval Air Station Sigonella	Communications Station	77,400	0
Navy	Japan Fleet Activities Yokosuka	Pier 5 (Berths 2 and 3)	17,4692	100,000
Navy	Marine Corps Air Station Iwakuni	VTOL Pad—South	15,870	15,870
Navy	Maryland Saint Inigoes	Air Traffic Control Tower	0	15,000
Navy	North Carolina Camp Lejeune	10th Marines Himars Complex	35,110	35,110
Navy	Camp Lejeune	2nd MARDIV/2nd MLG Ops Center Replacement.	60,130	60,130
Navy	Camp Lejeune	2nd Radio BN Complex, Phase 2 (Inc)	25,650	25,650
Navy	Camp Lejeune	ACV-AAV Maintenance Facility Upgrades.	11,570	11,570
Navy	Camp Lejeune	II MEF Operations Center Replacement	12,2200	92,200

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2020 Request	Conference Authorized
Navy	Marine Corps Air Station Cherry Point	Aircraft Maintenance Hangar (Inc)	73,970	73,970
Navy	Marine Corps Air Station Cherry Point	ATC Tower & Airfield Operations	61,340	61,340
Navy	Marine Corps Air Station Cherry Point	F–35 Training and Simulator Facility	53,230	53,230
Navy	Marine Corps Air Station Cherry Point	Flightline Utility Modernization (Inc)	51,860	51,860
Navy	Marine Corps Air Station New River	CH–53K Cargo Loading Trainer	11,320	11,320
Navy	Pennsylvania Philadelphia	Machinery Control Development Center	0	74,630
Navy	South Carolina Parris Island	Range Improvements & Modernization Phase 3.	0	37,200
Navy	Utah Hill Air Force Base	D5 Missile Motor Receipt/Storage Fac (Inc).	50,520	50,520
Navy	Virginia Marine Corps Base Quantico	Wargaming Center	143,350	33,350
Navy	Naval Station Norfolk	Mariner Skills Training Center	79,100	79,100
Navy	Naval Station Norfolk	MH–60 & CMV–22B Corrosion Control and Paint Facility.	0	60,000
Navy	Portsmouth Naval Shipyard	Dry Dock Flood Protection Improve- ments.	48,930	48,930
Navy	Yorktown Naval Weapons Sta- tion	NMC Ordnance Facilities Recapitaliza- tion Phase 1.	0	59,000
Navy	Washington Bremerton	Dry Dock 4 & Pier 3 Modernization	51,010	51,010
Navy	Keyport	Undersea Vehicle Maintenance Facility	25,050	25,050
Navy	Naval Base Kitsap	Seawolf Service Pier Cost-to-Complete ...	0	48,000
Navy	Worldwide Unspec- ified	Child Development Centers	0	62,400
Navy	Unspecified Worldwide Lo- cations	Planning and Design	167,715	167,715
Navy	Unspecified Worldwide Lo- cations	Unspecified Minor Construction	81,237	81,237
Military Construction, Navy Total			2,805,743	2,774,961
AF	Alaska Eielson Air Force Base	F–35 AME Storage Facility	8,600	8,600
AF	Arkansas Little Rock Air Force Base	C–130H/J Fuselage Trainer Facility	47,000	47,000
AF	Little Rock Air Force Base	Dormitory Cost-to-Complete	0	7,000
AF	Australia Tindal	APR–RAAF Tindal/Earth Covered Mag- azine.	11,600	11,600
AF	Tindal California	APR–RAAF Tindal/Bulk Storage Tanks ..	59,000	59,000

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2020 Request	Conference Authorized
AF	Travis Air Force Base	ADAL Aerial Port Squadron Materiel Warehouse.	0	17,000
AF	Travis Air Force Base	KC–46A Alter B181/B185/B187 Squad Ops/AMU.	6,600	6,600
AF	Travis Air Force Base	KC–46A Regional Maintenance Training Facility.	19,500	19,500
AF	Colorado Peterson Air Force Base	SOCNORTH Theater Operational Sup- port Facility.	0	54,000
AF	Schriever Air Force Base	Consolidated Space Operations Facility	148,000	73,449
AF	United States Air Force Academy	Consolidate Cadet Prep School Dor- mitory.	0	49,000
AF	Cyprus Royal Air Force Akrotiri	New Dormitory for 1 ERS	27,000	27,000
AF	Georgia Moody Air Force Base	41 RQS HH–60W Apron	0	12,500
AF	Guam Joint Region Mar- ianas	Munitions Storage Igloos III	65,000	65,000
AF	Illinois Scott Air Force Base	Joint Operations & Mission Planning Center.	100,000	100,000
AF	Japan Yokota Air Base	Fuel Receipt & Distribution Upgrade	12,400	12,400
AF	Jordan Azraq	Air Traffic Control Tower	24,000	0
AF	Azraq	Munitions Storage Area	42,000	0
AF	Mariana Islands Tinian	Airfield Development Phase 1	109,000	10,000
AF	Tinian	Fuel Tanks W/ Pipeline/Hydrant System	109,000	10,000
AF	Tinian	Parking Apron	98,000	25,000
AF	Maryland Joint Base An- drews	Presidential Aircraft Recap Complex Inc 3.	86,000	86,000
AF	Massachusetts Hanscom Air Force Base	MIT-Lincoln Lab (West Lab CSL/MIF) Inc 2.	135,000	80,000
AF	Missouri Whiteman Air Force Base	Consolidated Vehicle Ops and MX Facil- ity.	0	27,000
AF	Montana Malmstrom Air Force Base	Weapons Storage and Maintenance Fa- cility.	235,000	59,000
AF	Nevada Nellis Air Force Base	365th ISR Group Facility	57,000	57,000
AF	Nellis Air Force Base	F–35 Munitions Maintenance Facilities Cost-to-Complete.	0	3,100
AF	Nellis Air Force Base	F–35A Munitions Assembly Conveyor Facility.	8,200	8,200
AF	New Mexico Holloman Air Force Base	NC3 Support WRM Storage/Shipping Facility.	0	20,000
AF	Kirtland Air Force Base	Combat Rescue Helicopter Simulator (CRH) ADAL.	15,500	15,500
AF	Kirtland Air Force Base	UH–1 Replacement Facility	22,400	22,400
AF	North Dakota Minot Air Force Base	Helo/Trfops/AMUfacility	5,500	5,500
AF	Ohio Wright-Patterson Air Force Base	ADAL Intelligence Prod. Complex (NASIC) Inc 2.	120,900	120,900
	Texas			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2020 Request	Conference Authorized
AF	Joint Base San Antonio	AFPC B-Wing	0	36,000
AF	Joint Base San Antonio	Aquatics Tank	69,000	69,000
AF	Joint Base San Antonio	BMT Recruit Dormitory 8	110,000	110,000
AF	Joint Base San Antonio	T-X ADAL Ground Based Trng Sys (GBTS) Sim.	9,300	9,300
AF	Joint Base San Antonio	T-X MX Trng Sys Centralized Trng Fac	19,000	19,000
AF	United Kingdom Royal Air Force Lakenheath	F–35A PGM Facility	14,300	14,300
AF	Utah Hill Air Force Base	GBSD Mission Integration Facility	108,000	33,000
AF	Hill Air Force Base	Joint Advanced Tactical Missile Storage Fac.	6,500	6,500
AF	Washington Fairchild Air Force Base	Consolidated TFI Base Operations	31,000	31,000
AF	Fairchild Air Force Base	SERE Pipeline Dormitory Cost-to-Com- plete.	0	4,800
AF	Worldwide Unspec- ified	Child Development Centers	0	31,500
AF	Various World- wide Locations	Planning and Design	142,148	142,148
AF	Various World- wide Locations	Unspecified Minor Construction	79,682	79,682
AF	Wyoming F. E. Warren Air Force Base	Consolidated Helo/TRF Ops/AMU and Alert Fac.	18,100	18,100
Military Construction, Air Force Total			2,179,230	1,723,579
Def-Wide	California Beale Air Force Base	Hydrant Fuel System Replacement	33,700	33,700
Def-Wide	Camp Pendleton	Ambul Care Center/Dental Clinic Re- placement.	17,700	17,700
Def-Wide	Mountain View— 63 RSC	Install Microgrid Controller, 750 Kw PV, and 750 Kwh Battery Storage.	0	9,700
Def-Wide	Naval Air Weap- ons Station China Lake	Energy Storage System	0	8,950
Def-Wide	NSA Monterey	Cogeneration Plant at B236	0	10,540
Def-Wide	CONUS Classified Classified Loca- tion	Battalion Complex, Ph 3	82,200	82,200
Def-Wide	Florida Eglin Air Froce Base	SOF Combined Squadron Ops Facility ...	16,500	16,500
Def-Wide	Hurlburt Field	SOF AMU & Weapons Hangar	72,923	72,923
Def-Wide	Hurlburt Field	SOF Combined Squadron Operations Fa- cility.	16,513	16,513
Def-Wide	Hurlburt Field	SOF Maintenance Training Facility	18,950	18,950
Def-Wide	Naval Air Station Key West	SOF Watercraft Maintenance Facility ...	16,000	16,000
Def-Wide	Germany Geilenkirchen Air Base	Ambulatory Care Center/Dental Clinic ...	30,479	30,479
Def-Wide	Ramstein	Landstuhl Elementary School	0	66,800
	Guam			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2020 Request	Conference Authorized
Def-Wide	Joint Region Mar- ianas	Xray Wharf Refueling Facility	19,200	19,200
Def-Wide	Naval Base Guam	NSA Anderson Smart Grid and ICS Infrastructure.	0	16,970
Def-Wide	Hawaii Joint Base Pearl Harbor-Hickam	Install 500kw Covered Parking PV Sys- tem & Electric Vehicle Charging Sta- tions B479.	0	4,000
Def-Wide	Joint Base Pearl Harbor-Hickam	SOF Undersea Operational Training Fa- cility.	67,700	67,700
Def-Wide	Japan Yokosuka	Kinnick High School Inc 2	130,386	0
Def-Wide	Yokota Air Base	Bulk Storage Tanks PH1	116,305	20,000
Def-Wide	Yokota Air Base	Pacific East District Superintendent's Office.	20,106	20,106
Def-Wide	Maryland Bethesda Naval Hospital	MEDCEN Addition/Altertion Incr 3	96,900	33,000
Def-Wide	Fort Detrick	Medical Research Acquisition Building ..	27,846	27,846
Def-Wide	Fort Meade	NSAW Recapitalize Building #3 Inc 2	426,000	426,000
Def-Wide	NSA Bethesda	Chiller 3–9 Replacement	0	13,840
Def-Wide	South Potomac	IH Water Project—CBIRF/IHEODTD/ Housing.	0	18,460
Def-Wide	Mississippi Columbus Air Force Base	Fuel Facilities Replacement	16,800	16,800
Def-Wide	Missouri Fort Leonard Wood	Hospital Replacement Incr 2	50,000	50,000
Def-Wide	St. Louis	Next NGA West (N2W) Complex Phase 2 Inc. 2.	218,800	118,800
Def-Wide	New Mexico White Sands Mis- sile Range	Install Microgrid, 700kw PV, 150 Kw Generator, and Batteries.	0	5,800
Def-Wide	North Carolina Camp Lejeune	SOF Marine Raider Regiment HQ	13,400	13,400
Def-Wide	Fort Bragg	SOF Assessment and Selection Training Complex.	12,103	12,103
Def-Wide	Fort Bragg	SOF Human Platform-Force Generation Facility.	43,000	43,000
Def-Wide	Fort Bragg	SOF Operations Support Bldg	29,000	29,000
Def-Wide	Oklahoma Tulsa IAP	Fuels Storage Complex	18,900	18,900
Def-Wide	Rhode Island Quonset State Airport	Fuels Storage Complex Replacement	11,600	11,600
Def-Wide	South Carolina Joint Base Charleston	Medical Consolidated Storage & Distrib Center.	33,300	33,300
Def-Wide	South Dakota Ellsworth Air Force Base	Hydrant Fuel System Replacement	24,800	24,800
Def-Wide	Texas Camp Swift	Install Microgrid, 650KW OV, & 500 KW Generator.	0	4,500
Def-Wide	Fort Hood	Install a Central Energy Plant	0	16,500
Def-Wide	Virginia Defense Distribu- tion Depot Rich- mond	Operations Center Phase 2	98,800	33,000
Def-Wide	Joint Expedi- tionary Base Little Creek— Fort Story	SOF NSWG–10 Operations Support Fa- cility.	32,600	32,600

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2020 Request	Conference Authorized
Def-Wide	Joint Expeditionary Base Little Creek— Fort Story	SOF NSWG2 JSOTF Ops Training Facility.	13,004	13,004
Def-Wide	NRO Headquarters	Intergration System Upgrades	0	66
Def-Wide	Pentagon	Backup Generator	8,670	8,670
Def-Wide	Pentagon	Control Tower & Fire Day Station	20,132	20,132
Def-Wide	Training Center Dam Neck Washington	SOF Demolition Training Compound Expansion.	12,770	12,770
Def-Wide	Joint Base Lewis-McChord	SOF 22 STS Operations Facility	47,700	47,700
Def-Wide	Naval Base Kitsap Wisconsin	Keyport Main Substation Replacement ..	0	23,670
Def-Wide	Gen Mitchell IAP Worldwide Classified	POL Facilities Replacement	25,900	25,900
Def-Wide	Classified Location Worldwide Unspecified	Mission Support Compound	52,000	52,000
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	10,000	0
Def-Wide	Unspecified Worldwide Locations	Energy Resilience and Conserv. Invest. Prog..	150,000	150,000
Def-Wide	Unspecified Worldwide Locations	ERCIP Design	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	11,770	11,770
Def-Wide	Unspecified Worldwide Locations	Planning and Design	15,000	15,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design	29,679	29,679
Def-Wide	Unspecified Worldwide Locations	Planning and Design	35,472	35,472
Def-Wide	Unspecified Worldwide Locations	Planning and Design	4,890	4,890
Def-Wide	Unspecified Worldwide Locations	Planning and Design	14,400	14,400
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	31,464	31,464
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,228	3,228
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	8,000	8,000

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2020 Request	Conference Authorized
Def-Wide	Unspecified Worldwide Lo- cations	Unspecified Minor Construction	4,950	4,950
Def-Wide	Various World- wide Locations	Planning and Design	52,532	52,532
Def-Wide	Various World- wide Locations	Planning and Design	63,382	63,382
Def-Wide	Various World- wide Locations	Planning and Design	27,000	27,000
Def-Wide	Various World- wide Locations	Planning and Design: Military Installa- tion Resiliency.	0	30,000
Def-Wide	Various World- wide Locations	Unspecified Minor Construction	10,000	10,000
Def-Wide	Various World- wide Locations	Unspecified Minor Construction	16,736	16,736
Military Construction, Defense-Wide Total			2,504,190	2,267,595
NATO	Worldwide Unspec- ified NATO Security Investment Pro- gram	NATO Security Investment Program	144,040	144,040
NATO Security Investment Program Total			144,040	144,040
Army NG	Alabama Anniston Army Depot	Enlisted Transient Barracks	0	34,000
Army NG	Foley California	National Guard Readiness Center	12,000	12,000
Army NG	Camp Roberts	Automated Multipurpose Machine Gun Range.	12,000	12,000
Army NG	Idaho Orchard Combat Training Center	Railroad Tracks	29,000	29,000
Army NG	Maryland Havre de Grace	Combined Support Maintenance Shop	12,000	12,000
Army NG	Massachusetts Camp Edwards	Automated Multipurpose Machine Gun Range.	9,700	9,700
Army NG	Minnesota New Ulm	National Guard Vehicle Maintenance Shop.	11,200	11,200
Army NG	Mississippi Camp Shelby	Automated Multipurpose Machine Gun Range.	8,100	8,100
Army NG	Missouri Springfield	National Guard Readiness Center	12,000	12,000
Army NG	Nebraska Bellevue	National Guard Readiness Center	29,000	29,000
Army NG	New Hampshire Concord	National Guard Readiness Center	5,950	5,950
Army NG	New York Jamaica Armory	National Guard Readiness Center	0	91,000
Army NG	Pennsylvania Moon Township	Combined Support Maintenance Shop	23,000	23,000
Army NG	Vermont Jericho	General Instruction Building	0	30,000
Army NG	Washington Richland	National Guard Readiness Center	11,400	11,400
Army NG	Worldwide Unspec- ified Unspecified Worldwide Lo- cations	Planning and Design	20,469	20,469

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2020 Request	Conference Authorized
Army NG	Unspecified Worldwide Lo- cations	Unspecified Minor Construction	15,000	15,000
Military Construction, Army National Guard Total			210,819	365,819
Army Res	Delaware Newark	Army Reserve Center/BMA	21,000	21,000
Army Res	Wisconsin Fort McCoy	Transient Training Barracks	25,000	25,000
Army Res	Worldwide Unspec- ified	Planning and Design	6,000	6,000
Army Res	Worldwide Lo- cations	Unspecified Minor Construction	8,928	8,928
Military Construction, Army Reserve Total			60,928	60,928
N/MC Res	Louisiana New Orleans	Entry Control Facility Upgrades	25,260	25,260
N/MC Res	Worldwide Unspec- ified	Planning and Design	4,780	4,780
N/MC Res	Worldwide Lo- cations	Unspecified Minor Construction	24,915	24,915
Military Construction, Naval Reserve Total			54,955	54,955
Air NG	California Moffett Air Na- tional Guard Base	Fuels/Corrosion Control Hanger and Shops.	0	57,000
Air NG	Georgia Savannah/Hilton Head IAP	Consolidated Joint Air Dominance Hang- ar/Shops.	24,000	24,000
Air NG	Missouri Rosecrans Memo- rial Airport	C–130 Flight Simulator Facility	9,500	9,500
Air NG	Puerto Rico Luis Munoz- Marin IAP	Communications Facility	12,500	12,500
Air NG	Luis Munoz- Marin IAP	Maintenance Hangar	37,500	36,000
Air NG	Wisconsin Truax Field	F–35 Simulator Facility	14,000	14,000
Air NG	Truax Field	Fighter Alert Shelters	20,000	20,000
Air NG	Worldwide Unspec- ified	Unspecified Minor Construction	31,471	31,471
Air NG	Worldwide Lo- cations	Planning and Design	17,000	17,000
Military Construction, Air National Guard Total			165,971	221,471
AF Res	Georgia Robins Air Force Base Maryland	Consolidated Misssion Complex Phase 3	43,000	43,000

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2020 Request	Conference Authorized
AF Res	Joint Base Andrews	AES Training Admin Facility	0	15,000
AF Res	Minnesota Minneapolis-St.paul IAP	Aerial Port Facility	0	9,800
AF Res	Worldwide Unspecified	Planning and Design	4,604	4,604
AF Res	Unspecified Worldwide Locations	Unspecified Minor Construction	12,146	12,146
Military Construction, Air Force Reserve Total			59,750	84,550
FH Con Army	Germany Baumholder	Family Housing Improvements	29,983	29,983
FH Con Army	Korea Camp Humphreys	Family Housing New Construction Incr 4.	83,167	83,167
FH Con Army	Pennsylvania Tobyhanna Army Depot	Family Housing Replacement Construction.	19,000	19,000
FH Con Army	Worldwide Unspecified	Family Housing P & D	9,222	14,222
Family Housing Construction, Army Total			141,372	146,372
FH Ops Army	Worldwide Unspecified	Furnishings	24,027	24,027
FH Ops Army	Unspecified Worldwide Locations	Housing Privatization Support	18,627	63,627
FH Ops Army	Unspecified Worldwide Locations	Leasing	128,938	128,938
FH Ops Army	Unspecified Worldwide Locations	Maintenance	81,065	135,798
FH Ops Army	Unspecified Worldwide Locations	Management	38,898	38,898
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous	484	484
FH Ops Army	Unspecified Worldwide Locations	Services	10,156	10,156
FH Ops Army	Unspecified Worldwide Locations	Utilities	55712	55712
Family Housing Operation And Maintenance, Army Total			357,907	457,640
FH Con Navy	Worldwide Unspecified	Construction Improvements	41,798	41,798

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2020 Request	Conference Authorized
FH Con Navy	Unspecified Worldwide Lo- cations	Planning & Design	3,863	3,863
FH Con Navy	Unspecified Worldwide Lo- cations	USMC DPRI/Guam Planning and De- sign.	2,000	2,000
Family Housing Construction, Navy And Marine Corps Total			47,661	47,661
FH Ops Navy	Worldwide Unspec- ified Unspecified Worldwide Lo- cations	Furnishings	19,009	19,009
FH Ops Navy	Unspecified Worldwide Lo- cations	Housing Privatization Support	21,975	81,575
FH Ops Navy	Unspecified Worldwide Lo- cations	Leasing	64,126	64,126
FH Ops Navy	Unspecified Worldwide Lo- cations	Maintenance	82,611	137,344
FH Ops Navy	Unspecified Worldwide Lo- cations	Management	50,122	50,122
FH Ops Navy	Unspecified Worldwide Lo- cations	Miscellaneous	151	151
FH Ops Navy	Unspecified Worldwide Lo- cations	Services	16,647	16,647
FH Ops Navy	Unspecified Worldwide Lo- cations	Utilities	63,229	63,229
Family Housing Operation And Maintenance, Navy And Marine Corps Total.			317,870	432,203
FH Con AF	Germany Spangdahlem Air Base	Construct Deficit Military Family Hous- ing.	53,584	53,584
FH Con AF	Worldwide Unspec- ified Unspecified Worldwide Lo- cations	Construction Improvements	46,638	46,638
FH Con AF	Unspecified Worldwide Lo- cations	Planning & Design	3,409	3,409
Family Housing Construction, Air Force Total			103,631	103,631
FH Ops AF	Worldwide Unspec- ified Unspecified Worldwide Lo- cations	Furnishings	30,283	30,283
FH Ops AF	Unspecified Worldwide Lo- cations	Housing Privatization	22,593	53,793
FH Ops AF	Unspecified Worldwide Lo- cations	Leasing	15,768	15,768
FH Ops AF	Unspecified Worldwide Lo- cations	Maintenance	117,704	172,437

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2020 Request	Conference Authorized
FH Ops AF	Unspecified Worldwide Lo- cations	Management	56,022	56,022
FH Ops AF	Unspecified Worldwide Lo- cations	Miscellaneous	2,144	2,144
FH Ops AF	Unspecified Worldwide Lo- cations	Services	7,770	7,770
FH Ops AF	Unspecified Worldwide Lo- cations	Utilities	42,732	42,732
Family Housing Operation And Maintenance, Air Force Total			295,016	380,949
FH Ops DW	Worldwide Unspec- ified Unspecified Worldwide Lo- cations	Furnishings	82	82
FH Ops DW	Unspecified Worldwide Lo- cations	Furnishings	645	645
FH Ops DW	Unspecified Worldwide Lo- cations	Leasing	12,906	12,906
FH Ops DW	Unspecified Worldwide Lo- cations	Leasing	39,222	39,222
FH Ops DW	Unspecified Worldwide Lo- cations	Maintenance	32	32
FH Ops DW	Unspecified Worldwide Lo- cations	Utilities	13	13
FH Ops DW	Unspecified Worldwide Lo- cations	Utilities	4,100	4,100
Family Housing Operation And Maintenance, Defense-Wide Total ...			57,000	57,000
FHIF	Worldwide Unspec- ified Unspecified Worldwide Lo- cations	Administrative Expenses—FHIF	3,045	3,045
DOD Family Housing Improvement Fund Total			3,045	3,045
UHIF	Worldwide Unspec- ified Unspecified Worldwide Lo- cations	Administrative Expenses—UHIF	500	500
Unaccompanied Housing Improvement Fund Total			500	500
BRAC	Worldwide Unspec- ified Worldwide Un- specified Loca- tions	Base Realignment and Closure	66,111	94,111
Base Realignment and Closure—Army Total			66,111	94,111
Worldwide Unspec- ified				

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2020 Request	Conference Authorized
BRAC	Unspecified Worldwide Locations	Base Realignment & Closure	158,349	216,349
Base Realignment and Closure—Navy Total			158,349	216,349
BRAC	Worldwide Unspecified Unspecified Worldwide Locations	Dod BRAC Activities—Air Force	54,066	82,066
Base Realignment and Closure—Air Force Total			54,066	82,066
PYS	Prior Year Savings Prior Year Savings	Prior Year Savings	0	–64685
Prior Year Savings Total			0	–64,685
Total, Military Construction			11,241,653	10,925,739

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Service	State/Country and Installation	Project	FY 2020 Request	Conference Authorized
Army	Guantanamo Bay, Cuba			
Army	Guantanamo Bay Naval Station	OCO: Communications Facility	22,000	22,000
Army	Guantanamo Bay Naval Station	OCO: Detention Legal Office and Comms Ctr.	11,800	11,800
Army	Guantanamo Bay Naval Station	OCO: High Value Detention Facility	88,500	0
Army	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	EDI/OCO Planning and Design	19,498	19,498
Army	Unspecified Worldwide Locations	EDI: Bulk Fuel Storage	36,000	36,000
Army	Unspecified Worldwide Locations	EDI: Information Systems Facility	6,200	6,200
Army	Unspecified Worldwide Locations	EDI: Minor Construction	5,220	5,220
Army	Unspecified Worldwide Locations	Unspecified Worldwide Construction	9,200,000	0
Army	Various Worldwide Locations	EDI: Various Worldwide Locations Europe ..	0	36,212
Military Construction, Army Total			9,389,218	136,930
Navy	Bahrain			
Navy	SW Asia	Electrical System Upgrade	0	53,360
Navy	Italy			
Navy	Sigonella	Communications Station	0	77,400
Navy	Spain			
Navy	Rota	EDI: In-Transit Munitions Facility	9,960	9,960
Navy	Rota	EDI: Joint Mobility Center	46,840	46,840
Navy	Rota	EDI: Small Craft Berthing Facility	12,770	12,770
Navy	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Planning and Design	25,000	25,000
Navy	Various Worldwide Locations	EDI: Various Worldwide Locations Europe ..	0	36,211

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Service	State/Country and Installation	Project	FY 2020 Request	Conference Authorized
	Military Construction, Navy Total		94,570	261,541
	Iceland			
AF	Keflavik	EDI: Airfield Upgrades—Dangerous Cargo Pad.	18,000	18,000
AF	Keflavik	EDI: Beddown Site Prep	7,000	7,000
AF	Keflavik	EDI: Expand Parking Apron	32,000	32,000
	Jordan			
AF	Azraq	Air Traffic Control Tower	0	24,000
AF	Azraq	Munitions Storage Area	0	42,000
	Spain			
AF	Moron	EDI: Hot Cargo Pad	8,500	8,500
	Worldwide Unspecified			
AF	Unspecified	Planning & Design	0	60,000
AF	Unspecified World-wide Locations	EDI: ECAOS DABS/FEV EMEDS Storage ...	107,000	107,000
AF	Unspecified World-wide Locations	EDI: Hot Cargo Pad	29,000	29,000
AF	Unspecified World-wide Locations	EDI: Munitions Storage Area	39,000	39,000
AF	Various Worldwide Locations	EDI: Various Worldwide Locations Europe ..	0	36,211
AF	Various Worldwide Locations	EDI: P&D	61,438	61,438
AF	Various Worldwide Locations	EDI: UMMC	12,800	12,800
	Military Construction, Air Force Total		314,738	476,949
	Germany			
Def-Wide	Gemersheim	EDI: Logistics Distribution Center Annex ...	46,000	46,000
	Military Construction, Defense-Wide Total		46,000	46,000
	Total, Military Construction		9,844,526	921,420

SEC. 4603. MILITARY CONSTRUCTION FOR EMERGENCY REQUIREMENTS.

SEC. 4603. MILITARY CONSTRUCTION FOR EMERGENCY REQUIREMENTS
(In Thousands of Dollars)

Service	State/Country and Installation	Project	FY 2020 Request	Conference Authorized
	California			
Navy	Naval Air Weapons Station China Lake	Planning and Design	0	89,320
Navy	Naval Air Weapons Station China Lake	Hanger 3 Replacement, Apron, Taxiway & Utilities for RDT&E.	0	514,600
Navy	Naval Air Weapons Station China Lake	Aircraft Parking Apron in Support of Hanger 2 Replacement.	0	50,800
Navy	Naval Air Weapons Station China Lake	Michelson Mission Systems Intergration Laboratory.	0	202,340
Navy	Naval Air Weapons Station China Lake	Magazines & Inert Storage Facility	0	138,930
Navy	Naval Air Weapons Station China Lake	Air Operations Facility & Air Traffic Control Tower.	0	70,900
Navy	Naval Air Weapons Station China Lake	Community Support Facilities	0	85,790
	North Carolina			
Navy	Camp Lejeune	Courthouse Bay Fire Station Replacement ..	0	21,336
Navy	Camp Lejeune	Hadnot Point Fire Station Replacement	0	21,931
Navy	Camp Lejeune	Hadnot Point Mess Hall Replacement	0	66,023
Navy	Camp Lejeune	II MEF Simulation/Training Center Replacement.	0	74,487

SEC. 4603. MILITARY CONSTRUCTION FOR EMERGENCY REQUIREMENTS (In Thousands of Dollars)				
Service	State/Country and Installation	Project	FY 2020 Request	Conference Authorized
Navy	Camp Lejeune	LOGCOM CSP Warehouse Replacement	0	35,874
Navy	Camp Lejeune	LSSS Facility Replacement	0	26,815
Navy	Camp Lejeune	MC Advisor Battalion HQS Replacement	0	30,109
Navy	Camp Lejeune	MCCSSS Log Ops School	0	179,617
Navy	Camp Lejeune	MCES Applied Instruction Facility Replacement.	0	95,599
Navy	Camp Lejeune	NCIS Facilities Replacement	0	22,594
Navy	Camp Lejeune	PMO Facility Replacement	0	34,718
Navy	Camp Lejeune	WTBN Headquarters Replacement	0	18,644
Navy	MCAS Cherry Point	Physical Security Compliance	0	52,300
Navy	MCAS Cherry Point	BT–11 Range Operations Center Replacement.	0	14,251
Navy	MCAS New River	C–12W Aircraft Maintenance Hangar Replacement.	0	36,295
Navy	MCAS New River	Bachelor Enlisted Quarters Replacement	0	62,104
Navy	MCAS New River	CNATT Classroom Building Replacement ...	0	114,706
Navy	MCAS New River	CH–53K Maintenance Hangar Replacement	0	252,717
Military Construction, Navy Total			0	2,312,800
Florida				
AF	Tyndall Air Force Base	325th Fighting Wing HQ Facility	0	38,000
AF	Tyndall Air Force Base	Aerospace & Operational Physiology Facility.	0	12,000
AF	Tyndall Air Force Base	Aircraft MX Fuel Cell Hangar	0	37,000
AF	Tyndall Air Force Base	Aircraft Wash Rack	0	9,100
AF	Tyndall Air Force Base	Airfield Drainage	0	144,000
AF	Tyndall Air Force Base	Auxiliary Ground Equipment Facility	0	22,000
AF	Tyndall Air Force Base	Chapel	0	26,000
AF	Tyndall Air Force Base	Community Commons Facility	0	64,000
AF	Tyndall Air Force Base	Deployment Center/Flight Line Dining/AAFES.	0	43,000
AF	Tyndall Air Force Base	Dorm Complex Phase 1	0	145,000
AF	Tyndall Air Force Base	Dorm Complex Phase 2	0	131,000
AF	Tyndall Air Force Base	Emergency Management, EOC, Alt CP	0	20,000
AF	Tyndall Air Force Base	Flightline—Muns Storage, 7000 Area	0	36,000
AF	Tyndall Air Force Base	Lodging Facilities Phase 1	0	90,000
AF	Tyndall Air Force Base	Lodging Facilities Phase 2	0	89,000
AF	Tyndall Air Force Base	Operations Group/Maintenance Group HQ ..	0	24,000
AF	Tyndall Air Force Base	Ops/Aircraft Maintenance Unit/Hangar #2 ..	0	74,000
AF	Tyndall Air Force Base	Ops/Aircraft Maintenance Unit/Hangar #3 ..	0	75,000
AF	Tyndall Air Force Base	OSS/Radar Approach Control Facility	0	37,000
AF	Tyndall Air Force Base	Planning and Design	0	52,400
AF	Tyndall Air Force Base	Security Forces Mobility Storage Facility	0	6,700
AF	Tyndall Air Force Base	Simulator Facility	0	38,000
AF	Tyndall Air Force Base	Site Development, Utilities & Demo Phase 2	0	141,000

SEC. 4603. MILITARY CONSTRUCTION FOR EMERGENCY REQUIREMENTS (In Thousands of Dollars)				
Service	State/Country and Installation	Project	FY 2020 Request	Conference Authorized
AF	Tyndall Air Force Base	Small Arms Range	0	26,000
AF	Tyndall Air Force Base	Special Purpose Vehicle Maintenance	0	20,000
AF	Tyndall Air Force Base	Tyndall AFB Gate Complexes	0	75,000
AF	Tyndall Air Force Base	Weapons Load Training Hangar	0	25,000
	Nebraska			
AF	Offutt Air Force Base	Emergency Power Microgrid	0	43,000
AF	Offutt Air Force Base	Flightline Hangars Campus	0	10,000
AF	Offutt Air Force Base	Lake Campus	0	6,000
AF	Offutt Air Force Base	Logistics Readiness Squadron Campus	0	18,500
AF	Offutt Air Force Base	Security Campus	0	63,000
	Virginia			
AF	Joint Base Langley-Eustis	Dormitory	0	31,000
	Military Construction, Air Force Total		0	1,671,700
	North Carolina			
Def-Wide	Camp Lejeune	Ambulatory Care Center (Camp Geiger)	0	17,821
Def-Wide	Camp Lejeune	Ambulatory Care Center (Camp Johnson) ...	0	27,492
Def-Wide	Camp Lejeune	MARSOC ITC Team Facility Replacement ..	0	30,000
	Military Construction, Defense-Wide Total		0	75,313
	Louisiana			
Army NG	Pineville	National Guard Readiness Center	0	16,500
	Nebraska			
Army NG	Ashland	Training Site, Various Facilities	0	35,000
Army NG	Ashland	Flood Control Levee/Floodwall	0	8,500
	Military Construction, Army National Guard Total		0	60,000
	Total, Military Construction		0	4,119,813

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of Energy national security programs.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)			
Program	FY 2020 Request	Conference Authorized	
Discretionary Summary By Appropriation			
Energy And Water Development, And Related Agencies			
Appropriation Summary:			
Energy Programs			
Nuclear Energy	137,808	137,808	
Atomic Energy Defense Activities			
National nuclear security administration:			
Weapons activities	12,408,603	12,444,780	
Defense nuclear nonproliferation	1,993,302	2,020,814	

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2020 Request	Conference Authorized
Naval reactors	1,648,396	1,633,396
Federal salaries and expenses	434,699	434,699
Total, National nuclear security administration	16,485,000	16,533,689
Environmental and other defense activities:		
Defense environmental cleanup	5,506,501	5,527,732
Other defense activities	1,035,339	885,839
Defense nuclear waste disposal	26,000	0
Total, Environmental & other defense activities	6,567,840	6,413,571
Total, Atomic Energy Defense Activities	23,052,840	22,947,260
Total, Discretionary Funding	23,190,648	23,085,068
Nuclear Energy		
Idaho sitewide safeguards and security	137,808	137,808
Total, Nuclear Energy	137,808	137,808
Weapons Activities		
Directed stockpile work		
Life extension programs and major alterations		
B61–12 Life extension program	792,611	792,611
W76–2 Modification program	10,000	10,000
W88 Alt 370	304,186	304,186
W80–4 Life extension program	898,551	898,551
W87–1 Modification Program (formerly IW1)	112,011	112,011
Total, Life extension programs and major alterations	2,117,359	2,117,359
Stockpile systems		
B61 Stockpile systems	71,232	71,232
W76 Stockpile systems	89,804	89,804
W78 Stockpile systems	81,299	81,299
W80 Stockpile systems	85,811	85,811
B83 Stockpile systems	51,543	51,543
W87 Stockpile systems	98,262	98,262
W88 Stockpile systems	157,815	157,815
Total, Stockpile systems	635,766	635,766
Weapons dismantlement and disposition		
Operations and maintenance	47,500	47,500
Program increase		
Stockpile services		
Production support	543,964	543,964
Research and development support	39,339	39,339
R&D certification and safety	236,235	236,235
Management, technology, and production	305,000	305,000
Total, Stockpile services	1,124,538	1,124,538
Strategic materials		
Uranium sustainment	94,146	94,146
Plutonium sustainment	712,440	712,440
Tritium sustainment	269,000	269,000
Lithium sustainment	28,800	28,800
Domestic uranium enrichment	140,000	140,000
Strategic materials sustainment	256,808	256,808
Total, Strategic materials	1,501,194	1,501,194
Total, Directed stockpile work	5,426,357	5,426,357
Research, development, test and evaluation (RDT&E)		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2020 Request	Conference Authorized
Science		
Advanced certification	57,710	57,710
Primary assessment technologies	95,169	95,169
Dynamic materials properties	133,800	133,800
Advanced radiography	32,544	32,544
Secondary assessment technologies	77,553	77,553
Academic alliances and partnerships	44,625	44,625
Enhanced Capabilities for Subcritical Experiments ...	145,160	145,160
Total, Science	586,561	586,561
Engineering		
Enhanced surety	46,500	46,500
Delivery Environments (formerly Weapons Systems Engineering Assessment Technology)	35,945	35,945
Nuclear survivability	53,932	53,932
Enhanced surveillance	57,747	57,747
Stockpile Responsiveness	39,830	80,630
Program expansion		[40,800]
Total, Engineering	233,954	274,754
Inertial confinement fusion ignition and high yield		
Ignition and Other Stockpile Programs	55,649	55,649
Diagnostics, cryogenics and experimental support	66,128	66,128
Pulsed power inertial confinement fusion	8,571	8,571
Joint program in high energy density laboratory plasmas	12,000	12,000
Facility operations and target production	338,247	343,247
Program increase		[5,000]
Total, Inertial confinement fusion and high yield	480,595	485,595
Advanced simulation and computing		
Advanced simulation and computing	789,849	789,849
Construction:		
18–D–620, Exascale Computing Facility Mod- ernization Project, LLNL	50,000	50,000
Total, Construction	50,000	50,000
Total, Advanced simulation and computing	839,849	839,849
Advanced manufacturing		
Additive manufacturing	18,500	18,500
Component manufacturing development	48,410	52,000
UFR list—technology maturation		[3,590]
Process technology development	69,998	69,998
Total, Advanced manufacturing	136,908	140,498
Total, RDT&E	2,277,867	2,327,257
Infrastructure and operations		
Operations of facilities	905,000	905,000
Safety and environmental operations	119,000	119,000
Maintenance and repair of facilities	456,000	456,000
Recapitalization:		
Infrastructure and safety	447,657	447,657
Capability based investments	135,341	135,341
Total, Recapitalization	582,998	582,998
Construction:		
19–D–670, 138kV Power Transmission System Re- placement, NNSS	6,000	6,000
18–D–690, Lithium Processing Facility, Y–12 (for- merly Lithium Production Capability, Y–12)	32,000	32,000

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2020 Request	Conference Authorized
18–D–650, Tritium Finishing Facility, SRS	27,000	27,000
17–D–640, U1a Complex Enhancements Project, NNSS	35,000	35,000
15–D–612, Emergency Operations Center, LLNL	5,000	5,000
15–D–611, Emergency Operations Center, SNL	4,000	4,000
15–D–301, HE Science & Engineering Facility, PX	123,000	123,000
06–D–141 Uranium processing facility Y–12, Oak Ridge, TN	745,000	745,000
04–D–125, Chemistry and Metallurgy Research Re- placement Project, LANL	168,444	168,444
Total, Construction	1,145,444	1,145,444
Total, Infrastructure and operations	3,208,442	3,208,442
Secure transportation asset		
Operations and equipment	209,502	209,502
Program direction	107,660	107,660
Total, Secure transportation asset	317,162	317,162
Defense nuclear security		
Operations and maintenance	778,213	765,000
Excess to need		[–13,213]
Total, Defense nuclear security	778,213	765,000
Information technology and cybersecurity	309,362	309,362
Legacy contractor pensions	91,200	91,200
Total, Weapons Activities	12,408,603	12,444,780
Defense Nuclear Nonproliferation		
Defense Nuclear Nonproliferation Programs		
Global material security		
International nuclear security	48,839	48,839
Domestic radiological security	90,513	90,513
International radiological security	60,827	78,907
Secure additional radiologic materials		[18,080]
Nuclear smuggling detection and deterrence	142,171	142,171
Total, Global material security	342,350	360,430
Material management and minimization		
HEU reactor conversion	114,000	99,000
Program decrease		[–15,000]
Nuclear material removal	32,925	32,925
Material disposition	186,608	186,608
Total, Material management & minimization	333,533	318,533
Nonproliferation and arms control	137,267	137,267
Defense nuclear nonproliferation R&D	495,357	499,789
Additional verification and detection effort		[4,432]
Nonproliferation Construction:		
18–D–150 Surplus Plutonium Disposition Project	79,000	79,000
99–D–143 Mixed Oxide (MOX) Fuel Fabrication Fa- cility, SRS	220,000	220,000
Low-enriched uranium research and development	0	20,000
Program increase		[20,000]
Total, Nonproliferation construction	299,000	299,000
Total, Defense Nuclear Nonproliferation Programs	1,607,507	1,635,019
Legacy contractor pensions	13,700	13,700

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2020 Request	Conference Authorized
Nuclear counterterrorism and incident response program	372,095	372,095
DPRK phased denuclearization long-term monitoring and verification	0	
Total, Defense Nuclear Nonproliferation	1,993,302	2,020,814
Naval Reactors		
Naval reactors development	531,205	516,205
Unjustified growth		[–15,000]
Columbia-Class reactor systems development	75,500	75,500
S8G Prototype refueling	155,000	155,000
Naval reactors operations and infrastructure	553,591	553,591
Construction:		
20-D–931, KL Fuel Development Laboratory	23,700	23,700
19-D–930, KS Overhead Piping	20,900	20,900
14-D–901 Spent fuel handling recapitalization project, NRF	238,000	238,000
Total, Construction	282,600	282,600
Program direction	50,500	50,500
Total, Naval Reactors	1,648,396	1,633,396
Federal Salaries And Expenses		
Program direction	434,699	434,699
Total, Office Of The Administrator	434,699	434,699
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	4,987	4,987
Richland:		
River corridor and other cleanup operations	139,750	139,750
Central plateau remediation	472,949	522,949
Program increase		[50,000]
Richland community and regulatory support	5,121	5,121
Construction:		
18-D–404 WESF Modifications and Capsule Storage	11,000	11,000
Total, Construction	11,000	11,000
Total, Hanford site	628,820	678,820
Office of River Protection:		
Waste Treatment Immobilization Plant Commissioning ...	15,000	15,000
Rad liquid tank waste stabilization and disposition	677,460	705,460
Program increase		[28,000]
Construction:		
18-D–16 Waste treatment and immobilization plant—LBL/Direct feed LAW	640,000	640,000
01-D–16 D, High-level waste facility	30,000	25,000
Program decrease		[–5,000]
01-D–16 E—Pretreatment Facility	20,000	15,000
Program decrease		[–5,000]
Total, Construction	690,000	680,000
ORP Low-level waste offsite disposal	10,000	10,000
Total, Office of River Protection	1,392,460	1,410,460
Idaho National Laboratory:		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2020 Request	Conference Authorized
Idaho cleanup and waste disposition	331,354	331,354
Idaho community and regulatory support	3,500	3,500
Total, Idaho National Laboratory	334,854	334,854
NNSA sites and Nevada off-sites		
Lawrence Livermore National Laboratory	1,727	1,727
LLNL Excess facilities D&D	128,000	55,000
Program decrease		[-73,000]
Nuclear facility D & D		
Separations Process Research Unit	15,300	15,300
Nevada	60,737	60,737
Sandia National Laboratories	2,652	2,652
Los Alamos National Laboratory	195,462	195,462
Total, NNSA sites and Nevada off-sites	403,878	330,878
Oak Ridge Reservation:		
OR Nuclear facility D & D	93,693	93,693
Total, OR Nuclear facility D & D	93,693	93,693
U233 Disposition Program	45,000	45,000
OR cleanup and waste disposition		
OR cleanup and disposition	82,000	82,000
Construction:		
17–D–401 On-site waste disposal facility	15,269	10,000
Program decrease		[-5,269]
14–D–403 Outfall 200 Mercury Treatment Facility	49,000	49,000
Total, Construction	64,269	59,000
Total, OR cleanup and waste disposition	146,269	141,000
OR community & regulatory support	4,819	4,819
OR technology development and deployment	3,000	3,000
Total, Oak Ridge Reservation	292,781	287,512
Savannah River Sites:		
Savannah River risk management operations		
Savannah River risk management operations	490,613	515,613
Construction:		
18–D–402, Emergency Operations Center	6,792	6,792
Total, risk management operations	497,405	522,405
SR community and regulatory support	4,749	11,249
Radioactive liquid tank waste stabilization and disposition	797,706	797,706
Construction:		
20–D–402 Advanced Manufacturing Collaborative Facility (AMC)	50,000	50,000
20–D–401 Saltstone Disposal Unit #10, 11, 12	500	500
19–D–701 SR Security sytem replacement	0	
18–D–402 Saltstone Disposal Unit #8/9	51,750	51,750
17–D–402 Saltstone Disposal Unit #7	40,034	40,034
05–D–405 Salt waste processing facility, Savannah River Site	20,988	20,988
Total, Construction	163,272	163,272
Total, Savannah River site	1,463,132	1,494,632
Waste Isolation Pilot Plant		
Waste Isolation Pilot Plant	299,088	299,088

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2020 Request	Conference Authorized
Construction:		
15-D-411 Safety significant confinement ventilation system, WIPP	58,054	58,054
15-D-412 Exhaust shaft, WIPP	34,500	34,500
Total, Construction	92,554	92,554
Total, Waste Isolation Pilot Plant	391,642	391,642
Program direction	278,908	278,908
Program support	12,979	12,979
Safeguards and Security		
Safeguards and Security	317,622	317,622
Total, Safeguards and Security	317,622	317,622
Use of prior year balances	-15,562	-15,562
Total, Defense Environmental Cleanup	5,506,501	5,527,732
Other Defense Activities		
Environment, health, safety and security		
Environment, health, safety and security	139,628	139,628
Program direction	72,881	72,881
Total, Environment, Health, Safety and Security	212,509	212,509
Independent enterprise assessments		
Independent enterprise assessments	24,068	24,068
Program direction	57,211	54,711
Non-defense function realignment		[-2,500]
Total, Independent enterprise assessments	81,279	78,779
Specialized security activities	254,578	254,578
Office of Legacy Management		
Legacy management	283,767	142,767
Program decrease		[-141,000]
Program direction	19,262	19,262
Total, Office of Legacy Management	303,029	162,029
Defense related administrative support		
Chief financial officer	54,538	54,538
Chief information officer	124,554	118,554
Program decrease		[-6,000]
Total, Defense related administrative support	179,092	173,092
Office of Hearings and Appeals	4,852	4,852
Subtotal, Other Defense Activities	1,035,339	885,839
Total, Other Defense Activities	1,035,339	885,839
Defense Nuclear Waste Disposal		
Yucca Mountain and interim storage	26,000	0
Program cut	0	[-26,000]
Total, Defense Nuclear Waste Disposal	26,000	0

DIVISION E—INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEARS 2018, 2019, AND 2020

Damon Paul
Nelson and
Matthew Young
Pollard
Intelligence
Authorization
Act for Fiscal
Years 2018, 2019,
and 2020.

SECTION 5001. SHORT TITLE.

This division may be cited as the “Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020”.

SEC. 5002. SUBDIVISIONS AND TABLE OF CONTENTS.

(a) DIVISIONS.—This division is organized into two subdivisions as follows:

(1) Subdivision 1—Intelligence Authorizations for Fiscal Year 2020.

(2) Subdivision 2—Intelligence Authorizations for Fiscal Years 2018 and 2019.

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

DIVISION E—INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEARS 2018, 2019, AND 2020

Sec. 5001. Short title.

Sec. 5002. Subdivisions and table of contents.

Sec. 5003. Definitions.

SUBDIVISION 1—INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEAR 2020

Sec. 5100. Table of contents.

TITLE LI—INTELLIGENCE ACTIVITIES

Sec. 5101. Authorization of appropriations.

Sec. 5102. Classified schedule of authorizations.

Sec. 5103. Intelligence community management account.

TITLE LII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 5201. Authorization of appropriations.

TITLE LIII—INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Intelligence Community Matters

Sec. 5301. Restriction on conduct of intelligence activities.

Sec. 5302. Increase in employee compensation and benefits authorized by law.

Sec. 5303. Expansion of scope of protections for identities of covert agents.

Sec. 5304. Required counterintelligence assessments, briefings, notifications, and reports.

Sec. 5305. Inclusion of security risks in program management plans required for acquisition of major systems in National Intelligence Program.

Sec. 5306. Intelligence community public-private talent exchange.

Sec. 5307. Assessment of contracting practices to identify certain security and counterintelligence concerns.

Subtitle B—Office of the Director of National Intelligence

Sec. 5321. Establishment of Climate Security Advisory Council.

Sec. 5322. Foreign Malign Influence Response Center.

Sec. 5323. Encouragement of cooperative actions to detect and counter foreign influence operations.

Sec. 5324. Transfer of National Intelligence University to the Office of the Director of National Intelligence.

Subtitle C—Inspector General of the Intelligence Community

Sec. 5331. Definitions.

Sec. 5332. Inspector General external review panel.

Sec. 5333. Harmonization of whistleblower processes and procedures.

- Sec. 5334. Oversight by Inspector General of the Intelligence Community over intelligence community whistleblower matters.
- Sec. 5335. Report on cleared whistleblower attorneys.

Subtitle D—Central Intelligence Agency

- Sec. 5341. Clarification of certain authority of the Central Intelligence Agency.

TITLE LIV—SECURITY CLEARANCES

- Sec. 5401. Improving visibility into the security clearance process.
- Sec. 5402. Making certain policies and execution plans relating to personnel clearances available to industry partners.

TITLE LV—MATTERS RELATING TO FOREIGN COUNTRIES

Subtitle A—Matters Relating to Russia

- Sec. 5501. Annual reports on influence operations and campaigns in the United States by the Russian Federation.
- Sec. 5502. Assessment of legitimate and illegitimate financial and other assets of Vladimir Putin.
- Sec. 5503. Assessments of intentions of political leadership of the Russian Federation.

Subtitle B—Matters Relating to China

- Sec. 5511. Annual reports on influence operations and campaigns in the United States by the Communist Party of China.
- Sec. 5512. Report on repression of ethnic Muslim minorities in the Xinjiang region of the People's Republic of China.
- Sec. 5513. Report on efforts by People's Republic of China to influence election in Taiwan.

Subtitle C—Matters Relating to Other Countries

- Sec. 5521. Sense of Congress and report on Iranian efforts in Syria and Lebanon.
- Sec. 5522. Assessments regarding the Northern Triangle and Mexico.

TITLE LVI—FEDERAL EFFORTS AGAINST DOMESTIC TERRORISM

- Sec. 5601. Definitions.
- Sec. 5602. Strategic intelligence assessment of and reports on domestic terrorism.

TITLE LVII—REPORTS AND OTHER MATTERS

Subtitle A—Reports and Briefings

- Sec. 5701. Modification of requirements for submission to Congress of certain reports.
- Sec. 5702. Increased transparency regarding counterterrorism budget of the United States.
- Sec. 5703. Study on role of retired and former personnel of intelligence community with respect to certain foreign intelligence operations.
- Sec. 5704. Collection, analysis, and dissemination of workforce data.
- Sec. 5705. Plan for strengthening the supply chain intelligence function.
- Sec. 5706. Comprehensive economic assessment of investment in key United States technologies by companies or organizations linked to China.
- Sec. 5707. Report by Director of National Intelligence on fifth-generation wireless network technology.
- Sec. 5708. Report on use by intelligence community of facial recognition technology.
- Sec. 5709. Report on deepfake technology, foreign weaponization of deepfakes, and related notifications.
- Sec. 5710. Annual report by Comptroller General of the United States on cybersecurity and surveillance threats to Congress.
- Sec. 5711. Analysis of and periodic briefings on major initiatives of intelligence community in artificial intelligence and machine learning.
- Sec. 5712. Report on best practices to protect privacy and civil liberties of Chinese Americans.
- Sec. 5713. Oversight of foreign influence in academia.
- Sec. 5714. Report on death of Jamal Khashoggi.
- Sec. 5715. Report on terrorist screening database.
- Sec. 5716. Report containing threat assessment on terrorist use of conventional and advanced conventional weapons.
- Sec. 5717. Assessment of homeland security vulnerabilities associated with certain retired and former personnel of the intelligence community.
- Sec. 5718. Study on feasibility and advisability of establishing Geospatial-Intelligence Museum and learning center.

Subtitle B—Other Matters

- Sec. 5721. Whistleblower disclosures to Congress and committees of Congress.
- Sec. 5722. Task force on illicit financing of espionage and foreign influence operations.
- Sec. 5723. Establishment of fifth-generation technology prize competition.
- Sec. 5724. Establishment of deepfakes prize competition.
- Sec. 5725. Identification of and countermeasures against certain International Mobile Subscriber Identity-catchers.
- Sec. 5726. Securing energy infrastructure.

SUBDIVISION 2—INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEARS 2018 AND 2019

- Sec. 6100. Table of contents.

TITLE LXI—INTELLIGENCE ACTIVITIES

- Sec. 6101. Authorization of appropriations.
- Sec. 6102. Intelligence Community Management Account.

TITLE LXII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

- Sec. 6201. Authorization of appropriations.
- Sec. 6202. Computation of annuities for employees of the Central Intelligence Agency.

TITLE LXIII—GENERAL INTELLIGENCE COMMUNITY MATTERS

- Sec. 6301. Restriction on conduct of intelligence activities.
- Sec. 6302. Increase in employee compensation and benefits authorized by law.
- Sec. 6303. Modification of special pay authority for science, technology, engineering, or mathematics positions and addition of special pay authority for cyber positions.
- Sec. 6304. Modification of appointment of Chief Information Officer of the Intelligence Community.
- Sec. 6305. Director of National Intelligence review of placement of positions within the intelligence community on the Executive Schedule.
- Sec. 6306. Supply Chain and Counterintelligence Risk Management Task Force.
- Sec. 6307. Consideration of adversarial telecommunications and cybersecurity infrastructure when sharing intelligence with foreign governments and entities.
- Sec. 6308. Cyber protection support for the personnel of the intelligence community in positions highly vulnerable to cyber attack.
- Sec. 6309. Elimination of sunset of authority relating to management of supply-chain risk.
- Sec. 6310. Limitations on determinations regarding certain security classifications.
- Sec. 6311. Joint Intelligence Community Council.
- Sec. 6312. Intelligence community information technology environment.
- Sec. 6313. Report on development of secure mobile voice solution for intelligence community.
- Sec. 6314. Policy on minimum insider threat standards.
- Sec. 6315. Submission of intelligence community policies.
- Sec. 6316. Expansion of intelligence community recruitment efforts.

TITLE LXIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

- Sec. 6401. Authority for protection of current and former employees of the Office of the Director of National Intelligence.
- Sec. 6402. Designation of the program manager-information-sharing environment.
- Sec. 6403. Technical modification to the executive schedule.
- Sec. 6404. Chief Financial Officer of the Intelligence Community.
- Sec. 6405. Chief Information Officer of the Intelligence Community.

Subtitle B—Central Intelligence Agency

- Sec. 6411. Central Intelligence Agency subsistence for personnel assigned to austere locations.
- Sec. 6412. Special rules for certain monthly workers' compensation payments and other payments for Central Intelligence Agency personnel.
- Sec. 6413. Expansion of security protective service jurisdiction of the Central Intelligence Agency.
- Sec. 6414. Repeal of foreign language proficiency requirement for certain senior level positions in the Central Intelligence Agency.

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

- Sec. 6421. Consolidation of Department of Energy Offices of Intelligence and Counterintelligence.
- Sec. 6422. Repeal of Department of Energy Intelligence Executive Committee and budget reporting requirement.

Subtitle D—Other Elements

- Sec. 6431. Plan for designation of counterintelligence component of Defense Security Service as an element of intelligence community.
- Sec. 6432. Notice not required for private entities.
- Sec. 6433. Establishment of advisory board for National Reconnaissance Office.
- Sec. 6434. Collocation of certain Department of Homeland Security personnel at field locations.

TITLE LXV—ELECTION MATTERS

- Sec. 6501. Report on cyber attacks by foreign governments against United States election infrastructure.
- Sec. 6502. Review of intelligence community's posture to collect against and analyze Russian efforts to influence the Presidential election.
- Sec. 6503. Assessment of foreign intelligence threats to Federal elections.
- Sec. 6504. Strategy for countering Russian cyber threats to United States elections.
- Sec. 6505. Assessment of significant Russian influence campaigns directed at foreign elections and referenda.
- Sec. 6506. Information sharing with State election officials.
- Sec. 6507. Notification of significant foreign cyber intrusions and active measures campaigns directed at elections for Federal offices.
- Sec. 6508. Designation of counterintelligence officer to lead election security matters.

TITLE LXVI—SECURITY CLEARANCES

- Sec. 6601. Definitions.
- Sec. 6602. Reports and plans relating to security clearances and background investigations.
- Sec. 6603. Improving the process for security clearances.
- Sec. 6604. Goals for promptness of determinations regarding security clearances.
- Sec. 6605. Security Executive Agent.
- Sec. 6606. Report on unified, simplified, Governmentwide standards for positions of trust and security clearances.
- Sec. 6607. Report on clearance in person concept.
- Sec. 6608. Reports on reciprocity for security clearances inside of departments and agencies.
- Sec. 6609. Intelligence community reports on security clearances.
- Sec. 6610. Periodic report on positions in the intelligence community that can be conducted without access to classified information, networks, or facilities.
- Sec. 6611. Information-sharing program for positions of trust and security clearances.
- Sec. 6612. Report on protections for confidentiality of whistleblower-related communications.
- Sec. 6613. Reports on costs of security clearance background investigations.

TITLE LXVII—REPORTS AND OTHER MATTERS

Subtitle A—Matters Relating to Russia and Other Foreign Powers

- Sec. 6701. Limitation relating to establishment or support of cybersecurity unit with the Russian Federation.
- Sec. 6702. Assessment of threat finance relating to Russia.
- Sec. 6703. Notification of an active measures campaign.
- Sec. 6704. Notification of travel by accredited diplomatic and consular personnel of the Russian Federation in the United States.
- Sec. 6705. Report and annual briefing on Iranian expenditures supporting foreign military and terrorist activities.
- Sec. 6706. Expansion of scope of committee to counter active measures.

Subtitle B—Reports

- Sec. 6711. Technical correction to Inspector General study.
- Sec. 6712. Reports on authorities of the Chief Intelligence Officer of the Department of Homeland Security.
- Sec. 6713. Review of intelligence community whistleblower matters.
- Sec. 6714. Report on role of Director of National Intelligence with respect to certain foreign investments.

- Sec. 6715. Report on surveillance by foreign governments against United States telecommunications networks.
- Sec. 6716. Biennial report on foreign investment risks.
- Sec. 6717. Modification of certain reporting requirement on travel of foreign diplomats.
- Sec. 6718. Semiannual reports on investigations of unauthorized disclosures of classified information.
- Sec. 6719. Congressional notification of designation of covered intelligence officer as persona non grata.
- Sec. 6720. Reports on intelligence community participation in vulnerabilities equities process of Federal Government.
- Sec. 6721. Inspectors General reports on classification.
- Sec. 6722. Reports and briefings on national security effects of global water insecurity and emerging infectious disease and pandemics.
- Sec. 6723. Annual report on memoranda of understanding between elements of intelligence community and other entities of the United States Government regarding significant operational activities or policy.
- Sec. 6724. Study on the feasibility of encrypting unclassified wireline and wireless telephone calls.
- Sec. 6725. Reports on intelligence community loan repayment and related programs.
- Sec. 6726. Repeal of certain reporting requirements.
- Sec. 6727. Inspector General of the Intelligence Community report on senior executives of the Office of the Director of National Intelligence.
- Sec. 6728. Briefing on Federal Bureau of Investigation offering permanent residence to sources and cooperators.
- Sec. 6729. Intelligence assessment of North Korea revenue sources.
- Sec. 6730. Report on possible exploitation of virtual currencies by terrorist actors.

Subtitle C—Other Matters

- Sec. 6741. Public Interest Declassification Board.
- Sec. 6742. Technical and clerical amendments to the National Security Act of 1947.
- Sec. 6743. Bug bounty programs.
- Sec. 6744. Technical amendments related to the Department of Energy.
- Sec. 6745. Sense of Congress on notification of certain disclosures of classified information.
- Sec. 6746. Sense of Congress on consideration of espionage activities when considering whether or not to provide visas to foreign individuals to be accredited to a United Nations mission in the United States.
- Sec. 6747. Sense of Congress on WikiLeaks.

SEC. 5003. DEFINITIONS.

50 USC 3003
note.

In this division:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SUBDIVISION 1—INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEAR 2020

SEC. 5100. TABLE OF CONTENTS.

The table of contents for this subdivision is as follows:

- Sec. 5100. Table of contents.

TITLE LI—INTELLIGENCE ACTIVITIES

- Sec. 5101. Authorization of appropriations.
- Sec. 5102. Classified schedule of authorizations.
- Sec. 5103. Intelligence community management account.

TITLE LII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM

Sec. 5201. Authorization of appropriations.

TITLE LIII—INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Intelligence Community Matters

- Sec. 5301. Restriction on conduct of intelligence activities.
- Sec. 5302. Increase in employee compensation and benefits authorized by law.
- Sec. 5303. Expansion of scope of protections for identities of covert agents.
- Sec. 5304. Required counterintelligence assessments, briefings, notifications, and reports.
- Sec. 5305. Inclusion of security risks in program management plans required for acquisition of major systems in National Intelligence Program.
- Sec. 5306. Intelligence community public-private talent exchange.
- Sec. 5307. Assessment of contracting practices to identify certain security and counterintelligence concerns.

Subtitle B—Office of the Director of National Intelligence

- Sec. 5321. Establishment of Climate Security Advisory Council.
- Sec. 5322. Foreign Malign Influence Response Center.
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- Sec. 5324. Transfer of National Intelligence University to the Office of the Director of National Intelligence.

Subtitle C—Inspector General of the Intelligence Community

- Sec. 5331. Definitions.
- Sec. 5332. Inspector General external review panel.
- Sec. 5333. Harmonization of whistleblower processes and procedures.
- Sec. 5334. Oversight by Inspector General of the Intelligence Community over intelligence community whistleblower matters.
- Sec. 5335. Report on cleared whistleblower attorneys.

Subtitle D—Central Intelligence Agency

- Sec. 5341. Clarification of certain authority of the Central Intelligence Agency.

TITLE LIV—SECURITY CLEARANCES

- Sec. 5401. Improving visibility into the security clearance process.
- Sec. 5402. Making certain policies and execution plans relating to personnel clearances available to industry partners.

TITLE LV—MATTERS RELATING TO FOREIGN COUNTRIES

Subtitle A—Matters Relating to Russia

- Sec. 5501. Annual reports on influence operations and campaigns in the United States by the Russian Federation.
- Sec. 5502. Assessment of legitimate and illegitimate financial and other assets of Vladimir Putin.
- Sec. 5503. Assessments of intentions of political leadership of the Russian Federation.

Subtitle B—Matters Relating to China

- Sec. 5511. Annual reports on influence operations and campaigns in the United States by the Communist Party of China.
- Sec. 5512. Report on repression of ethnic Muslim minorities in the Xinjiang region of the People's Republic of China.
- Sec. 5513. Report on efforts by People's Republic of China to influence election in Taiwan.

Subtitle C—Matters Relating to Other Countries

- Sec. 5521. Sense of Congress and report on Iranian efforts in Syria and Lebanon.
- Sec. 5522. Assessments regarding the Northern Triangle and Mexico.

TITLE LVI—FEDERAL EFFORTS AGAINST DOMESTIC TERRORISM

- Sec. 5601. Definitions.
- Sec. 5602. Strategic intelligence assessment of and reports on domestic terrorism.

TITLE LVII—REPORTS AND OTHER MATTERS

Subtitle A—Reports and Briefings

- Sec. 5701. Modification of requirements for submission to Congress of certain reports.

- Sec. 5702. Increased transparency regarding counterterrorism budget of the United States.
- Sec. 5703. Study on role of retired and former personnel of intelligence community with respect to certain foreign intelligence operations.
- Sec. 5704. Collection, analysis, and dissemination of workforce data.
- Sec. 5705. Plan for strengthening the supply chain intelligence function.
- Sec. 5706. Comprehensive economic assessment of investment in key United States technologies by companies or organizations linked to China.
- Sec. 5707. Report by Director of National Intelligence on fifth-generation wireless network technology.
- Sec. 5708. Report on use by intelligence community of facial recognition technology.
- Sec. 5709. Report on deepfake technology, foreign weaponization of deepfakes, and related notifications.
- Sec. 5710. Annual report by Comptroller General of the United States on cybersecurity and surveillance threats to Congress.
- Sec. 5711. Analysis of and periodic briefings on major initiatives of intelligence community in artificial intelligence and machine learning.
- Sec. 5712. Report on best practices to protect privacy and civil liberties of Chinese Americans.
- Sec. 5713. Oversight of foreign influence in academia.
- Sec. 5714. Report on death of Jamal Khashoggi.
- Sec. 5715. Report on terrorist screening database.
- Sec. 5716. Report containing threat assessment on terrorist use of conventional and advanced conventional weapons.
- Sec. 5717. Assessment of homeland security vulnerabilities associated with certain retired and former personnel of the intelligence community.
- Sec. 5718. Study on feasibility and advisability of establishing Geospatial-Intelligence Museum and learning center.

Subtitle B—Other Matters

- Sec. 5721. Whistleblower disclosures to Congress and committees of Congress.
- Sec. 5722. Task force on illicit financing of espionage and foreign influence operations.
- Sec. 5723. Establishment of fifth-generation technology prize competition.
- Sec. 5724. Establishment of deepfakes prize competition.
- Sec. 5725. Identification of and countermeasures against certain International Mobile Subscriber Identity-catchers.
- Sec. 5726. Securing energy infrastructure.

TITLE LI—INTELLIGENCE ACTIVITIES

SEC. 5101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2020 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Office of the Director of National Intelligence.
- (2) The Central Intelligence Agency.
- (3) The Department of Defense.
- (4) The Defense Intelligence Agency.
- (5) The National Security Agency.
- (6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (7) The Coast Guard.
- (8) The Department of State.
- (9) The Department of the Treasury.
- (10) The Department of Energy.
- (11) The Department of Justice.
- (12) The Federal Bureau of Investigation.
- (13) The Drug Enforcement Administration.
- (14) The National Reconnaissance Office.
- (15) The National Geospatial-Intelligence Agency.
- (16) The Department of Homeland Security.

SEC. 5102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) **SPECIFICATIONS OF AMOUNTS.**—The amounts authorized to be appropriated under section 5101 for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 5101, are those specified in the classified Schedule of Authorizations prepared to accompany this division.

President.

(b) **AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**—

(1) **AVAILABILITY.**—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) **DISTRIBUTION BY THE PRESIDENT.**—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch.

(3) **LIMITS ON DISCLOSURE.**—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget;
or

(C) as otherwise required by law.

SEC. 5103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2020 the sum of \$565,637,000.

(b) **CLASSIFIED AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2020 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 5102(a).

TITLE LII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DIS- ABILITY SYSTEM

SEC. 5201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund \$514,000,000 for fiscal year 2020.

TITLE LIII—INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Intelligence Community Matters

SEC. 5301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this subdivision shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 5302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this subdivision for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 5303. EXPANSION OF SCOPE OF PROTECTIONS FOR IDENTITIES OF COVERT AGENTS.

Section 605(4) of the National Security Act of 1947 (50 U.S.C. 3126(4)) is amended—

(1) in subparagraph (A)—

(A) by striking clause (ii);

(B) in clause (i), by striking “, and” and inserting “; or”; and

(C) by striking “agency—” and all that follows through “whose identity” and inserting “agency whose identity”; and

(2) in subparagraph (B)(i), by striking “resides and acts outside the United States” and inserting “acts”.

SEC. 5304. REQUIRED COUNTERINTELLIGENCE ASSESSMENTS, BRIEFINGS, NOTIFICATIONS, AND REPORTS. 50 USC 3371.

(a) FOREIGN COUNTERINTELLIGENCE AND CYBERSECURITY THREATS TO FEDERAL ELECTION CAMPAIGNS.—

(1) REPORTS REQUIRED.—

(A) IN GENERAL.—As provided in subparagraph (B), with respect to an election for Federal office, the Director of National Intelligence, in coordination with the Under Secretary of Homeland Security for Intelligence and Analysis and the Director of the Federal Bureau of Investigation, shall make publicly available on an internet website an advisory report on foreign counterintelligence and cybersecurity threats to campaigns of candidates for Federal office. Each such report, consistent with the protection of sources and methods, shall include the following:

(i) A description of foreign counterintelligence and cybersecurity threats to campaigns of candidates for Federal office.

(ii) A summary of best practices that campaigns of candidates for Federal office can employ in seeking to counter such threats.

Coordination.
Public
information.
Web posting.

Summary.

(iii) An identification of publicly available resources, including United States Government resources, for countering such threats.

(B) SCHEDULE FOR SUBMITTAL.—

(i) IN GENERAL.—Except as provided by clause (ii), with respect to an election for Federal office, a report under this subsection shall be first made available not later than the date that is 1 year before the date of such election, and may be subsequently revised as the Director of National Intelligence determines appropriate.

(ii) 2020 ELECTIONS.—With respect to an election for Federal office that occurs during 2020, the report under this subsection shall be first made available not later than the date that is 60 days after the date of the enactment this Act, and may be subsequently revised as the Director of National Intelligence determines appropriate.

(C) INFORMATION TO BE INCLUDED.—A report under this subsection shall reflect the most current information available to the Director of National Intelligence regarding foreign counterintelligence and cybersecurity threats.

Determination.

(2) TREATMENT OF CAMPAIGNS SUBJECT TO HEIGHTENED THREATS.—If the Director of the Federal Bureau of Investigation and the Under Secretary of Homeland Security for Intelligence and Analysis jointly determine that a campaign of a candidate for Federal office is subject to a heightened foreign counterintelligence or cybersecurity threat, the Director and the Under Secretary, consistent with the protection of sources and methods, may make available additional information to the appropriate representatives of such campaign.

(b) BRIEFINGS ON COUNTERINTELLIGENCE ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), is amended by adding at the end the following new section:

50 USC 3111.

“SEC. 512. BRIEFINGS AND NOTIFICATIONS ON COUNTERINTELLIGENCE ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

“(a) QUARTERLY BRIEFINGS.—In addition to, and without any derogation of, the requirement under section 501 to keep the congressional intelligence committees fully and currently informed of the intelligence and counterintelligence activities of the United States, not less frequently than once each quarter, or more frequently if requested by the congressional intelligence committees, the Director of the Federal Bureau of Investigation shall provide to the congressional intelligence committees a briefing on the counterintelligence activities of the Federal Bureau of Investigation. Such briefings shall include, at a minimum, an overview and update of—

Update.

“(1) the counterintelligence posture of the Bureau;

“(2) counterintelligence investigations; and

“(3) any other information relating to the counterintelligence activities of the Bureau that the Director determines necessary.

“(b) NOTIFICATIONS.—In addition to the quarterly briefings under subsection (a), the Director of the Federal Bureau of Investigation shall promptly notify the congressional intelligence committees of any counterintelligence investigation carried out by the Bureau with respect to any counterintelligence risk or threat that is related to an election or campaign for Federal office.

“(c) GUIDELINES.—

“(1) DEVELOPMENT AND CONSULTATION.—The Director shall develop guidelines governing the scope of the briefings provided under subsection (a), the notifications provided under subsection (b), and the information required by section 5304(a)(2) of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020. The Director shall consult the congressional intelligence committees during such development.

“(2) SUBMISSION.—The Director shall submit to the congressional intelligence committees—

“(A) the guidelines under paragraph (1) upon issuance;

and

“(B) any updates to such guidelines by not later than 15 days after making such update.”

Updates.
Deadline.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 511 the following new item:

“Sec. 512. Briefings and notifications on counterintelligence activities of the Federal Bureau of Investigation.”

(c) DIRECTOR OF NATIONAL INTELLIGENCE ASSESSMENT OF FOREIGN INTERFERENCE IN FEDERAL ELECTIONS.—

(1) ASSESSMENTS REQUIRED.—Not later than 45 days after the end of a Federal election cycle, the Director of National Intelligence, in consultation with the heads of such other executive departments and agencies as the Director considers appropriate, shall—

Deadline.
Consultation.

(A) conduct an assessment of any information indicating that a foreign government, or any person acting as an agent of or on behalf of a foreign government, has acted with the intent or purpose of interfering in elections for Federal office occurring during the Federal election cycle; and

(B) transmit the findings of the Director with respect to the assessment conducted under subparagraph (A), along with such supporting information as the Director considers appropriate, to the following:

- (i) The President.
- (ii) The Secretary of State.
- (iii) The Secretary of the Treasury.
- (iv) The Secretary of Defense.
- (v) The Attorney General.
- (vi) The Secretary of Homeland Security.
- (vii) Congress.

(2) ELEMENTS.—An assessment conducted under paragraph (1)(A), with respect to an act described in such paragraph, shall identify, to the maximum extent ascertainable, the following:

(A) The nature of any foreign interference and any methods employed to execute the act.

Deadline. Public information.	(B) The persons involved. (C) The foreign government or governments that authorized, directed, sponsored, or supported the act. (3) PUBLICATION.—The Director shall, not later than 60 days after the end of a Federal election cycle, make available to the public, to the greatest extent possible consistent with the protection of sources and methods, the findings transmitted under paragraph (1)(B).
Applicability.	(4) FEDERAL ELECTION CYCLE DEFINED.—In this section, the term “Federal election cycle” means the period which begins on the day after the date of a regularly scheduled general election for Federal office and which ends on the date of the first regularly scheduled general election for Federal office held after such date. (5) EFFECTIVE DATE.—This subsection shall apply with respect to the Federal election cycle that began during November 2018, and each succeeding Federal election cycle.

SEC. 5305. INCLUSION OF SECURITY RISKS IN PROGRAM MANAGEMENT PLANS REQUIRED FOR ACQUISITION OF MAJOR SYSTEMS IN NATIONAL INTELLIGENCE PROGRAM.

Section 102A(q)(1)(A) of the National Security Act of 1947 (50 U.S.C. 3024(q)(1)(A)) is amended by inserting “security risks,” after “schedule,”.

50 USC 3334. **SEC. 5306. INTELLIGENCE COMMUNITY PUBLIC-PRIVATE TALENT EXCHANGE.**

Deadline.	<p>(a) POLICIES, PROCESSES, AND PROCEDURES REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall develop policies, processes, and procedures to facilitate the rotation of personnel of the intelligence community to the private sector, and personnel from the private sector to the intelligence community.</p> <p>(b) DETAIL AUTHORITY.—Under policies developed by the Director pursuant to subsection (a), pursuant to a written agreement with a private-sector organization, and with the consent of the employee, a head of an element of the intelligence community may arrange for the temporary detail of an employee of such element to such private-sector organization, or from such private-sector organization to such element under this section.</p> <p>(c) AGREEMENTS.—</p> <p>(1) IN GENERAL.—A head of an element of the intelligence community exercising the authority of the head under subsection (a) shall provide for a written agreement among the element of the intelligence community, the private-sector organization, and the employee concerned regarding the terms and conditions of the employee’s detail under this section. The agreement—</p> <p>(A) shall require that the employee of the element, upon completion of the detail, serve in the element, or elsewhere in the civil service if approved by the head of the element, for a period that is at least equal to the length of the detail;</p> <p>(B) shall provide that if the employee of the element fails to carry out the agreement, such employee shall be liable to the United States for payment of all nonsalary and benefit expenses of the detail, unless that failure was</p>
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for good and sufficient reason, as determined by the head of the element;

(C) shall contain language informing such employee of the prohibition on sharing, using, or otherwise improperly handling classified or unclassified nonpublic information for the benefit or advantage of the private-sector organization;

(D) shall contain language governing the handling of classified information by such employee during the detail; and

(E) shall contain language requiring the employee to acknowledge the obligations of the employee under section 1905 of title 18, United States Code.

(2) AMOUNT OF LIABILITY.—An amount for which an employee is liable under paragraph (1) shall be treated as a debt due the United States.

(3) WAIVER.—The head of an element of the intelligence community may waive, in whole or in part, collection of a debt described in paragraph (2) based on a determination that the collection would be against equity and good conscience and not in the best interests of the United States, after taking into account any indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee.

Determination.

(d) TERMINATION.—A detail under this section may, at any time and for any reason, be terminated by the head of the element of the intelligence community concerned or the private-sector organization concerned.

(e) DURATION.—

(1) IN GENERAL.—A detail under this section shall be for a period of not less than 3 months and not more than 2 years, renewable up to a total of 3 years.

(2) LONGER PERIODS.—A detail under this section may be for a period in excess of 2 years, but not more than 3 years, if the head of the element making the detail determines that such detail is necessary to meet critical mission or program requirements.

Determination.

(3) LIMITATION.—No employee of an element of the intelligence community may be detailed under this section for more than a total of 5 years, inclusive of all such details.

(f) STATUS OF FEDERAL EMPLOYEES DETAILED TO PRIVATE-SECTOR ORGANIZATIONS.—

(1) IN GENERAL.—An employee of an element of the intelligence community who is detailed to a private-sector organization under this section shall be considered, during the period of detail, to be on a regular work assignment in the element. The written agreement established under subsection (c)(1) shall address the specific terms and conditions related to the employee's continued status as a Federal employee.

(2) REQUIREMENTS.—In establishing a temporary detail of an employee of an element of the intelligence community to a private-sector organization, the head of the element shall—

(A) certify that the temporary detail of such employee shall not have an adverse or negative impact on mission attainment or organizational capabilities associated with the detail; and

Certification.

(B) in the case of an element of the intelligence community in the Department of Defense, ensure that the normal

duties and functions of such employees are not, as a result of and during the course of such temporary detail, performed or augmented by contractor personnel in violation of the provisions of section 2461 of title 10, United States Code.

(g) **TERMS AND CONDITIONS FOR PRIVATE-SECTOR EMPLOYEES.**—An employee of a private-sector organization who is detailed to an element of the intelligence community under this section—

(1) shall continue to receive pay and benefits from the private-sector organization from which such employee is detailed and shall not receive pay or benefits from the element, except as provided in paragraph (2);

(2) is deemed to be an employee of the element for the purposes of—

(A) chapters 73 and 81 of title 5, United States Code;

(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, United States Code;

(C) sections 1343, 1344, and 1349(b) of title 31, United States Code;

(D) chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”) and any other Federal tort liability statute;

(E) the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(F) chapter 21 of title 41, United States Code;

(3) may perform work that is considered inherently governmental in nature only when requested in writing by the head of the element;

(4) may not be used to circumvent any limitation or restriction on the size of the workforce of the element;

(5) shall be subject to the same requirements applicable to an employee performing the same functions and duties proposed for performance by the private-sector employee; and

(6) in the case of an element of the intelligence community in the Department of Defense, may not be used to circumvent the provisions of section 2461 of title 10, United States Code.

(h) **PROHIBITION AGAINST CHARGING CERTAIN COSTS TO THE FEDERAL GOVERNMENT.**—A private-sector organization may not charge an element of the intelligence community or any other agency of the Federal Government, as direct costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee detailed to an element of the intelligence community under this section for the period of the detail and any subsequent renewal periods.

(i) **ADDITIONAL ADMINISTRATIVE MATTERS.**—In carrying out this section, the Director, pursuant to procedures developed under subsection (a)—

(1) shall, to the degree practicable, ensure that small business concerns are represented with respect to details authorized by this section;

(2) may, notwithstanding any other provision of law, establish criteria for elements of the intelligence community to use appropriated funds to reimburse small business concerns for the salaries and benefits of its employees during the periods when the small business concern agrees to detail its employees to the intelligence community under this section;

(3) shall take into consideration the question of how details under this section might best be used to help meet the needs of the intelligence community, including with respect to the training of employees;

(4) shall take into consideration areas of private-sector expertise that are critical to the intelligence community; and

(5) shall establish oversight mechanisms to determine whether the public-private exchange authorized by this section improves the efficiency and effectiveness of the intelligence community.

Determination.

(j) DEFINITIONS.—In this section:

(1) DETAIL.—The term “detail” means, as appropriate in the context in which such term is used—

(A) the assignment or loan of an employee of an element of the intelligence community to a private-sector organization without a change of position from the intelligence community element that employs the individual; or

(B) the assignment or loan of an employee of a private-sector organization to an element of the intelligence community without a change of position from the private-sector organization that employs the individual.

(2) PRIVATE-SECTOR ORGANIZATION.—The term “private-sector organization” means—

(A) a for-profit organization; or

(B) a not-for-profit organization.

(3) SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning given such term in section 3703(e)(2) of title 5, United States Code.

SEC. 5307. ASSESSMENT OF CONTRACTING PRACTICES TO IDENTIFY CERTAIN SECURITY AND COUNTERINTELLIGENCE CONCERNS.

(a) ASSESSMENT.—

(1) CONTRACTING PRACTICES.—The Director of National Intelligence shall conduct an assessment of the authorities, policies, processes, and standards used by the elements of the intelligence community to ensure that the elements appropriately weigh security and counterintelligence risks in awarding a contract to a contractor that—

(A) carries out any joint research and development activities with a covered foreign country; or

(B) performs any contract or other agreement entered into with a covered foreign country.

(2) ELEMENTS.—The assessment under paragraph (1) shall include the following:

(A) An assessment of whether the authorities, policies, processes, and standards specified in paragraph (1) sufficiently identify security and counterintelligence concerns.

(B) Identification of any authority gaps in such authorities, policies, processes, and standards that prevent the intelligence community from considering the activities specified in subparagraphs (A) and (B) of paragraph (1) when evaluating offers for a contract.

(3) CONSULTATION.—In carrying out paragraph (1), the Director shall consult with each head of an element of the intelligence community.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees a report on the assessment under subsection (a)(1).

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) The assessment under subsection (a)(1).

(B) An identification of any known contractors that have—

(i) carried out activities specified in subparagraphs

(A) and (B) of subsection (a)(1); and

(ii) submitted an offer for a contract with an element of the intelligence community.

(C) A description of the steps that the Director and the heads of the elements of the intelligence community took to identify contractors under subparagraph (B).

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

(c) COVERED FOREIGN COUNTRY DEFINED.—In this section, the term “covered foreign country” means the government, or any entity affiliated with the military or intelligence services of, the following foreign countries:

(1) The People’s Republic of China.

(2) The Russian Federation.

(3) The Democratic People’s Republic of Korea.

(4) The Islamic Republic of Iran.

(5) Such other countries as the Director considers appropriate.

Subtitle B—Office of the Director of National Intelligence

SEC. 5321. ESTABLISHMENT OF CLIMATE SECURITY ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Title I of the National Security Act of 1947 (50 U.S.C. 3021 et seq.) is amended by adding at the end the following new section:

50 USC 3060.

“SEC. 120. CLIMATE SECURITY ADVISORY COUNCIL.

Analysis.

“(a) ESTABLISHMENT.—The Director of National Intelligence shall establish a Climate Security Advisory Council for the purpose of—

Coordination.

“(1) assisting intelligence analysts of various elements of the intelligence community with respect to analysis of climate security and its impact on the areas of focus of such analysts;

“(2) facilitating coordination between the elements of the intelligence community and elements of the Federal Government that are not elements of the intelligence community in collecting data on, and conducting analysis of, climate change and climate security; and

“(3) ensuring that the intelligence community is adequately prioritizing climate change in carrying out its activities.

“(b) COMPOSITION OF COUNCIL.—

“(1) MEMBERS.—The Council shall be composed of the following individuals appointed by the Director of National Intelligence:

Appointments.

“(A) An appropriate official from the National Intelligence Council, who shall chair the Council.

“(B) The lead official with respect to climate and environmental security analysis from—

“(i) the Central Intelligence Agency;

“(ii) the Bureau of Intelligence and Research of the Department of State;

“(iii) the National Geospatial-Intelligence Agency;

“(iv) the Office of Intelligence and Counterintelligence of the Department of Energy;

“(v) the Office of the Under Secretary of Defense for Intelligence; and

“(vi) the Defense Intelligence Agency.

“(C) Three appropriate officials from elements of the Federal Government that are not elements of the intelligence community that are responsible for—

“(i) providing decision makers with a predictive understanding of the climate;

“(ii) making observations of our Earth system that can be used by the public, policymakers, and to support strategic decisions; or

“(iii) coordinating Federal research and investments in understanding the forces shaping the global environment, both human and natural, and their impacts on society.

Coordination.

“(D) Any other officials as the Director of National Intelligence or the chair of the Council may determine appropriate.

“(2) RESPONSIBILITIES OF CHAIR.—The chair of the Council shall have responsibility for—

“(A) identifying agencies to supply individuals from elements of the Federal Government that are not elements of the intelligence community;

“(B) securing the permission of the relevant agency heads for the participation of such individuals on the Council; and

“(C) any other duties that the Director of National Intelligence may direct.

“(c) DUTIES AND RESPONSIBILITIES OF COUNCIL.—The Council shall carry out the following duties and responsibilities:

“(1) To meet at least quarterly to—

“(A) exchange appropriate data between elements of the intelligence community and elements of the Federal Government that are not elements of the intelligence community;

“(B) discuss processes for the routine exchange of such data and implementation of such processes; and

“(C) prepare summaries of the business conducted at each meeting.

Summaries.

“(2) To assess and determine best practices with respect to the analysis of climate security, including identifying publicly available information and intelligence acquired through clandestine means that enables such analysis.

Assessment.
Determination.
Analysis.

Assessment.	“(3) To assess and identify best practices with respect to prior efforts of the intelligence community to analyze climate security.
Assessment.	“(4) To assess and describe best practices for identifying and disseminating climate security indicators and warnings.
Recommendations.	“(5) To recommend methods of incorporating analysis of climate security and the best practices identified under paragraphs (2) through (4) into existing analytic training programs.
Consultation.	“(6) To consult, as appropriate, with other elements of the intelligence community that conduct analysis of climate change or climate security and elements of the Federal Government that are not elements of the intelligence community that conduct analysis of climate change or climate security, for the purpose of sharing information about ongoing efforts and avoiding duplication of existing efforts.
	“(7) To work with elements of the intelligence community that conduct analysis of climate change or climate security and elements of the Federal Government that are not elements of the intelligence community that conduct analysis of climate change or climate security—
Data.	“(A) to exchange appropriate data between such elements, establish processes, procedures and practices for the routine exchange of such data, discuss the implementation of such processes; and
Procedures.	“(B) to enable and facilitate the sharing of findings and analysis between such elements.
Assessment.	“(8) To assess whether the elements of the intelligence community that conduct analysis of climate change or climate security may inform the research direction of academic work and the sponsored work of the United States Government.
	“(9) At the discretion of the chair of the Council, to convene conferences of analysts and nonintelligence community personnel working on climate change or climate security on subjects that the chair shall direct.
	“(d) SUNSET.—The Council shall terminate on the date that is 4 years after the date of the enactment of this section.
	“(e) DEFINITIONS.—In this section:
	“(1) CLIMATE SECURITY.—The term ‘climate security’ means the effects of climate change on the following:
	“(A) The national security of the United States, including national security infrastructure.
	“(B) Subnational, national, and regional political stability.
	“(C) The security of allies and partners of the United States.
	“(D) Ongoing or potential political violence, including unrest, rioting, guerrilla warfare, insurgency, terrorism, rebellion, revolution, civil war, and interstate war.
	“(2) CLIMATE INTELLIGENCE INDICATIONS AND WARNINGS.—The term ‘climate intelligence indications and warnings’ means developments relating to climate security with the potential to—
	“(A) imminently and substantially alter the political stability or degree of human security in a country or region; or
	“(B) imminently and substantially threaten—
	“(i) the national security of the United States;

“(ii) the military, political, or economic interests of allies and partners of the United States; or

“(iii) citizens of the United States abroad.”.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 119B the following new item:

“Sec. 120. Climate Security Advisory Council.”.

(c) INITIAL APPOINTMENTS.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall appoint the members of the Council under section 120 of the National Security Act of 1947, as added by subsection (a).

Deadline.
50 USC 3060
note.

SEC. 5322. FOREIGN MALIGN INFLUENCE RESPONSE CENTER.

(a) ESTABLISHMENT.—The National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended by inserting after section 119B the following new section:

“SEC. 119C. FOREIGN MALIGN INFLUENCE RESPONSE CENTER.

50 USC 3059.

“(a) ESTABLISHMENT.—There is within the Office of the Director of National Intelligence a Foreign Malign Influence Response Center (in this section referred to as the ‘Center’).

“(b) FUNCTIONS AND COMPOSITION.—The Center shall—

“(1) be comprised of analysts from all elements of the intelligence community, including elements with diplomatic and law enforcement functions;

“(2) have access to all intelligence and other reporting possessed or acquired by the United States Government pertaining to foreign malign influence;

“(3) serve as the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to foreign malign influence; and

“(4) provide to employees and officers of the Federal Government in policy-making positions and Congress comprehensive assessments, and indications and warnings, of foreign malign influence.

“(c) DIRECTOR.—

“(1) APPOINTMENT.—There is a Director of the Center, who shall be the head of the Center, and who shall be appointed by the Director of National Intelligence.

“(2) ROLE.—The Director of the Center shall—

“(A) report directly to the Director of National Intelligence;

“(B) carry out the functions under subsection (b); and

“(C) at the request of the President or the Director of National Intelligence, develop and provide recommendations for potential responses by the United States to foreign malign influence.

“(d) ANNUAL REPORTS.—

“(1) IN GENERAL.—In addition to the matters submitted pursuant to subsection (b)(4), at the direction of the Director of National Intelligence, but not less than once each year, the Director of the Center shall submit to the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on foreign malign influence.

Recommendations.
Determinations.

“(2) MATTERS INCLUDED.—Each report under paragraph (1) shall include, with respect to the period covered by the report, a discussion of the following:

“(A) The most significant activities of the Center.

“(B) Any recommendations the Director determines necessary for legislative or other actions to improve the ability of the Center to carry out its functions, including recommendations regarding the protection of privacy and civil liberties.

“(e) DEFINITIONS.—In this section:

“(1) COVERED FOREIGN COUNTRY.—The term ‘covered foreign country’ means the following:

“(A) The Russian Federation.

“(B) The Islamic Republic of Iran.

“(C) The Democratic People’s Republic of Korea.

“(D) The People’s Republic of China.

“(E) Any other foreign country that the Director of the Center determines appropriate for purposes of this section.

“(2) FOREIGN MALIGN INFLUENCE.—The term ‘foreign malign influence’ means any hostile effort undertaken by, at the direction of, or on behalf of or with the substantial support of, the government of a covered foreign country with the objective of influencing, through overt or covert means—

“(A) the political, military, economic, or other policies or activities of the United States Government or State or local governments, including any election within the United States; or

“(B) the public opinion within the United States.”.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 119B the following new item:

“Sec. 119C. Foreign Malign Influence Response Center.”.

(c) CONFORMING AMENDMENT.—Section 507(a) of such Act (50 U.S.C. 3106) is amended by adding at the end the following new paragraph:

“(6) An annual report submitted under section 119C(d)(1).”.

50 USC 3369.

SEC. 5323. ENCOURAGEMENT OF COOPERATIVE ACTIONS TO DETECT AND COUNTER FOREIGN INFLUENCE OPERATIONS.

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

(1) The Russian Federation, through military intelligence units, also known as the “GRU”, and Kremlin-linked troll organizations often referred to as the “Internet Research Agency”, deploy information warfare operations against the United States, its allies and partners, with the goal of advancing the strategic interests of the Russian Federation.

(2) One line of effort deployed as part of these information warfare operations is the weaponization of social media platforms with the goals of intensifying societal tensions, undermining trust in governmental institutions within the United States, its allies and partners in the West, and generally sowing division, fear, and confusion.

(3) These information warfare operations are a threat to the national security of the United States and that of the allies and partners of the United States. As former Director

of National Intelligence Dan Coats stated, “These actions are persistent, they are pervasive and they are meant to undermine America’s democracy.”.

(4) These information warfare operations continue to evolve and increase in sophistication.

(5) Other foreign adversaries and hostile non-state actors are increasingly adopting similar tactics of deploying information warfare operations against the West, such as recent state-backed operations from China around the Hong Kong protests identified by social media companies.

(6) Technological advances, including artificial intelligence, will only make it more difficult in the future to detect fraudulent accounts, deceptive material posted on social media, and malign behavior on social media platforms.

(7) Because these information warfare operations are deployed within and across private social media platforms, the companies that own these platforms have a responsibility to detect and facilitate the removal or neutralization of foreign adversary networks operating clandestinely on their platforms.

(8) The social media companies are inherently technologically sophisticated and adept at rapidly analyzing large amounts of data and developing software-based solutions to diverse and ever-changing challenges on their platforms, which makes them well-equipped to address the threat occurring on their platforms.

(9) Independent analyses confirmed Kremlin-linked threat networks, based on data provided by several social media companies to the Select Committee on Intelligence of the Senate, thereby demonstrating that it is possible to discern both broad patterns of cross-platform information warfare operations and specific fraudulent behavior on social media platforms.

(10) General Paul Nakasone, Director of the National Security Agency, emphasized the importance of these independent analyses to the planning and conducting of military cyber operations to frustrate Kremlin-linked information warfare operations against the 2018 mid-term elections. General Nakasone stated that the reports “were very, very helpful in terms of being able to understand exactly what our adversary was trying to do to build dissent within our nation.”.

(11) Institutionalizing ongoing robust, independent, and vigorous analysis of data related to foreign threat networks within and across social media platforms will help counter ongoing information warfare operations against the United States, its allies, and its partners.

(12) Archiving and disclosing to the public the results of these analyses by the social media companies and trusted third-party experts in a transparent manner will serve to demonstrate that the social media companies are detecting and removing foreign malign activities from their platforms while protecting the privacy of the people of the United States and will build public understanding of the scale and scope of these foreign threats to our democracy, since exposure is one of the most effective means to build resilience.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the social media companies should cooperate among themselves and with independent organizations and researchers

on a sustained and regular basis to share and analyze data and indicators relevant to foreign information warfare operations within and across their platforms in order to detect and counter foreign information warfare operations that threaten the national security of the United States and its allies and partners;

(2) information from law enforcement and the intelligence community is also important in assisting efforts by these social media companies to identify foreign information warfare operations;

(3) these analytic efforts should be organized in such a fashion as to meet the highest standards of ethics, confidentiality, and privacy protection of the people of the United States, while still allowing timely research access to relevant data;

(4) these analytic efforts should be undertaken as soon as possible to facilitate countering ongoing state or state-backed foreign information warfare operations and to aid in preparations for the United States Presidential and congressional elections in 2020 and beyond;

(5) the structure and operations of social media companies make them well positioned to work with independent organizations and researchers to address foreign adversary threat networks within and across their platforms, and these efforts could be conducted without direct Government involvement, direction, or regulation; and

(6) if the social media industry fails to take sufficient action to address foreign adversary threat networks operating within or across their platforms, Congress would have to consider additional safeguards for ensuring that this threat is effectively mitigated.

(c) **AUTHORITY TO FACILITATE ESTABLISHMENT OF SOCIAL MEDIA DATA AND THREAT ANALYSIS CENTER.**—

Coordination.
Grants.
Contracts.

(1) **AUTHORITY.**—The Director of National Intelligence, in coordination with the Secretary of Defense, may facilitate, by grant or contract or under an existing authority of the Director, the establishment of a Social Media Data and Threat Analysis Center with the functions described in paragraph (2) at an independent, nonprofit organization.

(2) **FUNCTIONS.**—The functions described in this paragraph are the following:

(A) Acting as a convening and sponsoring authority for cooperative social media data analysis of foreign threat networks involving social media companies and third-party experts, nongovernmental organizations, data journalists, Federally funded research and development centers, academic researchers, traditional media, and international counterparts, as appropriate.

Analysis.

(B) Facilitating analysis of foreign influence operation, within and across the individual social media platforms as well as hacking and leaking campaigns, and other tactics, and related unlawful activities that fund or subsidize such operations.

(C) Developing processes to share information from government entities on foreign influence operations with the individual social media companies to inform threat analysis, and working with the Office of the Director of National Intelligence as appropriate.

(D) Determining and making public criteria for identifying which companies, organizations, or researchers qualify for inclusion in the activities of the Center, and inviting entities that fit the criteria to join.

Determination.
Public
information.
Criteria.

(E) Determining jointly with the social media companies what data and metadata related to indicators of foreign adversary threat networks from their platforms and business operations will be made available for access and analysis.

Determination.

(F) Developing and making public the criteria and standards that must be met for companies, other organizations, and individual researchers to access and analyze data relating to foreign adversary threat networks within and across social media platforms and publish or otherwise use the results.

Public
information.
Criteria.

(G) Developing and making public the ethical standards for investigation of foreign threat networks and use of analytic results and for protection of the privacy of the customers and users of the social media platforms and of the proprietary information of the social media companies.

Public
information.
Standards.

(H) Developing technical, contractual, and procedural controls to prevent misuse of data, including any necessary auditing procedures, compliance checks, and review mechanisms.

(I) Developing and making public criteria and conditions under which the Center shall share information with the appropriate Government agencies regarding threats to national security from, or violations of the law involving, foreign activities on social media platforms.

Public
information.
Criteria.

(J) Hosting a searchable archive aggregating information related to foreign influence and disinformation operations to build a collective understanding of the threats and facilitate future examination consistent with privacy protections.

(K) Developing data standards to harmonize the sharing of information pursuant to this paragraph.

Data standards.

(d) REPORTING AND NOTIFICATIONS.—If the Director of National Intelligence chooses to use funds under subsection (c)(1) to facilitate the establishment of the Center, the Director of the Center shall—

(1) not later than 180 days after the date of the enactment of this Act, submit to appropriate congressional committees a report on—

(A) the estimated funding needs of the Center for fiscal year 2021 and for subsequent years;

(B) such statutory protections from liability as the Director considers necessary for the Center, participating social media companies, and participating third-party analytical participants;

(C) such statutory penalties as the Director considers necessary to ensure against misuse of data by researchers; and

(D) such changes to the Center's mission to fully capture broader unlawful activities that intersect with, complement, or support information warfare tactics; and

- (2) not less frequently than once each year, submit to the Director of National Intelligence, the Secretary of Defense, and the appropriate congressional committees a report—
- Assessments. (A) that assesses—
- (i) degree of cooperation and commitment from the social media companies to the mission of the Center; and
 - (ii) effectiveness of the Center in detecting and facilitating the removal or neutralization of clandestine foreign information warfare operations from social media platforms; and
- Recommendations. (B) includes such recommendations for legislative or administrative action as the Center considers appropriate to carry out the functions of the Center.
- (e) PERIODIC REPORTING TO THE PUBLIC.—The Director of the Center shall—
- (1) once each quarter, make available to the public a report on key trends in foreign influence and disinformation operations, including any threats to campaigns and elections, to inform the public of the United States; and
- Assessments. (2) as the Director considers necessary, provide more timely assessments relating to ongoing disinformation campaigns.
- (f) FUNDING.—Of the amounts appropriated or otherwise made available to the National Intelligence Program (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) in fiscal year 2020 and 2021, the Director of National Intelligence may use up to \$30,000,000 to carry out this section.
- (g) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—
- (1) the Committee on Armed Services of the Senate;
 - (2) the Committee on Homeland Security and Governmental Affairs of the Senate;
 - (3) the Committee on Foreign Relations of the Senate;
 - (4) the Committee on the Judiciary of the Senate;
 - (5) the Select Committee on Intelligence of the Senate;
 - (6) the Committee on Armed Services of the House of Representatives;
 - (7) the Committee on Homeland Security of the House of Representatives;
 - (8) the Committee on Foreign Affairs of the House of Representatives;
 - (9) the Committee on the Judiciary of the House of Representatives; and
 - (10) the Permanent Select Committee on Intelligence of the House of Representatives.
- 50 USC 3334a. **SEC. 5324. TRANSFER OF NATIONAL INTELLIGENCE UNIVERSITY TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.**
- Determination. (a) TRANSFER.—Upon the submission of the joint certifications under subsection (b)(1), the Secretary of Defense and the Director of National Intelligence shall take such actions that the Director determines necessary to transfer the National Intelligence University from the Defense Intelligence Agency to the Director of National Intelligence.
- (b) JOINT CERTIFICATIONS.—

(1) REQUIREMENT.—Except as provided by paragraph (2), as soon as practicable after the date of the enactment of this Act, but not later than 18 months after the date of such enactment, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the appropriate congressional committees written certifications of each of the following: Deadline.

(A) The Middle States Commission on Higher Education has provided regional academic accreditation for the National Intelligence University before the date of the certification, or will provide such academic accreditation as of the date on which the University is transferred under subsection (a).

(B) Members of the Armed Forces attending the University will be eligible to receive credit for Phase I joint professional military education.

(C) The Secretary of Education has informed the Director of National Intelligence that the Secretary has recommended approval of the degrees to be conferred pursuant to subsection (e)(2) or will provide such recommended approval as of the date on which the University is transferred under subsection (a).

(D) The Director of National Intelligence, in collaboration with the Secretary of Defense, has established an appropriate governance model for the University.

(E) The Secretary of Defense shall use the University to provide personnel of the Department of Defense with advanced intelligence education.

(2) FAILURE TO CERTIFY.—

(A) ACTIONS REQUIRED.—If the Secretary of Defense and the Director of National Intelligence fail to submit the certifications under paragraph (1) by the date specified in such paragraph, the Secretary and the Director shall—

(i) jointly submit to the appropriate congressional committees a report on such failure by not later than 21 months after the date of the enactment of this Act; and Reports.

(ii) jointly submit such certifications as soon as practicable.

(B) CONTENTS OF REPORT.—The report under subparagraph (A)(i) shall contain the following:

(i) A description of the progress made toward fulfilling the conditions described in such paragraph as of the date of the report.

(ii) A description of any obstacles preventing the fulfillment of such conditions.

(iii) The estimated dates of completion for the fulfillment of such conditions and the submission of the certifications. Estimates.

(c) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, the Director of the Defense Intelligence Agency, and the President of the National Intelligence University shall jointly provide to the appropriate congressional committees a briefing on the plan to carry out the transfer under subsection (a), including with respect to— Deadline.

(1) ensuring the provision of services to all elements of the intelligence community;

	(2) employing a military cadre at the University; and
	(3) addressing the current accreditation status of the National Intelligence University with the Middle States Commission on Higher Education.
	(d) COST ESTIMATES OF TRANSFER.—
Deadline.	(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the appropriate congressional committees an estimate of—
	(A) the annual costs of operating the National Intelligence University; and
	(B) the costs to the Federal Government of transferring the National Intelligence University to the Director of National Intelligence.
	(2) INCLUSION OF INDIRECT COSTS.—The estimate submitted under paragraph (1) shall include all indirect costs, including with respect to human resources, security, facilities, and information technology.
	(e) DEGREE-GRANTING AUTHORITY.—
Effective date.	(1) REGULATIONS.—Beginning on the date on which the National Intelligence University is transferred under subsection (a), under regulations prescribed by the Director of National Intelligence, the President of the National Intelligence University may, upon the recommendation of the faculty of the University, confer appropriate degrees upon graduates who meet the degree requirements.
	(2) LIMITATION.—A degree may not be conferred under this section unless—
	(A) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and
	(B) the University is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.
	(f) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—
Effective date.	(1) ACTIONS ON NONACCREDITATION.—Beginning on the date on which the National Intelligence University is transferred under subsection (a), the Director of National Intelligence shall promptly—
	(A) notify the congressional intelligence committees of any action by the Middle States Commission on Higher Education, or other appropriate academic accrediting agency or organization, to not accredit the University to award any new or existing degree; and
Reports.	(B) submit to such committees a report containing an explanation of any such action.
Effective date. Reports.	(2) MODIFICATION OR REDESIGNATION OF DEGREE-GRANTING AUTHORITY.—Beginning on the date on which the National Intelligence University is transferred under subsection (a), upon any modification or redesignation of existing degree-granting authority, the Director shall submit to the congressional intelligence committees a report containing the rationale for the proposed modification or redesignation and any subsequent recommendation of the Secretary of Education with respect to the proposed modification or redesignation.

(g) CONFORMING REPEAL.—

(1) IN GENERAL.—Section 2161 of title 10, United States Code, is repealed, and the table of sections at the beginning of chapter 108 of such title is amended by striking the item relating to such section 2161.

10 USC
prec. 2161.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date on which the Secretary of Defense and the Director of National Intelligence jointly submit the joint certifications under subsection (b)(1). The Secretary and the Director shall jointly notify the Law Revision Counsel of the House of Representatives of the submission of the certifications so that the Law Revision Counsel may execute the amendments made by paragraph (1).

10 USC 2161
note.

Notification.

(h) DEFINITIONS.—In this section:

50 USC 3334a.

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional intelligence committees; and

(B) the Committees on Armed Services of the Senate and House of Representatives.

(2) PHASE I JOINT PROFESSIONAL MILITARY EDUCATION.—The term “Phase I joint professional military education” has the meaning given that term pursuant to section 2154 of title 10, United States Code.

Subtitle C—Inspector General of the Intelligence Community

SEC. 5331. DEFINITIONS.

50 USC 3033
note.

In this subtitle:

(1) WHISTLEBLOWER.—The term “whistleblower” means a person who makes a whistleblower disclosure.

(2) WHISTLEBLOWER DISCLOSURE.—The term “whistleblower disclosure” means a disclosure that is protected under section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) or section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)).

SEC. 5332. INSPECTOR GENERAL EXTERNAL REVIEW PANEL.

(a) AUTHORITY TO CONVENE EXTERNAL REVIEW PANELS.—

(1) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.), as amended by section 6718, is amended by adding at the end the following new section:

“SEC. 1106. INSPECTOR GENERAL EXTERNAL REVIEW PANEL.

50 USC 3236.

“(a) REQUEST FOR REVIEW.—An individual with a claim described in subsection (b) may submit to the Inspector General of the Intelligence Community a request for a review of such claim by an external review panel convened under subsection (c).

“(b) CLAIMS AND INDIVIDUALS DESCRIBED.—A claim described in this subsection is any—

“(1) claim by an individual—

“(A) that the individual has been subjected to a personnel action that is prohibited under section 1104; and

“(B) who has exhausted the applicable review process for the claim pursuant to enforcement of such section; or

“(2) claim by an individual—

“(A) that he or she has been subjected to a reprisal prohibited by paragraph (1) of section 3001(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)); and

“(B) who received a decision on an appeal regarding that claim under paragraph (4) of such section.

“(c) EXTERNAL REVIEW PANEL CONVENED.—

“(1) DISCRETION TO CONVENE.—Upon receipt of a request under subsection (a) regarding a claim, the Inspector General of the Intelligence Community may, at the discretion of the Inspector General, convene an external review panel under this subsection to review the claim.

“(2) MEMBERSHIP.—

“(A) COMPOSITION.—An external review panel convened under this subsection shall be composed of three members as follows:

“(i) The Inspector General of the Intelligence Community.

“(ii) Except as provided in subparagraph (B), two members selected by the Inspector General as the Inspector General considers appropriate on a case-by-case basis from among inspectors general of the following:

“(I) The Department of Defense.

“(II) The Department of Energy.

“(III) The Department of Homeland Security.

“(IV) The Department of Justice.

“(V) The Department of State.

“(VI) The Department of the Treasury.

“(VII) The Central Intelligence Agency.

“(VIII) The Defense Intelligence Agency.

“(IX) The National Geospatial-Intelligence Agency.

“(X) The National Reconnaissance Office.

“(XI) The National Security Agency.

“(B) LIMITATION.—An inspector general of an agency may not be selected to sit on the panel under subparagraph (A)(ii) to review any matter relating to a decision made by such agency.

“(C) CHAIRPERSON.—

“(i) IN GENERAL.—Except as provided in clause (ii), the chairperson of any panel convened under this subsection shall be the Inspector General of the Intelligence Community.

“(ii) CONFLICTS OF INTEREST.—If the Inspector General of the Intelligence Community finds cause to recuse himself or herself from a panel convened under this subsection, the Inspector General of the Intelligence Community shall—

“(I) select a chairperson from inspectors general of the elements listed under subparagraph (A)(ii) whom the Inspector General of the Intelligence Community considers appropriate; and

“(II) notify the congressional intelligence committees of such selection.

“(3) PERIOD OF REVIEW.—Each external review panel convened under this subsection to review a claim shall complete review of the claim no later than 270 days after the date on which the Inspector General convenes the external review panel. Deadline.

“(d) REMEDIES.—

“(1) PANEL RECOMMENDATIONS.—If an external review panel convened under subsection (c) determines, pursuant to a review of a claim submitted by an individual under subsection (a), that the individual was the subject of a personnel action prohibited under section 1104 or was subjected to a reprisal prohibited by section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)), the panel may recommend that the agency head take corrective action— Determination.

“(A) in the case of an employee or former employee—

“(i) to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the reprisal not occurred; or

“(ii) reconsider the employee’s or former employee’s eligibility for access to classified information consistent with national security; or

“(B) in any other case, such other action as the external review panel considers appropriate.

“(2) AGENCY ACTION.—

“(A) IN GENERAL.—Not later than 90 days after the date on which the head of an agency receives a recommendation from an external review panel under paragraph (1), the head shall— Deadline.

“(i) give full consideration to such recommendation; and

“(ii) inform the panel and the Director of National Intelligence of what action the head has taken with respect to the recommendation. Notification.

“(B) FAILURE TO INFORM.—The Director shall notify the President of any failures to comply with subparagraph (A)(ii). Notification.

“(e) ANNUAL REPORTS.—

“(1) IN GENERAL.—Not less frequently than once each year, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees and the Director of National Intelligence a report on the activities under this section during the previous year.

“(2) CONTENTS.—Subject to such limitations as the Inspector General of the Intelligence Community considers necessary to protect the privacy of an individual who has made a claim described in subsection (b), each report submitted under paragraph (1) shall include, for the period covered by the report, the following:

“(A) The determinations and recommendations made by the external review panels convened under this section. Determination. Recommendations.

“(B) The responses of the heads of agencies that received recommendations from the external review panels.”.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as

amended by section 6718, is amended by adding at the end the following new item:

“Sec. 1106. Inspector General external review panel.”.

(b) RECOMMENDATION ON ADDRESSING WHISTLEBLOWER APPEALS RELATING TO REPRISAL COMPLAINTS AGAINST INSPECTORS GENERAL.—

Deadline.
Consultation.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community, in consultation with the Intelligence Community Inspectors General Forum, shall submit to the congressional intelligence committees a recommendation on how to ensure that—

(A) a whistleblower in the intelligence community who has a complaint against an inspector general in the intelligence community and who alleges a reprisal, has available the adjudication and review provided under section 1104 of the National Security Act of 1947 (50 U.S.C. 3234); and

(B) any such whistleblower who has exhausted the applicable review process may request an external review panel and receive one, at the discretion of the Inspector General of the Intelligence Community.

(2) CONTENTS.—The recommendation submitted pursuant to paragraph (1) shall include the following:

(A) A discussion of whether and to what degree section 1106 of the National Security Act of 1947, as added by subsection (a)(1), provides appropriate authorities and mechanisms to provide an external review panel as described in paragraph (1) of this subsection and for the purposes described in such paragraph.

(B) Such recommendations for legislative or administrative action as the Inspector General may have with respect to providing an external review panel as described in paragraph (1) and for the purposes described in such paragraph.

SEC. 5333. HARMONIZATION OF WHISTLEBLOWER PROCESSES AND PROCEDURES.

Deadline.
Coordination.
Recommendations.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Intelligence Community, in coordination with the Intelligence Community Inspectors General Forum, shall develop recommendations, applicable to all inspectors general of elements of the intelligence community, regarding the harmonization, where appropriate, of instructions, policies, and directives relating to processes, procedures, and timelines for claims and appeals relating to allegations of personnel actions prohibited under section 1104 of the National Security Act of 1947 or reprisals prohibited by section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)).

(b) TRANSPARENCY AND PROTECTION.—In developing recommendations under subsection (a), the Inspector General of the Intelligence Community shall make efforts to maximize transparency and protect whistleblowers.

SEC. 5334. OVERSIGHT BY INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY OVER INTELLIGENCE COMMUNITY WHISTLEBLOWER MATTERS.50 USC 3033
note.

(a) **SYSTEM FOR NOTIFICATION OF INFORMATION RELATING TO COMPLAINTS BY WHISTLEBLOWERS WITHIN THE INTELLIGENCE COMMUNITY.**—Subject to subsection (b), not later than 1 year after the date of the enactment of this Act, the Inspector General of the Intelligence Community, in consultation with the Intelligence Community Inspectors General Forum, shall establish a system whereby the Inspector General of the Intelligence Community is notified in near real time of the following:

Deadline.
Consultation.

(1) Submission of complaints by whistleblowers to inspectors general of elements of the intelligence community relating to the programs and activities under the jurisdiction of the Director of National Intelligence, and information related to such complaints.

(2) Actions taken by an inspector general of an element of the Intelligence Community relating to such complaints.

(b) **POLICIES FOR IMPLEMENTATION.**—

(1) **IN GENERAL.**—The system established under subsection (a) may not be implemented until the Inspector General of the Intelligence Community, in consultation with the Intelligence Community Inspectors General Forum, has developed and released to each of the inspectors general of the elements of the intelligence community written policies regarding the implementation of such subsection.

Consultation.

(2) **REQUIREMENTS.**—The policies required by paragraph (1) shall—

(A) protect the privacy of whistleblowers, including by preventing dissemination without the consent of the whistleblower, of any information submitted previously by a whistleblower to an inspector general of an element of the intelligence community; and

(B) ensure compliance with the requirements of subsection (a), while—

Compliance.

(i) ensuring that the Inspector General of the Intelligence Community can oversee whistleblower policies and practices and identify matters that, in the judgment of the Inspector General of the Intelligence Community, may be the subject of an investigation, inspection, audit, or review by the Inspector General of the Intelligence Community; and

(ii) avoiding the imposition of inappropriate resource burdens on inspectors general of elements of the intelligence community.

SEC. 5335. REPORT ON CLEARED WHISTLEBLOWER ATTORNEYS.

(a) **REPORT REQUIRED.**—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the Inspector General of the Intelligence Community and the Intelligence Community Inspectors General Forum, submit to the congressional intelligence committees a report on access to cleared attorneys by whistleblowers in the intelligence community.

Coordination.

(b) **CONTENTS.**—The report submitted pursuant to subsection (a) shall include the following with respect to the 3-year period preceding the date of the report:

Time period.

(1) The number of whistleblowers in the intelligence community who requested, through formal submission or verbal request, to retain a cleared attorney and at what stage they requested an attorney.

(2) The number of such limited security agreements approved, rejected, or pending.

(3) The scope and clearance levels of such limited security agreements.

(4) The number of such whistleblowers represented by cleared counsel.

Recommendations.

(5) Recommendations for legislative or administrative action to ensure that whistleblowers in the intelligence community have access to cleared attorneys, including improvements to the limited security agreement process and such other options as the Inspector General of the Intelligence Community considers appropriate.

(c) SURVEY.—The Inspector General of the Intelligence Community shall ensure that the report submitted under subsection (a) is based on—

(1) data from a survey of whistleblowers whose identity may be shared, as appropriate, with the Inspector General of the Intelligence Community by means of the system established pursuant to section 5334;

(2) information obtained from the inspectors general of the intelligence community; or

(3) information from such other sources as may be identified by the Inspector General of the Intelligence Community.

Subtitle D—Central Intelligence Agency

Determination.

SEC. 5341. CLARIFICATION OF CERTAIN AUTHORITY OF THE CENTRAL INTELLIGENCE AGENCY.

Section 8(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3510(a)(1)) is amended by inserting before “rental of” the following: “payment of death benefits in cases in which the circumstances of the death of an employee of the Agency, a detailee of the Agency or other employee of another department or agency of the Federal Government assigned to the Agency, or an individual affiliated with the Agency (as determined by the Director), is not covered by section 11, other similar provisions of Federal law, or any regulation issued by the Director providing death benefits, but that the Director determines such payment appropriate;”.

TITLE LIV—SECURITY CLEARANCES

50 USC 3162a note.

SEC. 5401. IMPROVING VISIBILITY INTO THE SECURITY CLEARANCE PROCESS.

(a) DEFINITION OF SECURITY EXECUTIVE AGENT.—In this section, the term “Security Executive Agent” means the officer serving as the Security Executive Agent pursuant to section 803 of the National Security Act of 1947, as added by section 6605.

Deadlines.

(b) POLICY REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent shall issue a policy that requires the head of each Federal agency to create, not later than December 31, 2023, an electronic portal

that can be used by human resources personnel and applicants for security clearances to view information about the status of an application for a security clearance and the average time required for each phase of the security clearance process.

SEC. 5402. MAKING CERTAIN POLICIES AND EXECUTION PLANS RELATING TO PERSONNEL CLEARANCES AVAILABLE TO INDUSTRY PARTNERS. 50 USC 3351a.

(a) DEFINITIONS.—In this section:

(1) SECURITY EXECUTIVE AGENT.—The term “Security Executive Agent” means the officer serving as the Security Executive Agent pursuant to section 803 of the National Security Act of 1947, as added by section 6605.

(2) APPROPRIATE INDUSTRY PARTNER.—The term “appropriate industry partner” means a contractor, licensee, or grantee (as defined in section 101(a) of Executive Order 12829 (50 U.S.C. 3161 note; relating to National Industrial Security Program), as in effect on the day before the date of the enactment of this Act) that is participating in the National Industrial Security Program established by such Executive Order.

(b) SHARING OF POLICIES AND PLANS REQUIRED.—Each head of a Federal agency shall share policies and plans relating to security clearances with appropriate industry partners directly affected by such policies and plans in a manner consistent with the protection of national security as well as the goals and objectives of the National Industrial Security Program administered pursuant to Executive Order 12829 (50 U.S.C. 3161 note; relating to the National Industrial Security Program).

(c) DEVELOPMENT OF POLICIES AND PROCEDURES REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent and the Director of the National Industrial Security Program shall jointly develop policies and procedures by which appropriate industry partners with proper security clearances and a need to know can have appropriate access to the policies and plans shared pursuant to subsection (b) that directly affect those industry partners. Deadline.

TITLE LV—MATTERS RELATING TO FOREIGN COUNTRIES

Subtitle A—Matters Relating to Russia

SEC. 5501. ANNUAL REPORTS ON INFLUENCE OPERATIONS AND CAMPAIGNS IN THE UNITED STATES BY THE RUSSIAN FEDERATION.

(a) REPORTS.—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.), as amended by section 5511, is further amended by adding at the end the following new section:

“SEC. 1108. ANNUAL REPORTS ON INFLUENCE OPERATIONS AND CAMPAIGNS IN THE UNITED STATES BY THE RUSSIAN FEDERATION. 50 USC 3238.

“(a) REQUIREMENT.—On an annual basis, the Director of the National Counterintelligence and Security Center shall submit to the congressional intelligence committees a report on the influence

operations and campaigns in the United States conducted by the Russian Federation.

Assessments.

“(b) CONTENTS.—Each report under subsection (a) shall include the following:

List.

“(1) A description and listing of the Russian organizations and persons involved in influence operations and campaigns operating in the United States as of the date of the report.

“(2) An assessment of organizations that are associated with or receive funding from organizations and persons identified in paragraph (1), particularly such entities operating in the United States.

“(3) A description of the efforts by the organizations and persons identified in paragraph (1) to target, coerce, and influence populations within the United States.

“(4) An assessment of the activities of the organizations and persons identified in paragraph (1) designed to influence the opinions of elected leaders of the United States or candidates for election in the United States.

“(5) With respect to reports submitted after the first report, an assessment of the change in goals, tactics, techniques, and procedures of the influence operations and campaigns conducted by the organizations and persons identified in paragraph (1).

“(c) COORDINATION.—In carrying out subsection (a), the Director shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, the Director of the National Security Agency, and any other relevant head of an element of the intelligence community.

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

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 5511, is further amended by inserting after the item relating to section 1107 the following new item:

“Sec. 1108. Annual reports on influence operations and campaigns in the United States by the Russian Federation.”.

50 USC 3238
note.

(c) INITIAL REPORT.—The Director of the National Counterintelligence and Security Center shall submit to the congressional intelligence committees the first report under section 1108 of the National Security Act of 1947, as added by subsection (a), by not later than 180 days after the date of the enactment of this Act.

SEC. 5502. ASSESSMENT OF LEGITIMATE AND ILLEGITIMATE FINANCIAL AND OTHER ASSETS OF VLADIMIR PUTIN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should do more to expose the corruption of Vladimir Putin, whose ill-gotten wealth is perhaps the most powerful global symbol of his dishonesty and his persistent efforts to undermine the rule of law and democracy in the Russian Federation.

Deadline.

(b) ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, consistent with the protection of intelligence sources and methods, the Director of National Intelligence shall submit to the appropriate congressional committees an assessment, based on all sources of intelligence, on the net worth and financial and other assets, legitimate as well as illegitimate, of Vladimir Putin and his family members, including—

(1) the estimated net worth of Vladimir Putin and his family members;

(2) a description of their legitimately and illegitimately obtained assets, including all real, personal, and intellectual property, bank or investment or similar accounts, and any other financial or business interests or holdings, including those outside of Russia;

(3) the details of the legitimately and illegitimately obtained assets, including real, personal, and intellectual property, bank or investment or similar accounts, and any other financial or business interests or holdings, including those outside of Russia, that are owned or controlled by, accessible to, or otherwise maintained for the benefit of Vladimir Putin, including their nature, location, manner of acquisition, value, and publicly named owner (if other than Vladimir Putin);

(4) the methods used by Vladimir Putin or others acting at his direction, with his knowledge, or for his benefit, to conceal Putin's interest in his accounts, holdings, or other assets, including the establishment of "front" or shell companies and the use of intermediaries; and

(5) an identification of the most significant senior Russian political figures, oligarchs, and any other persons who have engaged in activity intended to conceal the true financial condition of Vladimir Putin.

(c) FORM.—The assessment required under subsection (b) shall be submitted either—

(1) in unclassified form to the extent consistent with the protection of intelligence sources and methods, and may include a classified annex; or

(2) simultaneously as both an unclassified version and a classified version.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Select Committee on Intelligence, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Finance of the Senate; and

(2) the Permanent Select Committee on Intelligence, Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Ways and Means of the House of Representatives.

SEC. 5503. ASSESSMENTS OF INTENTIONS OF POLITICAL LEADERSHIP OF THE RUSSIAN FEDERATION.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, consistent with the protection of intelligence sources and methods, the Director of National Intelligence, and the head of any element of the intelligence community that the Director determines appropriate, shall submit to the appropriate congressional committees each of the assessments described in subsection (b). Deadline.

(b) ASSESSMENTS DESCRIBED.—The assessments described in this subsection are assessments based on intelligence obtained from all sources that assess the current intentions of the political leadership of the Russian Federation with respect to the following:

(1) Potential military action against members of the North Atlantic Treaty Organization (NATO).

(2) Potential responses to an enlarged United States or NATO military presence in eastern Europe or to increased United States military support for allies and partners in the region, such as the provision of additional lethal military equipment to Ukraine or Georgia.

(3) Potential actions taken for the purpose of exploiting perceived divisions among the governments of Russia’s Western adversaries.

(c) FORM.—Each assessment required under subsection (a) may be submitted in classified form but shall also include an unclassified executive summary, consistent with the protection of intelligence sources and methods.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Armed Services of the House of Representatives; and

(2) the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Armed Services of the Senate.

Subtitle B—Matters Relating to China

SEC. 5511. ANNUAL REPORTS ON INFLUENCE OPERATIONS AND CAMPAIGNS IN THE UNITED STATES BY THE COMMUNIST PARTY OF CHINA.

(a) REPORTS.—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.), as amended by section 5332, is further amended by adding at the end the following new section:

50 USC 3237.

“SEC. 1107. ANNUAL REPORTS ON INFLUENCE OPERATIONS AND CAMPAIGNS IN THE UNITED STATES BY THE COMMUNIST PARTY OF CHINA.

“(a) REQUIREMENT.—On an annual basis, consistent with the protection of intelligence sources and methods, the Director of the National Counterintelligence and Security Center shall submit to the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on the influence operations and campaigns in the United States conducted by the Communist Party of China.

Assessments.

“(b) CONTENTS.—Each report under subsection (a) shall include the following:

“(1) A description of the organization of the United Front Work Department of the People’s Republic of China, or the successors of the United Front Work Department, and the links between the United Front Work Department and the Central Committee of the Communist Party of China.

“(2) An assessment of the degree to which organizations that are associated with or receive funding from the United Front Work Department, particularly such entities operating in the United States, are formally tasked by the Chinese Communist Party or the Government of China.

“(3) A description of the efforts by the United Front Work Department and subsidiary organizations of the United Front Work Department to target, coerce, and influence foreign populations, particularly those of ethnic Chinese descent.

“(4) An assessment of attempts by the Chinese Embassy, consulates, and organizations affiliated with the Chinese Communist Party (including, at a minimum, the United Front Work Department) to influence the United States-based Chinese Student Scholar Associations.

“(5) A description of the evolution of the role of the United Front Work Department under the leadership of the President of China.

“(6) An assessment of the activities of the United Front Work Department designed to influence the opinions of elected leaders of the United States, or candidates for elections in the United States, with respect to issues of importance to the Chinese Communist Party.

“(7) A listing of all known organizations affiliated with the United Front Work Department that are operating in the United States as of the date of the report. List.

“(8) With respect to reports submitted after the first report, an assessment of the change in goals, tactics, techniques, and procedures of the influence operations and campaigns conducted by the Chinese Communist Party.

“(c) COORDINATION.—In carrying out subsection (a), the Director shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, the Director of the National Security Agency, and any other relevant head of an element of the intelligence community.

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

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 5332, is further amended by inserting after the item relating to section 1106 the following new item:

“Sec. 1107. Annual reports on influence operations and campaigns in the United States by the Communist Party of China.”

(c) INITIAL REPORT.—The Director of the National Counterintelligence and Security Center shall submit to the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate the first report under section 1107 of the National Security Act of 1947, as added by subsection (a), by not later than 180 days after the date of the enactment of this Act. 50 USC 3237 note.

SEC. 5512. REPORT ON REPRESSION OF ETHNIC MUSLIM MINORITIES IN THE XINJIANG REGION OF THE PEOPLE’S REPUBLIC OF CHINA.

(a) REPORT.—Not later than 150 days after the date of the enactment of this Act, consistent with the protection of intelligence sources and methods, the Director of National Intelligence shall, in consultation with the Secretary of State, submit to the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on activity by the People’s Republic Consultation.

of China to repress ethnic Muslim minorities in the Xinjiang region of China.

Assessments.

(b) CONTENTS.—The report under subsection (a) shall include the following:

(1) An assessment of the number of individuals detained in “political reeducation camps”, and the conditions in such camps for detainees, in the Xinjiang region of China, including whether detainees endure torture, forced renunciation of faith, or other mistreatment.

(2) A description, as possible, of the geographic location of such camps.

(3) A description, as possible, of the methods used by China to “reeducate” detainees and the elements of China responsible for such “reeducation”.

(4) A description of any forced labor in such camps, and any labor performed in regional factories for low wages under the threat of being sent back to “political reeducation camps”.

(5) An assessment of the level of access China grants to foreign persons observing the situation in Xinjiang and a description of measures used to impede efforts to monitor the conditions in Xinjiang.

(6) An assessment of the surveillance, detection, and control methods used by China to target ethnic minorities, including new “high-tech” policing models and a description of any civil liberties or privacy protections provided under such models.

(7) An assessment and identification of the technological and financial support provided by United States-based companies, including technological support for the development of facial recognition capabilities or technologies for digital surveillance, social control, or censorship, and financial support, including from financial institutions, investment vehicles, and pension funds, to China-based companies or Chinese government entities providing material support to the digital surveillance or repression of Uyghur and other ethnic minorities in Xinjiang by the Xinjiang authorities.

(c) COORDINATION.—The Director of National Intelligence shall carry out subsection (a) in coordination with the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Director of the National Geospatial-Intelligence Agency, and the head of any other agency of the Federal Government that the Director of National Intelligence determines appropriate.

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

SEC. 5513. REPORT ON EFFORTS BY PEOPLE’S REPUBLIC OF CHINA TO INFLUENCE ELECTION IN TAIWAN.

(a) REPORT.—Consistent with section 3(c) of the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3302(c)), and consistent with the protection of intelligence sources and methods, not later than 45 days after the date of the election for the President and Vice President of Taiwan in 2020, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on any—

(1) influence operations conducted by China to interfere in or undermine such election; and

(2) efforts by the United States to disrupt such operations.

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

(1) A description of any significant efforts by the intelligence community to coordinate technical and material support for Taiwan to identify, disrupt, and combat influence operations specified in subsection (a)(1).

(2) A description of any efforts by the United States Government to build the capacity of Taiwan to disrupt external efforts that degrade a free and fair election process.

(3) An assessment of whether and to what extent China conducted influence operations specified in subsection (a)(1), and, if such operations occurred—

Assessment.

(A) a comprehensive list of specific governmental and nongovernmental entities of China that were involved in supporting such operations and a description of the role of each such entity; and

List.

(B) an identification of any tactics, techniques, and procedures used in such operations.

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

Subtitle C—Matters Relating to Other Countries

SEC. 5521. SENSE OF CONGRESS AND REPORT ON IRANIAN EFFORTS IN SYRIA AND LEBANON.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, regardless of the ultimate number of United States military personnel deployed to Syria, it is a vital interest of the United States to prevent the Islamic Republic of Iran, Hizballah, and other Iranian-backed forces from establishing a strong and enduring presence in Syria that can be used to project power in the region and threaten the United States and its allies, including Israel.

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Secretary of State and the Secretary of Defense, shall submit to the appropriate congressional committees a report that assesses—

Coordination.
Assessments.

(A) efforts by Iran to establish long-term influence in Syria through military, political, economic, social, and cultural means;

(B) the degree to which Iranian support of proxy forces in Syria and Lebanon contributes to Iranian strategy with respect to the region; and

(C) the threat posed by the efforts described in subparagraph (A) to United States interests and allies.

(2) ELEMENTS.—The report under paragraph (1) shall include each of the following:

(A) An assessment of—

Assessments.
Bashar al-Assad.

(i) how Iran and Iranian-backed forces, including the Islamic Revolutionary Guard Corps and Hizballah, have provided or are currently providing manpower,

training, weapons, equipment, and funding to the Syrian government led by President Bashar al-Assad;

(ii) the support provided by Iran and Hizballah to Shia militias operating in Syria composed of domestic fighters from Syria and foreign fighters from countries such as Afghanistan, Iraq, Lebanon, and Pakistan;

(iii) operational lessons learned by Hizballah based on the recent experiences of Hizballah in Syria;

(iv) the threat posed by Iran and Iranian-backed forces to—

(I) the al-Tanf garrison; and

(II) areas of northeast Syria that are currently controlled by local partner forces of the United States;

(v) the degree to which efforts of the United States to sustain and strengthen Kurdish forces in Syria may undermine the influence of Iran and Iranian-backed forces in Syria;

(vi) how Iran and Iranian-backed forces seek to enhance the long-term influence of such entities in Syria through non-military means such as purchasing strategic real estate in Syria, constructing Shia religious centers and schools, securing loyalty from Sunni tribes in exchange for material assistance, and inducing the Assad government to open Farsi-language departments at Syrian universities;

(vii) whether the prominent role of Iran in Syria, including the influence of Iran over government institutions, may increase the likelihood of the reconstitution of the Islamic State of Iraq and Syria in Syria; and

(viii) the provision of goods, services, or technology transferred by Iran or its affiliates to Hizballah for the purpose of indigenously manufacturing or otherwise producing missiles.

(B) An analysis of—

(i) how Iran is working with the Russian Federation, Turkey, and other countries to increase the influence of Iran in Syria;

(ii) the goals of Iran in Syria, including, but not limited to, protecting the Assad government, increasing the regional influence of Iran, threatening Israel from a more proximate location, building weapon-production facilities and other military infrastructure, and securing a land bridge to connect Iran through Iraq and Syria to the stronghold of Hizballah in southern Lebanon; and

(iii) the foreign and domestic supply chains that significantly facilitate, support, or otherwise aid acquisition or development by Hizballah of missile production facilities, including the geographic distribution of such foreign and domestic supply chains.

(C) A description of—

(i) how the efforts of Iran to transfer advanced weapons to Hizballah and to establish a military presence in Syria has led to direct and repeated confrontations with Israel;

(ii) the intelligence and military support that the United States provides to Israel to help Israel identify and appropriately address specific threats to Israel from Iran and Iranian-backed forces in Syria;

(iii) the threat posed to Israel and other allies of the United States in the Middle East resulting from the transfer of arms or related material, or other support, by Iran to Hizballah and other proxies;

(iv) Iranian and Iranian-controlled personnel operating within Syria, including Hizballah, Shiite militias, and Revolutionary Guard Corps forces of Iran, and the number and geographic distribution of such personnel;

(v) any rocket-producing facilities in Lebanon for nonstate actors, including whether such facilities were assessed to be built at the direction of Hizballah leadership, Iranian leadership, or in consultation between Iranian leadership and Hizballah leadership; and

(vi) Iranian expenditures in the previous calendar year on military and terrorist activities outside the country, including the amount of such expenditures with respect to each of Hizballah, Houthi rebels in Yemen, Hamas, proxy forces in Iraq and Syria, ballistic missile research and testing, and any other entity, country, or activity that the Director determines as destabilizing to the Middle East region.

(3) FORM OF REPORT.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—the term “appropriate congressional committees” means—

(i) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(ii) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(B) ARMS OR RELATED MATERIAL.—The term “arms or related material” means—

(i) nuclear, biological, chemical, or radiological weapons or materials or components of such weapons;

(ii) ballistic or cruise missile weapons or materials or components of such weapons;

(iii) destabilizing numbers and types of advanced conventional weapons;

(iv) defense articles or defense services, as those terms are defined in paragraphs (3) and (4), respectively, of section 47 of the Arms Export Control Act (22 U.S.C. 2794);

(v) defense information, as that term is defined in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403); or

(vi) items designated by the President for purposes of the United States Munitions List under section

38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 5522. ASSESSMENTS REGARDING THE NORTHERN TRIANGLE AND MEXICO.

(a) **ASSESSMENT.**—

Coordination.

(1) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Under Secretary of Homeland Security for Intelligence and Analysis, the Assistant Secretary of State for Intelligence and Research, the Chief of Intelligence of the Drug Enforcement Administration, and other appropriate officials in the intelligence community, shall submit to the appropriate congressional committees a report containing a comprehensive assessment of drug trafficking, human trafficking, and human smuggling activities in the Northern Triangle and Mexico.

(2) **MATTERS INCLUDED.**—The report under paragraph (1) shall include, at a minimum, the following:

(A) An assessment of the effect of drug trafficking, human trafficking, and human smuggling on the security and economic situation in the Northern Triangle.

(B) An assessment of the effect of the activities of drug trafficking organizations on the migration of persons from the Northern Triangle to the United States-Mexico border.

Summary.

(C) A summary of any relevant activities by elements of the intelligence community in relation to drug trafficking, human trafficking, and human smuggling in the Northern Triangle and Mexico.

(D) An assessment of methods and routes used by drug trafficking organizations, human traffickers, and human smugglers to move drugs, persons, or both from the Northern Triangle and Mexico to the United States.

(E) An assessment of the intersection between the activities of drug trafficking organizations, human traffickers and human smugglers, and other organized criminal groups in the Northern Triangle and Mexico.

(F) An assessment of the illicit funds and financial transactions that support the activities of drug trafficking organizations, human traffickers, and human smugglers, and connected criminal enterprises, in the Northern Triangle and Mexico.

Review.

(G) A comprehensive review of the current collection priorities of the intelligence community for the Northern Triangle and Mexico, as of the date of the enactment of this Act, in order to identify whether such priorities are appropriate and sufficient in light of the threat posed by the activities of drug trafficking organizations and human traffickers and human smugglers to the security of the United States and the Western Hemisphere.

(3) **FORM.**—The report required by paragraph (1) may be submitted in classified form, but if so submitted, shall contain an unclassified summary.

Public
information.

(4) **AVAILABILITY.**—The report under paragraph (1), or the unclassified summary of the report described in paragraph (3), shall be made publicly available.

(b) BRIEFINGS.—

Time periods.

Deadlines.

(1) SEMIANNUAL REQUIREMENT.—Not later than 90 days after the date on which the report under subsection (a) is submitted, and every 180 days thereafter for a 5-year period, the Director of National Intelligence shall provide to the congressional intelligence committees a briefing on the intelligence community's collection priorities and activities in the Northern Triangle and Mexico with a focus on the threat posed by the activities of drug trafficking organizations and human traffickers and human smugglers to the security of the United States and the Western Hemisphere.

(2) MATTERS INCLUDED.—Each briefing under paragraph (1) shall include a description of the funds expended by the intelligence community on the efforts described in such paragraph during the preceding fiscal year, except the first such briefing shall cover fiscal years 2018 and 2019.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs, the Committee on Homeland Security, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate.

(2) HUMAN TRAFFICKING.—The term “human trafficking” has the meaning given the term “severe forms of trafficking in persons” by section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102).

(3) NORTHERN TRIANGLE.—The term “Northern Triangle” means El Salvador, Guatemala, and Honduras.

TITLE LVI—FEDERAL EFFORTS AGAINST DOMESTIC TERRORISM

SEC. 5601. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives; and

(B) the Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

(2) DOMESTIC TERRORISM.—The term “domestic terrorism” has the meaning given that term in section 2331 of title 18, United States Code.

(3) HATE CRIME.—The term “hate crime” means a criminal offense under—

(A) sections 241, 245, 247, and 249 of title 18, United States Code; and

(B) section 3631 of title 42, United States Code.

(4) **INTERNATIONAL TERRORISM.**—The term “international terrorism” has the meaning given that term in section 2331 of title 18, United States Code.

(5) **TERMS IN ATTORNEY GENERAL’S GUIDELINES FOR DOMESTIC FBI OPERATIONS.**—The terms “assessments”, “full investigations”, “enterprise investigations”, “predicated investigations”, and “preliminary investigations” have the meanings given those terms in the most recent, approved version of the Attorney General’s Guidelines for Domestic FBI Operations (or successor).

(6) **TERMS IN FBI BUDGET MATERIALS.**—The terms “Consolidated Strategy Guide”, “Field Office Strategic Plan”, “Integrated Program Management Process”, and “Threat Review and Prioritization” have the meanings given those terms in the materials submitted to Congress by the Attorney General in support of the Federal Bureau of Investigation budget for fiscal year 2020.

(7) **TERRORISM.**—The term “terrorism” includes domestic terrorism and international terrorism.

(8) **TERRORISM INFORMATION.**—The term “terrorism information” has the meaning given that term in section 1016(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

(9) **TIME UTILIZATION AND RECORDKEEPING DATA.**—The term “time utilization and recordkeeping data” means data collected on resource utilization and workload activity of personnel of the Federal Bureau of Investigation in accordance with Federal law.

SEC. 5602. STRATEGIC INTELLIGENCE ASSESSMENT OF AND REPORTS ON DOMESTIC TERRORISM.

Consultation.

(a) **REPORT ON STANDARDIZATION OF TERMINOLOGY AND PROCEDURES RELATING TO DOMESTIC TERRORISM.**—Not later than 90 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation and the Secretary of Homeland Security, in consultation with the Director of National Intelligence in a manner consistent with the authorities and responsibilities of such Director, shall jointly—

(1) develop, to the fullest extent feasible and for purposes of internal recordkeeping and tracking, uniform and standardized—

(A) definitions of the terms “domestic terrorism”, “act of domestic terrorism”, “domestic terrorism groups”, and any other commonly used terms with respect to domestic terrorism;

(B) methodologies for tracking incidents of domestic terrorism; and

(C) descriptions of categories and subcategories of—
(i) domestic terrorism; and
(ii) ideologies relating to domestic terrorism;

(2) submit to the appropriate congressional committees a report containing the information developed under paragraph (1).

(b) **REPORT CONTAINING STRATEGIC INTELLIGENCE ASSESSMENT AND DATA ON DOMESTIC TERRORISM.**—

Consultation.

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau

of Investigation and the Secretary of Homeland Security, in consultation with the Director of National Intelligence in a manner consistent with the authorities and responsibilities of such Director, shall jointly submit to the appropriate congressional committees a report on domestic terrorism containing the following:

- (A) The strategic intelligence assessment under paragraph (2).
- (B) The discussion of activities under paragraph (3).
- (C) Data on domestic terrorism under paragraph (4).
- (D) Recommendations under paragraph (5).

(2) STRATEGIC INTELLIGENCE ASSESSMENT.—

Consultation.

(A) ASSESSMENT REQUIRED.—The Director of the Federal Bureau of Investigation and the Secretary of Homeland Security, in consultation with the Director of National Intelligence in a manner consistent with the authorities and responsibilities of such Director, shall prepare and include in the report under paragraph (1) a strategic intelligence assessment of domestic terrorism in the United States during fiscal years 2017, 2018, and 2019.

(B) STANDARDS.—The Director of the Federal Bureau of Investigation and the Secretary of Homeland Security, in consultation with the Director of National Intelligence in a manner consistent with the authorities and responsibilities of such Director, shall ensure that the strategic assessment under subparagraph (A) complies with the analytic integrity and tradecraft standards of the intelligence community.

Compliance.

(3) DISCUSSION OF ACTIVITIES.—The report under paragraph (1) shall discuss and compare the following with respect to each applicable element of the intelligence community:

(A) The criteria for opening, managing, and closing domestic and international terrorism investigations.

(B) Standards and procedures for the Federal Bureau of Investigation with respect to the review, prioritization, and mitigation of domestic and international terrorism threats in the United States.

(C) The planning (including plans of analysis of the Federal Bureau of Investigation, Department of Homeland Security, and National Counterterrorism Center), development, production, analysis, and evaluation of intelligence and intelligence products relating to terrorism, noting any differences with respect to domestic terrorism and international terrorism.

(D) The sharing of information relating to domestic and international terrorism by and between—

- (i) the Federal Government;
- (ii) State, local, Tribal, territorial, and foreign governments;
- (iii) the appropriate congressional committees;
- (iv) nongovernmental organizations; and
- (v) the private sector.

(E) The criteria and methodology used by the Federal Bureau of Investigation to identify or assign terrorism classifications to investigations of domestic terrorism.

(F) Compliance by the Federal Government with privacy, civil rights, and civil liberties policies and protections

applicable to the production of the report under paragraph (1), including protections against the public release of names or other personally identifiable information of individuals involved in incidents, investigations, indictments, prosecutions, or convictions for which data is reported under this section.

(G) Information regarding any training or resources provided by the Federal Bureau of Investigation, the Department of Homeland Security, or the National Counterterrorism Center, to assist Federal, State, local, and Tribal law enforcement agencies in understanding, detecting, deterring, and investigating acts of domestic terrorism, including the date, type, subject, and recipient agencies of such training or resources.

(4) DATA ON DOMESTIC TERRORISM.—

Time period.

(A) DATA REQUIRED.—In accordance with subparagraph (B), the report under paragraph (1) shall include the following data for the period beginning on January 1, 2009, and ending on the date of the enactment of this Act:

(i) For each completed or attempted incident of domestic terrorism that has occurred in the United States during such period—

(I) a description of such incident;

(II) the date and location of such incident;

(III) the number and type of completed and attempted Federal nonviolent crimes committed during such incident;

(IV) the number and type of completed and attempted Federal and State property crimes committed during such incident, including an estimate of economic damages resulting from such crimes; and

(V) the number and type of completed and attempted Federal violent crimes committed during such incident, including the number of people injured or killed as a result of such crimes.

(ii) For such period—

(I) an identification of each assessment, preliminary investigation, full investigation, and enterprise investigation with a nexus to domestic terrorism opened, pending, or closed by the Federal Bureau of Investigation;

(II) the number of assessments or investigations identified under subclause (I) associated with each domestic terrorism investigative classification (including subcategories);

(III) the number of assessments or investigations described in subclause (II) initiated as a result of a referral or investigation by a Federal, State, local, Tribal, territorial, or foreign government, of a hate crime;

(IV) the number of Federal criminal charges with a nexus to domestic terrorism, including the number of indictments and complaints associated with each domestic terrorism investigative classification (including subcategories), a summary of the allegations contained in each such indictment,

the disposition of the prosecution, and, if applicable, the sentence imposed as a result of a conviction on such charges;

(V) referrals of incidents of domestic terrorism by or to State, local, Tribal, territorial, or foreign governments, to or by departments or agencies of the Federal Government, for investigation or prosecution, including the number of such referrals associated with each domestic terrorism investigation classification (including any subcategories), and a summary of each such referral that includes the rationale for such referral and the disposition of the applicable Federal investigation or prosecution;

(VI) intelligence products produced by the intelligence community relating to domestic terrorism, including, with respect to the Federal Bureau of Investigation, the number of such products associated with each domestic terrorism investigative classification (including any subcategories);

(VII) with respect to the Federal Bureau of Investigation—

(aa) the number of staff (expressed in terms of full-time equivalents and positions) working on matters relating to domestic terrorism described in subclauses (I) through (VI); and

(bb) a summary of time utilization and recordkeeping data for personnel working on such matters, including the number or percentage of such personnel associated with each domestic terrorism investigative classification (including any subcategories) in the FBI Headquarters Operational Divisions and Field Divisions;

Summary.

(VIII) with respect to the Office of Intelligence and Analysis of the Department of Homeland Security, the number of staff (expressed in terms of full-time equivalents and positions) working on matters relating to domestic terrorism described in subclauses (I) through (VI); and

(IX) with respect to the National Counterterrorism Center, the number of staff (expressed in terms of full-time equivalents and positions) working on matters relating to domestic terrorism described in subclauses (I) through (VI), and the applicable legal authorities relating to the activities of such staff.

(B) COLLECTION AND COMPILATION.—The requirement to submit data under paragraph (1)—

Records.

(i) may not be construed to require the creation or maintenance of any record that the Federal Bureau of Investigation, the Department of Homeland Security, or the National Counterterrorism Center, as the case may be, does not maintain in the ordinary course of business or pursuant to another provision of law; and

(ii) shall be carried out by collecting, compiling, or otherwise using data and records that such entities otherwise maintain or create.

(C) FORMAT.—The information required under subparagraph (A) may be provided in a format that uses the marking associated with the Central Records System (or any successor system) of the Federal Bureau of Investigation.

(5) RECOMMENDATIONS.—

Analysis.

(A) IN GENERAL.—The report under paragraph (1) shall include recommendations, including any constitutional analysis conducted relating to such recommendations, with respect to the following:

(i) The necessity of changing authorities, roles, resources, or responsibilities within the Federal Government to more effectively prevent and counter domestic terrorism activities.

(ii) Measures necessary to ensure the protection of privacy and civil liberties in the carrying out of activities relating to countering domestic terrorism.

(B) CONSULTATION.—In developing recommendations pursuant to subparagraph (A)(ii), the Director of the Federal Bureau of Investigation and the Secretary of Homeland Security, in consultation with the Director of National Intelligence, may seek the advice of the Privacy and Civil Liberties Oversight Board.

(c) PROVISION OF OTHER DOCUMENTS AND MATERIALS.—

Consultation.

(1) IN GENERAL.—Together with the report under subsection (b)(1), the Director of the Federal Bureau of Investigation and the Secretary of Homeland Security, in consultation with the Director of National Intelligence in a manner consistent with the authorities and responsibilities of such Director, shall also submit to the appropriate congressional committees the following documents and materials in complete and unredacted form:

(A) With respect to the Federal Bureau of Investigation, at a minimum, the most recent, approved versions of—

(i) the Attorney General’s Guidelines for Domestic FBI Operations (or any successor);

(ii) the FBI Domestic Investigations and Operations Guide (or any successor);

(iii) the FBI Counterterrorism Policy Guide (or any successor); and

(iv) materials sufficient to show the rankings of domestic terrorism in relation to other threats within the Threat Review and Prioritization process, with respect to the headquarters and each field office of the Federal Bureau of Investigation.

(B) With respect to the intelligence community—

List.

(i) a list of all intelligence products described in subsection (b)(4)(A)(ii)(VI); and

(ii) a means of accessing each such product.

List.

(2) NONDUPLICATION.—If any documents or materials required under paragraph (1) have been previously submitted to the appropriate congressional committees under such paragraph and have not been modified since such submission, the

Director of the Federal Bureau of Investigation, the Secretary of Homeland Security, and the Director of National Intelligence may provide a list of such documents or materials in lieu of making the submission under paragraph (1) for those documents or materials.

(d) ANNUAL UPDATES.—During the 5-year period following the date of the submission of the reports under subsections (b) and (c), the Director of the Federal Bureau of Investigation and the Secretary of Homeland Security, in consultation with the Director of National Intelligence in a manner consistent with the authorities and responsibilities of such Director, shall jointly submit to the appropriate congressional committees annual updates to the reports submitted under subsections (a), (b), and (c).

Time period.
Consultation.

(e) CLASSIFICATION AND PUBLIC RELEASE.—The reports under subsections (a), (b), and (d) shall be—

(1) unclassified, but may contain a classified annex;

(2) with respect to the unclassified portion of the report, made available on the public internet websites of the Federal Bureau of Investigation, the Department of Homeland Security, and the National Counterterrorism Center—

Web posting.

(A) not later than 30 days after submission to the appropriate congressional committees; and

Deadline.

(B) in an electronic format that is fully indexed and searchable; and

(3) with respect to a classified annex, submitted to the appropriate congressional committees in an electronic format that is fully indexed and searchable.

(f) INFORMATION QUALITY.—The reports under subsections (a), (b), and (d), to the extent applicable, shall comply with the guidelines issued by the Director of the Office of Management and Budget pursuant to section 515 of title V of the Consolidated Appropriations Act, 2001 (Public Law 106–554; 114 Stat. 2763A–154).

Compliance.

TITLE LVII—REPORTS AND OTHER MATTERS

Subtitle A—Reports and Briefings

SEC. 5701. MODIFICATION OF REQUIREMENTS FOR SUBMISSION TO CONGRESS OF CERTAIN REPORTS.

(a) MODIFICATION OF REPORTS RELATING TO GUANTANAMO BAY.—

(1) MODIFICATION.—Section 506I(b) of the National Security Act of 1947 (50 U.S.C. 3105(b)) is amended by striking “once every 6 months” and inserting “annually”.

(2) MODIFICATION.—Section 319(a) of the Supplemental Appropriations Act, 2009 (10 U.S.C. 801 note) is amended by striking “every 90 days” and inserting “annually”.

(b) MODIFICATION TO REPORTS ON ANALYTIC INTEGRITY.—Subsection (c) of section 1019 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3364) is amended—

(1) in the heading, by striking “REPORTS” and inserting “BRIEFINGS”; and

(2) by striking “submit to the congressional intelligence committees, the heads of the relevant elements of the intelligence community, and the heads of analytic training departments a report containing” and inserting “provide to the congressional intelligence committees, the heads of the relevant elements of the intelligence community, and the heads of analytic training departments a briefing with”.

(c) **REPEAL OF REPORTS RELATING TO INTELLIGENCE FUNCTIONS.**—Section 506J of the National Security Act of 1947 (50 U.S.C. 3105a) is repealed and the table of contents in the first section of such Act is amended by striking the item relating to section 506J.

(d) **MODIFICATION OF REQUIRED REPORTS RELATING TO ENTERTAINMENT INDUSTRY.**—Section 308 of the Intelligence Authorization Act for Fiscal Year 2017 (50 U.S.C. 3332) is amended—

(1) in subsection (b)(2)—

(A) by striking “paragraph (1) shall—” and all that follows through “permit an element” and insert “paragraph (1) shall permit an element”;

(B) by striking “approval; and” and inserting “approval.”; and

(C) by striking subparagraph (B); and

(2) by striking subsection (c) and inserting the following new subsection:

“(c) **INFORMATION ON PRIOR YEAR ENGAGEMENTS.**—At the written request of either of the congressional intelligence committees, the Director of National Intelligence shall submit to such committees information with respect to engagements occurring during the calendar year prior to the year during which such request is made. Such information may include—

“(1) a description of the nature and duration of each such engagement;

“(2) the cost incurred by the United States Government for each such engagement;

“(3) a description of the benefits to the United States Government for each such engagement;

“(4) a determination of whether any information was declassified, and whether any classified information was improperly disclosed, for each such engagement; and

“(5) a description of the work produced through each such engagement.”.

Determination.

50 USC 3306
note.

SEC. 5702. INCREASED TRANSPARENCY REGARDING COUNTERTERRORISM BUDGET OF THE UNITED STATES.

(a) **FINDINGS.**—Congress finds the following:

(1) Consistent with section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a)), the recent practice of the intelligence community has been to release to the public—

(A) around the date on which the President submits to Congress a budget for a fiscal year pursuant to section 1105 of title 31, United States Code, the “top-line” amount of total funding requested for the National Intelligence Program for such fiscal year; and

(B) the amount of requested and appropriated funds for the National Intelligence Program and Military Intelligence Program for certain prior fiscal years, consistent with the protection of intelligence sources and methods.

(2) The Directorate of Strategic Operational Planning of the National Counterterrorism Center is responsible for producing an annual National Counterterrorism Budget report, which examines the alignment of intelligence and other resources in the applicable fiscal year budget with the counterterrorism goals and areas of focus in the National Strategy for Counterterrorism.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) despite the difficulty of compiling and releasing to the public comprehensive information on the resource commitments of the United States to counterterrorism activities and programs, including with respect to such activities and programs of the intelligence community, the United States Government could take additional steps to enhance the understanding of the public with respect to such resource commitments, in a manner consistent with the protection of intelligence sources and methods and other national security interests; and

(2) the United States Government should release to the public as much information as possible regarding the funding of counterterrorism activities and programs, including activities and programs of the intelligence community, in a manner consistent with the protection of intelligence sources and methods and other national security interests.

(c) BRIEFING ON PUBLIC RELEASE OF INFORMATION.—

Deadlines.
President.

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, and not later than 90 days after the beginning of each fiscal year thereafter, the President shall ensure that the congressional intelligence committees receive a briefing from appropriate personnel of the United States Government on the feasibility of releasing to the public additional information relating to counterterrorism efforts of the intelligence community.

(2) ELEMENTS.—Each briefing required by paragraph (1) shall include a discussion of the feasibility of—

(A) subject to paragraph (3), releasing to the public the National Counterterrorism Budget report described in subsection (a)(2) for the prior fiscal year; and

(B) declassifying other reports, documents, or activities of the intelligence community relating to counterterrorism and releasing such information to the public in a manner consistent with the protection of intelligence sources and methods and other national security interests.

(3) RELEASE OF NATIONAL COUNTERTERRORISM BUDGET REPORT.—The President may satisfy the requirement under paragraph (2)(A) during a fiscal year by, not later than 90 days after the beginning of the fiscal year, releasing to the public the National Counterterrorism Budget report (with any redactions the Director determines necessary to protect intelligence sources and methods and other national security interests) for the prior fiscal year.

50 USC 3334c
note.

SEC. 5703. STUDY ON ROLE OF RETIRED AND FORMER PERSONNEL OF INTELLIGENCE COMMUNITY WITH RESPECT TO CERTAIN FOREIGN INTELLIGENCE OPERATIONS.

(a) **STUDY.**—The Director of National Intelligence shall conduct a study on former intelligence personnel providing covered intelligence assistance.

(b) **ELEMENTS.**—The study under subsection (a) shall include the following:

(1) An identification of, and discussion of the effectiveness of, existing laws, policies, procedures, and other measures relevant to the ability of elements of the intelligence community to prevent former intelligence personnel from providing covered intelligence assistance—

(A) without proper authorization; or

(B) in a manner that would violate legal or policy controls if the personnel performed such assistance while working for the United States Government; and

(2) Make recommendations for such legislative, regulatory, policy, or other changes as may be necessary to ensure that the United States consistently meets the objectives described in paragraph (1).

(c) **REPORT AND PLAN.**—Not later than 90 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives—

(1) a report on the findings of the Director with respect to each element of the study under subsection (a); and

(2) a plan to implement any recommendations made by the Director that the Director may implement without changes to Federal law.

(d) **FORM.**—The report and plan under subsection (c) may be submitted in classified form.

(e) **DEFINITIONS.**—In this section:

(1) **COVERED INTELLIGENCE ASSISTANCE.**—The term “covered intelligence assistance” means assistance—

(A) provided by former intelligence personnel directly to, or for the benefit of, the government of a foreign country or indirectly to, or for the benefit of, such a government through a company or other entity; and

(B) that relates to intelligence, military, or law enforcement activities of a foreign country, including with respect to operations that involve abuses of human rights, violations of the laws of the United States, or infringements on the privacy rights of United States persons.

(2) **FORMER INTELLIGENCE PERSONNEL.**—The term “former intelligence personnel” means retired or former personnel of the intelligence community, including civilian employees of elements of the intelligence community, members of the Armed Forces, and contractors of elements of the intelligence community.

Recommendations.

Classified information.

50 USC 3334b.

SEC. 5704. COLLECTION, ANALYSIS, AND DISSEMINATION OF WORKFORCE DATA.

(a) **MODIFICATION OF REQUIREMENT FOR ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES.**—

(1) **EXPANSION OF PERIOD OF REPORT.**—Subsection (a) of section 114 of the National Security Act of 1947 (50 U.S.C. 3050) is amended by inserting “and the preceding 5 fiscal years” after “fiscal year”.

(2) **CLARIFICATION ON DISAGGREGATION OF DATA.**—Subsection (b) of such section is amended, in the matter before paragraph (1), by striking “disaggregated data by category of covered person from each element of the intelligence community” and inserting “data, disaggregated by category of covered person and by element of the intelligence community,”.

(b) **INITIAL REPORTING.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and subject to paragraph (3), the Director of National Intelligence shall make available to the public, the appropriate congressional committees, and the workforce of the intelligence community a report which includes aggregate demographic data and other information regarding the diversity and inclusion efforts of the workforce of the intelligence community.

Public
information.

(2) **CONTENTS.**—A report made available under paragraph (1)—

(A) shall include unclassified reports and barrier analyses relating to diversity and inclusion efforts;

(B) shall include aggregate demographic data—

(i) by segment of the workforce of the intelligence community and grade or rank;

(ii) relating to attrition and promotion rates;

(iii) that addresses the compliance of the intelligence community with validated inclusion metrics, such as the New Inclusion Quotient index score; and

(iv) that provides demographic comparisons to the relevant nongovernmental labor force and the relevant civilian labor force;

(C) shall include an analysis of applicant flow data, including the percentage and level of positions for which data are collected, and a discussion of any resulting policy changes or recommendations;

(D) shall include demographic data relating to participants in professional development programs of the intelligence community and the rate of placement into senior positions for participants in such programs;

(E) shall include any voluntarily collected demographic data relating to the membership of any external advisory committee or board to which individuals in senior positions in the intelligence community appoint members; and

(F) may include data in proportions or percentages to account for concerns relating to the protection of classified information.

(c) **UPDATES.**—After making available a report under subsection (b), the Director of National Intelligence shall annually provide a report (which may be provided as part of an annual report required under another provision of law) to the workforce of the intelligence community (including senior leadership), the public, and the appropriate congressional committees that includes—

Public
information.

(1) demographic data and information on the status of diversity and inclusion efforts of the intelligence community;

(2) an analysis of applicant flow data, including the percentage and level of positions for which data are collected, and a discussion of any resulting policy changes or recommendations; and

(3) demographic data relating to participants in professional development programs of the intelligence community and the rate of placement into senior positions for participants in such programs.

(d) EXPAND THE COLLECTION AND ANALYSIS OF VOLUNTARY APPLICANT FLOW DATA.—

(1) IN GENERAL.—The Director of National Intelligence shall develop a system to collect and analyze applicant flow data for as many positions within the intelligence community as practicable, in order to identify areas for improvement in attracting diverse talent, with particular attention to senior and management positions.

(2) PHASED IMPLEMENTATION.—The collection of applicant flow data may be implemented by the Director of National Intelligence in a phased approach commensurate with the resources available to the intelligence community.

(e) IDENTIFY ADDITIONAL CATEGORIES FOR VOLUNTARY DATA COLLECTION OF CURRENT EMPLOYEES.—

Recommendation.

(1) IN GENERAL.—The Director of National Intelligence may submit to the Office of Management and Budget and to the appropriate congressional committees a recommendation regarding whether the intelligence community should voluntarily collect more detailed data on demographic categories in addition to the race and ethnicity categories specified in the statistical policy directive issued by the Office of Management and Budget entitled “Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity”.

(2) PROCESS.—In making a recommendation under paragraph (1), the Director of National Intelligence shall—

Consultation.

(A) engage in close consultation with internal stakeholders, such as employee resource or affinity groups;

(B) ensure that there is clear communication with the workforce of the intelligence community—

(i) to explain the purpose of the potential collection of such data; and

(ii) regarding legal protections relating to any anticipated use of such data; and

(C) ensure adherence to relevant standards and guidance issued by the Federal Government.

(f) DEFINITIONS.—In this section:

(1) APPLICANT FLOW DATA.—The term “applicant flow data” means data that tracks the rate of applications for job positions among demographic categories.

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

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

(B) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Homeland Security, the Permanent Select Committee on Intelligence, and the

Committee on Appropriations of the House of Representatives.

(3) DIVERSITY.—The term “diversity” means diversity of persons based on gender, race, ethnicity, disability status, veteran status, sexual orientation, gender identity, national origin, and other demographic categories.

SEC. 5705. PLAN FOR STRENGTHENING THE SUPPLY CHAIN INTELLIGENCE FUNCTION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Counterintelligence and Security Center, in coordination with the Director of the Defense Counterintelligence and Security Agency and other interagency partners, shall submit to the appropriate congressional committees a plan for strengthening the supply chain intelligence function.

Deadline.
Coordination.

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

(1) The appropriate workforce model, including size, mix, and seniority, from the elements of the intelligence community and other interagency partners.

(2) The budgetary resources necessary to implement the plan.

(3) The appropriate governance structure within the intelligence community and with interagency partners.

(4) The authorities necessary to implement the plan.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term “appropriate congressional committees” means—

(1) the congressional intelligence committees; and

(2) the Committees on Armed Services of the House of Representatives and the Senate.

SEC. 5706. COMPREHENSIVE ECONOMIC ASSESSMENT OF INVESTMENT IN KEY UNITED STATES TECHNOLOGIES BY COMPANIES OR ORGANIZATIONS LINKED TO CHINA.

(a) ASSESSMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Director of the National Counterintelligence and Security Center, the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, the Secretary of the Treasury, and the heads of such other Federal agencies as the Director of National Intelligence considers appropriate, shall submit to the congressional intelligence committees a comprehensive economic assessment of investment in key United States technologies, including emerging technologies, by companies or organizations linked to China, including the implications of these investments for the national security of the United States.

Deadline.
Coordination.

(b) FORM OF ASSESSMENT.—The assessment submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 5707. REPORT BY DIRECTOR OF NATIONAL INTELLIGENCE ON FIFTH-GENERATION WIRELESS NETWORK TECHNOLOGY.

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

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations of the Senate; and

(3) Committee on Foreign Affairs of the House of Representatives.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report on—

(1) the threat to the national security of the United States posed by the global and regional adoption of fifth-generation wireless network (known as “5G”) technology built by foreign companies;

(2) the threat to the national security of the United States posed by telecommunications companies that are subject to the jurisdiction of a foreign adversary; and

(3) possible efforts to mitigate the threat.

(c) CONTENTS.—The report under subsection (b) shall include—

(1) the timeline and scale of global and regional adoption of foreign fifth-generation wireless network technology;

(2) the implications of such global and regional adoption on the cyber and espionage threat to the United States, the interests of the United States, and the cyber and collection capabilities of the United States;

(3) the threat to the national security of the United States from acquisition, importation, transfer, installation, or use of any communications technology by any person subject to the jurisdiction of the United States that involves communications technology designed, developed, manufactured or supplied by, controlled by, or subject to, the jurisdiction of a foreign adversary; and

(4) the effect of possible mitigation efforts, including with respect to—

(A) a policy of the United States Government promoting the use of strong, end-to-end encryption for data transmitted over fifth-generation wireless networks;

(B) a policy of the United States Government promoting or funding free, open-source implementation of fifth-generation wireless network technology;

(C) subsidies or incentives provided by the United States Government that could be used to promote the adoption of secure fifth-generation wireless network technology developed by companies of the United States or companies of allies of the United States; and

(D) a strategy by the United States Government to reduce foreign influence and political pressure in international standard-setting bodies.

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

SEC. 5708. REPORT ON USE BY INTELLIGENCE COMMUNITY OF FACIAL RECOGNITION TECHNOLOGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the use of facial recognition technology for the purpose of suppressing or burdening criticism or dissent, or for disadvantaging persons based on their ethnicity, race, gender, sexual orientation, or religion, is contrary to the values of the United States;

Timeline.

Strategy.

(2) the United States Government should not engage in the sale or transfer of facial recognition technology to any country that is using such technology for the suppression of human rights; and

(3) it is incumbent upon the intelligence community to develop clear policies and procedures that prevent the abuse of facial recognition technology.

(b) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the use of facial recognition technology by the intelligence community. Such report shall include each of the following:

(1) An analysis of the current use of facial recognition technology by the intelligence community. Analysis.

(2) An analysis of the accuracy of facial recognition technology, including a discussion of the appropriate threshold for use, and data disaggregated by race, gender, ethnicity, and age. Analysis.

(3) Whether the Government has adequate procedures in place to audit or test technology they purchase to assess its accuracy, including on the basis of race, gender, ethnicity, and age.

(4) The extent to which the intelligence community has codified policies governing the use of facial recognition technology that adequately prevent adverse impacts on privacy, civil rights, and civil liberties.

(5) An analysis of the ability of the intelligence community to use facial recognition technology to identify individuals in a way that respects constitutional rights, civil rights, civil liberties, and privacy of such individuals. Analysis.

(6) Identification of risks and safeguards to uphold the constitutional rights, civil rights, civil liberties, and privacy of individuals, including for communities of color and religious minorities.

(7) Whether such technology is deployed in public areas or on photos of public areas in a manner that could raise First Amendment concerns.

(8) An identification of existing policies, procedures, or practices that permit the sharing of facial recognition data and technology with foreign governments or other non-United States Government entities.

(9) An identification of measures in place to protect data security.

(10) An identification of any redress procedures to address complaints in cases where the use of facial recognition resulted in harm to an individual.

(11) An analysis of existing transparency, oversight, and audits of the use of facial recognition to measure the efficacy of the technology on an ongoing basis, as measured against the cost and impact on individual rights. Analysis.

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

(d) FACIAL RECOGNITION DATA DEFINED.—In this section, the term “facial recognition data” means any unique attribute or feature of the face of an end user that is used by facial recognition technology to assign a unique, persistent identifier, or for the unique personal identification of a specific individual.

50 USC 3369a.

SEC. 5709. REPORT ON DEEPFAKE TECHNOLOGY, FOREIGN WEAPONIZATION OF DEEPFAKES, AND RELATED NOTIFICATIONS.

(a) REPORT ON FOREIGN WEAPONIZATION OF DEEPFAKES AND DEEPFAKE TECHNOLOGY.—

Consultation.

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community determined appropriate by the Director, shall submit to the congressional intelligence committees a report on—

(A) the potential national security impacts of machine-manipulated media (commonly known as “deepfakes”); and

(B) the actual or potential use of machine-manipulated media by foreign governments to spread disinformation or engage in other malign activities.

Assessments.
China.
Russia.

(2) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(A) An assessment of the technical capabilities of foreign governments, including foreign intelligence services, foreign government-affiliated entities, and foreign individuals, with respect to machine-manipulated media, machine-generated text, generative adversarial networks, and related machine-learning technologies, including—

(i) an assessment of the technical capabilities of the People’s Republic of China and the Russian Federation with respect to the production and detection of machine-manipulated media; and

(ii) an annex describing those governmental elements within China and Russia known to have supported or facilitated machine-manipulated media research, development, or dissemination, as well as any civil-military fusion, private-sector, academic, or nongovernmental entities which have meaningfully participated in such activities.

(B) An updated assessment of how foreign governments, including foreign intelligence services, foreign government-affiliated entities, and foreign individuals, could use or are using machine-manipulated media and machine-generated text to harm the national security interests of the United States, including an assessment of the historic, current, or potential future efforts of China and Russia to use machine-manipulated media, including with respect to—

(i) the overseas or domestic dissemination of misinformation;

(ii) the attempted discrediting of political opponents or disfavored populations; and

(iii) intelligence or influence operations directed against the United States, allies or partners of the United States, or other jurisdictions believed to be subject to Chinese or Russian interference.

Analysis.

(C) An updated identification of the countertechnologies that have been or could be developed and deployed by the United States Government, or by the private sector with Government support, to deter, detect, and attribute

the use of machine-manipulated media and machine-generated text by foreign governments, foreign-government affiliates, or foreign individuals, along with an analysis of the benefits, limitations and drawbacks of such identified counter-technologies, including any emerging concerns related to privacy.

(D) An identification of the offices within the elements of the intelligence community that have, or should have, lead responsibility for monitoring the development of, use of, and response to machine-manipulated media and machine-generated text, including—

(i) a description of the coordination of such efforts across the intelligence community;

(ii) a detailed description of the existing capabilities, tools, and relevant expertise of such elements to determine whether a piece of media has been machine manipulated or machine generated, including the speed at which such determination can be made, the confidence level of the element in the ability to make such a determination accurately, and how increasing volume and improved quality of machine-manipulated media or machine-generated text may negatively impact such capabilities; and

(iii) a detailed description of planned or ongoing research and development efforts intended to improve the ability of the intelligence community to detect machine-manipulated media and machine-generated text.

(E) A description of any research and development activities carried out or under consideration to be carried out by the intelligence community, including the Intelligence Advanced Research Projects Activity, relevant to machine-manipulated media and machine-generated text detection technologies.

(F) Updated recommendations regarding whether the intelligence community requires additional legal authorities, financial resources, or specialized personnel to address the national security threat posed by machine-manipulated media and machine-generated text.

(G) Other additional information the Director determines appropriate.

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

(c) REQUIREMENT FOR NOTIFICATION.—The Director of National Intelligence, in cooperation with the heads of any other relevant departments or agencies of the Federal Government, shall notify the congressional intelligence committees each time the Director of National Intelligence determines—

(1) there is credible information or intelligence that a foreign entity has attempted, is attempting, or will attempt to deploy machine-manipulated media or machine-generated text aimed at the elections or domestic political processes of the United States; and

(2) that such intrusion or campaign can be attributed to a foreign government, a foreign government-affiliated entity, or a foreign individual.

Consultation.

(d) **ANNUAL UPDATE.**—Upon submission of the report in subsection (a), on an annual basis, the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community determined appropriate by the Director, shall submit to the congressional intelligence committees any significant updates with respect to the matters described in subsection (a).

(e) **DEFINITIONS.**—

(1) **MACHINE-GENERATED TEXT.**—The term “machine-generated text” means text generated using machine-learning techniques in order to resemble writing in natural language.

(2) **MACHINE-MANIPULATED MEDIA.**—The term “machine-manipulated media” has the meaning given that term in section 5724.

2 USC 4111.

SEC. 5710. ANNUAL REPORT BY COMPTROLLER GENERAL OF THE UNITED STATES ON CYBERSECURITY AND SURVEILLANCE THREATS TO CONGRESS.

(a) **ANNUAL REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Comptroller General of the United States shall submit to the congressional intelligence committees a report on cybersecurity and surveillance threats to Congress.

(b) **STATISTICS.**—Each report submitted under subsection (a) shall include statistics on cyber attacks and other incidents of espionage or surveillance targeted against Senators or the immediate families or staff of the Senators, and Representatives, Delegates, and the Resident Commissioner, or the immediate families or staff of the Representatives, Delegates, and the Resident Commissioner, in which the nonpublic communications and other private information of such targeted individuals were lost, stolen, or otherwise subject to unauthorized access.

(c) **CONSULTATION.**—In preparing a report to be submitted under subsection (a), the Comptroller General shall consult with the Director of National Intelligence, the Secretary of Homeland Security, the Sergeant at Arms of the House of Representatives, and the Sergeant at Arms and Doorkeeper of the Senate.

(d) **FORM.**—The report under subsection (a), including the contents of the report in subsection (b), shall be submitted in unclassified form, but may include a classified annex to protect sources and methods and any appropriate redactions of personally identifiable information.

SEC. 5711. ANALYSIS OF AND PERIODIC BRIEFINGS ON MAJOR INITIATIVES OF INTELLIGENCE COMMUNITY IN ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING.

(a) **ANALYSIS.**—

Deadline.
Coordination.

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the heads of such elements of the intelligence community as the Director considers appropriate—

(A) complete a comprehensive analysis of the major initiatives of the intelligence community in artificial intelligence and machine learning; and

(B) provide to the congressional intelligence committees a briefing on the findings of the Director with respect to the analysis conducted pursuant to subparagraph (A).

(2) ELEMENTS.—The analysis conducted under paragraph (1)(A) shall include analyses of how the initiatives described in such paragraph—

(A) correspond with the strategy of the intelligence community entitled “Augmenting Intelligence Using Machines”;

(B) complement each other and avoid unnecessary duplication;

(C) are coordinated with the efforts of the Defense Department on artificial intelligence, including efforts at the Joint Artificial Intelligence Center and Project Maven; and

(D) leverage advances in artificial intelligence and machine learning in the private sector.

(b) PERIODIC BRIEFINGS.—Not later than 30 days after the date of the enactment of this Act, not less frequently than twice each year thereafter until the date that is 2 years after the date of the enactment of this Act, and not less frequently than once each year thereafter until the date that is 7 years after the date of the enactment of this Act, the Director and the Chief Information Officer of the Department of Defense shall jointly provide to the congressional intelligence committees and congressional defense committees (as defined in section 101 of title 10, United States Code) briefings with updates on activities relating to, and the progress of, their respective artificial intelligence and machine learning initiatives, particularly the Augmenting Intelligence Using Machines initiative and the Joint Artificial Intelligence Center. Deadlines.

SEC. 5712. REPORT ON BEST PRACTICES TO PROTECT PRIVACY AND CIVIL LIBERTIES OF CHINESE AMERICANS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the People’s Republic of China appears to be specifically targeting the Chinese-American community for intelligence purposes;

(2) such targeting carries a substantial risk that the loyalty of such Americans may be generally questioned and lead to unacceptable stereotyping, targeting, and racial profiling;

(3) the United States Government has a duty to warn and protect all Americans including those of Chinese descent from these intelligence efforts by the People’s Republic of China;

(4) the broad stereotyping, targeting, and racial profiling of Americans of Chinese descent is contrary to the values of the United States and reinforces the flawed narrative perpetuated by the People’s Republic of China that ethnically Chinese individuals worldwide have a duty to support the People’s Republic of China; and

(5) the United States efforts to combat the People’s Republic of China’s intelligence activities should actively safeguard and promote the constitutional rights of all Chinese Americans.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, acting through the Office of Civil Liberties, Privacy, and Transparency, in coordination with the civil liberties and privacy officers of the elements of the intelligence community, shall submit a report to the congressional intelligence committees containing— Coordination.

(1) a review of how the policies, procedures, and practices of the intelligence community that govern the intelligence Review.

	activities and operations targeting the People’s Republic of China affect policies, procedures, and practices relating to the privacy and civil liberties of Americans of Chinese descent who may be targets of espionage and influence operations by China; and
Recommendations.	(2) recommendations to ensure that the privacy and civil liberties of Americans of Chinese descent are sufficiently protected.
	(c) FORM.—The report under subsection (b) shall be submitted in unclassified form, but may include a classified annex.
50 USC 3369b.	SEC. 5713. OVERSIGHT OF FOREIGN INFLUENCE IN ACADEMIA.
	(a) DEFINITIONS.—In this section:
	(1) COVERED INSTITUTION OF HIGHER EDUCATION.—The term “covered institution of higher education” means an institution described in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) that receives Federal funds in any amount and for any purpose.
	(2) SENSITIVE RESEARCH SUBJECT.—The term “sensitive research subject” means a subject of research that is carried out at a covered institution of higher education that receives funds that were appropriated for—
	(A) the National Intelligence Program; or
	(B) any Federal agency the Director of National Intelligence deems appropriate.
Consultation.	(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Director of National Intelligence, in consultation with such elements of the intelligence community as the Director considers appropriate and consistent with the privacy protections afforded to United States persons, shall submit to congressional intelligence committees a report on risks to sensitive research subjects posed by foreign entities in order to provide Congress and covered institutions of higher education with more complete information on these risks and to help ensure academic freedom.
Lists.	(c) CONTENTS.—The report required by subsection (b) shall include the following:
	(1) A list of sensitive research subjects that could affect national security.
	(2) A list of foreign entities, including governments, corporations, nonprofit organizations and for-profit organizations, and any subsidiary or affiliate of such an entity, that the Director determines pose a counterintelligence, espionage (including economic espionage), or other national security threat with respect to sensitive research subjects.
	(3) A list of any known or suspected attempts by foreign entities to exert pressure on covered institutions of higher education, including attempts to limit freedom of speech, propagate misinformation or disinformation, or to influence professors, researchers, or students.
Recommendations.	(4) Recommendations for collaboration between covered institutions of higher education and the intelligence community to mitigate threats to sensitive research subjects associated with foreign influence in academia, including any necessary legislative or administrative action.

(d) CONGRESSIONAL NOTIFICATIONS REQUIRED.—Not later than 30 days after the date on which the Director identifies a change to either list described in paragraph (1) or (2) of subsection (c), the Director shall notify the congressional intelligence committees of the change. Deadline.

SEC. 5714. REPORT ON DEATH OF JAMAL KHASHOGGI.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the death of Jamal Khashoggi, consistent with protecting sources and methods. Such report shall include identification of those who carried out, participated in, ordered, or were otherwise complicit in or responsible for the death of Jamal Khashoggi.

(b) FORM.—The report submitted under subsection (a) shall be submitted in unclassified form.

SEC. 5715. REPORT ON TERRORIST SCREENING DATABASE.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of State shall jointly submit to the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on the terrorist screening database of the Federal Bureau of Investigation.

(b) MATTERS INCLUDED.—The report under subsection (a) shall identify the following:

(1) Which foreign countries receive access to the terrorist screening database.

(2) Which foreign countries have successfully petitioned to add individuals to the terrorist screening database.

(3) What standards exist for determining which countries get access to the terrorist screening database.

(4) The extent to which the human rights record of the government of a foreign country is considered in the determination to give the country access to the terrorist screening database.

(5) What procedures, if any, exist to remove access to the terrorist screening database from a foreign country.

(6) What procedures, if any, exist to inform an individual, or the legal counsel of an individual, of the placement of the individual on the terrorist screening database.

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

SEC. 5716. REPORT CONTAINING THREAT ASSESSMENT ON TERRORIST USE OF CONVENTIONAL AND ADVANCED CONVENTIONAL WEAPONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for a period of 4 years, the Under Secretary of Homeland Security for Intelligence and Analysis, in coordination with the Director of the Federal Bureau of Investigation, shall develop and submit to the entities in accordance with subsection (b) a report containing a threat assessment regarding the availability of conventional weapons, including conventional weapons lacking serial numbers, and advanced conventional weapons, for use in furthering acts of terrorism, including the provision of material support or resources Time period.
Coordination.

to a foreign terrorist organization and to individuals or groups supporting or engaging in domestic terrorism.

(b) DISSEMINATION OF REPORT.—Consistent with the protection of classified and confidential unclassified information, the Under Secretary shall—

(1) submit the initial report required under subsection (a) to Federal, State, local, and Tribal law enforcement officials, including officials who operate within State, local, and regional fusion centers under the Department of Homeland Security State, Local, and Regional Fusion Center Initiative established by section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h); and

(2) submit each report required under subsection (a) to the appropriate congressional committees.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives; and

(B) the Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

(2) DOMESTIC TERRORISM.—The term “domestic terrorism” has the meaning given that term in section 2331 of title 18, United States Code.

(3) FOREIGN TERRORIST ORGANIZATION.—The term “foreign terrorist organization” means an organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

50 USC 3334c.

SEC. 5717. ASSESSMENT OF HOMELAND SECURITY VULNERABILITIES ASSOCIATED WITH CERTAIN RETIRED AND FORMER PERSONNEL OF THE INTELLIGENCE COMMUNITY.

Deadline.
Coordination.

(a) ASSESSMENT REQUIRED.—Not later than the date that is 120 days after submission of the report required under section 5703, and annually thereafter, the Director of National Intelligence, in coordination with the Under Secretary of Homeland Security for Intelligence and Analysis, the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, and the Director of the Defense Counterintelligence and Security Agency, shall submit to the appropriate congressional committees an assessment of the homeland security vulnerabilities associated with retired and former personnel of the intelligence community providing covered intelligence assistance.

Classified
information.

(b) FORM.—The assessment under subsection (a) may be submitted in classified form.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional intelligence committees;

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

(C) the Committee on Homeland Security of the House of Representatives.

(2) COVERED INTELLIGENCE ASSISTANCE.—The term “covered intelligence assistance” has the meaning given that term in section 5703.

SEC. 5718. STUDY ON FEASIBILITY AND ADVISABILITY OF ESTABLISHING GEOSPATIAL-INTELLIGENCE MUSEUM AND LEARNING CENTER.

(a) STUDY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Geospatial-Intelligence Agency shall complete a study on the feasibility and advisability of establishing a Geospatial-Intelligence Museum and learning center. Deadline.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) Identifying the costs, opportunities, and challenges of establishing the museum and learning center as described in such subsection.

(2) Developing recommendations concerning such establishment. Recommendations.

(3) Identifying and reviewing lessons learned from the establishment of the Cyber Center for Education and Innovation-Home of the National Cryptologic Museum under section 7781(a) of title 10, United States Code. Review.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees and the congressional defense committees (as defined in section 101 of title 10, United States Code) a report on the findings of the Director with respect to the study completed under subsection (a).

Subtitle B—Other Matters

SEC. 5721. WHISTLEBLOWER DISCLOSURES TO CONGRESS AND COMMITTEES OF CONGRESS.

Section 2302 of title 5, United States Code, is amended—

(1) in subsection (b)(8)—

(A) in subparagraph (A), by striking “; or” and inserting a semicolon;

(B) in subparagraph (B)(ii), by striking the semicolon at the end and inserting “; or”; and

(C) by inserting after subparagraph (B) the following new subparagraph:

“(C) any disclosure to Congress (including any committee of Congress) by any employee of an agency or applicant for employment at an agency of information described in subparagraph (B) that is—

“(i) not classified; or

“(ii) if classified—

“(I) has been classified by the head of an agency that is not an element of the intelligence community (as defined by section 3 of the National Security Act of 1947 (50 U.S.C. 3003)); and

“(II) does not reveal intelligence sources and methods.”; and

(2) in subsection (c)(2)(C)(iii)(III), by inserting after “Congress” the following: “(including any committee of Congress

with respect to information that is not classified or, if classified, has been classified by the head of an agency that is not an element of the intelligence community and does not reveal intelligence sources and methods”).

SEC. 5722. TASK FORCE ON ILLICIT FINANCING OF ESPIONAGE AND FOREIGN INFLUENCE OPERATIONS.

Deadline.
Study.
Assessment.

(a) **ESTABLISHMENT.**—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall establish a task force to study and assess the illicit financing of espionage and foreign influence operations directed at the United States.

(b) **MEMBERSHIP.**—The task force shall be composed of the following individuals (or designees of the individual):

- (1) The Director of the Central Intelligence Agency.
- (2) The Director of the Federal Bureau of Investigation.
- (3) The Assistant Secretary of the Treasury for Intelligence and Analysis.
- (4) The Assistant Secretary of State for Intelligence and Research.
- (5) Such other heads of the elements of the intelligence community that the Director of National Intelligence determines appropriate.

Appointment.

(c) **CHAIRPERSON; MEETINGS.**—

(1) **CHAIRPERSON.**—The Director of National Intelligence shall appoint a senior official within the Office of the Director of National Intelligence to serve as the chairperson of the task force.

(2) **MEETINGS.**—The task force shall meet regularly but not less frequently than on a quarterly basis.

(d) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the task force shall submit to the appropriate congressional committees a report on the illicit financing of espionage and foreign influence operations directed at the United States. The report shall address the following:

(A) The extent of the collection by the intelligence community, from all sources (including the governments of foreign countries), of intelligence and information relating to illicit financing of espionage and foreign influence operations directed at the United States, and any gaps in such collection.

(B) Any specific legal, regulatory, policy, or other prohibitions, or financial, human, technical, or other resource limitations or constraints, that have affected the ability of the Director of National Intelligence or other heads of relevant elements of the intelligence community in collecting or analyzing intelligence or information relating to illicit financing of espionage and foreign influence operations directed at the United States.

(C) The methods, as of the date of the report, by which hostile governments of foreign countries or foreign organizations, and any groups or persons acting on behalf of or with the support of such governments or organizations, seek to disguise or obscure relationships between such governments, organizations, groups, or persons and

United States persons, for the purpose of conducting espionage or foreign influence operations directed at the United States, including by exploiting financial laws, systems, or instruments, of the United States.

(D) The existing practices of the intelligence community for ensuring that intelligence and information relating to the illicit financing of espionage and foreign influence operations is analyzed and shared with other elements of the intelligence community, and any recommendations for improving such analysis and sharing.

(2) ANNUAL UPDATE.—Not later than 1 year after the date of the enactment of this Act, and each year thereafter through the date specified in subsection (e), the task force shall submit to the appropriate congressional committees an update on the report.

(3) FORM.—Each report submitted under this subsection may be submitted in classified form, but if submitted in such form, shall include an unclassified summary.

Classified
information.
Summary.

(e) TERMINATION.—The task force shall terminate on January 1, 2025.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional intelligence committees.

(2) The Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(3) The Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 5723. ESTABLISHMENT OF FIFTH-GENERATION TECHNOLOGY PRIZE COMPETITION.

50 USC 3024
note.

(a) PRIZE COMPETITION.—Pursuant to section 24 of the Steven-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), the Director of National Intelligence, acting through the Director of the Intelligence Advanced Research Projects Agency, shall carry out a program to award prizes competitively to stimulate research and development relevant to fifth-generation technology.

(b) PRIZE AMOUNT.—In carrying out the program under subsection (a), the Director may award not more than a total of \$5,000,000 to one or more winners of the prize competition.

(c) CONSULTATION.—In carrying out the program under subsection (a), the Director may consult with the heads of relevant departments and agencies of the Federal Government.

(d) FIFTH-GENERATION TECHNOLOGY DEFINED.—In this section, the term “fifth-generation technology” means hardware, software, or other technologies relating to fifth-generation wireless networks (known as “5G”).

SEC. 5724. ESTABLISHMENT OF DEEPAKES PRIZE COMPETITION.

50 USC 3024
note.

(a) PRIZE COMPETITION.—Pursuant to section 24 of the Steven-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), the Director of National Intelligence, acting through the Director of the Intelligence Advanced Research Projects Agency, shall carry out a program to award prizes competitively to stimulate the research, development, or commercialization of technologies to automatically detect machine-manipulated media.

(b) **PRIZE AMOUNT.**—In carrying out the program under subsection (a), the Director may award not more than a total of \$5,000,000 to one or more winners of the prize competition.

(c) **CONSULTATION.**—In carrying out the program under subsection (a), the Director may consult with the heads of relevant departments and agencies of the Federal Government.

(d) **MACHINE-MANIPULATED MEDIA DEFINED.**—In this section, the term “machine-manipulated media” means video, image, or audio recordings generated or substantially modified using machine-learning techniques in order to falsely depict events, to falsely depict the speech or conduct of an individual, or to depict individuals who do not exist.

50 USC 3024
note.

SEC. 5725. IDENTIFICATION OF AND COUNTERMEASURES AGAINST CERTAIN INTERNATIONAL MOBILE SUBSCRIBER IDENTITY-CATCHERS.

(a) **IN GENERAL.**—The Director of National Intelligence and the Director of the Federal Bureau of Investigation, in collaboration with the Under Secretary of Homeland Security for Intelligence and Analysis, and the heads of such other Federal, State, or local agencies as the Directors determine appropriate, and in accordance with applicable law and policy, may—

(1) undertake an effort to identify International Mobile Subscriber Identity-catchers operated within the United States by—

(A) hostile foreign governments; and

(B) individuals who have violated a criminal law of the United States or of any State, or who have committed acts that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(2) when appropriate, develop countermeasures against such International Mobile Subscriber Identity-catchers, with prioritization given to such International Mobile Subscriber Identity-catchers identified in the National Capital Region.

(b) **BRIEFING REQUIRED.**—Prior to developing countermeasures under subsection (a)(2), the Director of National Intelligence and the Director of the Federal Bureau of Investigation shall provide a briefing to the appropriate congressional committees on—

(1) the use of International Mobile Subscriber Identity-catchers operated within the United States by the individuals and governments described in subsection (a)(1);

(2) potential countermeasures by the intelligence community against such International Mobile Subscriber Identity-catchers; and

(3) any legal or policy limitations with respect to the development or carrying out of such countermeasures.

(c) **DEFINITIONS.**—

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the congressional intelligence committees;

(B) the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committees on the Judiciary of the House of Representatives and the Senate.

(2) **INTERNATIONAL MOBILE SUBSCRIBER IDENTITY-CATCHER.**—The term “International Mobile Subscriber Identity-

catcher” means a device used for intercepting mobile phone identifying information and location data.

SEC. 5726. SECURING ENERGY INFRASTRUCTURE.

6 USC 189 note.

(a) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the congressional intelligence committees;

(B) the Committee on Homeland Security and Governmental Affairs and the Committee on Energy and Natural Resources of the Senate; and

(C) the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives.

(2) **COVERED ENTITY.**—The term “covered entity” means an entity identified pursuant to section 9(a) of Executive Order No. 13636 of February 12, 2013 (78 Fed. Reg. 11742), relating to identification of critical infrastructure where a cybersecurity incident could reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security.

(3) **EXPLOIT.**—The term “exploit” means a software tool designed to take advantage of a security vulnerability.

(4) **INDUSTRIAL CONTROL SYSTEM.**—The term “industrial control system” means an operational technology used to measure, control, or manage industrial functions, and includes supervisory control and data acquisition systems, distributed control systems, and programmable logic or embedded controllers.

(5) **NATIONAL LABORATORY.**—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(6) **PROGRAM.**—The term “Program” means the pilot program established under subsection (b).

(7) **SECRETARY.**—Except as otherwise specifically provided, the term “Secretary” means the Secretary of Energy.

(8) **SECURITY VULNERABILITY.**—The term “security vulnerability” means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

(b) **PILOT PROGRAM FOR SECURING ENERGY INFRASTRUCTURE.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a 2-year control systems implementation pilot program within the National Laboratories for the purposes of—

Deadline.
Time period.

(1) partnering with covered entities in the energy sector (including critical component manufacturers in the supply chain) that voluntarily participate in the Program to identify new classes of security vulnerabilities of the covered entities; and

(2) evaluating technology and standards, in partnership with covered entities, to isolate and defend industrial control systems of covered entities from security vulnerabilities and exploits in the most critical systems of the covered entities, including—

Evaluation.

(A) analog and nondigital control systems;

(B) purpose-built control systems; and

(C) physical controls.

(c) WORKING GROUP TO EVALUATE PROGRAM STANDARDS AND DEVELOP STRATEGY.—

(1) ESTABLISHMENT.—The Secretary shall establish a working group—

(A) to evaluate the technology and standards used in the Program under subsection (b)(2); and

(B) to develop a national cyber-informed engineering strategy to isolate and defend covered entities from security vulnerabilities and exploits in the most critical systems of the covered entities.

Appointments.

(2) MEMBERSHIP.—The working group established under paragraph (1) shall be composed of not fewer than 10 members, to be appointed by the Secretary, at least 1 member of which shall represent each of the following:

(A) The Department of Energy.

(B) The energy industry, including electric utilities and manufacturers recommended by the Energy Sector coordinating councils.

(C)(i) The Department of Homeland Security; or

(ii) the Industrial Control Systems Cyber Emergency Response Team.

(D) The North American Electric Reliability Corporation.

(E) The Nuclear Regulatory Commission.

(F)(i) The Office of the Director of National Intelligence;

or

(ii) the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(G)(i) The Department of Defense; or

(ii) the Assistant Secretary of Defense for Homeland Security and America's Security Affairs.

(H) A State or regional energy agency.

(I) A national research body or academic institution.

(J) The National Laboratories.

(d) REPORTS ON THE PROGRAM.—

(1) INTERIM REPORT.—Not later than 180 days after the date on which funds are first disbursed under the Program, the Secretary shall submit to the appropriate congressional committees an interim report that—

(A) describes the results of the Program;

Analysis.

(B) includes an analysis of the feasibility of each method studied under the Program; and

(C) describes the results of the evaluations conducted by the working group established under subsection (c)(1).

(2) FINAL REPORT.—Not later than 2 years after the date on which funds are first disbursed under the Program, the Secretary shall submit to the appropriate congressional committees a final report that—

(A) describes the results of the Program;

Analysis.

(B) includes an analysis of the feasibility of each method studied under the Program; and

(C) describes the results of the evaluations conducted by the working group established under subsection (c)(1).

(e) EXEMPTION FROM DISCLOSURE.—Information shared by or with the Federal Government or a State, Tribal, or local government under this section—

(1) shall be deemed to be voluntarily shared information;

(2) shall be exempt from disclosure under section 552 of title 5, United States Code, or any provision of any State, Tribal, or local freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring the disclosure of information or records; and

(3) shall be withheld from the public, without discretion, under section 552(b)(3) of title 5, United States Code, and any provision of any State, Tribal, or local law requiring the disclosure of information or records.

(f) PROTECTION FROM LIABILITY.—

(1) IN GENERAL.—A cause of action against a covered entity for engaging in the voluntary activities authorized under subsection (b)—

(A) shall not lie or be maintained in any court; and

(B) shall be promptly dismissed by the applicable court.

(2) VOLUNTARY ACTIVITIES.—Nothing in this section subjects any covered entity to liability for not engaging in the voluntary activities authorized under subsection (b).

(g) NO NEW REGULATORY AUTHORITY FOR FEDERAL AGENCIES.—Nothing in this section authorizes the Secretary or the head of any other department or agency of the Federal Government to issue new regulations.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) PILOT PROGRAM.—There is authorized to be appropriated \$10,000,000 to carry out subsection (b).

(2) WORKING GROUP AND REPORT.—There is authorized to be appropriated \$1,500,000 to carry out subsections (c) and (d).

(3) AVAILABILITY.—Amounts made available under paragraphs (1) and (2) shall remain available until expended.

SUBDIVISION 2—INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEARS 2018 AND 2019

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- Sec. 6724. Study on the feasibility of encrypting unclassified wireline and wireless telephone calls.
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- Sec. 6741. Public Interest Declassification Board.

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- Sec. 6747. Sense of Congress on WikiLeaks.

TITLE LXI—INTELLIGENCE ACTIVITIES

SEC. 6101. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2019.—Funds that were appropriated for fiscal year 2019 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government are hereby authorized:

- (1) The Office of the Director of National Intelligence.
- (2) The Central Intelligence Agency.
- (3) The Department of Defense.
- (4) The Defense Intelligence Agency.
- (5) The National Security Agency.
- (6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (7) The Coast Guard.
- (8) The Department of State.
- (9) The Department of the Treasury.
- (10) The Department of Energy.
- (11) The Department of Justice.
- (12) The Federal Bureau of Investigation.
- (13) The Drug Enforcement Administration.
- (14) The National Reconnaissance Office.
- (15) The National Geospatial-Intelligence Agency.
- (16) The Department of Homeland Security.

(b) FISCAL YEAR 2018.—Funds that were appropriated for fiscal year 2018 for the conduct of the intelligence and intelligence-related activities of the elements of the United States set forth in subsection (a) are hereby authorized.

SEC. 6102. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

The amounts that were appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal years 2018 and 2019 are hereby authorized.

TITLE LXII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 6201. AUTHORIZATION OF APPROPRIATIONS.

The amounts that were appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal years 2018 and 2019 are hereby authorized.

SEC. 6202. COMPUTATION OF ANNUITIES FOR EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.

(a) COMPUTATION OF ANNUITIES.—

(1) IN GENERAL.—Section 221 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2031) is amended—

(A) in subsection (a)(3)(B), by striking the period at the end and inserting “, as determined by using the annual rate of basic pay that would be payable for full-time service in that position.”;

(B) in subsection (b)(1)(C)(i), by striking “12-month” and inserting “2-year”;

(C) in subsection (f)(2), by striking “one year” and inserting “two years”;

(D) in subsection (g)(2), by striking “one year” each place such term appears and inserting “two years”;

(E) by redesignating subsections (h), (i), (j), (k), and (l) as subsections (i), (j), (k), (l), and (m), respectively; and

(F) by inserting after subsection (g) the following:

“(h) CONDITIONAL ELECTION OF INSURABLE INTEREST SURVIVOR ANNUITY BY PARTICIPANTS MARRIED AT THE TIME OF RETIREMENT.—

“(1) AUTHORITY TO MAKE DESIGNATION.—Subject to the rights of former spouses under subsection (b) and section 222, at the time of retirement a married participant found by the Director to be in good health may elect to receive an annuity reduced in accordance with subsection (f)(1)(B) and designate in writing an individual having an insurable interest in the participant to receive an annuity under the system after the participant’s death, except that any such election to provide an insurable interest survivor annuity to the participant’s spouse shall only be effective if the participant’s spouse waives the spousal right to a survivor annuity under this Act. The amount of the annuity shall be equal to 55 percent of the participant’s reduced annuity.

“(2) REDUCTION IN PARTICIPANT’S ANNUITY.—The annuity payable to the participant making such election shall be reduced by 10 percent of an annuity computed under subsection (a) and by an additional 5 percent for each full 5 years the designated individual is younger than the participant. The total reduction under this subparagraph may not exceed 40 percent.

“(3) COMMENCEMENT OF SURVIVOR ANNUITY.—The annuity payable to the designated individual shall begin on the day after the retired participant dies and terminate on the last day of the month before the designated individual dies.

“(4) RECOMPUTATION OF PARTICIPANT’S ANNUITY ON DEATH OF DESIGNATED INDIVIDUAL.—An annuity that is reduced under this subsection shall, effective the first day of the month following the death of the designated individual, be recomputed and paid as if the annuity had not been so reduced.”.

Effective date.

(2) CONFORMING AMENDMENTS.—

(A) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—The Central Intelligence Agency Retirement Act (50 U.S.C. 2001 et seq.) is amended—

(i) in section 232(b)(1) (50 U.S.C. 2052(b)(1)), by striking “221(h),” and inserting “221(i),”; and

(ii) in section 252(h)(4) (50 U.S.C. 2082(h)(4)), by striking “221(k)” and inserting “221(l)”.

(B) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Subsection (a) of section 14 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3514(a)) is amended by striking

“221(h)(2), 221(i), 221(l),” and inserting “221(i)(2), 221(j), 221(m),”.

(b) **ANNUITIES FOR FORMER SPOUSES.**—Subparagraph (B) of section 222(b)(5) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2032(b)(5)(B)) is amended by striking “one year” and inserting “two years”.

(c) **PRIOR SERVICE CREDIT.**—Subparagraph (A) of section 252(b)(3) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2082(b)(3)(A)) is amended by striking “October 1, 1990” both places that term appears and inserting “March 31, 1991”.

(d) **REEMPLOYMENT COMPENSATION.**—Section 273 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2113) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

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

“(b) **PART-TIME REEMPLOYED ANNUITANTS.**—The Director shall have the authority to reemploy an annuitant on a part-time basis in accordance with section 8344(l) of title 5, United States Code.”.

50 USC 2031
note.

(e) **EFFECTIVE DATE AND APPLICATION.**—The amendments made by subsection (a)(1)(A) and subsection (c) shall take effect as if enacted on October 28, 2009, and shall apply to computations or participants, respectively, as of such date.

TITLE LXIII—GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 6301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this subdivision shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 6302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this subdivision for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 6303. MODIFICATION OF SPECIAL PAY AUTHORITY FOR SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS POSI- TIONS AND ADDITION OF SPECIAL PAY AUTHORITY FOR CYBER POSITIONS.

Section 113B of the National Security Act of 1947 (50 U.S.C. 3049a) is amended—

(1) by amending subsection (a) to read as follows:

“(a) **SPECIAL RATES OF PAY FOR POSITIONS REQUIRING EXPER-
TISE IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS.**—

“(1) **IN GENERAL.**—Notwithstanding part III of title 5, United States Code, the head of each element of the intelligence community may, for one or more categories of positions in such element that require expertise in science, technology, engineering, or mathematics—

“(A) establish higher minimum rates of pay; and

“(B) make corresponding increases in all rates of pay of the pay range for each grade or level, subject to subsection (b) or (c), as applicable.

“(2) TREATMENT.—The special rate supplements resulting from the establishment of higher rates under paragraph (1) shall be basic pay for the same or similar purposes as those specified in section 5305(j) of title 5, United States Code.”;

(2) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively;

(3) by inserting after subsection (a) the following:

“(b) SPECIAL RATES OF PAY FOR CYBER POSITIONS.—

“(1) IN GENERAL.—Notwithstanding subsection (c), the Director of the National Security Agency may establish a special rate of pay—

Certifications.

“(A) not to exceed the rate of basic pay payable for level II of the Executive Schedule under section 5313 of title 5, United States Code, if the Director certifies to the Under Secretary of Defense for Intelligence, in consultation with the Under Secretary of Defense for Personnel and Readiness, that the rate of pay is for positions that perform functions that execute the cyber mission of the Agency; or

Consultation.

“(B) not to exceed the rate of basic pay payable for the Vice President of the United States under section 104 of title 3, United States Code, if the Director certifies to the Secretary of Defense, by name, individuals that have advanced skills and competencies and that perform critical functions that execute the cyber mission of the Agency.

“(2) PAY LIMITATION.—Employees receiving a special rate under paragraph (1) shall be subject to an aggregate pay limitation that parallels the limitation established in section 5307 of title 5, United States Code, except that—

“(A) any allowance, differential, bonus, award, or other similar cash payment in addition to basic pay that is authorized under title 10, United States Code, (or any other applicable law in addition to title 5 of such Code, excluding the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.)) shall also be counted as part of aggregate compensation; and

“(B) aggregate compensation may not exceed the rate established for the Vice President of the United States under section 104 of title 3, United States Code.

“(3) LIMITATION ON NUMBER OF RECIPIENTS.—The number of individuals who receive basic pay established under paragraph (1)(B) may not exceed 100 at any time.

“(4) LIMITATION ON USE AS COMPARATIVE REFERENCE.—Notwithstanding any other provision of law, special rates of pay and the limitation established under paragraph (1)(B) may not be used as comparative references for the purpose of fixing the rates of basic pay or maximum pay limitations of qualified positions under section 1599f of title 10, United States Code, or section 226 of the Homeland Security Act of 2002 (6 U.S.C. 147).”;

(4) in subsection (c), as redesignated by paragraph (2), by striking “A minimum” and inserting “Except as provided in subsection (b), a minimum”;

(5) in subsection (d), as redesignated by paragraph (2), by inserting “or (b)” after “by subsection (a)”; and

(6) in subsection (g), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking “Not later than 90 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2017” and inserting “Not later than 90 days after the date of the enactment of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019”; and

(B) in paragraph (2)(A), by inserting “or (b)” after “subsection (a)”.

SEC. 6304. MODIFICATION OF APPOINTMENT OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G(a) of the National Security Act of 1947 (50 U.S.C. 3032(a)) is amended by striking “President” and inserting “Director”.

SEC. 6305. DIRECTOR OF NATIONAL INTELLIGENCE REVIEW OF PLACEMENT OF POSITIONS WITHIN THE INTELLIGENCE COMMUNITY ON THE EXECUTIVE SCHEDULE.

Coordination.

(a) REVIEW.—The Director of National Intelligence, in coordination with the Director of the Office of Personnel Management, shall conduct a review of positions within the intelligence community regarding the placement of such positions on the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code. In carrying out such review, the Director of National Intelligence, in coordination with the Director of the Office of Personnel Management, shall determine—

Determination.

(1) the standards under which such review will be conducted;

(2) which positions should or should not be on the Executive Schedule; and

(3) for those positions that should be on the Executive Schedule, the level of the Executive Schedule at which such positions should be placed.

(b) REPORT.—Not later than 60 days after the date on which the review under subsection (a) is completed, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Reform of the House of Representatives an unredacted report describing the standards by which the review was conducted and the outcome of the review.

50 USC 3370.

SEC. 6306. SUPPLY CHAIN AND COUNTERINTELLIGENCE RISK MANAGEMENT TASK FORCE.

(a) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional intelligence committees.

(2) The Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) The Committee on Armed Services, the Committee on Homeland Security, and the Committee on Oversight and Reform of the House of Representatives.

(b) **REQUIREMENT TO ESTABLISH.**—The Director of National Intelligence shall establish a Supply Chain and Counterintelligence Risk Management Task Force to standardize information sharing between the intelligence community and the acquisition community of the United States Government with respect to the supply chain and counterintelligence risks.

(c) **MEMBERS.**—The Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall be composed of—

- (1) a representative of the Defense Security Service of the Department of Defense;
- (2) a representative of the General Services Administration;
- (3) a representative of the Office of Federal Procurement Policy of the Office of Management and Budget;
- (4) a representative of the Department of Homeland Security;
- (5) a representative of the Federal Bureau of Investigation;
- (6) the Director of the National Counterintelligence and Security Center; and
- (7) any other members the Director of National Intelligence determines appropriate.

(d) **SECURITY CLEARANCES.**—Each member of the Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall have a security clearance at the top secret level and be able to access sensitive compartmented information.

(e) **ANNUAL REPORT.**—The Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall submit to the appropriate congressional committees an annual report that describes the activities of the Task Force during the previous year, including identification of the supply chain, cybersecurity, and counterintelligence risks shared with the acquisition community of the United States Government by the intelligence community.

SEC. 6307. CONSIDERATION OF ADVERSARIAL TELECOMMUNICATIONS AND CYBERSECURITY INFRASTRUCTURE WHEN SHARING INTELLIGENCE WITH FOREIGN GOVERNMENTS AND ENTITIES.

50 USC 3001
note.

Whenever the head of an element of the intelligence community enters into an intelligence-sharing agreement with a foreign government or any other foreign entity, the head of the element shall consider the pervasiveness of telecommunications and cybersecurity infrastructure, equipment, and services provided by adversaries of the United States, particularly China and Russia, or entities of such adversaries in the country or region of the foreign government or other foreign entity entering into the agreement.

SEC. 6308. CYBER PROTECTION SUPPORT FOR THE PERSONNEL OF THE INTELLIGENCE COMMUNITY IN POSITIONS HIGHLY VULNERABLE TO CYBER ATTACK.

50 USC 3334d.

(a) **DEFINITIONS.**—In this section:

- (1) **PERSONAL ACCOUNTS.**—The term “personal accounts” means accounts for online and telecommunications services, including telephone, residential internet access, email, text and multimedia messaging, cloud computing, social media, health

care, and financial services, used by personnel of the intelligence community outside of the scope of their employment with elements of the intelligence community.

(2) **PERSONAL TECHNOLOGY DEVICES.**—The term “personal technology devices” means technology devices used by personnel of the intelligence community outside of the scope of their employment with elements of the intelligence community, including networks to which such devices connect.

(b) **AUTHORITY TO PROVIDE CYBER PROTECTION SUPPORT.**—

Determination.

(1) **IN GENERAL.**—Subject to a determination by the Director of National Intelligence, the Director may provide cyber protection support for the personal technology devices and personal accounts of the personnel described in paragraph (2).

(2) **AT-RISK PERSONNEL.**—The personnel described in this paragraph are personnel of the intelligence community—

(A) who the Director determines to be highly vulnerable to cyber attacks and hostile information collection activities because of the positions occupied by such personnel in the intelligence community; and

(B) whose personal technology devices or personal accounts are highly vulnerable to cyber attacks and hostile information collection activities.

(c) **NATURE OF CYBER PROTECTION SUPPORT.**—Subject to the availability of resources, the cyber protection support provided to personnel under subsection (b) may include training, advice, assistance, and other services relating to cyber attacks and hostile information collection activities.

(d) **LIMITATION ON SUPPORT.**—Nothing in this section shall be construed—

(1) to encourage personnel of the intelligence community to use personal technology devices for official business; or

(2) to authorize cyber protection support for senior intelligence community personnel using personal devices, networks, and personal accounts in an official capacity.

(e) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees a report on the provision of cyber protection support under subsection (b). The report shall include—

(1) a description of the methodology used to make the determination under subsection (b)(2); and

(2) guidance for the use of cyber protection support and tracking of support requests for personnel receiving cyber protection support under subsection (b).

SEC. 6309. ELIMINATION OF SUNSET OF AUTHORITY RELATING TO MANAGEMENT OF SUPPLY-CHAIN RISK.

Section 309 of the Intelligence Authorization Act for Fiscal Year 2012 (Public Law 112–87; 50 U.S.C. 3329 note) is amended by striking subsection (g).

50 USC 3351b.

SEC. 6310. LIMITATIONS ON DETERMINATIONS REGARDING CERTAIN SECURITY CLASSIFICATIONS.

(a) **PROHIBITION.**—An officer of an element of the intelligence community who has been nominated by the President for a position that requires the advice and consent of the Senate may not make a classification decision with respect to information related to such officer’s nomination.

(b) **CLASSIFICATION DETERMINATIONS.**—

(1) IN GENERAL.—Except as provided in paragraph (2), in a case in which an officer described in subsection (a) has been nominated as described in such subsection and classification authority rests with the officer or another officer who reports directly to such officer, a classification decision with respect to information relating to the officer shall be made by the Director of National Intelligence.

(2) NOMINATIONS OF DIRECTOR OF NATIONAL INTELLIGENCE.—In a case described in paragraph (1) in which the officer nominated is the Director of National Intelligence, the classification decision shall be made by the Principal Deputy Director of National Intelligence.

(c) REPORTS.—Whenever the Director or the Principal Deputy Director makes a decision under subsection (b), the Director or the Principal Deputy Director, as the case may be, shall submit to the congressional intelligence committees a report detailing the reasons for the decision.

SEC. 6311. JOINT INTELLIGENCE COMMUNITY COUNCIL.

(a) MEETINGS.—Section 101A(d) of the National Security Act of 1947 (50 U.S.C. 3022(d)) is amended—

(1) by striking “regular”; and

(2) by inserting “as the Director considers appropriate” after “Council”.

(b) REPORT ON FUNCTION AND UTILITY OF THE JOINT INTELLIGENCE COMMUNITY COUNCIL.—

(1) IN GENERAL.—No later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Executive Office of the President and members of the Joint Intelligence Community Council, shall submit to the congressional intelligence committees a report on the function and utility of the Joint Intelligence Community Council.

Coordination.

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

(A) The number of physical or virtual meetings held by the Council per year since the Council’s inception.

(B) A description of the effect and accomplishments of the Council.

(C) An explanation of the unique role of the Council relative to other entities, including with respect to the National Security Council and the Executive Committee of the intelligence community.

(D) Recommendations for the future role and operation of the Council.

Recommendations.

(E) Such other matters relating to the function and utility of the Council as the Director considers appropriate.

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

SEC. 6312. INTELLIGENCE COMMUNITY INFORMATION TECHNOLOGY ENVIRONMENT.

Deadlines.
50 USC 3024
note.

(a) DEFINITIONS.—In this section:

(1) CORE SERVICE.—The term “core service” means a capability that is available to multiple elements of the intelligence community and required for consistent operation of the intelligence community information technology environment.

(2) INTELLIGENCE COMMUNITY INFORMATION TECHNOLOGY ENVIRONMENT.—The term “intelligence community information technology environment” means all of the information technology services across the intelligence community, including the data sharing and protection environment across multiple classification domains.

(b) ROLES AND RESPONSIBILITIES.—

Coordination.

(1) DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence shall be responsible for coordinating the performance by elements of the intelligence community of the intelligence community information technology environment, including each of the following:

Compliance.

(A) Ensuring compliance with all applicable environment rules and regulations of such environment.

(B) Ensuring measurable performance goals exist for such environment.

(C) Documenting standards and practices of such environment.

(D) Acting as an arbiter among elements of the intelligence community related to any disagreements arising out of the implementation of such environment.

(E) Delegating responsibilities to the elements of the intelligence community and carrying out such other responsibilities as are necessary for the effective implementation of such environment.

(2) CORE SERVICE PROVIDERS.—Providers of core services shall be responsible for—

Coordination.

(A) providing core services, in coordination with the Director of National Intelligence; and

(B) providing the Director with information requested and required to fulfill the responsibilities of the Director under paragraph (1).

(3) USE OF CORE SERVICES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each element of the intelligence community shall use core services when such services are available.

Determination.

(B) EXCEPTION.—The Director of National Intelligence may provide for a written exception to the requirement under subparagraph (A) if the Director determines there is a compelling financial or mission need for such exception.

Designation.

(c) MANAGEMENT ACCOUNTABILITY.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall designate and maintain one or more accountable executives of the intelligence community information technology environment to be responsible for—

(1) management, financial control, and integration of such environment;

(2) overseeing the performance of each core service, including establishing measurable service requirements and schedules;

(3) to the degree feasible, ensuring testing of each core service of such environment, including testing by the intended users, to evaluate performance against measurable service requirements and to ensure the capability meets user requirements; and

Coordination.

(4) coordinate transition or restructuring efforts of such environment, including phaseout of legacy systems.

(d) **SECURITY PLAN.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall develop and maintain a security plan for the intelligence community information technology environment.

(e) **LONG-TERM ROADMAP.**—Not later than 180 days after the date of the enactment of this Act, and during each of the second and fourth fiscal quarters thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a long-term roadmap that shall include each of the following:

(1) A description of the minimum required and desired core service requirements, including—

(A) key performance parameters; and

(B) an assessment of current, measured performance. Assessment.

(2) Implementation milestones for the intelligence community information technology environment, including each of the following:

(A) A schedule for expected deliveries of core service capabilities during each of the following phases: Schedule.

(i) Concept refinement and technology maturity demonstration.

(ii) Development, integration, and demonstration.

(iii) Production, deployment, and sustainment.

(iv) System retirement.

(B) Dependencies of such core service capabilities.

(C) Plans for the transition or restructuring necessary to incorporate core service capabilities. Plans.

(D) A description of any legacy systems and discontinued capabilities to be phased out.

(3) Such other matters as the Director determines appropriate.

(f) **BUSINESS PLAN.**—Not later than 180 days after the date of the enactment of this Act, and during each of the second and fourth fiscal quarters thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a business plan that includes each of the following:

(1) A systematic approach to identify core service funding requests for the intelligence community information technology environment within the proposed budget, including multiyear plans to implement the long-term roadmap required by subsection (e).

(2) A uniform approach by which each element of the intelligence community shall identify the cost of legacy information technology or alternative capabilities where services of the intelligence community information technology environment will also be available.

(3) A uniform effort by which each element of the intelligence community shall identify transition and restructuring costs for new, existing, and retiring services of the intelligence community information technology environment, as well as services of such environment that have changed designations as a core service.

(g) **QUARTERLY PRESENTATIONS.**—Beginning not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the congressional intelligence committees quarterly updates regarding ongoing implementation of the intelligence community information technology environment as compared to the requirements in the most Updates.

recently submitted security plan required by subsection (d), long-term roadmap required by subsection (e), and business plan required by subsection (f).

(h) **ADDITIONAL NOTIFICATIONS.**—The Director of National Intelligence shall provide timely notification to the congressional intelligence committees regarding any policy changes related to or affecting the intelligence community information technology environment, new initiatives or strategies related to or impacting such environment, and changes or deficiencies in the execution of the security plan required by subsection (d), long-term roadmap required by subsection (e), and business plan required by subsection (f).

(i) **SUNSET.**—The section shall have no effect on or after September 30, 2024.

SEC. 6313. REPORT ON DEVELOPMENT OF SECURE MOBILE VOICE SOLUTION FOR INTELLIGENCE COMMUNITY.

Coordination.
Classified
information.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Director of the Central Intelligence Agency and the Director of the National Security Agency, shall submit to the congressional intelligence committees a classified report on the feasibility, desirability, cost, and required schedule associated with the implementation of a secure mobile voice solution for the intelligence community.

(b) **CONTENTS.**—The report required by subsection (a) shall include, at a minimum, the following:

(1) The benefits and disadvantages of a secure mobile voice solution.

(2) Whether the intelligence community could leverage commercially available technology for classified voice communications that operates on commercial mobile networks in a secure manner and identifying the accompanying security risks to such networks.

(3) A description of any policies or community guidance that would be necessary to govern the potential solution, such as a process for determining the appropriate use of a secure mobile telephone and any limitations associated with such use.

Deadlines.
50 USC 3024
note.

SEC. 6314. POLICY ON MINIMUM INSIDER THREAT STANDARDS.

(a) **POLICY REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall establish a policy for minimum insider threat standards that is consistent with the National Insider Threat Policy and Minimum Standards for Executive Branch Insider Threat Programs.

(b) **IMPLEMENTATION.**—Not later than 180 days after the date of the enactment of this Act, the head of each element of the intelligence community shall implement the policy established under subsection (a).

50 USC 3316
note.

SEC. 6315. SUBMISSION OF INTELLIGENCE COMMUNITY POLICIES.

(a) **DEFINITIONS.**—In this section:

(1) **ELECTRONIC REPOSITORY.**—The term “electronic repository” means the electronic distribution mechanism, in use as of the date of the enactment of this Act, or any successor electronic distribution mechanism, by which the Director of National Intelligence submits to the congressional intelligence committees information.

(2) **POLICY.**—The term “policy”, with respect to the intelligence community, includes unclassified or classified—

(A) directives, policy guidance, and policy memoranda of the intelligence community;

(B) executive correspondence of the Director of National Intelligence; and

(C) any equivalent successor policy instruments.

(b) **SUBMISSION OF POLICIES.**—

Deadlines.

(1) **CURRENT POLICY.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees using the electronic repository all nonpublicly available policies issued by the Director of National Intelligence for the intelligence community that are in effect as of the date of the submission.

(2) **CONTINUOUS UPDATES.**—Not later than 15 days after the date on which the Director of National Intelligence issues, modifies, or rescinds a policy of the intelligence community, the Director shall—

(A) notify the congressional intelligence committees of such addition, modification, or removal; and

Notification.

(B) update the electronic repository with respect to such addition, modification, or removal.

SEC. 6316. EXPANSION OF INTELLIGENCE COMMUNITY RECRUITMENT EFFORTS.

Deadlines.

50 USC 3334b.

In order to further increase the diversity of the intelligence community workforce, not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with heads of elements of the Intelligence Community, shall create, implement, and submit to the congressional intelligence committees a written plan to ensure that rural and underrepresented regions are more fully and consistently represented in such elements’ employment recruitment efforts. Upon receipt of the plan, the congressional committees shall have 60 days to submit comments to the Director of National Intelligence before such plan shall be implemented.

Consultation.

Plan.

**TITLE LXIV—MATTERS RELATING TO
ELEMENTS OF THE INTELLIGENCE
COMMUNITY**

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

**SEC. 6401. AUTHORITY FOR PROTECTION OF CURRENT AND FORMER
EMPLOYEES OF THE OFFICE OF THE DIRECTOR OF
NATIONAL INTELLIGENCE.**

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3506(a)(4)) is amended by striking “such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate,” and inserting “current and former personnel of the Office of the Director of National

Intelligence and their immediate families as the Director of National Intelligence may designate;”.

SEC. 6402. DESIGNATION OF THE PROGRAM MANAGER-INFORMATION-SHARING ENVIRONMENT.

(a) INFORMATION-SHARING ENVIRONMENT.—Section 1016(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(b)) is amended—

(1) in paragraph (1), by striking “President” and inserting “Director of National Intelligence”; and

(2) in paragraph (2), by striking “President” both places that term appears and inserting “Director of National Intelligence”.

(b) PROGRAM MANAGER.—Section 1016(f)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(f)(1)) is amended by striking “The individual designated as the program manager shall serve as program manager until removed from service or replaced by the President (at the President’s sole discretion).” and inserting “Beginning on the date of the enactment of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019 and 2020, each individual designated as the program manager shall be appointed by the Director of National Intelligence.”.

SEC. 6403. TECHNICAL MODIFICATION TO THE EXECUTIVE SCHEDULE.

Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Director of the National Counterintelligence and Security Center.”.

SEC. 6404. CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103I(a) of the National Security Act of 1947 (50 U.S.C. 3034(a)) is amended by adding at the end the following new sentence: “The Chief Financial Officer shall report directly to the Director of National Intelligence.”.

SEC. 6405. CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G(a) of the National Security Act of 1947 (50 U.S.C. 3032(a)) is amended by adding at the end the following new sentence: “The Chief Information Officer shall report directly to the Director of National Intelligence.”.

Subtitle B—Central Intelligence Agency

SEC. 6411. CENTRAL INTELLIGENCE AGENCY SUBSISTENCE FOR PERSONNEL ASSIGNED TO AUSTERE LOCATIONS.

Subsection (a) of section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3506) is amended—

(1) in paragraph (1), by striking “(50 U.S.C. 403–4a).,” and inserting “(50 U.S.C. 403–4a).”;

(2) in paragraph (6), by striking “and” at the end;

(3) in paragraph (7), by striking the period at the end and inserting “; and”; and

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

“(8) Upon the approval of the Director, provide, during any fiscal year, with or without reimbursement, subsistence to any personnel assigned to an overseas location designated by the Agency as an austere location.”.

SEC. 6412. SPECIAL RULES FOR CERTAIN MONTHLY WORKERS’ COMPENSATION PAYMENTS AND OTHER PAYMENTS FOR CENTRAL INTELLIGENCE AGENCY PERSONNEL.

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

“SEC. 19A. SPECIAL RULES FOR CERTAIN INDIVIDUALS INJURED BY REASON OF WAR, INSURGENCY, HOSTILE ACT, TERRORIST ACTIVITIES, OR INCIDENTS DESIGNATED BY THE DIRECTOR. 50 USC 3519b.

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

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

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

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

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

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

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

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

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

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

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

“(i) during a period in which the covered dependent is accompanying the covered employee to an assigned duty station in a foreign country;

“(ii) in connection with war, insurgency, hostile act, terrorist activity, or an incident designated for purposes of this section by the Director; and

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

“(B) With respect to a covered employee or a covered individual—

“(i) an injury incurred—

“(I) during a period of assignment to a duty station in a foreign country;

“(II) in connection with war, insurgency, hostile act, or terrorist activity; and

“(III) that was not the result of the willful misconduct of the covered employee or the covered individual; or

“(ii) an injury incurred—

“(I) in connection with an incident designated for purposes of this section by the Director; and

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

Determination.

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

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

“(A) the severity of the qualifying injury;

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

“(C) the seniority of the covered employee.

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

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

Deadline.
50 USC 3519b
note.

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

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

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

50 USC 3519b
note.

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

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

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

SEC. 6413. EXPANSION OF SECURITY PROTECTIVE SERVICE JURISDICTION OF THE CENTRAL INTELLIGENCE AGENCY.

Subsection (a)(1) of section 15 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3515(a)(1)) is amended—

(1) in subparagraph (B), by striking “500 feet;” and inserting “500 yards;”; and

(2) in subparagraph (D), by striking “500 feet.” and inserting “500 yards.”.

SEC. 6414. REPEAL OF FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) REPEAL OF FOREIGN LANGUAGE PROFICIENCY REQUIREMENT.—Section 104A of the National Security Act of 1947 (50 U.S.C. 3036) is amended by striking subsection (g).

(b) CONFORMING REPEAL OF REPORT REQUIREMENT.—Section 611 of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487) is amended by striking subsection (c).

118 Stat. 3955.

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

SEC. 6421. CONSOLIDATION OF DEPARTMENT OF ENERGY OFFICES OF INTELLIGENCE AND COUNTERINTELLIGENCE.

(a) IN GENERAL.—Section 215 of the Department of Energy Organization Act (42 U.S.C. 7144b) is amended to read as follows:

“OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE

“SEC. 215. (a) DEFINITIONS.—In this section, the terms ‘intelligence community’ and ‘National Intelligence Program’ have the meanings given such terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

“(b) IN GENERAL.—There is in the Department an Office of Intelligence and Counterintelligence. Such office shall be under the National Intelligence Program.

“(c) DIRECTOR.—(1) The head of the Office shall be the Director of the Office of Intelligence and Counterintelligence, who shall be an employee in the Senior Executive Service, the Senior Intelligence Service, the Senior National Intelligence Service, or any other Service that the Secretary, in coordination with the Director of National Intelligence, considers appropriate. The Director of the Office shall report directly to the Secretary.

Coordination.

“(2) The Secretary shall select an individual to serve as the Director from among individuals who have substantial expertise in matters relating to the intelligence community, including foreign intelligence and counterintelligence.

“(d) DUTIES.—(1) Subject to the authority, direction, and control of the Secretary, the Director shall perform such duties and exercise such powers as the Secretary may prescribe.

“(2) The Director shall be responsible for establishing policy for intelligence and counterintelligence programs and activities at the Department.”.

(b) CONFORMING REPEAL.—Section 216 of the Department of Energy Organization Act (42 U.S.C. 7144c) is hereby repealed.

(c) CLERICAL AMENDMENT.—The table of contents at the beginning of the Department of Energy Organization Act is amended by striking the items relating to sections 215 and 216 and inserting the following new item:

“Sec. 215. Office of Intelligence and Counterintelligence.”.

SEC. 6422. REPEAL OF DEPARTMENT OF ENERGY INTELLIGENCE EXECUTIVE COMMITTEE AND BUDGET REPORTING REQUIREMENT.

Section 214 of the Department of Energy Organization Act (42 U.S.C. 7144a) is amended—

- (1) by striking “(a)”; and
- (2) by striking subsections (b) and (c).

Subtitle D—Other Elements

SEC. 6431. PLAN FOR DESIGNATION OF COUNTERINTELLIGENCE COMPONENT OF DEFENSE SECURITY SERVICE AS AN ELEMENT OF INTELLIGENCE COMMUNITY.

Deadlines.
Coordination.

Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and Under Secretary of Defense for Intelligence, in coordination with the Director of the National Counterintelligence and Security Center, shall submit to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a plan to designate the counterintelligence component of the Defense Security Service of the Department of Defense as an element of the intelligence community by not later than January 1, 2021. Such plan shall—

- (1) address the implications of such designation on the authorities, governance, personnel, resources, information technology, collection, analytic products, information sharing, and business processes of the Defense Security Service and the intelligence community; and
- (2) not address the personnel security functions of the Defense Security Service.

SEC. 6432. NOTICE NOT REQUIRED FOR PRIVATE ENTITIES.

Section 3553 of title 44, United States Code, is amended—

- (1) by redesignating subsection (j) as subsection (k); and
- (2) by inserting after subsection (i) the following:

“(j) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to require the Secretary to provide notice to any private entity before the Secretary issues a binding operational directive under subsection (b)(2).”.

SEC. 6433. ESTABLISHMENT OF ADVISORY BOARD FOR NATIONAL RECONNAISSANCE OFFICE.

(a) **ESTABLISHMENT.**—Section 106A of the National Security Act of 1947 (50 U.S.C. 3041a) is amended by adding at the end the following new subsection:

“(d) **ADVISORY BOARD.**—

“(1) **ESTABLISHMENT.**—There is established in the National Reconnaissance Office an advisory board (in this section referred to as the ‘Board’).

“(2) **DUTIES.**—The Board shall—

“(A) study matters relating to the mission of the National Reconnaissance Office, including with respect to promoting innovation, competition, and resilience in space, overhead reconnaissance, acquisition, and other matters; and

“(B) advise and report directly to the Director with respect to such matters.

“(3) MEMBERS.—

“(A) NUMBER AND APPOINTMENT.—

“(i) IN GENERAL.—The Board shall be composed of five members appointed by the Director from among individuals with demonstrated academic, government, business, or other expertise relevant to the mission and functions of the National Reconnaissance Office.

“(ii) NOTIFICATION.—Not later than 30 days after the date on which the Director appoints a member to the Board, the Director shall notify the congressional intelligence committees and the congressional defense committees (as defined in section 101(a) of title 10, United States Code) of such appointment.

Deadline.

“(B) TERMS.—Each member shall be appointed for a term of 2 years. Except as provided by subparagraph (C), a member may not serve more than three terms.

“(C) VACANCY.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office.

“(D) CHAIR.—The Board shall have a Chair, who shall be appointed by the Director from among the members.

“(E) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

“(F) EXECUTIVE SECRETARY.—The Director may appoint an executive secretary, who shall be an employee of the National Reconnaissance Office, to support the Board.

Appointment.

“(4) MEETINGS.—The Board shall meet not less than quarterly, but may meet more frequently at the call of the Director.

“(5) REPORTS.—Not later than March 31 of each year, the Board shall submit to the Director and to the congressional intelligence committees a report on the activities and significant findings of the Board during the preceding year.

“(6) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

“(7) TERMINATION.—The Board shall terminate on the date that is 3 years after the date of the first meeting of the Board.”.

(b) INITIAL APPOINTMENTS.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Reconnaissance Office shall appoint the initial five members to the advisory board under subsection (d) of section 106A of the National Security Act of 1947 (50 U.S.C. 3041a), as added by subsection (a).

Deadline.
50 USC 3041a
note.

SEC. 6434. COLLOCATION OF CERTAIN DEPARTMENT OF HOMELAND SECURITY PERSONNEL AT FIELD LOCATIONS.

(a) IDENTIFICATION OF OPPORTUNITIES FOR COLLOCATION.—Not later than 60 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Intelligence and Analysis shall identify, in consultation with the Commissioner of U.S. Customs and Border Protection, the Administrator of the Transportation Security Administration, the Director of U.S.

Deadline.
Consultation.

Immigration and Customs Enforcement, and the heads of such other elements of the Department of Homeland Security as the Under Secretary considers appropriate, opportunities for collocation of officers of the Office of Intelligence and Analysis in the field outside of the greater Washington, District of Columbia, area in order to support operational units from U.S. Customs and Border Protection, the Transportation Security Administration, U.S. Immigration and Customs Enforcement, and other elements of the Department of Homeland Security.

Deadline.

(b) **PLAN FOR COLLOCATION.**—Not later than 120 days after the date of the enactment of this Act, the Under Secretary shall submit to the congressional intelligence committees a report that includes a plan for collocation as described in subsection (a).

TITLE LXV—ELECTION MATTERS

SEC. 6501. REPORT ON CYBER ATTACKS BY FOREIGN GOVERNMENTS AGAINST UNITED STATES ELECTION INFRASTRUCTURE.

(a) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

- (A) the congressional intelligence committees;
 - (B) the Committee on Homeland Security and Governmental Affairs of the Senate;
 - (C) the Committee on Homeland Security of the House of Representatives;
 - (D) the Committee on Foreign Relations of the Senate;
- and

(E) the Committee on Foreign Affairs of the House of Representatives.

(2) **CONGRESSIONAL LEADERSHIP.**—The term “congressional leadership” includes the following:

- (A) The majority leader of the Senate.
- (B) The minority leader of the Senate.
- (C) The Speaker of the House of Representatives.
- (D) The minority leader of the House of Representatives.

(3) **STATE.**—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(b) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Intelligence and Analysis shall submit to congressional leadership and the appropriate congressional committees a report on cyber attacks and attempted cyber attacks by foreign governments on United States election infrastructure in States and localities in connection with the 2016 Presidential election in the United States and such cyber attacks or attempted cyber attacks as the Under Secretary anticipates against such infrastructure. Such report shall identify the States and localities affected and shall include cyber attacks and attempted cyber attacks against voter registration databases, voting machines, voting-related computer networks, and the networks of Secretaries of State and other election officials of the various States.

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

SEC. 6502. REVIEW OF INTELLIGENCE COMMUNITY'S POSTURE TO COLLECT AGAINST AND ANALYZE RUSSIAN EFFORTS TO INFLUENCE THE PRESIDENTIAL ELECTION.

(a) REVIEW REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall—

Deadline.

(1) complete an after action review of the posture of the intelligence community to collect against and analyze efforts of the Government of Russia to interfere in the 2016 Presidential election in the United States; and

(2) submit to the congressional intelligence committees a report on the findings of the Director with respect to such review.

(b) ELEMENTS.—The review required by subsection (a) shall include, with respect to the posture and efforts described in paragraph (1) of such subsection, the following:

Assessments.

(1) An assessment of whether the resources of the intelligence community were properly aligned to detect and respond to the efforts described in subsection (a)(1).

(2) An assessment of the information sharing that occurred within elements of the intelligence community.

(3) An assessment of the information sharing that occurred between elements of the intelligence community.

(4) An assessment of applicable authorities necessary to collect on any such efforts and any deficiencies in those authorities.

(5) A review of the use of open source material to inform analysis and warning of such efforts.

(6) A review of the use of alternative and predictive analysis.

(c) FORM OF REPORT.—The report required by subsection (a)(2) shall be submitted to the congressional intelligence committees in a classified form.

Classified information.

SEC. 6503. ASSESSMENT OF FOREIGN INTELLIGENCE THREATS TO FEDERAL ELECTIONS.

50 USC 3371a.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional intelligence committees;

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

(C) the Committee on Homeland Security of the House of Representatives.

(2) CONGRESSIONAL LEADERSHIP.—The term “congressional leadership” includes the following:

(A) The majority leader of the Senate.

(B) The minority leader of the Senate.

(C) The Speaker of the House of Representatives.

(D) The minority leader of the House of Representatives.

(3) SECURITY VULNERABILITY.—The term “security vulnerability” has the meaning given such term in section 102 of

- the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).
- Coordination.
Deadlines. (b) IN GENERAL.—The Director of National Intelligence, in coordination with the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Director of the Federal Bureau of Investigation, the Secretary of Homeland Security, and the heads of other relevant elements of the intelligence community, shall—
- (1) commence not later than 1 year before any regularly scheduled Federal election occurring after December 31, 2018, and complete not later than 180 days before such election, an assessment of security vulnerabilities of State election systems; and
- (2) not later than 180 days before any regularly scheduled Federal election occurring after December 31, 2018, submit a report on such security vulnerabilities and an assessment of foreign intelligence threats to the election to—
- (A) congressional leadership; and
- (B) the appropriate congressional committees.
- Deadline. (c) UPDATE.—Not later than 90 days before any regularly scheduled Federal election occurring after December 31, 2018, the Director of National Intelligence shall—
- Assessment. (1) update the assessment of foreign intelligence threats to that election; and
- (2) submit the updated assessment to—
- (A) congressional leadership; and
- (B) the appropriate congressional committees.

SEC. 6504. STRATEGY FOR COUNTERING RUSSIAN CYBER THREATS TO UNITED STATES ELECTIONS.

- (a) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:
- (1) The congressional intelligence committees.
- (2) The Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.
- (3) The Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.
- (4) The Committee on Foreign Relations of the Senate.
- (5) The Committee on Foreign Affairs of the House of Representatives.
- Deadline.
Coordination. (b) REQUIREMENT FOR A STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, the Secretary of State, the Secretary of Defense, and the Secretary of the Treasury, shall develop a whole-of-government strategy for countering the threat of Russian cyber attacks and attempted cyber attacks against electoral systems and processes in the United States, including Federal, State, and local election systems, voter registration databases, voting tabulation equipment, and equipment and processes for the secure transmission of election results.
- (c) ELEMENTS OF THE STRATEGY.—The strategy required by subsection (b) shall include the following elements:

(1) A whole-of-government approach to protecting United States electoral systems and processes that includes the agencies and departments indicated in subsection (b) as well as any other agencies and departments of the United States, as determined appropriate by the Director of National Intelligence and the Secretary of Homeland Security.

(2) Input solicited from Secretaries of State of the various States and the chief election officials of the States.

(3) Technical security measures, including auditable paper trails for voting machines, securing wireless and internet connections, and other technical safeguards.

(4) Detection of cyber threats, including attacks and attempted attacks by Russian government or nongovernment cyber threat actors.

(5) Improvements in the identification and attribution of Russian government or nongovernment cyber threat actors.

(6) Deterrence, including actions and measures that could or should be undertaken against or communicated to the Government of Russia or other entities to deter attacks against, or interference with, United States election systems and processes.

(7) Improvements in Federal Government communications with State and local election officials.

(8) Public education and communication efforts.

(9) Benchmarks and milestones to enable the measurement of concrete steps taken and progress made in the implementation of the strategy.

(d) CONGRESSIONAL BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Homeland Security shall jointly brief the appropriate congressional committees on the strategy developed under subsection (b). Deadline.

SEC. 6505. ASSESSMENT OF SIGNIFICANT RUSSIAN INFLUENCE CAMPAIGNS DIRECTED AT FOREIGN ELECTIONS AND REFERENDA.

(a) RUSSIAN INFLUENCE CAMPAIGN DEFINED.—In this section, the term “Russian influence campaign” means any effort, covert or overt, and by any means, attributable to the Russian Federation directed at an election, referendum, or similar process in a country other than the Russian Federation or the United States.

(b) ASSESSMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report containing an analytical assessment of the most significant Russian influence campaigns, if any, conducted during the 3-year period preceding the date of the enactment of this Act, as well as the most significant current or planned such Russian influence campaigns, if any. Such assessment shall include— Deadline.
Time period.
Summaries.

(1) a summary of such significant Russian influence campaigns, including, at a minimum, the specific means by which such campaigns were conducted, are being conducted, or likely will be conducted, as appropriate, and the specific goal of each such campaign;

(2) a summary of any defenses against or responses to such Russian influence campaigns by the foreign state holding the elections or referenda;

(3) a summary of any relevant activities by elements of the intelligence community undertaken for the purpose of assisting the government of such foreign state in defending against or responding to such Russian influence campaigns; and

(4) an assessment of the effectiveness of such defenses and responses described in paragraphs (2) and (3).

Classified
information.

(c) FORM.—The report required by subsection (b) may be submitted in classified form, but if so submitted, shall contain an unclassified summary.

50 USC 3371b.

SEC. 6506. INFORMATION SHARING WITH STATE ELECTION OFFICIALS.

(a) STATE DEFINED.—In this section, the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(b) SECURITY CLEARANCES.—

Deadline.

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall support the Under Secretary of Homeland Security for Intelligence and Analysis, and any other official of the Department of Homeland Security designated by the Secretary of Homeland Security, in sponsoring a security clearance up to the top secret level for each eligible chief election official of a State or the District of Columbia, and additional eligible designees of such election official as appropriate, at the time that such election official assumes such position.

Determination.

(2) INTERIM CLEARANCES.—Consistent with applicable policies and directives, the Director of National Intelligence may issue interim clearances, for a period to be determined by the Director, to a chief election official as described in paragraph (1) and up to one designee of such official under such paragraph.

(c) INFORMATION SHARING.—

(1) IN GENERAL.—The Director of National Intelligence shall assist the Under Secretary of Homeland Security for Intelligence and Analysis and the Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department (as specified in section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H))) with sharing any appropriate classified information related to threats to election systems and to the integrity of the election process with chief election officials and such designees who have received a security clearance under subsection (b).

(2) COORDINATION.—The Under Secretary of Homeland Security for Intelligence and Analysis shall coordinate with the Director of National Intelligence and the Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department (as specified in section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H))) to facilitate the sharing of information to the affected Secretaries of State or States.

SEC. 6507. NOTIFICATION OF SIGNIFICANT FOREIGN CYBER INTRUSIONS AND ACTIVE MEASURES CAMPAIGNS DIRECTED AT ELECTIONS FOR FEDERAL OFFICES. 50 USC 3371c.

(a) **DEFINITIONS.**—In this section:

(1) **ACTIVE MEASURES CAMPAIGN.**—The term “active measures campaign” means a foreign semi-covert or covert intelligence operation.

(2) **CANDIDATE, ELECTION, AND POLITICAL PARTY.**—The terms “candidate”, “election”, and “political party” have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101).

(3) **CONGRESSIONAL LEADERSHIP.**—The term “congressional leadership” includes the following:

(A) The majority leader of the Senate.

(B) The minority leader of the Senate.

(C) The Speaker of the House of Representatives.

(D) The minority leader of the House of Representatives.

(4) **CYBER INTRUSION.**—The term “cyber intrusion” means an electronic occurrence that actually or imminently jeopardizes, without lawful authority, electronic election infrastructure, or the integrity, confidentiality, or availability of information within such infrastructure.

(5) **ELECTRONIC ELECTION INFRASTRUCTURE.**—The term “electronic election infrastructure” means an electronic information system of any of the following that is related to an election for Federal office:

(A) The Federal Government.

(B) A State or local government.

(C) A political party.

(D) The election campaign of a candidate.

(6) **FEDERAL OFFICE.**—The term “Federal office” has the meaning given that term in section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101).

(7) **HIGH CONFIDENCE.**—The term “high confidence”, with respect to a determination, means that the determination is based on high-quality information from multiple sources.

(8) **MODERATE CONFIDENCE.**—The term “moderate confidence”, with respect to a determination, means that a determination is credibly sourced and plausible but not of sufficient quality or corroborated sufficiently to warrant a higher level of confidence.

(9) **OTHER APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “other appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(b) **DETERMINATIONS OF SIGNIFICANT FOREIGN CYBER INTRUSIONS AND ACTIVE MEASURES CAMPAIGNS.**—The Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the Secretary of Homeland Security shall jointly carry out

subsection (c) if such Directors and the Secretary jointly determine—

(1) that on or after the date of the enactment of this Act, a significant foreign cyber intrusion or active measures campaign intended to influence an upcoming election for any Federal office has occurred or is occurring; and

(2) with moderate or high confidence, that such intrusion or campaign can be attributed to a foreign state or to a foreign nonstate person, group, or other entity.

(c) BRIEFING.—

Deadline.
Determination.

(1) IN GENERAL.—Not later than 14 days after making a determination under subsection (b), the Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the Secretary of Homeland Security shall jointly provide a briefing to the congressional leadership, the congressional intelligence committees and, consistent with the protection of sources and methods, the other appropriate congressional committees. The briefing shall be classified and address, at a minimum, the following:

Classified
information.

(A) A description of the significant foreign cyber intrusion or active measures campaign, as the case may be, covered by the determination.

(B) An identification of the foreign state or foreign nonstate person, group, or other entity, to which such intrusion or campaign has been attributed.

(C) The desirability and feasibility of the public release of information about the cyber intrusion or active measures campaign.

(D) Any other information such Directors and the Secretary jointly determine appropriate.

Consultation.

(2) ELECTRONIC ELECTION INFRASTRUCTURE BRIEFINGS.—With respect to a significant foreign cyber intrusion covered by a determination under subsection (b), the Secretary of Homeland Security, in consultation with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, shall offer to the owner or operator of any electronic election infrastructure directly affected by such intrusion, a briefing on such intrusion, including steps that may be taken to mitigate such intrusion. Such briefing may be classified and made available only to individuals with appropriate security clearances.

(3) PROTECTION OF SOURCES AND METHODS.—This subsection shall be carried out in a manner that is consistent with the protection of sources and methods.

50 USC 3371d.

SEC. 6508. DESIGNATION OF COUNTERINTELLIGENCE OFFICER TO LEAD ELECTION SECURITY MATTERS.

Coordination.

(a) IN GENERAL.—The Director of National Intelligence shall designate a national counterintelligence officer within the National Counterintelligence and Security Center to lead, manage, and coordinate counterintelligence matters relating to election security.

(b) ADDITIONAL RESPONSIBILITIES.—The person designated under subsection (a) shall also lead, manage, and coordinate counterintelligence matters relating to risks posed by interference from foreign powers (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) to the following:

(1) The Federal Government election security supply chain.

- (2) Election voting systems and software.
- (3) Voter registration databases.
- (4) Critical infrastructure related to elections.
- (5) Such other Government goods and services as the Director of National Intelligence considers appropriate.

TITLE LXVI—SECURITY CLEARANCES

SEC. 6601. DEFINITIONS.

50 USC 3352.

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

- (A) the congressional intelligence committees;
- (B) the Committee on Armed Services of the Senate;
- (C) the Committee on Appropriations of the Senate;
- (D) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (E) the Committee on Armed Services of the House of Representatives;
- (F) the Committee on Appropriations of the House of Representatives;
- (G) the Committee on Homeland Security of the House of Representatives; and
- (H) the Committee on Oversight and Reform of the House of Representatives.

(2) **APPROPRIATE INDUSTRY PARTNER.**—The term “appropriate industry partner” means a contractor, licensee, or grantee (as defined in section 101(a) of Executive Order No. 12829 (50 U.S.C. 3161 note; relating to National Industrial Security Program)) that is participating in the National Industrial Security Program established by such Executive order.

(3) **CONTINUOUS VETTING.**—The term “continuous vetting” has the meaning given such term in Executive Order No. 13467 (50 U.S.C. 3161 note; relating to reforming processes for determining suitability for government employment, fitness for contractor employees, and eligibility for access to classified national security information).

(4) **COUNCIL.**—The term “Council” means the Security, Suitability, and Credentialing Performance Accountability Council established pursuant to such Executive order, or any successor entity.

(5) **RECIPROCITY.**—The term “reciprocity” means reciprocal recognition by Federal departments and agencies of eligibility for access to classified information.

(6) **SECURITY EXECUTIVE AGENT.**—The term “Security Executive Agent” means the officer serving as the Security Executive Agent pursuant to section 803 of the National Security Act of 1947, as added by section 6605.

(7) **SUITABILITY AND CREDENTIALING EXECUTIVE AGENT.**—The term “Suitability and Credentialing Executive Agent” means the Director of the Office of Personnel Management acting as the Suitability and Credentialing Executive Agent in accordance with Executive Order No. 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suitability for Government employment, fitness for contractor employees, and

eligibility for access to classified national security information), or any successor entity.

50 USC 3352a.

SEC. 6602. REPORTS AND PLANS RELATING TO SECURITY CLEARANCES AND BACKGROUND INVESTIGATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) ensuring the trustworthiness and security of the workforce, facilities, and information of the Federal Government is of the highest priority to national security and public safety;

(2) the President and Congress should prioritize the modernization of the personnel security framework to improve its efficiency, effectiveness, and accountability;

(3) the current system for background investigations for security clearances, suitability and fitness for employment, and credentialing lacks efficiencies and capabilities to meet the current threat environment, recruit and retain a trusted workforce, and capitalize on modern technologies; and

(4) changes to policies or processes to improve this system should be vetted through the Council to ensure standardization, portability, and reciprocity in security clearances across the Federal Government.

(b) ACCOUNTABILITY PLANS AND REPORTS.—

(1) PLANS.—Not later than 90 days after the date of the enactment of this Act, the Council shall submit to the appropriate congressional committees and make available to appropriate industry partners the following:

(A) A plan, with milestones, to reduce the background investigation inventory to 200,000, or an otherwise sustainable steady-level, by the end of year 2020. Such plan shall include notes of any required changes in investigative and adjudicative standards or resources.

(B) A plan to consolidate the conduct of background investigations associated with the processing for security clearances in the most effective and efficient manner in the Defense Counterintelligence and Security Agency. Such plan shall address required funding, personnel, contracts, information technology, field office structure, policy, governance, schedule, transition costs, and effects on stakeholders.

(2) REPORT ON THE FUTURE OF PERSONNEL SECURITY.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Council, in coordination with the members of the Council, shall submit to the appropriate congressional committees and make available to appropriate industry partners a report on the future of personnel security to reflect changes in threats, the workforce, and technology.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include the following:

(i) A risk framework for granting and renewing access to classified information.

(ii) A discussion of the use of technologies to prevent, detect, and monitor threats.

(iii) A discussion of efforts to address reciprocity and portability.

(iv) A discussion of the characteristics of effective insider threat programs.

(v) An analysis of how to integrate data from continuous vetting, insider threat programs, and human resources data.

Analysis.

(vi) Recommendations on interagency governance.

Recommendations.

(3) **PLAN FOR IMPLEMENTATION.**—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Council, in coordination with the members of the Council, shall submit to the appropriate congressional committees and make available to appropriate industry partners a plan to implement the report's framework and recommendations submitted under paragraph (2)(A).

Coordination.

(4) **CONGRESSIONAL NOTIFICATIONS.**—Not less frequently than quarterly, the Security Executive Agent shall make available to the public a report regarding the status of the disposition of requests received from departments and agencies of the Federal Government for a change to, or approval under, the Federal investigative standards, the national adjudicative guidelines, continuous vetting, or other national policy regarding personnel security.

Public information.

SEC. 6603. IMPROVING THE PROCESS FOR SECURITY CLEARANCES.

50 USC 3352b.

(a) **REVIEWS.**—Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent, in coordination with the members of the Council, shall submit to the appropriate congressional committees and make available to appropriate industry partners a report that includes the following:

Deadline.
Coordination.

(1) A review of whether the information requested on the Questionnaire for National Security Positions (Standard Form 86) and by the Federal Investigative Standards prescribed by the Suitability and Credentialing Executive Agent and the Security Executive Agent appropriately supports the adjudicative guidelines under Security Executive Agent Directive 4 (known as the “National Security Adjudicative Guidelines”). Such review shall include identification of whether any such information currently collected is unnecessary to support the adjudicative guidelines.

(2) An assessment of whether such Questionnaire, Standards, and guidelines should be revised to account for the prospect of a holder of a security clearance becoming an insider threat.

Assessment.

(3) Recommendations to improve the background investigation process by—

Recommendations.

(A) simplifying the Questionnaire for National Security Positions (Standard Form 86) and increasing customer support to applicants completing such Questionnaire;

(B) using remote techniques and centralized locations to support or replace field investigation work;

(C) using secure and reliable digitization of information obtained during the clearance process;

(D) building the capacity of the background investigation workforce; and

(E) replacing periodic reinvestigations with continuous vetting techniques in all appropriate circumstances.

(b) **POLICY, STRATEGY, AND IMPLEMENTATION.**—Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent shall, in coordination with the members of the Council, establish the following:

Deadline.
Coordination.
Plans.

(1) A policy and implementation plan for the issuance of interim security clearances.

(2) A policy and implementation plan to ensure contractors are treated consistently in the security clearance process across agencies and departments of the United States as compared to employees of such agencies and departments. Such policy shall address—

(A) prioritization of processing security clearances based on the mission the contractors will be performing;

(B) standardization in the forms that agencies issue to initiate the process for a security clearance;

(C) digitization of background investigation-related forms;

(D) use of the polygraph;

(E) the application of the adjudicative guidelines under Security Executive Agent Directive 4 (known as the “National Security Adjudicative Guidelines”);

(F) reciprocal recognition of clearances across agencies and departments of the United States, regardless of status of periodic reinvestigation;

(G) tracking of clearance files as individuals move from employment with an agency or department of the United States to employment in the private sector;

(H) collection of timelines for movement of contractors across agencies and departments;

(I) reporting on security incidents and job performance, consistent with section 552a of title 5, United States Code (commonly known as the “Privacy Act of 1974”), that may affect the ability to hold a security clearance;

Recommendations.

(J) any recommended changes to the Federal Acquisition Regulations (FAR) necessary to ensure that information affecting contractor clearances or suitability is appropriately and expeditiously shared between and among agencies and contractors; and

(K) portability of contractor security clearances between or among contracts at the same agency and between or among contracts at different agencies that require the same level of clearance.

(3) A strategy and implementation plan that—

(A) provides for periodic reinvestigations as part of a security clearance determination only on an as-needed, risk-based basis;

Assessment.

(B) includes actions to assess the extent to which automated records checks and other continuous vetting methods may be used to expedite or focus reinvestigations; and

Determination.

(C) provides an exception to the requirement under subparagraph (A) for certain populations if the Security Executive Agent—

(i) determines such populations require reinvestigations at regular intervals; and

(ii) provides written justification to the appropriate congressional committees for any such determination.

(4) A policy and implementation plan for agencies and departments of the United States, as a part of the security clearance process, to accept automated records checks generated pursuant to a security clearance applicant’s employment with a prior employer.

(5) A policy for the use of certain background information on individuals collected by the private sector for background investigation purposes.

(6) Uniform standards for agency continuous vetting programs to ensure quality and reciprocity in accepting enrollment in a continuous vetting program as a substitute for a periodic investigation for continued access to classified information.

Standards.

SEC. 6604. GOALS FOR PROMPTNESS OF DETERMINATIONS REGARDING SECURITY CLEARANCES.

Deadlines.
50 USC 3352c.

(a) **IN GENERAL.**—The Council shall reform the security clearance process with the objective that, by December 31, 2021, 90 percent of all determinations, other than determinations regarding populations identified under section 6603(b)(3)(C), regarding—

(1) security clearances—

(A) at the secret level are issued in 30 days or fewer; and

(B) at the top secret level are issued in 90 days or fewer; and

(2) reciprocity of security clearances at the same level are recognized in 2 weeks or fewer.

(b) **CERTAIN REINVESTIGATIONS.**—The Council shall reform the security clearance process with the goal that by December 31, 2021, reinvestigation on a set periodicity is not required for more than 10 percent of the population that holds a security clearance.

(c) **EQUIVALENT METRICS.**—

(1) **IN GENERAL.**—If the Council develops a set of performance metrics that it certifies to the appropriate congressional committees should achieve substantially equivalent outcomes as those outlined in subsections (b) and (c), the Council may use those metrics for purposes of compliance within this provision.

Certification.

(2) **NOTICE.**—If the Council uses the authority provided by paragraph (1) to use metrics as described in such paragraph, the Council shall, not later than 30 days after communicating such metrics to departments and agencies, notify the appropriate congressional committees that it is using such authority.

(d) **PLAN.**—Not later than 180 days after the date of the enactment of this Act, the Council shall submit to the appropriate congressional committees and make available to appropriate industry partners a plan to carry out this section. Such plan shall include recommended interim milestones for the goals set forth in subsections (b) and (c) for 2019, 2020, and 2021.

Recommendations.

SEC. 6605. SECURITY EXECUTIVE AGENT.

(a) **IN GENERAL.**—Title VIII of the National Security Act of 1947 (50 U.S.C. 3161 et seq.) is amended—

(1) by redesignating sections 803 and 804 as sections 804 and 805, respectively; and

(2) by inserting after section 802 the following:

50 USC 3163,
3164.

“SEC. 803. SECURITY EXECUTIVE AGENT.

50 USC 3162a.

“(a) **IN GENERAL.**—The Director of National Intelligence, or such other officer of the United States as the President may designate, shall serve as the Security Executive Agent for all departments and agencies of the United States.

“(b) **DUTIES.**—The duties of the Security Executive Agent are as follows:

- “ (1) To direct the oversight of investigations, reinvestigations, adjudications, and, as applicable, polygraphs for eligibility for access to classified information or eligibility to hold a sensitive position made by any Federal agency.
- Review. “ (2) To review the national security background investigation and adjudication programs of Federal agencies to determine whether such programs are being implemented in accordance with this section.
- Procedures. “ (3) To develop and issue uniform and consistent policies and procedures to ensure the effective, efficient, timely, and secure completion of investigations, polygraphs, and adjudications relating to determinations of eligibility for access to classified information or eligibility to hold a sensitive position.
- “ (4) Unless otherwise designated by law, to serve as the final authority to designate a Federal agency or agencies to conduct investigations of persons who are proposed for access to classified information or for eligibility to hold a sensitive position to ascertain whether such persons satisfy the criteria for obtaining and retaining access to classified information or eligibility to hold a sensitive position, as applicable.
- “ (5) Unless otherwise designated by law, to serve as the final authority to designate a Federal agency or agencies to determine eligibility for access to classified information or eligibility to hold a sensitive position in accordance with Executive Order No. 12968 (50 U.S.C. 3161 note; relating to access to classified information).
- Review. “ (6) To review and approve the policies of the Federal agencies that ensure reciprocal recognition of eligibility for access to classified information or eligibility to hold a sensitive position among Federal agencies, and to act as the final authority to arbitrate and resolve disputes among such agencies involving the reciprocity of investigations and adjudications of eligibility.
- “ (7) To execute all other duties assigned to the Security Executive Agent by law.
- Guidelines. “ (c) AUTHORITIES.—The Security Executive Agent shall—
- “ (1) issue guidelines and instructions to the heads of Federal agencies to ensure appropriate uniformity, centralization, efficiency, effectiveness, timeliness, and security in processes relating to determinations by such agencies of eligibility for access to classified information or eligibility to hold a sensitive position, including such matters as investigations, polygraphs, adjudications, and reciprocity;
- “ (2) have the authority to grant exceptions to, or waivers of, national security investigative requirements, including issuing implementing or clarifying guidance, as necessary;
- “ (3) have the authority to assign, in whole or in part, to the head of any Federal agency (solely or jointly) any of the duties of the Security Executive Agent described in subsection (b) or the authorities described in paragraphs (1) and (2), provided that the exercise of such assigned duties or authorities is subject to the oversight of the Security Executive Agent, including such terms and conditions (including approval by the Security Executive Agent) as the Security Executive Agent determines appropriate; and

“(4) define and set standards for continuous vetting for continued access to classified information and for eligibility to hold a sensitive position.” Standards.

(b) **REPORT ON RECOMMENDATIONS FOR REVISING AUTHORITIES.**—Not later than 30 days after the date on which the Chairman of the Council submits to the appropriate congressional committees the report required by section 6602(b)(2)(A), the Chairman shall submit to the appropriate congressional committees such recommendations as the Chairman may have for revising the authorities of the Security Executive Agent.

(c) **CONFORMING AMENDMENT.**—Section 103H(j)(4)(A) of such Act (50 U.S.C. 3033(j)(4)(A)) is amended by striking “in section 804” and inserting “in section 805”.

(d) **CLERICAL AMENDMENT.**—The table of contents in the matter preceding section 2 of such Act (50 U.S.C. 3002) is amended by striking the items relating to sections 803 and 804 and inserting the following:

“Sec. 803. Security Executive Agent.

“Sec. 804. Exceptions.

“Sec. 805. Definitions.”.

SEC. 6606. REPORT ON UNIFIED, SIMPLIFIED, GOVERNMENTWIDE STANDARDS FOR POSITIONS OF TRUST AND SECURITY CLEARANCES.

Coordination.
50 USC 3352d.

Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent and the Suitability and Credentialing Executive Agent, in coordination with the other members of the Council, shall jointly submit to the appropriate congressional committees and make available to appropriate industry partners a report regarding the advisability and the risks, benefits, and costs to the Government and to industry of consolidating to not more than three tiers for positions of trust and security clearances.

SEC. 6607. REPORT ON CLEARANCE IN PERSON CONCEPT.

Classified
information.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that to reflect the greater mobility of the modern workforce, alternative methodologies merit analysis to allow greater flexibility for individuals moving in and out of positions that require access to classified information, while still preserving security.

(b) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent shall submit to the appropriate congressional committees and make available to appropriate industry partners a report that describes the requirements, feasibility, and advisability of implementing a clearance in person concept described in subsection (c).

(c) **CLEARANCE IN PERSON CONCEPT.**—The clearance in person concept—

(1) permits an individual who once held a security clearance to maintain his or her eligibility for access to classified information, networks, and facilities for up to 3 years after the individual’s eligibility for access to classified information would otherwise lapse; and

(2) recognizes, unless otherwise directed by the Security Executive Agent, an individual’s security clearance and background investigation as current, regardless of employment status, contingent on enrollment in a continuous vetting program.

Time period.

(d) CONTENTS.—The report required under subsection (b) shall address—

- (1) requirements for an individual to voluntarily remain in a continuous vetting program validated by the Security Executive Agent even if the individual is not in a position requiring access to classified information;
- (2) appropriate safeguards for privacy;
- (3) advantages to government and industry;
- (4) the costs and savings associated with implementation;
- (5) the risks of such implementation, including security and counterintelligence risks;
- (6) an appropriate funding model; and
- (7) fairness to small companies and independent contractors.

50 USC 3352d.

SEC. 6608. REPORTS ON RECIPROCITY FOR SECURITY CLEARANCES INSIDE OF DEPARTMENTS AND AGENCIES.

(a) REPORTS TO SECURITY EXECUTIVE AGENT.—The head of each Federal department or agency shall submit an annual report to the Security Executive Agent that, with respect to the period covered by the report—

Time period.

- (1) identifies the number of individuals whose security clearances took more than 2 weeks for reciprocity recognition after such individuals move to another part of such department or agency; and
- (2) breaks out the information described in paragraph (1) by type of clearance and the reasons for any delays.

(b) ANNUAL REPORT.—Not less frequently than once each year, the Security Executive Agent shall submit to the appropriate congressional committees and make available to industry partners a report that summarizes the information received pursuant to subsection (b) during the period covered by such report.

SEC. 6609. INTELLIGENCE COMMUNITY REPORTS ON SECURITY CLEARANCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

- (1) despite sustained efforts by Congress and the executive branch, an unacceptable backlog in processing and adjudicating security clearances persists, both within elements of the intelligence community and in other departments of the Federal Government, with some processing times exceeding a year or even more;
- (2) the protracted clearance timetable threatens the ability of elements of the intelligence community to hire and retain highly qualified individuals, and thus to fulfill the missions of such elements;
- (3) the prospect of a lengthy clearance process deters some such individuals from seeking employment with the intelligence community in the first place, and, when faced with a long wait time, those with conditional offers of employment may opt to discontinue the security clearance process and pursue different opportunities;
- (4) now more than ever, therefore, the broken security clearance process badly needs fundamental reform; and
- (5) in the meantime, to ensure the ability of elements of the intelligence community to hire and retain highly qualified personnel, elements should consider, to the extent possible and consistent with national security, permitting new employees

to enter on duty immediately or nearly so, and to perform, on a temporary basis pending final adjudication of their security clearances, work that either does not require a security clearance or requires only a low-level interim clearance.

(b) **REPORTS REQUIRED.**—Section 506H of the National Security Act of 1947 (50 U.S.C. 3104) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A)(ii), by adding “and” at the end;

(B) in subparagraph (B)(ii), by striking “; and” and inserting a period; and

(C) by striking subparagraph (C);

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

“(b) **INTELLIGENCE COMMUNITY REPORTS.**—(1)(A) Not later than March 1 of each year, the Director of National Intelligence shall submit a report to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives regarding the security clearances processed by each element of the intelligence community during the preceding fiscal year.

“(B) The Director shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives such portions of the report submitted under subparagraph (A) as the Director determines address elements of the intelligence community that are within the Department of Defense.

Determination.

“(C) Each report submitted under this paragraph shall separately identify security clearances processed for Federal employees and contractor employees sponsored by each such element.

“(2) Each report submitted under paragraph (1)(A) shall include, for each element of the intelligence community for the fiscal year covered by the report, the following:

“(A) The total number of initial security clearance background investigations sponsored for new applicants.

“(B) The total number of security clearance periodic reinvestigations sponsored for existing employees.

“(C) The total number of initial security clearance background investigations for new applicants that were adjudicated with notice of a determination provided to the prospective applicant, including—

“(i) the total number of such adjudications that were adjudicated favorably and granted access to classified information; and

“(ii) the total number of such adjudications that were adjudicated unfavorably and resulted in a denial or revocation of a security clearance.

“(D) The total number of security clearance periodic background investigations that were adjudicated with notice of a determination provided to the existing employee, including—

“(i) the total number of such adjudications that were adjudicated favorably; and

“(ii) the total number of such adjudications that were adjudicated unfavorably and resulted in a denial or revocation of a security clearance.

Time periods.

“(E) The total number of pending security clearance background investigations, including initial applicant investigations and periodic reinvestigations, that were not adjudicated as of the last day of such year and that remained pending, categorized as follows:

“(i) For 180 days or shorter.

“(ii) For longer than 180 days, but shorter than 12 months.

“(iii) For 12 months or longer, but shorter than 18 months.

“(iv) For 18 months or longer, but shorter than 24 months.

“(v) For 24 months or longer.

Determinations.
Time period.

“(F) For any security clearance determinations completed or pending during the year preceding the year for which the report is submitted that have taken longer than 12 months to complete—

“(i) an explanation of the causes for the delays incurred during the period covered by the report; and

“(ii) the number of such delays involving a polygraph requirement.

“(G) The percentage of security clearance investigations, including initial and periodic reinvestigations, that resulted in a denial or revocation of a security clearance.

“(H) The percentage of security clearance investigations that resulted in incomplete information.

“(I) The percentage of security clearance investigations that did not result in enough information to make a decision on potentially adverse information.

“(3) The report required under this subsection shall be submitted in unclassified form, but may include a classified annex.”; and

(4) in subsection (c), as redesignated, by striking “subsection (a)(1)” and inserting “subsections (a)(1) and (b)”.

Review.
50 USC 3352e.

SEC. 6610. PERIODIC REPORT ON POSITIONS IN THE INTELLIGENCE COMMUNITY THAT CAN BE CONDUCTED WITHOUT ACCESS TO CLASSIFIED INFORMATION, NETWORKS, OR FACILITIES.

Not later than 180 days after the date of the enactment of this Act and not less frequently than once every 5 years thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a report that reviews the intelligence community for which positions can be conducted without access to classified information, networks, or facilities, or may only require a security clearance at the secret level.

50 USC 3352f.

SEC. 6611. INFORMATION-SHARING PROGRAM FOR POSITIONS OF TRUST AND SECURITY CLEARANCES.

(a) PROGRAM REQUIRED.—

Deadline.

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall establish and implement a program to share between and among agencies of the Federal Government and industry partners of the Federal Government relevant background information regarding individuals applying for and currently occupying

national security positions and positions of trust, in order to ensure the Federal Government maintains a trusted workforce.

(2) DESIGNATION.—The program established under paragraph (1) shall be known as the “Trusted Information Provider Program” (in this section referred to as the “Program”).

(b) PRIVACY SAFEGUARDS.—The Security Executive Agent and the Suitability and Credentialing Executive Agent shall ensure that the Program includes such safeguards for privacy as the Security Executive Agent and the Suitability and Credentialing Executive Agent consider appropriate.

(c) PROVISION OF INFORMATION TO THE FEDERAL GOVERNMENT.—The Program shall include requirements that enable investigative service providers and agencies of the Federal Government to leverage certain pre-employment information gathered through private-sector means during the employment or military recruiting process, and other relevant security or human resources information obtained during employment with or for the Federal Government, that satisfy Federal investigative standards, while safeguarding personnel privacy.

(d) INFORMATION AND RECORDS.—The information and records considered under the Program shall include the following:

- (1) Date and place of birth.
- (2) Citizenship or immigration and naturalization information.
- (3) Education records.
- (4) Employment records.
- (5) Employment or social references.
- (6) Military service records.
- (7) State and local law enforcement checks.
- (8) Criminal history checks.
- (9) Financial records or information.
- (10) Foreign travel, relatives, or associations.
- (11) Social media checks.
- (12) Such other information or records as may be relevant to obtaining or maintaining national security, suitability, fitness, or credentialing eligibility.

(e) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall jointly submit to the appropriate congressional committees and make available to appropriate industry partners a plan for the implementation of the Program. Deadline.

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

(A) Mechanisms that address privacy, national security, suitability or fitness, credentialing, and human resources or military recruitment processes.

(B) Such recommendations for legislative or administrative action as the Security Executive Agent and the Suitability and Credentialing Executive Agent consider appropriate to carry out or improve the Program. Recommendations.

(f) PLAN FOR PILOT PROGRAM ON TWO-WAY INFORMATION SHARING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall Deadline.
Assessment.

jointly submit to the appropriate congressional committees and make available to appropriate industry partners a plan for the implementation of a pilot program to assess the feasibility and advisability of expanding the Program to include the sharing of information held by the Federal Government related to contract personnel with the security office of the employers of those contractor personnel.

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

(A) Mechanisms that address privacy, national security, suitability or fitness, credentialing, and human resources or military recruitment processes.

Recommendations.

(B) Such recommendations for legislative or administrative action as the Security Executive Agent and the Suitability and Credentialing Executive Agent consider appropriate to carry out or improve the pilot program.

Deadline.

(g) REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall jointly submit to the appropriate congressional committees and make available to appropriate industry partners a review of the plans submitted under subsections (e)(1) and (f)(1) and utility and effectiveness of the programs described in such plans.

Coordination.

SEC. 6612. REPORT ON PROTECTIONS FOR CONFIDENTIALITY OF WHISTLEBLOWER-RELATED COMMUNICATIONS.

Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent shall, in coordination with the Inspector General of the Intelligence Community, submit to the appropriate congressional committees a report detailing the controls employed by the intelligence community to ensure that continuous vetting programs, including those involving user activity monitoring, protect the confidentiality of whistleblower-related communications.

SEC. 6613. REPORTS ON COSTS OF SECURITY CLEARANCE BACKGROUND INVESTIGATIONS.

Time period.
Coordination.

(a) REPORTS.—Not later than March 1, 2020, and each year thereafter through 2022, the Security Executive Agent, in coordination with the Council, shall submit to the appropriate congressional committees a report on the resources expended by each agency of the Federal Government during the fiscal year prior to the date of the report for processing security clearance background investigations and continuous vetting programs, disaggregated by tier and whether the individual was a Government employee or contractor.

(b) CONTENTS.—Each report submitted under subsection (a) shall include, for the period covered by the report—

(1) the costs of background investigations;

(2) the costs of reinvestigations;

(3) the costs associated with background investigations and reinvestigations for Government personnel;

(4) the costs associated with background investigations and reinvestigations for contract personnel;

(5) costs associated with continuous evaluation initiatives monitoring for personnel for whom a background investigation or reinvestigation was conducted, other than costs associated with adjudication;

(6) the average cost per person for each type of background investigation; and

(7) a summary of transfers and reprogrammings that were executed to support the processing of security clearances. Summary.

TITLE LXVII—REPORTS AND OTHER MATTERS

Subtitle A—Matters Relating to Russia and Other Foreign Powers

SEC. 6701. LIMITATION RELATING TO ESTABLISHMENT OR SUPPORT OF CYBERSECURITY UNIT WITH THE RUSSIAN FEDERATION.

6 USC note
prec. 1501.

(a) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

- (1) the congressional intelligence committees;
- (2) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and
- (3) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(b) LIMITATION.—

(1) IN GENERAL.—No amount may be expended by the Federal Government, other than the Department of Defense, to enter into or implement any bilateral agreement between the United States and the Russian Federation regarding cybersecurity, including the establishment or support of any cybersecurity unit, unless, at least 30 days prior to the conclusion of any such agreement, the Director of National Intelligence submits to the appropriate congressional committees a report on such agreement that includes the elements required by subsection (c).

(2) DEPARTMENT OF DEFENSE AGREEMENTS.—Any agreement between the Department of Defense and the Russian Federation regarding cybersecurity shall be conducted in accordance with section 1232 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), as amended by section 1231 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91).

(c) ELEMENTS.—If the Director submits a report under subsection (b) with respect to an agreement, such report shall include a discussion of each of the following:

- (1) The purpose of the agreement.
- (2) The nature of any intelligence to be shared pursuant to the agreement.
- (3) The expected value to national security resulting from the implementation of the agreement.
- (4) Such counterintelligence concerns associated with the agreement as the Director may have and such measures as the Director expects to be taken to mitigate such concerns.

(d) RULE OF CONSTRUCTION.—This section shall not be construed to affect any existing authority of the Director of National

Intelligence, the Director of the Central Intelligence Agency, or another head of an element of the intelligence community, to share or receive foreign intelligence on a case-by-case basis.

SEC. 6702. ASSESSMENT OF THREAT FINANCE RELATING TO RUSSIA.

(a) **THREAT FINANCE DEFINED.**—In this section, the term “threat finance” means—

(1) the financing of cyber operations, global influence campaigns, intelligence service activities, proliferation, terrorism, or transnational crime and drug organizations;

(2) the methods and entities used to spend, store, move, raise, conceal, or launder money or value, on behalf of threat actors;

(3) sanctions evasion; and

President.

(4) other forms of threat finance activity domestically or internationally, as defined by the President.

Assessment.

(b) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Assistant Secretary of the Treasury for Intelligence and Analysis, shall submit to the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report containing an assessment of Russian threat finance. The assessment shall be based on intelligence from all sources, including from the Office of Terrorism and Financial Intelligence of the Department of the Treasury.

(c) **ELEMENTS.**—The report required by subsection (b) shall include each of the following:

Summary.
Time period.

(1) A summary of leading examples from the 3-year period preceding the date of the submittal of the report of threat finance activities conducted by, for the benefit of, or at the behest of—

(A) officials of the Government of Russia;

(B) persons subject to sanctions under any provision of law imposing sanctions with respect to Russia;

(C) Russian nationals subject to sanctions under any other provision of law; or

(D) Russian oligarchs or organized criminals.

(2) An assessment with respect to any trends or patterns in threat finance activities relating to Russia, including common methods of conducting such activities and global nodes of money laundering used by Russian threat actors described in paragraph (1) and associated entities.

(3) An assessment of any connections between Russian individuals involved in money laundering and the Government of Russia.

Summary.

(4) A summary of engagement and coordination with international partners on threat finance relating to Russia, especially in Europe, including examples of such engagement and coordination.

(5) An identification of any resource and collection gaps.

(6) An identification of—

(A) entry points of money laundering by Russian and associated entities into the United States;

(B) any vulnerabilities within the United States legal and financial system, including specific sectors, which have

been or could be exploited in connection with Russian threat finance activities; and

(C) the counterintelligence threat posed by Russian money laundering and other forms of threat finance, as well as the threat to the United States financial system and United States efforts to enforce sanctions and combat organized crime.

(7) Any other matters the Director determines appropriate.

(d) FORM OF REPORT.—The report required under subsection (b) may be submitted in classified form.

Classified
information.

SEC. 6703. NOTIFICATION OF AN ACTIVE MEASURES CAMPAIGN.

50 USC 3396c.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and

(C) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) CONGRESSIONAL LEADERSHIP.—The term “congressional leadership” includes the following:

(A) The majority leader of the Senate.

(B) The minority leader of the Senate.

(C) The Speaker of the House of Representatives.

(D) The minority leader of the House of Representatives.

(b) REQUIREMENT FOR NOTIFICATION.—The Director of National Intelligence, in cooperation with the Director of the Federal Bureau of Investigation and the head of any other relevant agency, shall notify the congressional leadership and the chairman and vice chairman or ranking member of each of the appropriate congressional committees, and of other relevant committees of jurisdiction, each time the Director of National Intelligence determines there is credible information that a foreign power has, is, or will attempt to employ a covert influence or active measures campaign with regard to the modernization, employment, doctrine, or force posture of the nuclear deterrent or missile defense.

Determination.

(c) CONTENT OF NOTIFICATION.—Each notification required by subsection (b) shall include information concerning actions taken by the United States to expose or halt an attempt referred to in subsection (b).

SEC. 6704. NOTIFICATION OF TRAVEL BY ACCREDITED DIPLOMATIC AND CONSULAR PERSONNEL OF THE RUSSIAN FEDERATION IN THE UNITED STATES.

Deadline.
22 USC 254a
note.

In carrying out the advance notification requirements set out in section 502 of the Intelligence Authorization Act for Fiscal Year 2017 (division N of Public Law 115–31; 131 Stat. 825; 22 U.S.C. 254a note), the Secretary of State shall—

(1) ensure that the Russian Federation provides notification to the Secretary of State at least 2 business days in advance of all travel that is subject to such requirements by accredited diplomatic and consular personnel of the Russian Federation in the United States, and take necessary action to secure full

compliance by Russian personnel and address any noncompliance; and

(2) provide notice of travel described in paragraph (1) to the Director of National Intelligence and the Director of the Federal Bureau of Investigation within 1 hour of receiving notice of such travel.

22 USC 9412.

SEC. 6705. REPORT AND ANNUAL BRIEFING ON IRANIAN EXPENDITURES SUPPORTING FOREIGN MILITARY AND TERRORIST ACTIVITIES.

(a) REPORT.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report, and not less frequently than once each year thereafter provide a briefing to Congress, describing Iranian expenditures in the previous calendar year on military and terrorist activities outside the country, including each of the following:

(A) The amount spent in such calendar year on activities by the Islamic Revolutionary Guard Corps, including activities providing support for—

- (i) Hizballah;
- (ii) Houthi rebels in Yemen;
- (iii) Hamas;
- (iv) proxy forces in Iraq and Syria; or
- (v) any other entity or country the Director determines to be relevant.

Determination.

(B) The amount spent in such calendar year for ballistic missile research and testing or other activities that the Director determines are destabilizing to the Middle East region.

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

(b) ANNUAL BRIEFING.—Following the submission of the report under subsection (a), the Director shall annually provide a briefing to the congressional intelligence committees on the information described in such subsection.

SEC. 6706. EXPANSION OF SCOPE OF COMMITTEE TO COUNTER ACTIVE MEASURES.

50 USC 3369d.

(a) SCOPE OF COMMITTEE TO COUNTER ACTIVE MEASURES.—Section 501 of the Intelligence Authorization Act for Fiscal Year 2017 (Public Law 115–31; 50 U.S.C. 3001 note) is amended—

(1) in subsections (a) through (h)—

(A) by inserting “, the People’s Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, or other nation state” after “Russian Federation” each place it appears; and

(B) by inserting “, China, Iran, North Korea, or other nation state” after “Russia” each place it appears; and

(2) in the section heading, by inserting “, **THE PEOPLE’S REPUBLIC OF CHINA, THE ISLAMIC REPUBLIC OF IRAN, THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA, OR OTHER NATION STATE**” after “**RUSSIAN FEDERATION**”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 501 and inserting the following new item:

“Sec. 501. Committee to counter active measures by the Russian Federation, the People’s Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, and other nation states to exert covert influence over peoples and governments.”.

Subtitle B—Reports

SEC. 6711. TECHNICAL CORRECTION TO INSPECTOR GENERAL STUDY.

Section 11001(d) of title 5, United States Code, is amended—

(1) in the subsection heading, by striking “AUDIT” and inserting “REVIEW”;

(2) in paragraph (1), by striking “audit” and inserting “review”; and

(3) in paragraph (2), by striking “audit” and inserting “review”.

SEC. 6712. REPORTS ON AUTHORITIES OF THE CHIEF INTELLIGENCE OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

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

(C) the Committee on Homeland Security of the House of Representatives.

(2) HOMELAND SECURITY INTELLIGENCE ENTERPRISE.—The term “Homeland Security Intelligence Enterprise” has the meaning given such term in Department of Homeland Security Instruction Number 264–01–001, or successor authority.

(b) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Under Secretary of Homeland Security for Intelligence and Analysis, shall submit to the appropriate committees of Congress a report on the authorities of the Under Secretary.

(c) ELEMENTS.—The report required by subsection (b) shall include each of the following:

(1) An analysis of whether the Under Secretary has the legal and policy authority necessary to organize and lead the Homeland Security Intelligence Enterprise, with respect to intelligence, and, if not, a description of—

Analysis.

(A) the obstacles to exercising the authorities of the Chief Intelligence Officer of the Department and the Homeland Security Intelligence Council, of which the Chief Intelligence Officer is the chair; and

(B) the legal and policy changes necessary to effectively coordinate, organize, and lead intelligence activities of the Department of Homeland Security.

(2) A description of the actions that the Secretary has taken to address the inability of the Under Secretary to require components of the Department, other than the Office of Intelligence and Analysis of the Department to—

Coordination.

- (A) coordinate intelligence programs; and
- (B) integrate and standardize intelligence products produced by such other components.

SEC. 6713. REVIEW OF INTELLIGENCE COMMUNITY WHISTLEBLOWER MATTERS.

Consultation.

(a) **REVIEW OF WHISTLEBLOWER MATTERS.**—The Inspector General of the Intelligence Community, in consultation with the inspectors general for the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the Defense Intelligence Agency, and the National Reconnaissance Office, shall conduct a review of the authorities, policies, investigatory standards, and other practices and procedures relating to intelligence community whistleblower matters, with respect to such inspectors general.

(b) **OBJECTIVE OF REVIEW.**—The objective of the review required under subsection (a) is to identify any discrepancies, inconsistencies, or other issues, which frustrate the timely and effective reporting of intelligence community whistleblower matters to appropriate inspectors general and to the congressional intelligence committees, and the fair and expeditious investigation and resolution of such matters.

(c) **CONDUCT OF REVIEW.**—The Inspector General of the Intelligence Community shall take such measures as the Inspector General determines necessary in order to ensure that the review required by subsection (a) is conducted in an independent and objective fashion.

Recommendations.

(d) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a written report containing the results of the review required under subsection (a), along with recommendations to improve the timely and effective reporting of intelligence community whistleblower matters to inspectors general and to the congressional intelligence committees and the fair and expeditious investigation and resolution of such matters.

SEC. 6714. REPORT ON ROLE OF DIRECTOR OF NATIONAL INTELLIGENCE WITH RESPECT TO CERTAIN FOREIGN INVESTMENTS.

Consultation.

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community determined appropriate by the Director, shall submit to the congressional intelligence committees a report on the role of the Director in preparing analytic materials in connection with the evaluation by the Federal Government of national security risks associated with potential foreign investments into the United States.

(b) **ELEMENTS.**—The report under subsection (a) shall include—

(1) a description of the current process for the provision of the analytic materials described in subsection (a);

(2) an identification of the most significant benefits and drawbacks of such process with respect to the role of the Director, including the sufficiency of resources and personnel to prepare such materials; and

Recommendations.

(3) recommendations to improve such process.

**SEC. 6715. REPORT ON SURVEILLANCE BY FOREIGN GOVERNMENTS
AGAINST UNITED STATES TELECOMMUNICATIONS NET-
WORKS.**

(a) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

- (1) The congressional intelligence committees.
- (2) The Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate.
- (3) The Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Director of the Federal Bureau of Investigation, and the Secretary of Homeland Security, submit to the appropriate congressional committees a report describing—

- (1) any attempts known to the intelligence community by foreign governments to exploit cybersecurity vulnerabilities in United States telecommunications networks (including Signaling System No. 7) to target for surveillance United States persons, including employees of the Federal Government; and
- (2) any actions, as of the date of the enactment of this Act, taken by the intelligence community to protect agencies and personnel of the United States Government from surveillance conducted by foreign governments.

SEC. 6716. BIENNIAL REPORT ON FOREIGN INVESTMENT RISKS.

50 USC 3370a.

(a) **INTELLIGENCE COMMUNITY INTERAGENCY WORKING GROUP.**—

(1) **REQUIREMENT TO ESTABLISH.**—The Director of National Intelligence shall establish an intelligence community interagency working group to prepare the biennial reports required by subsection (b).

(2) **CHAIRPERSON.**—The Director of National Intelligence shall serve as the chairperson of such interagency working group.

(3) **MEMBERSHIP.**—Such interagency working group shall be composed of representatives of each element of the intelligence community that the Director of National Intelligence determines appropriate.

(b) **BIENNIAL REPORT ON FOREIGN INVESTMENT RISKS.**—

(1) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act and not less frequently than once every 2 years thereafter, the Director of National Intelligence shall submit to the appropriate congressional committees a report on foreign investment risks prepared by the interagency working group established under subsection (a).

(2) **ELEMENTS.**—Each report required by paragraph (1) shall include identification, analysis, and explanation of the following:

(A) Any current or projected major threats to the national security of the United States with respect to foreign investment.

(B) Any strategy used by a foreign country that such interagency working group has identified to be a country

of special concern to use foreign investment to target the acquisition of critical technologies, critical materials, or critical infrastructure.

(C) Any economic espionage efforts directed at the United States by a foreign country, particularly such a country of special concern.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the congressional intelligence committees;

(2) the Committee on Homeland Security and Governmental Affairs and the Committee on Foreign Relations of the Senate; and

(3) the Committee on Homeland Security and the Committee on Foreign Affairs of the House of Representatives.

SEC. 6717. MODIFICATION OF CERTAIN REPORTING REQUIREMENT ON TRAVEL OF FOREIGN DIPLOMATS.

22 USC 254a
note.

Section 502(d)(2) of the Intelligence Authorization Act for Fiscal Year 2017 (Public Law 115–31) is amended by striking “the number” and inserting “a best estimate”.

SEC. 6718. SEMIANNUAL REPORTS ON INVESTIGATIONS OF UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

(a) **IN GENERAL.**—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.) is amended by adding at the end the following new section:

50 USC 3235.

“SEC. 1105. SEMIANNUAL REPORTS ON INVESTIGATIONS OF UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

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

“(1) **COVERED OFFICIAL.**—The term ‘covered official’ means—

“(A) the heads of each element of the intelligence community; and

“(B) the inspectors general with oversight responsibility for an element of the intelligence community.

“(2) **INVESTIGATION.**—The term ‘investigation’ means any inquiry, whether formal or informal, into the existence of an unauthorized public disclosure of classified information.

“(3) **UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.**—The term ‘unauthorized disclosure of classified information’ means any unauthorized disclosure of classified information to any recipient.

“(4) **UNAUTHORIZED PUBLIC DISCLOSURE OF CLASSIFIED INFORMATION.**—The term ‘unauthorized public disclosure of classified information’ means the unauthorized disclosure of classified information to a journalist or media organization.

“(b) **INTELLIGENCE COMMUNITY REPORTING.**—

“(1) **IN GENERAL.**—Not less frequently than once every 6 months, each covered official shall submit to the congressional intelligence committees a report on investigations of unauthorized public disclosures of classified information.

“(2) **ELEMENTS.**—Each report submitted under paragraph (1) shall include, with respect to the preceding 6-month period, the following:

Time period.

“(A) The number of investigations opened by the covered official regarding an unauthorized public disclosure of classified information.

“(B) The number of investigations completed by the covered official regarding an unauthorized public disclosure of classified information.

“(C) Of the number of such completed investigations identified under subparagraph (B), the number referred to the Attorney General for criminal investigation.

“(c) DEPARTMENT OF JUSTICE REPORTING.—

“(1) IN GENERAL.—Not less frequently than once every 6 months, the Assistant Attorney General for National Security of the Department of Justice, in consultation with the Director of the Federal Bureau of Investigation, shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report on the status of each referral made to the Department of Justice from any element of the intelligence community regarding an unauthorized disclosure of classified information made during the most recent 365-day period or any referral that has not yet been closed, regardless of the date the referral was made.

Deadline.
Consultation.
Time period.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for each referral covered by the report, at a minimum, the following:

“(A) The date the referral was received.

“(B) A statement indicating whether the alleged unauthorized disclosure described in the referral was substantiated by the Department of Justice.

“(C) A statement indicating the highest level of classification of the information that was revealed in the unauthorized disclosure.

“(D) A statement indicating whether an open criminal investigation related to the referral is active.

“(E) A statement indicating whether any criminal charges have been filed related to the referral.

“(F) A statement indicating whether the Department of Justice has been able to attribute the unauthorized disclosure to a particular entity or individual.

“(d) FORM OF REPORTS.—Each report submitted under this section shall be submitted in unclassified form, but may have a classified annex.”.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 1104 the following new item:

“Sec. 1105. Semiannual reports on investigations of unauthorized disclosures of classified information.”.

SEC. 6719. CONGRESSIONAL NOTIFICATION OF DESIGNATION OF COVERED INTELLIGENCE OFFICER AS PERSONA NON GRATA.

50 USC 3334f.

(a) COVERED INTELLIGENCE OFFICER DEFINED.—In this section, the term “covered intelligence officer” means—

(1) a United States intelligence officer serving in a post in a foreign country; or

(2) a known or suspected foreign intelligence officer serving in a United States post.

Consultation.

(b) **REQUIREMENT FOR REPORTS.**—Not later than 72 hours after a covered intelligence officer is designated as a persona non grata, the Director of National Intelligence, in consultation with the Secretary of State, shall submit to the congressional intelligence committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification of that designation. Each such notification shall include—

- (1) the date of the designation;
- (2) the basis for the designation; and
- (3) a justification for the expulsion.

50 USC 3316a.

SEC. 6720. REPORTS ON INTELLIGENCE COMMUNITY PARTICIPATION IN VULNERABILITIES EQUITIES PROCESS OF FEDERAL GOVERNMENT.

(a) **DEFINITIONS.**—In this section:

(1) **VULNERABILITIES EQUITIES POLICY AND PROCESS DOCUMENT.**—The term “Vulnerabilities Equities Policy and Process document” means the executive branch document entitled “Vulnerabilities Equities Policy and Process” dated November 15, 2017.

(2) **VULNERABILITIES EQUITIES PROCESS.**—The term “Vulnerabilities Equities Process” means the interagency review of vulnerabilities, pursuant to the Vulnerabilities Equities Policy and Process document or any successor document.

(3) **VULNERABILITY.**—The term “vulnerability” means a weakness in an information system or its components (for example, system security procedures, hardware design, and internal controls) that could be exploited or could affect confidentiality, integrity, or availability of information.

(b) **REPORTS ON PROCESS AND CRITERIA UNDER VULNERABILITIES EQUITIES POLICY AND PROCESS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a written report describing—

(A) with respect to each element of the intelligence community—

Determination.

(i) the title of the official or officials responsible for determining whether, pursuant to criteria contained in the Vulnerabilities Equities Policy and Process document or any successor document, a vulnerability must be submitted for review under the Vulnerabilities Equities Process; and

(ii) the process used by such element to make such determination; and

(B) the roles or responsibilities of that element during a review of a vulnerability submitted to the Vulnerabilities Equities Process.

(2) **CHANGES TO PROCESS OR CRITERIA.**—Not later than 30 days after any significant change is made to the process and criteria used by any element of the intelligence community for determining whether to submit a vulnerability for review under the Vulnerabilities Equities Process, such element shall submit to the congressional intelligence committees a report describing such change.

(3) **FORM OF REPORTS.**—Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex.

(c) **ANNUAL REPORTS.**—

(1) **IN GENERAL.**—Not less frequently than once each calendar year, the Director of National Intelligence shall submit to the congressional intelligence committees a classified report containing, with respect to the previous year—

(A) the number of vulnerabilities submitted for review under the Vulnerabilities Equities Process;

(B) the number of vulnerabilities described in subparagraph (A) disclosed to each vendor responsible for correcting the vulnerability, or to the public, pursuant to the Vulnerabilities Equities Process; and

(C) the aggregate number, by category, of the vulnerabilities excluded from review under the Vulnerabilities Equities Process, as described in paragraph 5.4 of the Vulnerabilities Equities Policy and Process document.

(2) **UNCLASSIFIED INFORMATION.**—Each report submitted under paragraph (1) shall include an unclassified appendix that contains—

(A) the aggregate number of vulnerabilities disclosed to vendors or the public pursuant to the Vulnerabilities Equities Process; and

(B) the aggregate number of vulnerabilities disclosed to vendors or the public pursuant to the Vulnerabilities Equities Process known to have been patched.

(3) **NONDUPLICATION.**—The Director of National Intelligence may forgo submission of an annual report required under this subsection for a calendar year, if the Director notifies the intelligence committees in writing that, with respect to the same calendar year, an annual report required by paragraph 4.3 of the Vulnerabilities Equities Policy and Process document already has been submitted to Congress, and such annual report contains the information that would otherwise be required to be included in an annual report under this subsection.

Notification.

SEC. 6721. INSPECTORS GENERAL REPORTS ON CLASSIFICATION.

(a) **REPORTS REQUIRED.**—Not less than once per year in each of the three fiscal years immediately following the date of the enactment of this Act, each Inspector General listed in subsection (b) shall submit to the congressional intelligence committees a report that includes, with respect to the department or agency of the Inspector General, analyses of the following with respect to the prior fiscal year:

Analyses.

(1) The accuracy of the application of classification and handling markers on a representative sample of finished reports, including such reports that are compartmented.

(2) Compliance with declassification procedures.

(3) The effectiveness of processes for identifying topics of public or historical importance that merit prioritization for a declassification review.

(b) **INSPECTORS GENERAL LISTED.**—The Inspectors General listed in this subsection are as follows:

(1) The Inspector General of the Intelligence Community.

(2) The Inspector General of the Central Intelligence Agency.

(3) The Inspector General of the National Security Agency.

(4) The Inspector General of the Defense Intelligence Agency.

(5) The Inspector General of the National Reconnaissance Office.

(6) The Inspector General of the National Geospatial-Intelligence Agency.

50 USC 3024
note.

SEC. 6722. REPORTS AND BRIEFINGS ON NATIONAL SECURITY EFFECTS OF GLOBAL WATER INSECURITY AND EMERGING INFECTIOUS DISEASE AND PANDEMICS.

(a) GLOBAL WATER INSECURITY.—

(1) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on the implications of water insecurity on the national security interests of the United States, including consideration of social, economic, agricultural, and environmental factors.

(B) ASSESSMENT SCOPE AND FOCUS.—The report submitted under subparagraph (A) shall include an assessment of water insecurity described in such subsection with a global scope, but focus on areas of the world—

(i) of strategic, economic, or humanitarian interest to the United States—

(I) that are, as of the date of the report, at the greatest risk of instability, conflict, human insecurity, or mass displacement; or

(II) where challenges relating to water insecurity are likely to emerge and become significant during the 5-year or the 20-year period beginning on the date of the report; and

(ii) where challenges relating to water insecurity are likely to imperil the national security interests of the United States or allies of the United States.

(C) CONSULTATION.—In researching the report required by subparagraph (A), the Director shall consult with—

(i) such stakeholders within the intelligence community, the Department of Defense, and the Department of State as the Director considers appropriate; and

(ii) such additional Federal agencies and persons in the private sector as the Director considers appropriate.

(D) FORM.—The report submitted under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(2) QUINQUENNIAL BRIEFINGS.—Beginning on the date that is 5 years after the date on which the Director submits the report under paragraph (1), and every 5 years thereafter, the

Time periods.

Effective date.

Director shall provide to the committees specified in such paragraph a briefing that updates the matters contained in the report.

(b) EMERGING INFECTIOUS DISEASE AND PANDEMICS.—

(1) REPORT.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report on the anticipated geopolitical effects of emerging infectious disease (including deliberate, accidental, and naturally occurring infectious disease threats) and pandemics, and their implications on the national security of the United States.

(B) CONTENTS.—The report under subparagraph (A) shall include an assessment of—

(i) the economic, social, political, and security risks, costs, and impacts of emerging infectious diseases on the United States and the international political and economic system;

(ii) the economic, social, political, and security risks, costs, and impacts of a major transnational pandemic on the United States and the international political and economic system; and

(iii) contributing trends and factors to the matters assessed under clauses (i) and (ii).

(C) EXAMINATION OF RESPONSE CAPACITY.—In examining the risks, costs, and impacts of emerging infectious disease and a possible transnational pandemic under subparagraph (B), the Director of National Intelligence shall also examine in the report under subparagraph (A) the response capacity within affected countries and the international system. In considering response capacity, the Director shall include—

(i) the ability of affected nations to effectively detect and manage emerging infectious diseases and a possible transnational pandemic;

(ii) the role and capacity of international organizations and nongovernmental organizations to respond to emerging infectious disease and a possible pandemic, and their ability to coordinate with affected and donor nations; and

(iii) the effectiveness of current international frameworks, agreements, and health systems to respond to emerging infectious diseases and a possible transnational pandemic.

(2) QUINQUENNIAL BRIEFINGS.—Beginning on the date that is 5 years after the date on which the Director submits the report under paragraph (1), and every 5 years thereafter, the Director shall provide to the congressional intelligence committees a briefing that updates the matters contained in the report.

(3) FORM.—The report under paragraph (1) and the briefings under paragraph (2) may be classified.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional intelligence committees;

Assessment.

Effective date.

(B) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Appropriations of the House of Representatives; and

(C) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate.

SEC. 6723. ANNUAL REPORT ON MEMORANDA OF UNDERSTANDING BETWEEN ELEMENTS OF INTELLIGENCE COMMUNITY AND OTHER ENTITIES OF THE UNITED STATES GOVERNMENT REGARDING SIGNIFICANT OPERATIONAL ACTIVITIES OR POLICY.

Section 311 of the Intelligence Authorization Act for Fiscal Year 2017 (50 U.S.C. 3313) is amended—

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

(2) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—Each year, concurrent with the annual budget request submitted by the President to Congress under section 1105 of title 31, United States Code, each head of an element of the intelligence community shall submit to the congressional intelligence committees a report that lists each memorandum of understanding or other agreement regarding significant operational activities or policy entered into during the most recently completed fiscal year between or among such element and any other entity of the United States Government.

“(b) PROVISION OF DOCUMENTS.—Each head of an element of an intelligence community who receives a request from the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives for a copy of a memorandum of understanding or other document listed in a report submitted by the head under subsection (a) shall submit to such committee the requested copy as soon as practicable after receiving such request.”.

Deadlines.

SEC. 6724. STUDY ON THE FEASIBILITY OF ENCRYPTING UNCLASSIFIED WIRELINE AND WIRELESS TELEPHONE CALLS.

(a) STUDY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall complete and submit to the congressional intelligence committees a study on the feasibility of encrypting unclassified wireline and wireless telephone calls between personnel in the intelligence community.

(b) BRIEFING.—Not later than 90 days after the date on which the Director submits the study required by subsection (a), the Director shall provide to the congressional intelligence committees a briefing on the Director’s findings with respect to such study.

50 USC 3334g.

SEC. 6725. REPORTS ON INTELLIGENCE COMMUNITY LOAN REPAYMENT AND RELATED PROGRAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there should be established, through the issuing of an Intelligence Community Directive or otherwise, an intelligence-community-wide program for student loan repayment, student loan forgiveness, financial counseling, and related matters, for employees of the intelligence community;

(2) creating such a program would enhance the ability of the elements of the intelligence community to recruit, hire, and retain highly qualified personnel, including with respect to mission-critical and hard-to-fill positions;

(3) such a program, including with respect to eligibility requirements, should be designed so as to maximize the ability of the elements of the intelligence community to recruit, hire, and retain highly qualified personnel, including with respect to mission-critical and hard-to-fill positions; and

(4) to the extent possible, such a program should be uniform throughout the intelligence community and publicly promoted by each element of the intelligence community to both current employees of the element as well as to prospective employees of the element.

(b) REPORT ON POTENTIAL INTELLIGENCE COMMUNITY-WIDE PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in cooperation with the heads of the elements of the intelligence community and the heads of any other appropriate department or agency of the Federal Government, shall submit to the congressional intelligence committees a report on potentially establishing and carrying out an intelligence-community-wide program for student loan repayment, student loan forgiveness, financial counseling, and related matters, as described in subsection (a).

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include, at a minimum, the following:

(A) A description of the financial resources that the elements of the intelligence community would require to establish and initially carry out the program specified in paragraph (1).

(B) A description of the practical steps to establish and carry out such a program.

(C) The identification of any legislative action the Director determines necessary to establish and carry out such a program.

(c) ANNUAL REPORTS ON ESTABLISHED PROGRAMS.—

(1) COVERED PROGRAMS DEFINED.—In this subsection, the term “covered programs” means any loan repayment program, loan forgiveness program, financial counseling program, or similar program, established pursuant to title X of the National Security Act of 1947 (50 U.S.C. 3191 et seq.) or any other provision of law that may be administered or used by an element of the intelligence community.

(2) ANNUAL REPORTS REQUIRED.—Not less frequently than once each year, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the covered programs. Each such report shall include, with respect to the period covered by the report, the following:

(A) The number of personnel from each element of the intelligence community who used each covered program.

(B) The total amount of funds each element expended for each such program.

(C) A description of the efforts made by each element to promote each covered program pursuant to both the

personnel of the element of the intelligence community and to prospective personnel.

SEC. 6726. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) **CORRECTING LONG-STANDING MATERIAL WEAKNESSES.**—Section 368 of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 110–259; 50 U.S.C. 3051 note) is hereby repealed.

(b) **INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP.**—Section 210D of the Homeland Security Act of 2002 (6 U.S.C. 124k) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively; and

(3) in subsection (c), as so redesignated—

(A) in paragraph (8), by striking “; and” and inserting a period; and

(B) by striking paragraph (9).

(c) **INSPECTOR GENERAL REPORT.**—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsections (h) and (i) as subsections (g) and (h), respectively.

SEC. 6727. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY REPORT ON SENIOR EXECUTIVES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) **SENIOR EXECUTIVE SERVICE POSITION DEFINED.**—In this section, the term “Senior Executive Service position” has the meaning given that term in section 3132(a)(2) of title 5, United States Code, and includes any position above the GS–15, step 10, level of the General Schedule under section 5332 of such title.

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report on the number of Senior Executive Service positions in the Office of the Director of National Intelligence.

(c) **MATTERS INCLUDED.**—The report under subsection (b) shall include the following:

(1) The number of required Senior Executive Service positions for the Office of the Director of National Intelligence.

(2) Whether such requirements are reasonably based on the mission of the Office.

(3) A discussion of how the number of the Senior Executive Service positions in the Office compare to the number of senior positions at comparable organizations.

(d) **COOPERATION.**—The Director of National Intelligence shall provide to the Inspector General of the Intelligence Community any information requested by the Inspector General of the Intelligence Community that is necessary to carry out this section by not later than 14 calendar days after the date on which the Inspector General of the Intelligence Community makes such request.

SEC. 6728. BRIEFING ON FEDERAL BUREAU OF INVESTIGATION OFFERING PERMANENT RESIDENCE TO SOURCES AND COOPERATORS.

Not later than 30 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall

Deadline.

provide to the congressional intelligence committees a briefing on the ability of the Federal Bureau of Investigation to offer, as an inducement to assisting the Bureau, permanent residence within the United States to foreign individuals who are sources or cooperators in counterintelligence or other national-security-related investigations. The briefing shall address the following:

(1) The extent to which the Bureau may make such offers, whether independently or in conjunction with other agencies and departments of the United States Government, including a discussion of the authorities provided by section 101(a)(15)(S) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(S)), section 7 of the Central Intelligence Agency Act (50 U.S.C. 3508), and any other provision of law under which the Bureau may make such offers.

(2) An overview of the policies and operational practices of the Bureau with respect to making such offers.

Overview.

(3) The sufficiency of such policies and practices with respect to inducing individuals to cooperate with, serve as sources for such investigations, or both.

(4) Whether the Director recommends any legislative actions to improve such policies and practices, particularly with respect to the counterintelligence efforts of the Bureau.

Recommendations.

SEC. 6729. INTELLIGENCE ASSESSMENT OF NORTH KOREA REVENUE SOURCES.

(a) **ASSESSMENT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Assistant Secretary of State for Intelligence and Research and the Assistant Secretary of the Treasury for Intelligence and Analysis, shall produce an intelligence assessment of the revenue sources of the North Korean regime. Such assessment shall include revenue from the following sources:

Deadline.
Coordination.

(1) Trade in coal, iron, and iron ore.

(2) The provision of fishing rights to North Korean territorial waters.

(3) Trade in gold, titanium ore, vanadium ore, copper, silver, nickel, zinc, or rare earth minerals, and other stores of value.

(4) Trade in textiles.

(5) Sales of conventional defense articles and services.

(6) Sales of controlled goods, ballistic missiles, and other associated items.

(7) Other types of manufacturing for export, as the Director of National Intelligence considers appropriate.

(8) The exportation of workers from North Korea in a manner intended to generate significant revenue, directly or indirectly, for use by the government of North Korea.

(9) The provision of nonhumanitarian goods (such as food, medicine, and medical devices) and services by other countries.

(10) The provision of services, including banking and other support, including by entities located in the Russian Federation, China, and Iran.

(11) Online commercial activities of the Government of North Korea, including online gambling.

(12) Criminal activities, including cyber-enabled crime and counterfeit goods.

(b) ELEMENTS.—The assessment required under subsection (a) shall include an identification of each of the following:

(1) The sources of North Korea’s funding.

(2) Financial and nonfinancial networks, including supply chain management, transportation, and facilitation, through which North Korea accesses the United States and international financial systems and repatriates and exports capital, goods, and services; and

(3) the global financial institutions, money services business, and payment systems that assist North Korea with financial transactions.

(c) SUBMITTAL TO CONGRESS.—Upon completion of the assessment required under subsection (a), the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a copy of such assessment.

Stop Terrorist
Use of Virtual
Currencies Act.

SEC. 6730. REPORT ON POSSIBLE EXPLOITATION OF VIRTUAL CURRENCIES BY TERRORIST ACTORS.

(a) SHORT TITLE.—This section may be cited as the “Stop Terrorist Use of Virtual Currencies Act”.

Consultation.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of the Treasury and the Under Secretary of Homeland Security for Intelligence and Analysis, shall submit to Congress a report on the possible exploitation of virtual currencies by terrorist actors. Such report shall include the following elements:

Assessments.

(1) An assessment of the means and methods by which international terrorist organizations and State sponsors of terrorism use virtual currencies.

(2) An assessment of the use by terrorist organizations and state sponsors of terrorism of virtual currencies compared to the use by such organizations and states of other forms of financing to support operations, including an assessment of the collection posture of the intelligence community on the use of virtual currencies by such organizations and states.

(3) A description of any existing legal impediments that inhibit or prevent the intelligence community from collecting information on or helping prevent the use of virtual currencies by international terrorist organizations and state sponsors of terrorism and an identification of any gaps in existing law that could be exploited for illicit funding by such organizations and States.

(c) FORM OF REPORT.—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

(d) DISSEMINATION TO STATE AND LOCAL PARTNERS.—Consistent with the protection of classified and confidential unclassified information, the Under Secretary shall share the report required by subsection (b) with State, local, and regional officials who operate within State, local, and regional fusion centers through the Department of Homeland Security State, Local, and Regional Fusion Center Initiative established in section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h).

Subtitle C—Other Matters

SEC. 6741. PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) MEETINGS.—Section 703(e) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 3161 note) is amended by striking “funds.” and inserting “funds, but shall meet in person not less frequently than on a quarterly basis.”.

50 USC 3301
note, 3355
and note,
3355a–3355g.

(b) REMOVAL OF SUNSET.—Section 710 of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 3161 note) is amended—

50 USC 3301
note, 3355
and note,
3355a–3355g.

(1) by striking subsection (b);

(2) in the section heading, by striking “; SUNSET”; and

(3) by striking “(a) EFFECTIVE DATE.—”.

(c) STATUS OF BOARD.—Notwithstanding section 710(b) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 3161 note) as in effect on the day before the date of the enactment of this Act—

50 USC 3355
note.

(1) the Public Interest Declassification Board shall be deemed to not have terminated for purposes of the appointment of members to the Board;

(2) section 703(h) of such Act shall not apply with respect to the period beginning on December 31, 2018, and ending on the day before the date of the enactment of this Act; and

Time period.

(3) the length of the terms of the members serving on the Board as of December 30, 2018, shall be calculated by not counting the period specified in paragraph (2).

SEC. 6742. TECHNICAL AND CLERICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

(a) TABLE OF CONTENTS.—The table of contents at the beginning of the National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended—

(1) by inserting after the item relating to section 2 the following new item:

“Sec. 3. Definitions.”;

(2) by striking the item relating to section 107;

(3) by striking the item relating to section 113B and inserting the following new item:

“Sec. 113B. Special pay authority for science, technology, engineering, or mathematics positions.”;

(4) by striking the items relating to sections 202, 203, 204, 208, 209, 210, 211, 212, 213, and 214; and

(5) by inserting after the item relating to section 311 the following new item:

“Sec. 312. Repealing and saving provisions.”.

(b) OTHER TECHNICAL CORRECTIONS.—Such Act is further amended—

(1) in section 102A—

50 USC 3024.

(A) in subparagraph (G) of paragraph (1) of subsection (g), by moving the margins of such subparagraph 2 ems to the left; and

(B) in paragraph (3) of subsection (v), by moving the margins of such paragraph 2 ems to the left;

(2) in section 106—

50 USC 3041.

- (A) by inserting “Sec. 106.” before “(a)” and conforming the typeface and typestyle accordingly; and
- (B) in subparagraph (I) of paragraph (2) of subsection (b), by moving the margins of such subparagraph 2 ems to the left;
- 50 USC 3042. (3) by striking section 107;
- 50 USC 3043. (4) in section 108(c), by striking “in both a classified and an unclassified form” and inserting “to Congress in classified form, but may include an unclassified summary”;
- 50 USC 3047. (5) in section 112(c)(1), by striking “section 103(c)(7)” and inserting “section 102A(i)”;
- (6) by amending section 201 to read as follows:
- Applicability. **“SEC. 201. DEPARTMENT OF DEFENSE.**
- 50 USC 3005. **“Except to the extent inconsistent with the provisions of this Act or other provisions of law, the provisions of title 5, United States Code, shall be applicable to the Department of Defense.”;**
- 50 USC 3004. (7) in section 205, by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;
- 50 USC 3004. (8) in section 206, by striking “(a)”;
- 50 USC 3004. (9) in section 207, by striking “(c)”;
- 50 USC 3075. (10) in section 308(a), by striking “this Act” and inserting “sections 2, 101, 102, 103, and 303 of this Act”;
- 50 USC 3006, (11) by redesignating section 411 as section 312;
3078. (12) in section 503—
- 50 USC 3093. (A) in paragraph (5) of subsection (c)—
- (i) by moving the margins of such paragraph 4 ems to the left; and
- (ii) by moving the margins of subparagraph (B) of such paragraph 2 ems to the left; and
- (B) in paragraph (2) of subsection (d), by moving the margins of such paragraph 2 ems to the left; and
- (13) in subparagraph (B) of paragraph (3) of subsection (a) of section 504, by moving the margins of such subparagraph 2 ems to the right.
- 50 USC 3094.

SEC. 6743. BUG BOUNTY PROGRAMS.

(a) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

(2) **BUG BOUNTY PROGRAM.**—The term “bug bounty program” means a program under which an approved computer security specialist or security researcher is temporarily authorized to identify and report vulnerabilities within the information system of an agency or department of the United States in exchange for compensation.

(3) **INFORMATION SYSTEM.**—The term “information system” has the meaning given that term in section 3502 of title 44, United States Code.

(b) **BUG BOUNTY PROGRAM PLAN.**—

(1) **REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall submit to appropriate committees of Congress a strategic plan for appropriate agencies and departments of the United States to implement bug bounty programs.

Deadline.
Consultation.

(2) **CONTENTS.**—The plan required by paragraph (1) shall include—

(A) an assessment of—

Assessment.

(i) the “Hack the Pentagon” pilot program carried out by the Department of Defense in 2016 and subsequent bug bounty programs in identifying and reporting vulnerabilities within the information systems of the Department of Defense; and

(ii) private sector bug bounty programs, including such programs implemented by leading technology companies in the United States; and

(B) recommendations on the feasibility of initiating bug bounty programs at appropriate agencies and departments of the United States.

Recommendations.

SEC. 6744. TECHNICAL AMENDMENTS RELATED TO THE DEPARTMENT OF ENERGY.

(a) **NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT.**—Section 3233(b) of the National Nuclear Security Administration Act (50 U.S.C. 2423(b)) is amended—

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

(2) by inserting “Intelligence and” after “the Office of”.

(b) **ATOMIC ENERGY DEFENSE ACT.**—Section 4524(b)(2) of the Atomic Energy Defense Act (50 U.S.C. 2674(b)(2)) is amended by inserting “Intelligence and” after “The Director of”.

(c) **NATIONAL SECURITY ACT OF 1947.**—Paragraph (2) of section 106(b) of the National Security Act of 1947 (50 U.S.C. 3041(b)(2)) is amended—

(1) in subparagraph (E), by inserting “and Counterintelligence” after “Office of Intelligence”; and

(2) by striking subparagraph (F); and

(3) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (F), (G), and (H), respectively.

SEC. 6745. SENSE OF CONGRESS ON NOTIFICATION OF CERTAIN DISCLOSURES OF CLASSIFIED INFORMATION.

(a) **DEFINITIONS.**—In this section:

(1) **ADVERSARY FOREIGN GOVERNMENT.**—The term “adversary foreign government” means the government of any of the following foreign countries:

(A) North Korea.

(B) Iran.

(C) China.

(D) Russia.

(E) Cuba.

(2) **COVERED CLASSIFIED INFORMATION.**—The term “covered classified information” means classified information that was—

(A) collected by an element of the intelligence community; or

(B) provided by the intelligence service or military of a foreign country to an element of the intelligence community.

(3) **ESTABLISHED INTELLIGENCE CHANNELS.**—The term “established intelligence channels” means methods to exchange intelligence to coordinate foreign intelligence relationships, as established pursuant to law by the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Security Agency, or other head of an element of the intelligence community.

(4) **INDIVIDUAL IN THE EXECUTIVE BRANCH.**—The term “individual in the executive branch” means any officer or employee of the executive branch, including individuals—

(A) occupying a position specified in article II of the Constitution;

(B) appointed to a position by an individual described in subparagraph (A); or

(C) serving in the civil service or the Senior Executive Service (or similar service for senior executives of particular departments or agencies).

(b) **FINDINGS.**—Congress finds that section 502 of the National Security Act of 1947 (50 U.S.C. 3092) requires elements of the intelligence community to keep the congressional intelligence committees “fully and currently informed” about all “intelligence activities” of the United States, and to “furnish to the congressional intelligence committees any information or material concerning intelligence activities * * * which is requested by either of the congressional intelligence committees in order to carry out its authorized responsibilities.”.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) section 502 of the National Security Act of 1947 (50 U.S.C. 3092), together with other intelligence community authorities, obligates an element of the intelligence community to submit to the congressional intelligence committees written notification, by not later than 7 days after becoming aware, that an individual in the executive branch has disclosed covered classified information to an official of an adversary foreign government using methods other than established intelligence channels; and

(2) each such notification should include—

(A) the date and place of the disclosure of classified information covered by the notification;

(B) a description of such classified information;

(C) identification of the individual who made such disclosure and the individual to whom such disclosure was made; and

(D) a summary of the circumstances of such disclosure.

SEC. 6746. SENSE OF CONGRESS ON CONSIDERATION OF ESPIONAGE ACTIVITIES WHEN CONSIDERING WHETHER OR NOT TO PROVIDE VISAS TO FOREIGN INDIVIDUALS TO BE ACCREDITED TO A UNITED NATIONS MISSION IN THE UNITED STATES.

It is the sense of the Congress that the Secretary of State, in considering whether or not to provide a visa to a foreign individual to be accredited to a United Nations mission in the United States, should consider—

(1) known and suspected intelligence activities, espionage activities, including activities constituting precursors to espionage, carried out by the individual against the United States, foreign allies of the United States, or foreign partners of the United States; and

(2) the status of an individual as a known or suspected intelligence officer for a foreign adversary.

SEC. 6747. SENSE OF CONGRESS ON WIKILEAKS.

It is the sense of Congress that WikiLeaks and the senior leadership of WikiLeaks resemble a nonstate hostile intelligence service often abetted by state actors and should be treated as such a service by the United States.

DIVISION F—OTHER MATTERS

TITLE LXXI—SANCTIONS WITH RESPECT TO NORTH KOREA

Otto Warmbier
North Korea
Nuclear
Sanctions and
Enforcement Act
of 2019.

Sec. 7101. Short title.

Subtitle A—Sanctions With Respect to North Korea

Sec. 7111. Sense of Congress.

Sec. 7112. Definitions.

PART I—EXPANSION OF SANCTIONS AND RELATED MATTERS

Sec. 7121. Sanctions with respect to foreign financial institutions that provide financial services to certain sanctioned persons.

Sec. 7122. Mandatory designations under North Korea Sanctions and Policy Enhancement Act of 2016.

Sec. 7123. Extension of applicability period of proliferation prevention sanctions.

Sec. 7124. Opposition to assistance by the international financial institutions.

Sec. 7125. Support for capacity of the International Monetary Fund to prevent money laundering and financing of terrorism.

Sec. 7126. Report and briefings on compliance, penalties, and technical assistance.

Sec. 7127. Sense of Congress on identification and blocking of property of North Korean officials.

Sec. 7128. Modification of report on implementation of United Nations Security Council resolutions by other governments.

Sec. 7129. Report on use by the Government of North Korea of beneficial ownership rules to access the international financial system.

PART II—CONGRESSIONAL REVIEW AND OVERSIGHT

Sec. 7131. Notification of termination or suspension of sanctions.

Sec. 7132. Reports on certain licensing actions.

Sec. 7133. Report and briefings on financial networks and financial methods of the Government of North Korea.

Sec. 7134. Report on countries of concern with respect to transshipment, reexportation, or diversion of certain items to North Korea.

PART III—GENERAL MATTERS

Sec. 7141. Rulemaking.

Sec. 7142. Authority to consolidate reports.

Sec. 7143. Waivers, exemptions, and termination.

Sec. 7144. Procedures for review of classified and certain other information.

Sec. 7145. Briefing on resourcing of sanctions programs.

Sec. 7146. Briefing on proliferation financing.

Sec. 7147. Exception relating to importation of goods.

Subtitle B—Financial Industry Guidance to Halt Trafficking

Sec. 7151. Short title.

Sec. 7152. Sense of Congress.

Sec. 7153. Coordination of human trafficking issues by the Office of Terrorism and Financial Intelligence.

Sec. 7154. Strengthening the role of anti-money laundering and other financial tools in combating human trafficking.

Sec. 7155. Sense of Congress on resources to combat human trafficking.

22 USC 9201
note.

SEC. 7101. SHORT TITLE.

This title may be cited as the “Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019”.

Subtitle A—Sanctions With Respect to North Korea

SEC. 7111. SENSE OF CONGRESS.

It is the sense of Congress that—

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

(2) the imposition of sanctions, including those under this title, should not be construed to limit the authority of the President to fully engage in diplomatic negotiations to further the policy objective described in paragraph (1);

(3) the successful use of sanctions to halt the nuclear and ballistic missile programs of North Korea is part of a broader diplomatic and economic strategy that relies on effective coordination among relevant Federal agencies and officials, as well as with international partners of the United States; and

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

22 USC 9261.

SEC. 7112. DEFINITIONS.

In this subtitle, the terms “applicable Executive order”, “applicable United Nations Security Council resolution”, “appropriate congressional committees”, “Government of North Korea”, “North Korea”, “North Korean financial institution”, and “North Korean person” have the meanings given those terms in section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202).

PART I—EXPANSION OF SANCTIONS AND RELATED MATTERS

SEC. 7121. SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT PROVIDE FINANCIAL SERVICES TO CERTAIN SANCTIONED PERSONS.

(a) IN GENERAL.—Title II of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9221 et seq.) is amended by inserting after section 201A the following:

“SEC. 201B. SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT PROVIDE FINANCIAL SERVICES TO CERTAIN SANCTIONED PERSONS. 22 USC 9221b.

“(a) **IN GENERAL.**—The Secretary of the Treasury shall impose one or more of the sanctions described in subsection (b) with respect to a foreign financial institution that the Secretary determines, in consultation with the Secretary of State, knowingly, on or after the date that is 120 days after the date of the enactment of the Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019, provides significant financial services to any person designated for the imposition of sanctions with respect to North Korea under—

Determination.
Consultation.

“(1) subsection (a), (b), or (g) of section 104;

“(2) an applicable Executive order; or

“(3) an applicable United Nations Security Council resolution.

“(b) **SANCTIONS DESCRIBED.**—The sanctions that may be imposed with respect to a foreign financial institution subject to subsection (a) are the following:

“(1) **ASSET BLOCKING.**—The Secretary may block and prohibit, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), all transactions in all property and interests in property of the foreign financial institution if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

“(2) **RESTRICTIONS ON CORRESPONDENT AND PAYABLE-THROUGH ACCOUNTS.**—The Secretary may prohibit, or impose strict conditions on, the opening or maintaining in the United States of a correspondent account or a payable-through account by the foreign financial institution.

“(c) **IMPLEMENTATION; PENALTIES.**—

“(1) **IMPLEMENTATION.**—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

“(2) **PENALTIES.**—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

“(d) **REGULATIONS.**—Not later than 120 days after the date of the enactment of the Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019, the President shall, as appropriate, prescribe regulations to carry out this section.

Deadline.
President.

“(e) **EXCEPTION RELATING TO IMPORTATION OF GOODS.**—

“(1) **IN GENERAL.**—Notwithstanding section 404(b) or any provision of this section, the authorities and requirements to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

“(2) **GOOD DEFINED.**—In this subsection, the term ‘good’ means any article, natural or manmade substance, material,

supply or manufactured product, including inspection and test equipment, and excluding technical data.

“(f) DEFINITIONS.—In this section:

“(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ‘account’, ‘correspondent account’, and ‘payable-through account’ have the meanings given those terms in section 5318A of title 31, United States Code.

“(2) FOREIGN FINANCIAL INSTITUTION.—The term ‘foreign financial institution’ has the meaning given that term in section 510.309 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

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

22 USC 9221c.

“SEC. 201C. PROHIBITION ON TRANSACTIONS WITH CERTAIN SANCTIONED PERSONS BY PERSONS OWNED OR CONTROLLED BY UNITED STATES FINANCIAL INSTITUTIONS.

Deadline.
Consultation.

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019, the Secretary of the Treasury, in consultation with the Secretary of State, shall prohibit an entity owned or controlled by a United States financial institution and established or maintained outside the United States from knowingly engaging in any transaction described in subsection (b) directly or indirectly with the Government of North Korea or any person designated for the imposition of sanctions with respect to North Korea under—

“(1) subsection (a), (b), or (g) of section 104;

“(2) an applicable Executive order; or

“(3) an applicable United Nations Security Council resolution.

“(b) TRANSACTIONS DESCRIBED.—A transaction described in this subsection is a transaction that would be prohibited by an order or regulation issued pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) if the transaction were engaged in in the United States or by a United States person.

Applicability.

“(c) CIVIL PENALTIES.—The civil penalty provided for in section 206(b) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)) shall apply to a United States financial institution to the same extent that such penalty applies to a person that commits an unlawful act described in section 206(a) of that Act if an entity owned or controlled by the United States financial institution and established or maintained outside the United States violates, attempts to violate, conspires to violate, or causes a violation of any order or regulation issued to implement subsection (a).

“(d) UNITED STATES FINANCIAL INSTITUTION DEFINED.—In this section, the term ‘United States financial institution’ has the meaning given the term ‘U.S. financial institution’ in section 510.328 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).”.

(b) CLERICAL AMENDMENT.—The table of contents for the North Korea Sanctions and Policy Enhancement Act of 2016 is amended by inserting after the item relating to section 201A the following:

“Sec. 201B. Sanctions with respect to foreign financial institutions that provide financial services to certain sanctioned persons.

“Sec. 201C. Prohibition on transactions with certain sanctioned persons by persons owned or controlled by United States financial institutions.”.

SEC. 7122. MANDATORY DESIGNATIONS UNDER NORTH KOREA SANCTIONS AND POLICY ENHANCEMENT ACT OF 2016.

(a) IN GENERAL.—Section 104 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214) is amended—

(1) by adding at the end the following:

“(g) ADDITIONAL MANDATORY DESIGNATIONS.—

“(1) IN GENERAL.—Except as provided in section 208, the President shall designate under this subsection any person that the President determines—

President.
Determination.

“(A) knowingly, directly or indirectly, engages in the importation from or exportation to North Korea of significant quantities of—

“(i)(I) coal, textiles, seafood, iron, or iron ore; or

“(II) refined petroleum products or crude oil above limits set by the United Nations Security Council and with which the United States concurs; or

“(ii) services or technology related to goods specified in clause (i);

“(B) knowingly facilitates a significant transfer of funds or property of the Government of North Korea that materially contributes to any violation of an applicable United Nations Security Council resolution;

“(C) knowingly, directly or indirectly, engages in, facilitates, or is responsible for the exportation of workers from North Korea, or the employment of such workers, in a manner that generates significant revenue, directly or indirectly, for use by the Government of North Korea or by the Workers’ Party of Korea;

“(D) knowingly, directly or indirectly, sells or transfers a significant number of vessels to North Korea, except as specifically approved by the United Nations Security Council;

“(E) knowingly engages in a significant activity to charter, insure, register, facilitate the registration of, or maintain insurance or a registration for, a vessel owned, controlled, commanded, or crewed by a North Korean person; or

“(F) knowingly contributes to and participates in—

“(i) a significant act of bribery of an official of the Government of North Korea or any person acting for or on behalf of that official;

“(ii) the misappropriation, theft, or embezzlement of a significant amount of public funds by, or for the benefit of, an official of the Government of North Korea or any person acting for or on behalf of that official; or

“(iii) the use of any proceeds of any activity described in subparagraph (A) or (B).”;

- (2) in subsection (c), by inserting “or (g)” after “subsection (a)”;
- (3) in subsection (d)—
 - (A) by striking “or” the first place it appears and inserting a comma; and
 - (B) by inserting “, or (g)” after “(b)”;
- (4) in subsection (e)—
 - (A) by striking “or” the last place it appears and inserting a comma; and
 - (B) by inserting “, or (g)” after “(b)”.
- (b) CONFORMING AMENDMENTS.—The North Korea Sanctions and Policy Enhancement Act of 2016 is amended—
 - (1) in section 3(4) (22 U.S.C. 9202(4))—
 - (A) by striking “or” the first place it appears and inserting a comma; and
 - (B) by inserting “, or (g)” after “(b)”;
 - (2) in section 102 (22 U.S.C. 9212)—
 - (A) in subsection (a), by inserting “or (g)” after “section 104(a)” each place it appears; and
 - (B) in subsection (b)(1)—
 - (i) by striking “and” the first place it appears and inserting a comma; and
 - (ii) by inserting “, and (g)” after “(b)”;
 - (3) in section 204 (22 U.S.C. 9224), by inserting “or (g)” after “section 104(a)” each place it appears; and
 - (4) in section 302(b)(3) (22 U.S.C. 9241(b)(3)) is amended by striking “section 104(b)(1)(M)” and inserting “section 104(g)(1)(C)”.

SEC. 7123. EXTENSION OF APPLICABILITY PERIOD OF PROLIFERATION PREVENTION SANCTIONS.

Section 203(b)(2) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9223(b)(2)) is amended by striking “2 years” and inserting “5 years”.

SEC. 7124. OPPOSITION TO ASSISTANCE BY THE INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end the following:

“SEC. 73. OPPOSITION TO ASSISTANCE FOR ANY GOVERNMENT THAT FAILS TO IMPLEMENT SANCTIONS ON NORTH KOREA.

“(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 262r(c))) that it is the policy of the United States to oppose the provision by that institution of financial assistance to a foreign government, other than assistance to support basic human needs, if the President determines that, in the year preceding consideration of approval of such assistance, the government has knowingly failed to adequately enforce sanctions under an applicable United Nations Security Council resolution (as defined in section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202)).

“(b) WAIVER.—The President may waive subsection (a) for up to 180 days at a time with respect to a foreign government if the President—

“(1) determines that—

President.
Determinations.
22 USC 286yy.

“(A) the failure of the foreign government described in subsection (a) is due exclusively to a lack of capacity on the part of the foreign government;

“(B) the foreign government is taking effective steps to prevent recurrence of such failure; or

“(C) the waiver is in the national security interests of the United States; and

“(2) submits to Congress a report on the reasons for the determination under paragraph (1).”.

Reports.

(b) **TERMINATION.**—Effective on the date that is 10 years after the date of the enactment of this Act, section 73 of the Bretton Woods Agreements Act, as added by subsection (a), is repealed.

Repeal.
22 USC 286yy
note.

SEC. 7125. SUPPORT FOR CAPACITY OF THE INTERNATIONAL MONETARY FUND TO PREVENT MONEY LAUNDERING AND FINANCING OF TERRORISM.

(a) **IN GENERAL.**—Title XVI of the International Financial Institutions Act (22 U.S.C. 262p et seq.) is amended by adding at the end the following:

“SEC. 1629. SUPPORT FOR CAPACITY OF THE INTERNATIONAL MONETARY FUND TO PREVENT MONEY LAUNDERING AND FINANCING OF TERRORISM.

22 USC 262p–13.

“The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice and vote of the United States to support the increased use of the administrative budget of the Fund for technical assistance that strengthens the capacity of members of the Fund to prevent money laundering and the financing of terrorism.”.

(b) **TERMINATION.**—Effective on the date that is 5 years after the date of the enactment of this Act, section 1629 of the International Financial Institutions Act, as added by subsection (a), is repealed.

Repeal.
22 USC 262p–13
note.

(c) **NATIONAL ADVISORY COUNCIL REPORT TO CONGRESS.**—The Chairman of the National Advisory Council on International Monetary and Financial Policies shall include in each report required by section 1701 of the International Financial Institutions Act (22 U.S.C. 262r) after the date of the enactment of this Act and before December 31, 2023, a description of—

Time period.

(1) the activities of the International Monetary Fund in the fiscal year covered by the report to provide technical assistance that strengthens the capacity of members of the Fund to prevent money laundering and the financing of terrorism, and the effectiveness of the assistance; and

(2) the efficacy of efforts by the United States to support such technical assistance through the use of the Fund’s administrative budget, and the level of such support.

SEC. 7126. REPORT AND BRIEFINGS ON COMPLIANCE, PENALTIES, AND TECHNICAL ASSISTANCE.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the committees specified in subsection (d) a report that includes—

(1) a list of financial institutions that, during the period beginning on the date that is one year before the date of the enactment of this Act and ending on the date of the report,

List.
Time period.

knowingly facilitated a significant transaction or transactions or provided significant financial services for—

(A) any North Korean person designated under an applicable Executive order;

(B) any North Korean person that knowingly facilitates the transfer of bulk cash or covered goods (as defined under section 1027.100 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling));

(C) any person that knowingly invests in, or participates in a joint venture with, an entity in which the Government of North Korea participates or an entity that is created or organized under the laws of North Korea;

(D) any person that knowingly provides financial services, including through a subsidiary or joint venture, in North Korea;

(E) any person that knowingly provides specialized teaching, training, or information or provides material or technological support to a North Korean person that—

(i) may contribute to North Korea’s development and proliferation of weapons of mass destruction, including systems designed in whole or in part for the delivery of such weapons; or

(ii) may contribute to significant activities undermining cybersecurity; and

(2) a description of efforts by the Department of the Treasury during the period described in paragraph (1), through outreach, consultations, technical assistance, or other appropriate activities, to strengthen the capacity of financial institutions and foreign governments to prevent the provision of financial services benefitting any person subject to sanctions under—

(A) this Act or an amendment made by this Act;

(B) an applicable Executive order; or

(C) an applicable United Nations Security Council resolution.

Time periods.

(b) **ANNUAL BRIEFINGS.**—Not later than one year after the submission of the report required by subsection (a), and annually thereafter until the date that is 5 years after the date of the enactment of this Act, the Secretary of the Treasury shall brief the committees specified in subsection (d) on the matters covered by the report for the one-year period preceding the briefing.

(c) **TESTIMONY REQUIRED.**—Upon request of either of the committees specified in subsection (d), the Under Secretary of the Treasury for Terrorism and Financial Crimes shall testify to explain the effects of this Act and the amendments made by this Act on North Korea’s access to illicit finance channels.

(d) **COMMITTEES SPECIFIED.**—The committees specified in this subsection are—

(1) the Committee on Financial Services of the House of Representatives; and

(2) the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 7127. SENSE OF CONGRESS ON IDENTIFICATION AND BLOCKING OF PROPERTY OF NORTH KOREAN OFFICIALS.

It is the sense of Congress that the President should—

- (1) encourage international collaboration to counter the money laundering, terrorist financing, and proliferation financing threats emanating from North Korea; and
- (2) prioritize multilateral efforts to identify and block—
 - (A) any property owned or controlled by a North Korean official; and
 - (B) any significant proceeds of kleptocracy by the Government of North Korea or a North Korean official.

SEC. 7128. MODIFICATION OF REPORT ON IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS BY OTHER GOVERNMENTS.

Section 317 of the Korean Interdiction and Modernization of Sanctions Act (title III of Public Law 115–44; 131 Stat. 950) is amended—

- (1) in subsection (a)—
 - (A) in the matter preceding paragraph (1), by striking “Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 5 years,” and inserting “Not later than 180 days after the date of the enactment of the Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019, and annually thereafter for 5 years,”;
 - (B) in paragraph (3), by striking “; or” and inserting a semicolon;
 - (C) by redesignating paragraph (4) as paragraph (8); and
 - (D) by inserting after paragraph (3) the following:
 - “(4) prohibit, in the territories of such countries or by persons subject to the jurisdiction of such governments, the opening of new joint ventures or cooperative entities with North Korean persons or the expansion of existing joint ventures through additional investments, whether or not for or on behalf of the Government of North Korea, unless such joint ventures or cooperative entities have been approved by the committee of the United Nations Security Council established by United Nations Security Council Resolution 1718 (2006);
 - “(5) prohibit the unauthorized clearing of funds by North Korean financial institutions through financial institutions subject to the jurisdiction of such governments;
 - “(6) prohibit the unauthorized conduct of commercial trade with North Korea that is prohibited under applicable United Nations Security Council resolutions;
 - “(7) prevent the provision of significant financial services to North Korean persons or the transfer of such services to North Korean persons to, through, or from the territories of such countries or by persons subject to the jurisdiction of such governments; or”;
- (2) by amending subsection (c) to read as follows:

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

 - “(1) **APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.**—The term ‘appropriate congressional committees and leadership’ means—
 - “(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the majority and minority leaders of the Senate; and

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

“(2) APPLICABLE UNITED NATIONS SECURITY COUNCIL RESOLUTION; NORTH KOREAN FINANCIAL INSTITUTION; NORTH KOREAN PERSON.—The terms ‘applicable United Nations Security Council resolution’, ‘North Korean financial institution’, and ‘North Korean person’ have the meanings given those terms in section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202).”.

SEC. 7129. REPORT ON USE BY THE GOVERNMENT OF NORTH KOREA OF BENEFICIAL OWNERSHIP RULES TO ACCESS THE INTERNATIONAL FINANCIAL SYSTEM.

Consultation. (a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report setting forth the findings of the Secretary regarding how the Government of North Korea is exploiting the laws of countries other than the United States with respect to the beneficial owner of an entity in order to access the international financial system.

Proposals. (b) ELEMENTS.—The Secretary shall include in the report required under subsection (a) proposals for such legislative and administrative action as the Secretary considers appropriate to combat the abuse by the Government of North Korea of shell companies and other similar entities subject to the jurisdiction of governments other than the United States Government to avoid or evade sanctions.

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

PART II—CONGRESSIONAL REVIEW AND OVERSIGHT

President.
22 USC 9265.

SEC. 7131. NOTIFICATION OF TERMINATION OR SUSPENSION OF SANCTIONS.

Before taking any action to terminate or suspend the application of sanctions under this subtitle or an amendment made by this subtitle, the President shall notify the appropriate congressional committees of the President’s intent to take the action and the reasons for the action.

22 USC 9265a.

SEC. 7132. REPORTS ON CERTAIN LICENSING ACTIONS.

(a) REPORT REQUIRED.—

President.
Time period.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the committees specified in paragraph (2) a report on the operation of the system for issuing licenses for transactions under covered regulatory provisions during the preceding 180-day period that includes—

(A) the number and types of such licenses applied for during that period; and

(B) the number of such licenses issued during that period and information identifying the person receiving each such license.

(2) COMMITTEES SPECIFIED.—The committees specified in this paragraph are the following:

(A) The Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(B) The Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate.

(b) SUBMISSION OF COPIES OF LICENSES ON REQUEST.—The Secretary of the Treasury shall expeditiously provide a copy of any license identified in a report required by subsection (a)(1) to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate if an appropriate Member of Congress requests a copy of that license not later than 30 days after submission of the report. Deadline.

(c) FORM.—Each report required by subsection (a), and each copy of a license submitted under subsection (b), shall be submitted in unclassified form but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE MEMBER OF CONGRESS.—The term “appropriate Member of Congress” means—

(A) the chairman or ranking member of the Committee on Financial Services of the House of Representatives; or

(B) the chairman or ranking member of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) COVERED REGULATORY PROVISION.—The term “covered regulatory provision” means any of the following provisions, as in effect on the day before the date of the enactment of this Act and as such provisions relate to North Korea:

(A) Part 743, 744, or 746 of title 15, Code of Federal Regulations.

(B) Part 510 of title 31, Code of Federal Regulations.

(C) Any other provision of title 31, Code of Federal Regulations.

SEC. 7133. REPORT AND BRIEFINGS ON FINANCIAL NETWORKS AND FINANCIAL METHODS OF THE GOVERNMENT OF NORTH KOREA. President.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on sources of external support for the Government of North Korea that includes— Assessments.

(A) a description of the methods used by the Government of North Korea to deal in, transact in, or conceal the ownership, control, or origin of, goods and services exported by North Korea;

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

(C) an assessment of the relationship between the acquisition by the Government of North Korea of military expertise, equipment, and technology and the financial industry or financial institutions;

(D) a description of the export by any person to the United States of goods, services, or technology that are made with significant amounts of North Korean labor, material, or goods, including minerals, manufacturing, seafood, overseas labor, or other exports from North Korea;

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

(F) a description of how the President plans to address the flow of funds generated by activities described in subparagraphs (A) through (E), including through the use of sanctions or other means;

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

(H) information relating to the identification, blocking, and release of property described in section 201B(b)(1) of the North Korea Sanctions and Policy Enhancement Act of 2016, as added by section 7121;

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

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

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

Deadline.
Time periods.

(b) BRIEFINGS.—Not later than one year after the submission of the report required by subsection (a), and annually thereafter until the date that is 5 years after the date of the enactment of this Act, the President shall brief the appropriate congressional committees on the matters covered by the report for the one-year period preceding the briefing.

(c) INTERAGENCY COORDINATION.—The President shall ensure that any information collected pursuant to subsection (a) is shared among the Federal departments and agencies involved in investigations described in section 102(b) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9212(b)).

SEC. 7134. REPORT ON COUNTRIES OF CONCERN WITH RESPECT TO TRANSSHIPMENT, REEXPORTATION, OR DIVERSION OF CERTAIN ITEMS TO NORTH KOREA.

President.
Determination.

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

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

PART III—GENERAL MATTERS

SEC. 7141. RULEMAKING.

President.
22 USC 9269.

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

SEC. 7142. AUTHORITY TO CONSOLIDATE REPORTS.

22 USC 9269a.

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

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

SEC. 7143. WAIVERS, EXEMPTIONS, AND TERMINATION.

22 USC 9269b.

(a) APPLICATION AND MODIFICATION OF EXEMPTIONS FROM AND WAIVERS OF NORTH KOREA SANCTIONS AND POLICY ENHANCEMENT ACT OF 2016.—Section 208 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9228) is amended by inserting “201B, 201C,” after “201A,” each place it appears.

(b) SUSPENSION.—

(1) IN GENERAL.—Subject to section 7131, the President may suspend the application of any provision of or amendment made by this subtitle (other than section 7147 of this title or section 201B(e) of the North Korea Sanctions and Policy Enhancement Act of 2016, as added by section 7121 of this title) with respect to an entity, individual, or transaction, for renewable periods of not more than 180 days each if, before such a suspension or renewal of such a suspension takes effect, the President submits to the appropriate congressional committees—

President.
Time period.

(A) a certification that—

Certification.

(i) the Government of North Korea has—

(I) committed to the verifiable suspension of North Korea’s proliferation and testing of weapons of mass destruction, including systems designed in whole or in part for the delivery of such weapons; and

(II) has agreed to multilateral talks including the Government of the United States, with the goal of permanently and verifiably limiting North Korea’s weapons of mass destruction and ballistic missile programs; or

(ii) the suspension is vital to the national security interests of the United States; and

(B) if the President submits a certification under subparagraph (A)(ii), an explanation of the reasons the suspension is vital to the national security interests of the United States.

(2) CONFORMING AMENDMENT.—Section 401(a) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9251(a)) is amended by inserting “(other than section 104(g), 201B, or 201C)” after “such titles”.

(c) TERMINATION.—Subject to section 7131, any requirement to impose sanctions under this subtitle or the amendments made by this subtitle, and any sanctions imposed pursuant to this subtitle or any such amendment, shall terminate on the date on which the President makes the certification described in section 402 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9252).

22 USC 9269c.

SEC. 7144. PROCEDURES FOR REVIEW OF CLASSIFIED AND CERTAIN OTHER INFORMATION.

(a) IN GENERAL.—If a finding under this subtitle or an amendment made by this subtitle, a prohibition, condition, or penalty imposed as a result of any such finding, or a penalty imposed under this subtitle or an amendment made by this subtitle, is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)), law enforcement information, or any other information protected from disclosure by statute, and a court reviews the finding or the imposition of the prohibition, condition, or penalty, the Secretary of the Treasury may submit such information to the court ex parte and in camera.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to confer or imply any right to judicial review of any finding under this subtitle or an amendment made by this subtitle, any prohibition, condition, or penalty imposed as a result of any such finding, or any penalty imposed under this subtitle or an amendment made by this subtitle.

SEC. 7145. BRIEFING ON RESOURCING OF SANCTIONS PROGRAMS.

Deadline.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury shall provide to the appropriate congressional committees a briefing on—

Recommendations.

(1) the resources allocated by the Department of the Treasury to support each sanctions program administered by the Department; and

(2) recommendations for additional authorities or resources necessary to expand the capacity or capability of the Department related to implementation and enforcement of such programs.

SEC. 7146. BRIEFING ON PROLIFERATION FINANCING.

Deadline.
Consultation.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the appropriate congressional committees a briefing on addressing proliferation finance.

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

Assessment.

(1) The Department of the Treasury’s description of the principles underlying appropriate methods for combating the financing of the proliferation of weapons of mass destruction.

(2) An assessment of—

(A) Federal financial regulatory agency oversight, including by the Financial Crimes Enforcement Network,

of United States financial institutions and the adoption by their foreign subsidiaries, branches, and correspondent institutions of the principles described under paragraph (1); and

(B) whether financial institutions in foreign jurisdictions known by the United States intelligence and law enforcement communities to be jurisdictions through which North Korea moves substantial sums of licit and illicit finance are applying a risk-based approach to proliferation financing, and if that approach is comparable to the approach required by United States financial institution supervisors.

(3) A survey of the technical assistance the Office of Technical Assistance of the Department of the Treasury and other appropriate Executive branch offices currently provide foreign governments on implementing counter-proliferation financing best practices.

Survey.

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

Assessment.

SEC. 7147. EXCEPTION RELATING TO IMPORTATION OF GOODS.

22 USC 9269d.

(a) **IN GENERAL.**—The authorities and requirements to impose sanctions authorized under this subtitle or any amendment made by this subtitle shall not include the authority or requirement to impose sanctions on the importation of goods.

(b) **GOOD DEFINED.**—In this section, the term “good” means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

Subtitle B—Financial Industry Guidance to Halt Trafficking

Financial Industry Guidance to Halt Trafficking Act.

SEC. 7151. SHORT TITLE.

22 USC 7101 note.

This subtitle may be cited as the “Financial Industry Guidance to Halt Trafficking Act” or the “FIGHT Act”.

SEC. 7152. SENSE OF CONGRESS.

It is the sense of Congress that—

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

(2) the Financial Crimes Enforcement Network of the Department of the Treasury should continue—

(A) to monitor reporting required under subchapter II of chapter 53 of title 31, United States Code (commonly known as the “Bank Secrecy Act”) and to update advisories, as warranted;

(B) to periodically review its advisories to provide covered financial institutions, as appropriate, with a list of new “red flags” for identifying activities of concern, particularly human trafficking;

(C) to encourage entities covered by the advisories described in subparagraph (B) to incorporate relevant elements provided in the advisories into their current transaction and account monitoring systems or in policies, procedures, and training on human trafficking to enable financial institutions to maintain ongoing efforts to examine transactions and accounts;

(D) to use geographic targeting orders, as appropriate, to impose additional reporting and recordkeeping requirements under section 5326(a) of title 31, United States Code, to carry out the purposes of, and prevent evasions of, the Bank Secrecy Act; and

(E) to utilize the Bank Secrecy Act Advisory Group and other relevant entities to identify opportunities for nongovernmental organizations to share relevant actionable information on human traffickers' use of the financial sector for nefarious purposes;

(3) Federal banking regulators, the Department of the Treasury, relevant law enforcement agencies, and the Human Smuggling and Trafficking Center, in partnership with representatives from the United States financial community, should adopt regular forms of sharing information to disrupt human trafficking, including developing protocols and procedures to share actionable information between and among covered institutions, law enforcement, and the United States intelligence community;

(4) training frontline bank and money service business employees, school teachers, law enforcement officers, foreign service officers, counselors, and the general public is an important factor in identifying trafficking victims;

(5) the Department of Homeland Security's Blue Campaign, training by the BEST Employers Alliance, and similar efforts by industry, human rights, and nongovernmental organizations focused on human trafficking provide good examples of current efforts to educate employees of critical sectors with respect to how to save victims and disrupt trafficking networks;

(6) the President should intensify diplomatic efforts, bilaterally and in appropriate international fora such as the United Nations, to develop and implement a coordinated, consistent, multilateral strategy for addressing the international financial networks supporting human trafficking; and

(7) in deliberations between the United States Government and any foreign country, including through participation in the Egmont Group of Financial Intelligence Units, regarding money laundering, corruption, and transnational crimes, the United States Government should—

(A) encourage cooperation by foreign governments and relevant international fora in identifying the extent to which the proceeds from human trafficking are being used to facilitate terrorist financing, corruption, or other illicit financial crimes;

(B) encourage cooperation by foreign governments and relevant international fora in identifying the nexus between human trafficking and money laundering;

(C) advance policies that promote the cooperation of foreign governments, through information sharing,

training, or other measures, in the enforcement of this subtitle;

(D) encourage other countries to assess their human trafficking and money laundering risks in light of updated guidance provided by the Financial Action Task Force in 2018; and

(E) encourage the Egmont Group of Financial Intelligence Units to study the extent to which human trafficking operations are being used for money laundering, terrorist financing, or other illicit financial purposes.

SEC. 7153. COORDINATION OF HUMAN TRAFFICKING ISSUES BY THE OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE.

(a) **FUNCTIONS.**—Section 312(a)(4) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (F), (G), and (H), respectively; and

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

“(E) combating illicit financing relating to human trafficking;”.

(b) **INTERAGENCY COORDINATION.**—Section 312(a) of such title is amended by adding at the end the following:

“(8) **INTERAGENCY COORDINATION.**—The Secretary of the Treasury, after consultation with the Undersecretary for Terrorism and Financial Crimes, shall designate an office within the OTFI that shall coordinate efforts to combat the illicit financing of human trafficking with—

Consultation.
Designation.

“(A) other offices of the Department of the Treasury;

“(B) other Federal agencies, including—

“(i) the Office to Monitor and Combat Trafficking in Persons of the Department of State; and

“(ii) the Interagency Task Force to Monitor and Combat Trafficking;

“(C) State and local law enforcement agencies; and

“(D) foreign governments.”.

SEC. 7154. STRENGTHENING THE ROLE OF ANTI-MONEY LAUNDERING AND OTHER FINANCIAL TOOLS IN COMBATING HUMAN TRAFFICKING.

(a) **INTERAGENCY TASK FORCE RECOMMENDATIONS TARGETING MONEY LAUNDERING RELATED TO HUMAN TRAFFICKING.**—

(1) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Interagency Task Force to Monitor and Combat Trafficking, with the concurrence of the Secretary of State and the Secretary of the Treasury, shall submit to the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives, and each appropriate Federal banking agency—

Deadline.

(A) an analysis of anti-money laundering efforts of the United States Government, United States financial institutions, and international financial institutions (as defined in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 262r(c))) related to human trafficking; and

Analysis.

(B) appropriate legislative, administrative, and other recommendations to strengthen efforts against money laundering related to human trafficking.

(2) REQUIRED RECOMMENDATIONS.—The recommendations under paragraph (1) shall include—

(A) best practices based on successful anti-human trafficking programs currently in place at domestic and international financial institutions that are suitable for broader adoption;

(B) feedback from stakeholders, including victims of severe forms of trafficking in persons, advocates of persons at risk of becoming victims of severe forms of trafficking in persons, the United States Advisory Council on Human Trafficking, civil society organizations, and financial institutions on policy proposals derived from the analysis conducted by the task force referred to in paragraph (1) that would enhance the efforts and programs of financial institutions to detect and deter money laundering related to human trafficking, including any recommended changes to internal policies, procedures, and controls related to human trafficking;

(C) any recommended changes to training programs at financial institutions to better equip employees to deter and detect money laundering related to human trafficking; and

(D) any recommended changes to expand human trafficking-related information sharing among financial institutions and between such financial institutions, appropriate law enforcement agencies, and appropriate Federal agencies.

(b) ADDITIONAL REPORTING REQUIREMENT.—Section 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by inserting “the Committee on Financial Services,” after “the Committee on Foreign Affairs”; and

(B) by inserting “the Committee on Banking, Housing, and Urban Affairs,” after “the Committee on Foreign Relations”;

(2) in subparagraph (Q)(vii), by striking “; and” and inserting a semicolon;

(3) in subparagraph (R), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(S) the efforts of the United States to eliminate money laundering related to human trafficking and the number of investigations, arrests, indictments, and convictions in money laundering cases with a nexus to human trafficking.”.

(c) REQUIRED REVIEW OF PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Federal Financial Institutions Examination Council, in consultation with the Secretary of the Treasury, victims of severe forms of trafficking in persons, advocates of persons at risk of becoming victims of severe forms of trafficking in persons, the United States Advisory Council on Trafficking, civil society organizations, the private sector, and appropriate law enforcement agencies, shall—

Deadline.
Consultation.
12 USC 3305
note.

(1) review and enhance training and examination procedures to improve the surveillance capabilities of anti-money laundering programs and programs countering the financing of terrorism to detect human trafficking-related financial transactions;

(2) review and enhance procedures for referring potential human trafficking cases to the appropriate law enforcement agency; and

(3) determine, as appropriate, whether requirements for financial institutions and covered financial institutions are sufficient to detect and deter money laundering related to human trafficking.

Determination.

(d) LIMITATIONS.—Nothing in this section shall be construed to—

12 USC 3305 note.

(1) grant rulemaking authority to the Interagency Task Force to Monitor and Combat Trafficking; or

(2) authorize financial institutions to deny services to or violate the privacy of victims of trafficking, victims of severe forms of trafficking, or individuals not responsible for promoting severe forms of trafficking in persons.

SEC. 7155. SENSE OF CONGRESS ON RESOURCES TO COMBAT HUMAN TRAFFICKING.

It is the sense of Congress that—

(1) adequate funding should be provided for critical Federal efforts to combat human trafficking;

(2) the Department of the Treasury should have the appropriate resources to vigorously investigate human trafficking networks under section 111 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7108) and other relevant statutes and Executive orders;

(3) the Department of the Treasury and the Department of Justice should each have the capacity and appropriate resources to support technical assistance to develop foreign partners' ability to combat human trafficking through strong national anti-money laundering programs and programs countering the financing of terrorism;

(4) each United States Attorney's Office should be provided appropriate funding to increase the number of personnel for community education and outreach and investigative support and forensic analysis related to human trafficking; and

(5) the Department of State should be provided additional resources, as necessary, to carry out the Survivors of Human Trafficking Empowerment Act (section 115 of Public Law 114–22; 129 Stat. 243).

TITLE LXXII—SANCTIONS WITH RESPECT TO FOREIGN TRAFFICKERS OF ILLICIT SYNTHETIC OPIOIDS

Fentanyl Sanctions Act.

Sec. 7201. Short title.

Sec. 7202. Sense of Congress.

Sec. 7203. Definitions.

Subtitle A—Sanctions With Respect to Foreign Opioid Traffickers

Sec. 7211. Identification of foreign opioid traffickers.

Sec. 7212. Imposition of sanctions.

- Sec. 7213. Description of sanctions.
- Sec. 7214. Waivers.
- Sec. 7215. Procedures for judicial review of classified information.
- Sec. 7216. Briefings on implementation.
- Sec. 7217. Inclusion of additional material in International Narcotics Control Strategy Report.

Subtitle B—Commission on Combating Synthetic Opioid Trafficking

- Sec. 7221. Commission on combating synthetic opioid trafficking.

Subtitle C—Other Matters

- Sec. 7231. Director of National Intelligence program on use of intelligence resources in efforts to sanction foreign opioid traffickers.
- Sec. 7232. Authorization of appropriations.
- Sec. 7233. Regulatory authority.
- Sec. 7234. Termination.
- Sec. 7235. Exception relating to importation of goods.

21 USC 2301
note.

SEC. 7201. SHORT TITLE.

This title may be cited as the “Fentanyl Sanctions Act”.

21 USC 2301.

SEC. 7202. SENSE OF CONGRESS.

It is the sense of Congress that—

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

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

(3) the effective enforcement of the new regulations should result in diminished trafficking of illicit fentanyl originating from the People’s Republic of China into the United States.

21 USC 2302.

SEC. 7203. DEFINITIONS.

In this title:

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

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

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

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

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

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

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

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

(A) means—

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

or

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

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

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

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

(A) to produce, manufacture, distribute, sell, or knowingly finance or transport—

(i) synthetic opioids, including controlled substances that are synthetic opioids and listed chemicals that are synthetic opioids; or

(ii) active pharmaceutical ingredients or chemicals that are used in the production of controlled substances that are synthetic opioids;

(B) to attempt to carry out an activity described in subparagraph (A); or

(C) to assist, abet, conspire, or collude with other persons to carry out such an activity.

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

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

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

(B) any alien lawfully admitted for permanent residence in the United States;

(C) any entity organized under the laws of the United States or any jurisdiction within the United States (including a foreign branch of such an entity); or

(D) any person located in the United States.

Subtitle A—Sanctions With Respect to Foreign Opioid Traffickers

SEC. 7211. IDENTIFICATION OF FOREIGN OPIOID TRAFFICKERS.

(a) PUBLIC REPORT.—

President.
21 USC 2311.
Determination.

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

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

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

(C) providing an update on cooperative efforts with the governments of Mexico, the People's Republic of China, and other countries of concern with respect to combating foreign opioid traffickers.

(2) IDENTIFICATION OF ADDITIONAL PERSONS.—If, at any time after submitting a report required by paragraph (1) and before the submission of the next such report, the President determines that a foreign person not identified in the report is a foreign opioid trafficker, the President shall submit to the appropriate congressional committees and leadership an additional report containing the information required by paragraph (1) with respect to the foreign person.

(3) EXCLUSION.—The President shall not be required to include in a report under paragraph (1) or (2) any persons with respect to which the United States has imposed sanctions before the date of the report under this subtitle or any other provision of law with respect to opioid trafficking.

(4) FORM OF REPORT.—

(A) IN GENERAL.—Each report required by paragraph (1) or (2) shall be submitted in unclassified form but may include a classified annex.

(B) AVAILABILITY TO PUBLIC.—The unclassified portion of a report required by paragraph (1) or (2) shall be made available to the public.

(b) CLASSIFIED REPORT.—

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

(A) describing in detail the status of sanctions imposed under this subtitle, including the personnel and resources directed toward the imposition of such sanctions during the preceding fiscal year;

(B) providing background information with respect to persons newly identified as foreign opioid traffickers and their illicit activities;

(C) describing actions the President intends to undertake or has undertaken to implement this subtitle; and

(D) providing a strategy for identifying additional foreign opioid traffickers.

(2) EFFECT ON OTHER REPORTING REQUIREMENTS.—The report required by paragraph (1) is in addition to, and in no way delimits or restricts, the obligations of the President to keep Congress fully and currently informed pursuant to the provisions of the National Security Act of 1947 (50 U.S.C. 3001 et seq.).

(c) SUBMISSION OF REPORTS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter until the date that is 5 years after such date of enactment, the President shall submit the reports required by subsections (a) and (b) to the appropriate congressional committees and leadership.

(d) EXCLUSION OF CERTAIN INFORMATION.—

Determinations.

(1) INTELLIGENCE.—Notwithstanding any other provision of this section, a report required by subsection (a) or (b) shall not disclose the identity of any person if the Director of National Intelligence determines that such disclosure could compromise an intelligence operation, activity, source, or method of the United States.

(2) LAW ENFORCEMENT.—Notwithstanding any other provision of this section, a report required by subsection (a) or (b) shall not disclose the identity of any person if the Attorney General, in coordination, as appropriate, with the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of the Treasury, the Secretary of State, and the head of any other appropriate Federal law enforcement agency, determines that such disclosure could reasonably be expected—

(A) to compromise the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis;

(B) to jeopardize the integrity or success of an ongoing criminal investigation or prosecution;

(C) to endanger the life or physical safety of any person;

or

(D) to cause substantial harm to physical property.

(3) NOTIFICATION REQUIRED.—If the Director of National Intelligence makes a determination under paragraph (1) or the Attorney General makes a determination under paragraph (2), the Director or the Attorney General, as the case may be, shall notify the appropriate congressional committees and leadership of the determination and the reasons for the determination.

(4) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize or compel the disclosure of information determined by the President to be law enforcement information, classified information, national security information, or other information the disclosure of which is prohibited by any other provision of law.

(e) PROVISION OF INFORMATION REQUIRED FOR REPORTS.—The Secretary of the Treasury, the Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence shall consult among themselves and provide to the President and the Director of the Office of National Drug Control Policy the appropriate and necessary information to enable the President to submit the reports required by subsection (a).

Consultation.

SEC. 7212. IMPOSITION OF SANCTIONS.

President.
21 USC 2312.

The President shall impose five or more of the sanctions described in section 7213 with respect to each foreign person that is an entity, and four or more of such sanctions with respect to each foreign person that is an individual, that—

(1) is identified as a foreign opioid trafficker in a report submitted under section 7211(a); or

(2) the President determines is owned, controlled, directed by, knowingly supplying or sourcing precursors for, or knowingly acting for or on behalf of, such a foreign opioid trafficker.

Determination.

President.
21 USC 2313.

SEC. 7213. DESCRIPTION OF SANCTIONS.

(a) **IN GENERAL.**—The sanctions that may be imposed with respect to a foreign person under section 7212 are the following:

(1) **LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.**—The United States Government may prohibit any United States financial institution from making loans or providing credits to the foreign person.

(2) **PROHIBITIONS ON FINANCIAL INSTITUTIONS.**—The following prohibitions may be imposed with respect to a foreign person that is a financial institution:

(A) **PROHIBITION ON DESIGNATION AS PRIMARY DEALER.**—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, the financial institution as a primary dealer in United States Government debt instruments.

(B) **PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.**—The financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

The imposition of either sanction under subparagraph (A) or (B) shall be treated as one sanction for purposes of section 7212, and the imposition of both such sanctions shall be treated as 2 sanctions for purposes of that section.

(3) **PROCUREMENT BAN.**—The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from the foreign person.

(4) **FOREIGN EXCHANGE.**—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the foreign person has any interest.

(5) **BANKING TRANSACTIONS.**—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the foreign person.

(6) **PROPERTY TRANSACTIONS.**—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, or transporting any property that is subject to the jurisdiction of the United States and with respect to which the foreign person has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(7) **BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.**—The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of the foreign person.

(8) **EXCLUSION OF CORPORATE OFFICERS.**—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United

Determination.

States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, the foreign person.

(9) **SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.**—The President may impose on the principal executive officer or officers of the foreign person, or on individuals performing similar functions and with similar authorities as such officer or officers, any of the sanctions described in paragraphs (1) through (8) that are applicable.

(b) **PENALTIES.**—A person that violates, attempts to violate, conspires to violate, or causes a violation of any regulation, license, or order issued to carry out subsection (a) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(c) **EXCEPTIONS.**—

(1) **INTELLIGENCE AND LAW ENFORCEMENT ACTIVITIES.**—Sanctions under this section shall not apply with respect to—

(A) any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.); or

(B) any authorized intelligence or law enforcement activities of the United States.

(2) **EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.**—Sanctions under subsection (a)(8) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations.

(d) **IMPLEMENTATION.**—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

SEC. 7214. WAIVERS.

(a) **WAIVER FOR STATE-OWNED ENTITIES IN COUNTRIES THAT COOPERATE IN MULTILATERAL ANTI-TRAFFICKING EFFORTS.**—

(1) **IN GENERAL.**—The President may waive for a period of not more than 12 months the application of sanctions under this subtitle with respect to an entity that is owned or controlled, directly or indirectly, by a foreign government or any political subdivision, agency, or instrumentality of a foreign government, if, not less than 15 days before the waiver is to take effect, the President certifies to the appropriate congressional committees and leadership that the foreign government is closely cooperating with the United States in efforts to prevent opioid trafficking.

(2) **CERTIFICATION.**—The President may certify under paragraph (1) that a foreign government is closely cooperating with the United States in efforts to prevent opioid trafficking if that government is—

President.
21 USC 2314.

Time period.
Deadline.
Certification.

	<p>(A) implementing domestic laws to schedule all fentanyl analogues as controlled substances; and</p> <p>(B) doing two or more of the following:</p> <p>(i) Implementing substantial improvements in regulations involving the chemical and pharmaceutical production and export of illicit opioids.</p> <p>(ii) Implementing substantial improvements in judicial regulations to combat transnational criminal organizations that traffic opioids.</p> <p>(iii) Increasing efforts to prosecute foreign opioid traffickers.</p> <p>(iv) Increasing intelligence sharing and law enforcement cooperation with the United States with respect to opioid trafficking.</p>
Time period. Deadline.	<p>(3) SUBSEQUENT RENEWAL OF WAIVER.—The President may renew a waiver under paragraph (1) for subsequent periods of not more than 12 months each if, not less than 15 days before the renewal is to take effect, the Secretary of State certifies to the appropriate congressional committees and leadership that the government of the country to which the waiver applies has effectively implemented and is effectively enforcing the measures that formed the basis for the certification under paragraph (2).</p> <p>(b) WAIVERS FOR NATIONAL SECURITY AND ACCESS TO PRESCRIPTION MEDICATIONS.—</p>
Determination.	<p>(1) IN GENERAL.—The President may waive the application of sanctions under this subtitle if the President determines that the application of such sanctions would harm—</p> <p>(A) the national security interests of the United States;</p> <p>or</p> <p>(B) subject to paragraph (2), the access of United States persons to prescription medications.</p>
Verification.	<p>(2) MONITORING.—The President shall establish a monitoring program to verify that a person that receives a waiver under paragraph (1)(B) is not trafficking illicit opioids.</p>
Deadline.	<p>(3) NOTIFICATION.—Not later than 15 days after making a determination under paragraph (1), the President shall notify the appropriate congressional committees and leadership of the determination and the reasons for the determination.</p>
Time period. Certification.	<p>(c) HUMANITARIAN WAIVER.—The President may waive, for renewable periods of 180 days, the application of the sanctions under this subtitle if the President certifies to the appropriate congressional committees and leadership that the waiver is necessary for the provision of humanitarian assistance.</p>
21 USC 2315.	<p>SEC. 7215. PROCEDURES FOR JUDICIAL REVIEW OF CLASSIFIED INFORMATION.</p>
President.	<p>(a) IN GENERAL.—If a finding under this subtitle, or a prohibition, condition, or penalty imposed as a result of any such finding, is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition, condition, or penalty, the President may submit such information to the court ex parte and in camera.</p> <p>(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—</p>

(1) to confer or imply any right to judicial review of any finding under this subtitle, or any prohibition, condition, or penalty imposed as a result of any such finding; or

(2) to limit or restrict any other practice, procedure, right, remedy, or safeguard that—

(A) relates to the protection of classified information; and

(B) is available to the United States in connection with any type of administrative hearing, litigation, or other proceeding.

SEC. 7216. BRIEFINGS ON IMPLEMENTATION.

Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until the date that is 5 years after such date of enactment, the President, acting through the Secretary of State and the Director of National Intelligence, in coordination with the Secretary of the Treasury, shall provide to the appropriate congressional committees and leadership a comprehensive briefing on efforts to implement this subtitle.

Deadlines.
President.
Coordination.
21 USC 2316.

SEC. 7217. INCLUSION OF ADDITIONAL MATERIAL IN INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, in order to apply economic and other financial sanctions to foreign traffickers of illicit opioids to protect the national security, foreign policy, and economy of the United States—

(1) the President should instruct the Secretary of State to intensify diplomatic efforts, both in appropriate international fora such as the United Nations, the Group of Seven, the Group of Twenty, and trilaterally and bilaterally with partners of the United States, to combat foreign opioid trafficking, including by working to establish a multilateral sanctions regime with respect to foreign opioid trafficking; and

(2) the Secretary of State, in consultation with the Secretary of the Treasury, should intensify efforts to maintain and strengthen the coalition of countries formed to combat foreign opioid trafficking.

(b) AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961.—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(a)) is amended by adding at the end the following:

“(9)(A) An assessment conducted by the Secretary of State, in consultation with the Secretary of the Treasury and the Director of National Intelligence, of the extent to which any diplomatic efforts described in section 7217(a) of the Fentanyl Sanctions Act have been successful.

“(B) Each assessment required by subparagraph (A) shall include an identification of—

“(i) the countries the governments of which have agreed to undertake measures to apply economic or other financial sanctions to foreign traffickers of illicit opioids and a description of those measures; and

“(ii) the countries the governments of which have not agreed to measures described in clause (i), and, with respect to those countries, other measures the Secretary of State recommends that the United States take to apply economic and other financial sanctions to foreign traffickers of illicit opioids.”.

Assessments.
Consultation.

Subtitle B—Commission on Combating Synthetic Opioid Trafficking

SEC. 7221. COMMISSION ON COMBATING SYNTHETIC OPIOID TRAFFICKING.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission to develop a consensus on a strategic approach to combating the flow of synthetic opioids into the United States.

(2) DESIGNATION.—The commission established under paragraph (1) shall be known as the “Commission on Combating Synthetic Opioid Trafficking” (in this section referred to as the “Commission”).

(b) MEMBERSHIP.—

(1) COMPOSITION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Commission shall be composed of the following members:

(i) The Director of the Office of National Drug Control Policy.

(ii) The Administrator of the Drug Enforcement Administration.

(iii) The Secretary of Homeland Security.

(iv) The Secretary of Defense.

(v) The Secretary of the Treasury.

(vi) The Secretary of State.

(vii) The Director of National Intelligence.

(viii) Two members appointed by the majority leader of the Senate, one of whom shall be a Member of the Senate and one of whom shall not be.

(ix) Two members appointed by the minority leader of the Senate, one of whom shall be a Member of the Senate and one of whom shall not be.

(x) Two members appointed by the Speaker of the House of Representatives, one of whom shall be a Member of the House of Representatives and one of whom shall not be.

(xi) Two members appointed by the minority leader of the House of Representatives, one of whom shall be a Member of the House of Representatives and one of whom shall not be.

(B)(i) The members of the Commission who are not Members of Congress and who are appointed under clauses (viii) through (xi) of subparagraph (A) shall be individuals who are nationally recognized for expertise, knowledge, or experience in—

(I) transnational criminal organizations conducting synthetic opioid trafficking;

(II) the production, manufacturing, distribution, sale, or transportation of synthetic opioids; or

(III) relations between—

(aa) the United States; and

(bb) the People’s Republic of China, Mexico, or any other country of concern with respect to trafficking in synthetic opioids.

(ii) An official who appoints members of the Commission may not appoint an individual as a member of the

Commission if the individual possesses any personal or financial interest in the discharge of any of the duties of the Commission.

(iii)(I) All members of the Commission described in clause (i) shall possess an appropriate security clearance in accordance with applicable provisions of law concerning the handling of classified information.

(II) For the purpose of facilitating the activities of the Commission, the Director of National Intelligence shall expedite to the fullest degree possible the processing of security clearances that are necessary for members of the Commission.

(2) CO-CHAIRS.—

(A) IN GENERAL.—The Commission shall have 2 co-chairs, selected from among the members of the Commission, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party.

(B) SELECTION.—The individuals who serve as the co-chairs of the Commission shall be jointly agreed upon by the President, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives.

President.

(c) DUTIES.—The duties of the Commission are as follows:

(1) To define the core objectives and priorities of the strategic approach described in subsection (a)(1).

(2) To weigh the costs and benefits of various strategic options to combat the flow of synthetic opioids from the People's Republic of China, Mexico, and other countries of concern with respect to trafficking in synthetic opioids.

(3) To evaluate whether the options described in paragraph (2) are exclusive or complementary, the best means for executing such options, and how the United States should incorporate and implement such options within the strategic approach described in subsection (a)(1).

Evaluation.

(4) To review and make determinations on the difficult choices present within such options, among them what norms-based regimes the United States should seek to establish to encourage the effective regulation of dangerous synthetic opioids.

Review.
Determination.

(5) To report on efforts by actors in the People's Republic of China to subvert United States laws and to supply illicit synthetic opioids to persons in the United States, including up-to-date estimates of the scale of illicit synthetic opioids flows from the People's Republic of China.

Reports.

(6) To report on the deficiencies in the regulation of pharmaceutical and chemical production of controlled substances and export controls with respect to such substances in the People's Republic of China and other countries that allow opioid traffickers to subvert such regulations and controls to traffic illicit opioids into the United States.

Reports.

(7) To report on the scale of contaminated or counterfeit drugs originating from Mexico, the People's Republic of China, India, and other countries of concern with respect to the exportation of contaminated or counterfeit drugs.

Reports.

Reports.

(8) To report on how the United States could work more effectively with subnational and local officials in the People’s Republic of China and other countries to combat the illicit production of synthetic opioids.

(9) In weighing the options for defending the United States against the dangers of trafficking in synthetic opioids, to consider possible structures and authorities that need to be established, revised, or augmented within the Federal Government.

Applicability.

(d) FUNCTIONING OF COMMISSION.—The provisions of subsections (c), (d), (e), (g), (h), (i), and (m) of section 1652 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) shall apply to the Commission to the same extent and in the same manner as such provisions apply to the commission established under that section, except that—

(1) subsection (c)(1) of that section shall be applied and administered by substituting “30 days” for “45 days”;

(2) subsection (g)(4)(A) of that section shall be applied and administered by inserting “and the Attorney General” after “Secretary of Defense”; and

(3) subsections (h)(2)(A) and (i)(1)(A) of that section shall be applied and administered by substituting “level V of the Executive Schedule under section 5316” for “level IV of the Executive Schedule under section 5315”.

(e) TREATMENT OF INFORMATION PROVIDED TO COMMISSION.—

(1) INFORMATION RELATING TO NATIONAL SECURITY.—

(A) RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence shall assume responsibility for the handling and disposition of any information related to the national security of the United States that is received, considered, or used by the Commission under this section.

(B) ACCESS AFTER TERMINATION OF COMMISSION.—Notwithstanding any other provision of law, after the termination of the Commission under subsection (h), only the members and designated staff of the appropriate congressional committees and leadership, the Director of National Intelligence (and the designees of the Director), and such other officials of the executive branch as the President may designate shall have access to information related to the national security of the United States that is received, considered, or used by the Commission.

(2) INFORMATION PROVIDED BY CONGRESS.—The Commission may obtain information from any Member, committee, or office of Congress, including information related to the national security of the United States, only with the consent of the Member, committee, or office involved and only in accordance with any applicable rules and procedures of the House of Representatives or Senate (as the case may be) governing the provision of such information by Members, committees, and offices of Congress to entities in the executive branch.

Recommendations.

(f) REPORTS.—The Commission shall submit to the appropriate congressional committees and leadership—

(1) not later than 270 days after the date of the enactment of this Act, an initial report on the activities and recommendations of the Commission under this section; and

(2) not later than 270 days after the submission of the initial report under paragraph (1), a final report on the activities and recommendations of the Commission under this section.

(g) **TERMINATION.**—

Time period.

(1) **IN GENERAL.**—The Commission, and all the authorities of this section, shall terminate at the end of the 120-day period beginning on the date on which the final report required by subsection (f)(2) is submitted to the appropriate congressional committees and leadership.

(2) **WINDING UP OF AFFAIRS.**—The Commission may use the 120-day period described in paragraph (1) for the purposes of concluding its activities, including providing testimony to Congress concerning the final report required by subsection (f)(2) and disseminating the report.

Subtitle C—Other Matters

SEC. 7231. DIRECTOR OF NATIONAL INTELLIGENCE PROGRAM ON USE OF INTELLIGENCE RESOURCES IN EFFORTS TO SANCTION FOREIGN OPIOID TRAFFICKERS.

Consultation.
21 USC 2331.

(a) **PROGRAM REQUIRED.**—

(1) **IN GENERAL.**—The Director of National Intelligence shall, in consultation with the Director of the Office of National Drug Control Policy, carry out a program to allocate and enhance use of resources of the intelligence community, including intelligence collection and analysis, to assist the Secretary of the Treasury, the Secretary of State, and the Administrator of the Drug Enforcement Administration in efforts to identify and impose sanctions with respect to foreign opioid traffickers under subtitle A.

Analyses.

(2) **FOCUS ON ILLICIT FINANCE.**—To the extent practicable, efforts described in paragraph (1) shall—

(A) take into account specific illicit finance risks related to narcotics trafficking; and

(B) be developed in consultation with the Undersecretary of the Treasury for Terrorism and Financial Crimes, appropriate officials of the Office of Intelligence and Analysis of the Department of the Treasury, the Director of the Financial Crimes Enforcement Network, and appropriate Federal law enforcement agencies.

(b) **REVIEW OF COUNTERNARCOTICS EFFORTS OF THE INTELLIGENCE COMMUNITY.**—The Director of National Intelligence shall, in coordination with the Director of the Office of National Drug Control Policy, carry out a comprehensive review of the current intelligence collection priorities of the intelligence community for counternarcotics purposes in order to identify whether such priorities are appropriate and sufficient in light of the number of lives lost in the United States each year due to use of illegal drugs.

(c) **REPORTS.**—

(1) **QUARTERLY REPORTS ON PROGRAM.**—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Director of National Intelligence and the Director of the Office of National Drug Control Policy shall jointly submit to the appropriate congressional committees and leadership a report on the status and accomplishments of the program required by subsection (a) during the 90-day

period ending on the date of the report. The first report under this paragraph shall also include a description of the amount of funds devoted by the intelligence community to the efforts described in subsection (a) during each of fiscal years 2017 and 2018.

(2) REPORT ON REVIEW.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Director of the Office of National Drug Control Policy and other relevant agencies, shall submit to the appropriate congressional committees and leadership—

(A) a comprehensive description of the results of the review required by subsection (b); and

(B) an assessment of whether—

(i) the priorities described in that subsection are appropriate and sufficient in light of the number of lives lost in the United States each year due to use of illegal drugs; and

(ii) any changes to such priorities are necessary.

(d) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

22 USC 2332.

SEC. 7232. AUTHORIZATION OF APPROPRIATIONS.

(a) DEPARTMENT OF THE TREASURY.—There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary for fiscal year 2020 to carry out operations and activities of the Department of the Treasury solely for purposes of carrying out this title.

(b) COMMISSION ON COMBATING SYNTHETIC OPIOID TRAFFICKING.—Of the amount authorized to be appropriated by section 1403 for fiscal year 2020 and available for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501, the Secretary of Defense may, notwithstanding section 2215 of title 10, United States Code, transfer \$5,000,000 to the Commission on Combating Synthetic Opioid Trafficking established under section 7221 in order to carry out the duties of the Commission.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts authorized to be appropriated by subsection (a) shall supplement and not supplant other amounts available to carry out operations and activities described in such subsections.

(d) NOTIFICATION REQUIREMENT.—Amounts authorized to be appropriated by subsection (a) may not be obligated until 15 days after the date on which the President notifies the appropriate committees of Congress of the President’s intention to obligate such funds.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, the

Time period.
President.

Permanent Select Committee on Intelligence, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives.

SEC. 7233. REGULATORY AUTHORITY.

Not later than 90 days after the date of the enactment of this Act, the President shall issue such regulations as are necessary to carry out this title, including guidance with respect to what activities are included under the definition of “opioid trafficking” under section 7203(8).

President.
Deadline.
21 USC 2333.

SEC. 7234. TERMINATION.

The provisions of this title, and any sanctions imposed pursuant to this title, shall terminate on the date that is 7 years after the date of the enactment of this Act.

21 USC 2334.

SEC. 7235. EXCEPTION RELATING TO IMPORTATION OF GOODS.

(a) IN GENERAL.—The authorities and requirements to impose sanctions under this title shall not include the authority or a requirement to impose sanctions on the importation of goods.

(b) GOOD DEFINED.—In this section, the term “good” means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

21 USC 2335.

TITLE LXXIII—PFAS

Sec. 7301. Short title.
Sec. 7302. Definition of Administrator.

PFAS Act of
2019.

Subtitle A—Drinking Water

Sec. 7311. Monitoring and detection.
Sec. 7312. Drinking water state revolving funds.

Subtitle B—PFAS Release Disclosure

Sec. 7321. Additions to toxics release inventory.

Subtitle C—USGS Performance Standard

Sec. 7331. Definitions.
Sec. 7332. Performance standard for the detection of highly fluorinated compounds.
Sec. 7333. Nationwide sampling.
Sec. 7334. Data usage.
Sec. 7335. Collaboration.

Subtitle D—Emerging Contaminants

Sec. 7341. Definitions.
Sec. 7342. Research and coordination plan for enhanced response on emerging contaminants.

Subtitle E—Toxic Substances Control Act

Sec. 7351. PFAS data call.
Sec. 7352. Significant new use rule for long-chain PFAS.

Subtitle F—Other Matters

Sec. 7361. PFAS destruction and disposal guidance.
Sec. 7362. PFAS research and development.

SEC. 7301. SHORT TITLE.

This title may be cited as the “PFAS Act of 2019”.

15 USC 8901
note.

SEC. 7302. DEFINITION OF ADMINISTRATOR.

In this title, the term “Administrator” means the Administrator of the Environmental Protection Agency.

15 USC 8901.

Subtitle A—Drinking Water

15 USC 8911.

SEC. 7311. MONITORING AND DETECTION.

(a) MONITORING PROGRAM FOR UNREGULATED CONTAMINANTS.—

(1) IN GENERAL.—The Administrator shall include each substance described in paragraph (2) in the fifth publication of the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i) of the Safe Drinking Water Act (42 U.S.C. 300j–4(a)(2)(B)(i)).

(2) SUBSTANCES DESCRIBED.—The substances referred to in paragraph (1) are perfluoroalkyl and polyfluoroalkyl substances and classes of perfluoroalkyl and polyfluoroalkyl substances—

(A) for which a method to measure the level in drinking water has been validated by the Administrator; and

(B) that are not subject to a national primary drinking water regulation.

(3) EXCEPTION.—The perfluoroalkyl and polyfluoroalkyl substances and classes of perfluoroalkyl and polyfluoroalkyl substances included in the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i) of the Safe Drinking Water Act (42 U.S.C. 300j–4(a)(2)(B)(i)) under paragraph (1) shall not count towards the limit of 30 unregulated contaminants to be monitored by public water systems under that section.

(b) APPLICABILITY.—

(1) IN GENERAL.—The Administrator shall—

(A) require public water systems serving more than 10,000 persons to monitor for the substances described in subsection (a)(2);

(B) subject to paragraph (2) and the availability of appropriations, require public water systems serving not fewer than 3,300 and not more than 10,000 persons to monitor for the substances described in subsection (a)(2); and

(C) subject to paragraph (2) and the availability of appropriations, ensure that only a representative sample of public water systems serving fewer than 3,300 persons are required to monitor for the substances described in subsection (a)(2).

(2) REQUIREMENT.—If the Administrator determines that there is not sufficient laboratory capacity to carry out the monitoring required under subparagraphs (B) and (C) of paragraph (1), the Administrator may waive the monitoring requirements in those subparagraphs.

(3) FUNDS.—The Administrator shall pay the reasonable cost of such testing and laboratory analysis as is necessary to carry out the monitoring required under subparagraphs (B) and (C) of paragraph (1) using—

(A) funds made available pursuant to subsection (a)(2)(H) or subsection (j)(5) of section 1445 of the Safe Drinking Water Act (42 U.S.C. 300j–4); or

(B) any other funds made available for that purpose.

Determination.
Waiver authority.

SEC. 7312. DRINKING WATER STATE REVOLVING FUNDS.

Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) is amended—

(1) in subsection (a)(2), by adding at the end the following:

“(G) EMERGING CONTAMINANTS.—

“(i) IN GENERAL.—Notwithstanding any other provision of law and subject to clause (ii), amounts deposited under subsection (t) in a State loan fund established under this section may only be used to provide grants for the purpose of addressing emerging contaminants, with a focus on perfluoroalkyl and polyfluoroalkyl substances.

“(ii) REQUIREMENTS.—

“(I) SMALL AND DISADVANTAGED COMMUNITIES.—Not less than 25 percent of the amounts described in clause (i) shall be used to provide grants to—

“(aa) disadvantaged communities (as defined in subsection (d)(3)); or

“(bb) public water systems serving fewer than 25,000 persons.

“(II) PRIORITIES.—In selecting the recipient of a grant using amounts described in clause (i), a State shall use the priorities described in subsection (b)(3)(A).

“(iii) NO INCREASED BONDING AUTHORITY.—The amounts deposited in the State loan fund of a State under subsection (t) may not be used as a source of payment of, or security for (directly or indirectly), in whole or in part, any obligation the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986.”;

(2) in subsection (m)(1), in the matter preceding subparagraph (A), by striking “this section” and inserting “this section, except for subsections (a)(2)(G) and (t)”;

(3) by adding at the end the following:

“(t) EMERGING CONTAMINANTS.—

“(1) IN GENERAL.—Amounts made available under this subsection shall be allotted to a State as if allotted under subsection (a)(1)(D) as a capitalization grant, for deposit into the State loan fund of the State, for the purposes described in subsection (a)(2)(G).

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$100,000,000 for each of fiscal years 2020 through 2024, to remain available until expended.”.

Subtitle B—PFAS Release Disclosure

SEC. 7321. ADDITIONS TO TOXICS RELEASE INVENTORY.

15 USC 8921.

(a) DEFINITION OF TOXICS RELEASE INVENTORY.—In this section, the term “toxics release inventory” means the list of toxic chemicals subject to the requirements of section 313(c) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(c)).

(b) IMMEDIATE INCLUSION.—

Effective date.

(1) IN GENERAL.—Subject to subsection (e), beginning January 1 of the calendar year following the date of enactment of this Act, the following chemicals shall be deemed to be included in the toxics release inventory:

(A) Perfluorooctanoic acid (commonly referred to as “PFOA”) (Chemical Abstracts Service No. 335-67-1).

(B) The salts associated with the chemical described in subparagraph (A) (Chemical Abstracts Service Nos. 3825-26-1, 335-95-5, and 68141-02-6).

(C) Perfluorooctane sulfonic acid (commonly referred to as “PFOS”) (Chemical Abstracts Service No. 1763-23-1).

(D) The salts associated with the chemical described in subparagraph (C) (Chemical Abstracts Service Nos. 2795-39-3, 29457-72-5, 56773-42-3, 29081-56-9, and 70225-14-8).

(E) A perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that is—

(i) listed as an active chemical substance in the February 2019 update to the inventory under section 8(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2607(b)(1)); and

(ii) on the date of enactment of this Act, subject to the provisions of—

(I) section 721.9582 of title 40, Code of Federal Regulations; or

(II) section 721.10536 of title 40, Code of Federal Regulations.

(F) Hexafluoropropylene oxide dimer acid (commonly referred to as “GenX”) (Chemical Abstracts Service No. 13252-13-6).

(G) The compound associated with the chemical described in subparagraph (F) identified by Chemical Abstracts Service No. 62037-80-3.

(H) Perfluorononanoic acid (commonly referred to as “PFNA”) (Chemical Abstracts Service No. 375-95-1).

(I) Perfluorohexanesulfonic acid (commonly referred to as “PFHxS”) (Chemical Abstracts Service No. 355-46-4).

(2) THRESHOLD FOR REPORTING.—

(A) IN GENERAL.—Subject to subparagraph (B), the threshold for reporting the chemicals described in paragraph (1) under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) is 100 pounds.

Deadline.

(B) REVISIONS.—Not later than 5 years after the date of enactment of this Act, the Administrator shall—

Determination.

(i) determine whether revision of the threshold under subparagraph (A) is warranted for any chemical described in paragraph (1); and

(ii) if the Administrator determines a revision to be warranted under clause (i), initiate a revision under section 313(f)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(f)(2)).

(c) INCLUSION FOLLOWING ASSESSMENT.—

(1) IN GENERAL.—

(A) DATE OF INCLUSION.—Subject to subsection (e), notwithstanding section 313 of the Emergency Planning and Community Right-To-Know Act of 1986, a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances not described in subsection (b)(1) shall be deemed to be included in the toxics release inventory beginning January 1 of the calendar year after any of the following dates:

Effective date.

(i) FINAL TOXICITY VALUE.—The date on which the Administrator finalizes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

(ii) SIGNIFICANT NEW USE RULE.—The date on which the Administrator makes a covered determination for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

(iii) ADDITION TO EXISTING SIGNIFICANT NEW USE RULE.—The date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is added to a list of substances covered by a covered determination.

(iv) ADDITION AS ACTIVE CHEMICAL SUBSTANCE.—The date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances to which a covered determination applies is—

- (I) added to the list published under paragraph (1) of section 8(b) of the Toxic Substances Control Act and designated as an active chemical substance under paragraph (5)(A) of such section; or
- (II) designated as an active chemical substance on such list under paragraph (5)(B) of such section.

(B) COVERED DETERMINATION.—For purposes of this paragraph, a covered determination is a determination made, by rule, under section 5(a)(2) of the Toxic Substances Control Act that a use of a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is a significant new use (except such a determination made in connection with a determination described in section 5(a)(3)(B) or section 5(a)(3)(C) of such Act).

(2) THRESHOLD FOR REPORTING.—

(A) IN GENERAL.—Subject to subparagraph (B), notwithstanding subsection (f)(1) of section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023), the threshold for reporting under such section 313 the substances and classes of substances included in the toxics release inventory under paragraph (1) is 100 pounds.

(B) REVISIONS.—Not later than 5 years after the date on which a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is included in the toxics release inventory under paragraph (1), the Administrator shall—

Deadline.

(i) determine whether revision of the threshold under subparagraph (A) is warranted for the substance or class of substances; and

Determination.

(ii) if the Administrator determines a revision to be warranted under clause (i), initiate a revision under section 313(f)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(f)(2)).

(d) INCLUSION FOLLOWING DETERMINATION.—

Deadline.

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall determine whether the substances and classes of substances described in paragraph (2) meet any one of the criteria described in section 313(d)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(d)(2)) for inclusion in the toxics release inventory.

(2) SUBSTANCES DESCRIBED.—The substances and classes of substances referred to in paragraph (1) are perfluoroalkyl and polyfluoroalkyl substances and classes of perfluoroalkyl and polyfluoroalkyl substances not described in subsection (b)(1), including—

(A) perfluoro[(2-pentafluoroethoxy-ethoxy)acetic acid] ammonium salt (Chemical Abstracts Service No. 908020-52-0);

(B) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-hexafluoro)-2-(trifluoromethoxy) propanoyl fluoride (Chemical Abstracts Service No. 2479-75-6);

(C) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-hexafluoro)-2-(trifluoromethoxy) propionic acid (Chemical Abstracts Service No. 2479-73-4);

(D) 3H-perfluoro-3-[(3-methoxy-propoxy) propanoic acid] (Chemical Abstracts Service No. 919005-14-4);

(E) the salts associated with the chemical described in subparagraph (D) (Chemical Abstracts Service Nos. 958445-44-8, 1087271-46-2, and NOCAS 892452);

(F) 1-octanesulfonic acid 3,3,4,4,5,5,6,6,7,7,8,8-tridecafluoro-potassium salt (Chemical Abstracts Service No. 59587-38-1);

(G) perfluorobutanesulfonic acid (Chemical Abstracts Service No. 375-73-5);

(H) 1-Butanesulfonic acid, 1,1,2,2,3,3,4,4,4-nonafluoro-potassium salt (Chemical Abstracts Service No. 29420-49-3);

(I) the component associated with the chemical described in subparagraph (H) (Chemical Abstracts Service No. 45187-15-3);

(J) heptafluorobutyric acid (Chemical Abstracts Service No. 375-22-4);

(K) perfluorohexanoic acid (Chemical Abstracts Service No. 307-24-4);

(L) the compound associated with the chemical described in subsection (b)(1)(F) identified by Chemical Abstracts Service No. 2062-98-8;

(M) perfluoroheptanoic acid (commonly referred to as “PFHpA”) (Chemical Abstracts Service No. 375-85-9);

(N) each perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances for which a method to measure levels in drinking water has been validated by the Administrator; and

(O) a perfluoroalkyl and polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances other than the chemicals described in subparagraphs (A) through (N) that is used to manufacture fluorinated polymers, as determined by the Administrator.

(3) ADDITION TO TOXICS RELEASE INVENTORY.—Subject to subsection (e), if the Administrator determines under paragraph (1) that a substance or a class of substances described in paragraph (2) meets any one of the criteria described in section 313(d)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(d)(2)), the Administrator shall revise the toxics release inventory in accordance with such section 313(d) to include that substance or class of substances not later than 2 years after the date on which the Administrator makes the determination.

Deadline.

(e) CONFIDENTIAL BUSINESS INFORMATION.—

(1) IN GENERAL.—Prior to including on the toxics release inventory pursuant to subsection (b)(1), (c)(1), or (d)(3) any perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances the chemical identity of which is subject to a claim of a person of protection from disclosure under subsection (a) of section 552 of title 5, United States Code, pursuant to subsection (b)(4) of that section, the Administrator shall—

(A) review any such claim of protection from disclosure; and

Review.

(B) require that person to reassert and substantiate or resubstantiate that claim in accordance with section 14(f) of the Toxic Substances Control Act (15 U.S.C. 2613(f)).

(2) NONDISCLOSURE OF PROTECTION INFORMATION.—If the Administrator determines that the chemical identity of a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances qualifies for protection from disclosure pursuant to paragraph (1), the Administrator shall include the substance or class of substances, as applicable, on the toxics release inventory in a manner that does not disclose the protected information.

Determination.

(f) EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT OF 1986.—Section 313(c) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(c)) is amended—

(1) by striking the period at the end and inserting “; and”;

(2) by striking “are those chemicals” and inserting the following: “are—

“(1) the chemicals”; and

(3) by adding at the end the following:

“(2) the chemicals included on such list under subsections (b)(1), (c)(1), and (d)(3) of section 7321 of the PFAS Act of 2019.”.

Subtitle C—USGS Performance Standard

SEC. 7331. DEFINITIONS.

15 USC 8931.

In this subtitle:

(1) **DIRECTOR.**—The term “Director” means the Director of the United States Geological Survey.

(2) **HIGHLY FLUORINATED COMPOUND.**—

(A) **IN GENERAL.**—The term “highly fluorinated compound” means a perfluoroalkyl substance or a polyfluoroalkyl substance with at least one fully fluorinated carbon atom.

(B) **DEFINITIONS.**—In this paragraph:

(i) **FULLY FLUORINATED CARBON ATOM.**—The term “fully fluorinated carbon atom” means a carbon atom on which all the hydrogen substituents have been replaced by fluorine.

(ii) **PERFLUOROALKYL SUBSTANCE.**—The term “perfluoroalkyl substance” means a chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(iii) **POLYFLUOROALKYL SUBSTANCE.**—The term “polyfluoroalkyl substance” means a chemical containing at least one fully fluorinated carbon atom and at least one carbon atom that is not a fully fluorinated carbon atom.

15 USC 8932.

SEC. 7332. PERFORMANCE STANDARD FOR THE DETECTION OF HIGHLY FLUORINATED COMPOUNDS.

Consultation.

(a) **IN GENERAL.**—The Director, in consultation with the Administrator, shall establish a performance standard for the detection of highly fluorinated compounds.

(b) **EMPHASIS.**—

(1) **IN GENERAL.**—In developing the performance standard under subsection (a), the Director shall emphasize the ability to detect as many highly fluorinated compounds present in the environment as possible using validated analytical methods that—

(A) achieve limits of quantitation (as defined in the document of the United States Geological Survey entitled “Analytical Methods for Chemical Analysis of Geologic and Other Materials, U.S. Geological Survey” and dated 2002); and

(B) are as sensitive as is feasible and practicable.

(2) **REQUIREMENT.**—In developing the performance standard under subsection (a), the Director may—

(A) develop quality assurance and quality control measures to ensure accurate sampling and testing;

(B) develop a training program with respect to the appropriate method of sample collection and analysis of highly fluorinated compounds; and

Coordination.

(C) coordinate as necessary with the Administrator, including, if appropriate, to develop methods to detect individual and different highly fluorinated compounds simultaneously.

15 USC 8933.

SEC. 7333. NATIONWIDE SAMPLING.

(a) **IN GENERAL.**—The Director shall carry out a nationwide sampling to determine the concentration of highly fluorinated compounds in estuaries, lakes, streams, springs, wells, wetlands, rivers, aquifers, and soil using the performance standard developed under section 7332(a).

(b) **REQUIREMENTS.**—In carrying out the sampling under subsection (a), the Director shall—

(1) first carry out the sampling at sources of drinking water near locations with known or suspected releases of highly fluorinated compounds;

(2) when carrying out sampling of sources of drinking water under paragraph (1), carry out the sampling prior to and, at the request of the Administrator, after any treatment of the water;

(3) survey for ecological exposure to highly fluorinated compounds, with a priority in determining direct human exposure through drinking water; and

(4) consult with—

(A) States to determine areas that are a priority for sampling; and

(B) the Administrator—

(i) to enhance coverage of the sampling; and

(ii) to avoid unnecessary duplication.

(c) **REPORT.**—Not later than 120 days after the completion of the sampling under subsection (a), the Director shall prepare a report describing the results of the sampling and submit the report to—

(1) the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Energy and Commerce and the Committee on Natural Resources of the House of Representatives;

(3) the Senators of each State in which the Director carried out the sampling; and

(4) each Member of the House of Representatives who represents a district in which the Director carried out the sampling.

Consultation.

Determination.

SEC. 7334. DATA USAGE.

15 USC 8934.

(a) **IN GENERAL.**—The Director shall provide the sampling data collected under section 7333 to—

(1) the Administrator; and

(2) other Federal and State regulatory agencies on request.

(b) **USAGE.**—The sampling data provided under subsection (a) shall be used to inform and enhance assessments of exposure, likely health and environmental impacts, and remediation priorities.

SEC. 7335. COLLABORATION.

15 USC 8935.

In carrying out this subtitle, the Director shall collaborate with—

(1) appropriate Federal and State regulators;

(2) institutions of higher education;

(3) research institutions; and

(4) other expert stakeholders.

Subtitle D—Emerging Contaminants

SEC. 7341. DEFINITIONS.

15 USC 8951.

In this subtitle:

(1) **CONTAMINANT.**—The term “contaminant” means any physical, chemical, biological, or radiological substance or matter in water.

(2) **CONTAMINANT OF EMERGING CONCERN; EMERGING CONTAMINANT.**—The terms “contaminant of emerging concern” and “emerging contaminant” mean a contaminant—

(A) for which the Administrator has not promulgated a national primary drinking water regulation; and

(B) that may have an adverse effect on the health of individuals.

(3) **FEDERAL RESEARCH STRATEGY.**—The term “Federal research strategy” means the coordinated cross-agency plan for addressing critical research gaps related to detecting, assessing exposure to, and identifying the adverse health effects of emerging contaminants in drinking water developed by the Office of Science and Technology Policy in response to the report of the Committee on Appropriations of the Senate accompanying S. 1662 of the 115th Congress (S. Rept. 115–139).

(4) **TECHNICAL ASSISTANCE AND SUPPORT.**—The term “technical assistance and support” includes—

(A) assistance with—

(i) identifying appropriate analytical methods for the detection of contaminants;

(ii) understanding the strengths and limitations of the analytical methods described in clause (i);

(iii) troubleshooting the analytical methods described in clause (i);

(B) providing advice on laboratory certification program elements;

(C) interpreting sample analysis results;

(D) providing training with respect to proper analytical techniques;

(E) identifying appropriate technology for the treatment of contaminants; and

(F) analyzing samples, if—

(i) the analysis cannot be otherwise obtained in a practicable manner otherwise; and

(ii) the capability and capacity to perform the analysis is available at a Federal facility.

(5) **WORKING GROUP.**—The term “Working Group” means the Working Group established under section 7342(b)(1).

15 USC 8952.

SEC. 7342. RESEARCH AND COORDINATION PLAN FOR ENHANCED RESPONSE ON EMERGING CONTAMINANTS.

(a) **IN GENERAL.**—The Administrator shall—

Review.

(1) review Federal efforts—

(A) to identify, monitor, and assist in the development of treatment methods for emerging contaminants; and

(B) to assist States in responding to the human health risks posed by contaminants of emerging concern; and

(2) in collaboration with owners and operators of public water systems, States, and other interested stakeholders, establish a strategic plan for improving the Federal efforts referred to in paragraph (1).

(b) **INTERAGENCY WORKING GROUP ON EMERGING CONTAMINANTS.**—

Deadline.
Establishment.
Analysis.

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator and the Secretary of Health and Human Services shall jointly establish a Working Group to coordinate the activities of the Federal Government

to identify and analyze the public health effects of drinking water contaminants of emerging concern.

(2) MEMBERSHIP.—The Working Group shall include representatives of the following:

(A) The Environmental Protection Agency, appointed by the Administrator.

(B) The following agencies, appointed by the Secretary of Health and Human Services:

(i) The National Institutes of Health.

(ii) The Centers for Disease Control and Prevention.

(iii) The Agency for Toxic Substances and Disease Registry.

(C) The United States Geological Survey, appointed by the Secretary of the Interior.

(D) Any other Federal agency the assistance of which the Administrator determines to be necessary to carry out this subsection, appointed by the head of the respective agency.

Determination.

(3) EXISTING WORKING GROUP.—The Administrator may expand or modify the duties of an existing working group to perform the duties of the Working Group under this subsection.

(c) NATIONAL EMERGING CONTAMINANT RESEARCH INITIATIVE.—

(1) FEDERAL RESEARCH STRATEGY.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy (referred to in this subsection as the “Director”) shall coordinate with the heads of the agencies described in subparagraph (C) to establish a research initiative, to be known as the “National Emerging Contaminant Research Initiative”, that shall—

Deadline.
Coordination.

(i) use the Federal research strategy to improve the identification, analysis, monitoring, and treatment methods of contaminants of emerging concern; and

(ii) develop any necessary program, policy, or budget to support the implementation of the Federal research strategy, including mechanisms for joint agency review of research proposals, for interagency cofunding of research activities, and for information sharing across agencies.

(B) RESEARCH ON EMERGING CONTAMINANTS.—In carrying out subparagraph (A), the Director shall—

(i) take into consideration consensus conclusions from peer-reviewed, pertinent research on emerging contaminants; and

(ii) in consultation with the Administrator, identify priority emerging contaminants for research emphasis.

Consultation.

(C) FEDERAL PARTICIPATION.—The agencies referred to in subparagraph (A) include—

(i) the National Science Foundation;

(ii) the National Institutes of Health;

(iii) the Environmental Protection Agency;

(iv) the National Institute of Standards and Technology;

(v) the United States Geological Survey; and

- (vi) any other Federal agency that contributes to research in water quality, environmental exposures, and public health, as determined by the Director.
- Consultation. (D) PARTICIPATION FROM ADDITIONAL ENTITIES.—In carrying out subparagraph (A), the Director shall consult with nongovernmental organizations, State and local governments, and science and research institutions determined by the Director to have scientific or material interest in the National Emerging Contaminant Research Initiative.
- Deadline. (2) IMPLEMENTATION OF RESEARCH RECOMMENDATIONS.—
- (A) IN GENERAL.—Not later than 1 year after the date on which the Director and heads of the agencies described in paragraph (1)(C) establish the National Emerging Contaminant Research Initiative under paragraph (1)(A), the head of each agency described in paragraph (1)(C) shall—
- (i) issue a solicitation for research proposals consistent with the Federal research strategy and that agency’s mission; and
- Grants. (ii) make grants to applicants that submit research proposals consistent with the Federal research strategy and in accordance with subparagraph (B).
- (B) SELECTION OF RESEARCH PROPOSALS.—The head of each agency described in paragraph (1)(C) shall select research proposals to receive grants under this paragraph on the basis of merit, using criteria identified by the head of each such agency, including the likelihood that the proposed research will result in significant progress toward achieving the objectives identified in the Federal research strategy.
- (C) ELIGIBLE ENTITIES.—Any entity or group of 2 or more entities may submit to the head of each agency described in paragraph (1)(C) a research proposal in response to the solicitation for research proposals described in subparagraph (A)(i), including, consistent with that agency’s grant policies—
- (i) State and local agencies;
- (ii) public institutions, including public institutions of higher education;
- (iii) private corporations; and
- (iv) nonprofit organizations.
- (d) FEDERAL TECHNICAL ASSISTANCE AND SUPPORT FOR STATES.—
- (1) STUDY.—
- Deadline. (A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall conduct a study on actions the Administrator can take to increase technical assistance and support for States with respect to emerging contaminants in drinking water samples.
- (B) CONTENTS OF STUDY.—In carrying out the study described in subparagraph (A), the Administrator shall identify—
- (i) methods and effective treatment options to increase technical assistance and support with respect

to emerging contaminants to States, including identifying opportunities for States to improve communication with various audiences about the risks associated with emerging contaminants;

(ii) means to facilitate access to qualified contract testing laboratory facilities that conduct analyses for emerging contaminants; and

(iii) actions to be carried out at existing Federal laboratory facilities, including the research facilities of the Administrator, to provide technical assistance and support for States that require testing facilities for emerging contaminants.

(C) AVAILABILITY OF ANALYTICAL RESOURCES.—In carrying out the study described in subparagraph (A), the Administrator shall consider—

(i) the availability of—

(I) Federal and non-Federal laboratory capacity; and

(II) validated methods to detect and analyze contaminants; and

(ii) other factors determined to be appropriate by the Administrator.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study described in paragraph (1).

(3) PROGRAM TO PROVIDE FEDERAL ASSISTANCE TO STATES.—

Deadline.

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, based on the findings in the report described in paragraph (2), the Administrator shall develop a program to provide technical assistance and support to eligible States for the testing and analysis of emerging contaminants.

(B) APPLICATION.—

(i) IN GENERAL.—To be eligible for technical assistance and support under this paragraph, a State shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(ii) CRITERIA.—The Administrator shall evaluate an application for technical assistance and support under this paragraph on the basis of merit using criteria identified by the Administrator, including—

Evaluation.

(I) the laboratory facilities available to the State;

(II) the availability and applicability of existing analytical methodologies;

(III) the potency and severity of the emerging contaminant, if known; and

(IV) the prevalence and magnitude of the emerging contaminant.

(iii) PRIORITIZATION.—In selecting States to receive technical assistance and support under this paragraph, the Administrator—

(I) shall give priority to States with affected areas primarily in financially distressed communities;

Waiver authority.

(II) may—

(aa) waive the application process in an emergency situation; and

(bb) require an abbreviated application process for the continuation of work specified in a previously approved application that continues to meet the criteria described in clause (ii); and

(III) shall consider the relative expertise and availability of—

(aa) Federal and non-Federal laboratory capacity available to the State;

(bb) analytical resources available to the State; and

(cc) other types of technical assistance available to the State.

(C) DATABASE OF AVAILABLE RESOURCES.—The Administrator shall establish and maintain a database of resources available through the program developed under subparagraph (A) to assist States with testing for emerging contaminants that—

(i) is—

(I) available to States and stakeholder groups determined by the Administrator to have scientific or material interest in emerging contaminants, including—

(aa) drinking water and wastewater utilities;

(bb) laboratories;

(cc) Federal and State emergency responders;

(dd) State primacy agencies;

(ee) public health agencies; and

(ff) water associations;

(II) searchable; and

(III) accessible through the website of the Administrator; and

(ii) includes a description of—

(I) qualified contract testing laboratory facilities that conduct analyses for emerging contaminants; and

(II) the resources available in Federal laboratory facilities to test for emerging contaminants.

(D) WATER CONTAMINANT INFORMATION TOOL.—The Administrator shall integrate the database established under subparagraph (C) into the Water Contaminant Information Tool of the Environmental Protection Agency.

(4) FUNDING.—Of the amounts available to the Administrator, the Administrator may use not more than \$15,000,000 in a fiscal year to carry out this subsection.

(e) REPORT.—Not less frequently than once every 2 years until 2029, the Administrator shall submit to Congress a report that describes the progress made in carrying out this subtitle.

(f) EFFECT.—Nothing in this section modifies any obligation of a State, local government, or Indian Tribe with respect to treatment methods for, or testing or monitoring of, drinking water.

Subtitle E—Toxic Substances Control Act

SEC. 7351. PFAS DATA CALL.

Section 8(a) of the Toxic Substances Control Act (15 U.S.C. 2607(a)) is amended by adding at the end the following:

“(7) PFAS DATA.—Not later than January 1, 2023, the Administrator shall promulgate a rule in accordance with this subsection requiring each person who has manufactured a chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance in any year since January 1, 2011, to submit to the Administrator a report that includes, for each year since January 1, 2011, the information described in subparagraphs (A) through (G) of paragraph (2).”.

Regulations.
Reports.

SEC. 7352. SIGNIFICANT NEW USE RULE FOR LONG-CHAIN PFAS.

Deadline.

Not later than June 22, 2020, the Administrator shall take final action on the proposed rule entitled “Long-Chain Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate Chemical Substances; Significant New Use Rule” (80 Fed. Reg. 2885 (January 21, 2015)).

Subtitle F—Other Matters

SEC. 7361. PFAS DESTRUCTION AND DISPOSAL GUIDANCE.

Publications.
15 USC 8961.
Deadline.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall publish interim guidance on the destruction and disposal of perfluoroalkyl and polyfluoroalkyl substances and materials containing perfluoroalkyl and polyfluoroalkyl substances, including—

- (1) aqueous film-forming foam;
- (2) soil and biosolids;
- (3) textiles, other than consumer goods, treated with perfluoroalkyl and polyfluoroalkyl substances;
- (4) spent filters, membranes, resins, granular carbon, and other waste from water treatment;
- (5) landfill leachate containing perfluoroalkyl and polyfluoroalkyl substances; and
- (6) solid, liquid, or gas waste streams containing perfluoroalkyl and polyfluoroalkyl substances from facilities manufacturing or using perfluoroalkyl and polyfluoroalkyl substances.

(b) CONSIDERATIONS; INCLUSIONS.—The interim guidance under subsection (a) shall—

- (1) take into consideration—
 - (A) the potential for releases of perfluoroalkyl and polyfluoroalkyl substances during destruction or disposal, including through volatilization, air dispersion, or leachate; and
 - (B) potentially vulnerable populations living near likely destruction or disposal sites; and
- (2) provide guidance on testing and monitoring air, effluent, and soil near potential destruction or disposal sites for releases described in paragraph (1)(A).

(c) REVISIONS.—The Administrator shall publish revisions to the interim guidance under subsection (a) as the Administrator

Time period.

determines to be appropriate, but not less frequently than once every 3 years.

15 USC 8962.

SEC. 7362. PFAS RESEARCH AND DEVELOPMENT.

(a) **IN GENERAL.**—The Administrator, acting through the Assistant Administrator for the Office of Research and Development, shall—

Examination.

(1)(A) further examine the effects of perfluoroalkyl and polyfluoroalkyl substances on human health and the environment; and

Public information.

(B) make publicly available information relating to the findings under subparagraph (A);

(2) develop a process for prioritizing which perfluoroalkyl and polyfluoroalkyl substances, or classes of perfluoroalkyl and polyfluoroalkyl substances, should be subject to additional research efforts that is based on—

(A) the potential for human exposure to the substances or classes of substances;

(B) the potential toxicity of the substances or classes of substances; and

(C) information available about the substances or classes of substances;

(3) develop new tools to characterize and identify perfluoroalkyl and polyfluoroalkyl substances in the environment, including in drinking water, wastewater, surface water, groundwater, solids, and the air;

Evaluation.

(4) evaluate approaches for the remediation of contamination by perfluoroalkyl and polyfluoroalkyl substances in the environment; and

(5) develop and implement new tools and materials to communicate with the public about perfluoroalkyl and polyfluoroalkyl substances.

(b) **FUNDING.**—There is authorized to be appropriated to the Administrator to carry out this section \$15,000,000 for each of fiscal years 2020 through 2024.

Caesar Syria
Civilian
Protection Act
of 2019.
22 USC 8791
note.

TITLE LXXIV—CAESAR SYRIA CIVILIAN PROTECTION ACT OF 2019

Sec. 7401. Short title.

Sec. 7402. Statement of policy.

Subtitle A—Additional Actions in Connection With the National Emergency With Respect to Syria

Sec. 7411. Measures with respect to Central Bank of Syria.

Sec. 7412. Sanctions with respect to foreign persons that engage in certain transactions.

Sec. 7413. Strategy relating to areas of Syria in which civilians are subject to forced displacement.

Subtitle B—Assistance for the People of Syria

Sec. 7421. Sense of Congress.

Sec. 7422. Briefing on monitoring and evaluating of ongoing assistance programs in Syria and to the Syrian people.

Sec. 7423. Assessment of potential methods to enhance the protection of civilians.

Sec. 7424. Assistance to support entities taking actions relating to gathering evidence for investigations into war crimes or crimes against humanity in Syria since March 2011.

Sec. 7425. Codification of certain services in support of nongovernmental organizations' activities authorized.

Sec. 7426. Briefing on strategy to facilitate humanitarian assistance.

Subtitle C—General Provisions

Sec. 7431. Suspension of sanctions.

Sec. 7432. Waivers and exemptions.

Sec. 7433. Implementation and regulatory authorities.

Sec. 7434. Exception relating to importation of goods.

Sec. 7435. Cost limitation.

Sec. 7436. Rule of construction.

Sec. 7437. Prohibition on construction of provisions of this title as an authorization for use of military force.

Sec. 7438. Sunset.

SEC. 7401. SHORT TITLE.

This title may be cited as the “Caesar Syria Civilian Protection Act of 2019”.

SEC. 7402. STATEMENT OF POLICY.

It is the policy of the United States that diplomatic and coercive economic means should be utilized to compel the government of Bashar al-Assad to halt its murderous attacks on the Syrian people and to support a transition to a government in Syria that respects the rule of law, human rights, and peaceful co-existence with its neighbors.

Bashar al-Assad.

Subtitle A—Additional Actions in Connection With the National Emergency With Respect to Syria

SEC. 7411. MEASURES WITH RESPECT TO CENTRAL BANK OF SYRIA.

Determinations.

(a) DETERMINATION REGARDING CENTRAL BANK OF SYRIA.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall determine, under section 5318A of title 31, United States Code, whether reasonable grounds exist for concluding that the Central Bank of Syria is a financial institution of primary money laundering concern.

Deadline.

(b) ENHANCED DUE DILIGENCE AND REPORTING REQUIREMENTS.—If the Secretary of the Treasury determines under subsection (a) that reasonable grounds exist for concluding that the Central Bank of Syria is a financial institution of primary money laundering concern, the Secretary, in consultation with the Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)), shall impose one or more of the special measures described in section 5318A(b) of title 31, United States Code, with respect to the Central Bank of Syria.

Consultation.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after making a determination under subsection (a) with respect to whether the Central Bank of Syria is a financial institution of primary money laundering concern, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that includes the reasons for the determination.

(2) FORM.—A report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 7412. SANCTIONS WITH RESPECT TO FOREIGN PERSONS THAT ENGAGE IN CERTAIN TRANSACTIONS.

(a) IMPOSITION OF SANCTIONS.—

Effective date.
President.
Determination.

(1) IN GENERAL.—On and after the date that is 180 days after the date of the enactment of this Act, the President shall impose the sanctions described in subsection (b) with respect to a foreign person if the President determines that the foreign person, on or after such date of enactment, knowingly engages in an activity described in paragraph (2).

(2) ACTIVITIES DESCRIBED.—A foreign person engages in an activity described in this paragraph if the foreign person—

(A) knowingly provides significant financial, material, or technological support to, or knowingly engages in a significant transaction with—

(i) the Government of Syria (including any entity owned or controlled by the Government of Syria) or a senior political figure of the Government of Syria;

(ii) a foreign person that is a military contractor, mercenary, or a paramilitary force knowingly operating in a military capacity inside Syria for or on behalf of the Government of Syria, the Government of the Russian Federation, or the Government of Iran; or

(iii) a foreign person subject to sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to Syria or any other provision of law that imposes sanctions with respect to Syria;

(B) knowingly sells or provides significant goods, services, technology, information, or other support that significantly facilitates the maintenance or expansion of the Government of Syria's domestic production of natural gas, petroleum, or petroleum products;

(C) knowingly sells or provides aircraft or spare aircraft parts that are used for military purposes in Syria for or on behalf of the Government of Syria to any foreign person operating in an area directly or indirectly controlled by the Government of Syria or foreign forces associated with the Government of Syria;

(D) knowingly provides significant goods or services associated with the operation of aircraft that are used for military purposes in Syria for or on behalf of the Government of Syria to any foreign person operating in an area described in subparagraph (C); or

(E) knowingly, directly or indirectly, provides significant construction or engineering services to the Government of Syria.

(3) SENSE OF CONGRESS.—It is the sense of Congress that, in implementing this section, the President should consider financial support under paragraph (2)(A) to include the provision of loans, credits, or export credits.

(b) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—The sanctions to be imposed with respect to a foreign person described in subsection (a) are the following:

(A) BLOCKING OF PROPERTY.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person. President.

(B) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(i) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a) is—

- (I) inadmissible to the United States;
- (II) ineligible to receive a visa or other documentation to enter the United States; and
- (III) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(ii) CURRENT VISAS REVOKED.—

(I) IN GENERAL.—An alien described in subsection (a) is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(II) IMMEDIATE EFFECT.—A revocation under subclause (I) shall—

- (aa) take effect immediately; and
- (bb) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(2) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations promulgated under section 7433(b) to carry out paragraph (1)(A) to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act. Applicability.

(3) EXCEPTIONS.—Sanctions under paragraph (1)(B) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

(B) to carry out or assist law enforcement activity in the United States.

SEC. 7413. STRATEGY RELATING TO AREAS OF SYRIA IN WHICH CIVILIANS ARE SUBJECT TO FORCED DISPLACEMENT.

Deadline.
President.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall—

- (1) identify the areas described in subsection (b); and
- (2) submit to the appropriate congressional committees the strategy described in subsection (c).

President.
Determination.

(b) AREAS DESCRIBED.—The areas described in this subsection are areas in Syria that the President determines—

- (1) are under the control of—
 - (A) the Government of Syria;
 - (B) the Government of the Russian Federation;
 - (C) the Government of Iran; or
 - (D) a foreign person described in section 7412(a)(2)(A)(ii); and
- (2) are areas in which civilians have been subject to forced displacement by—

- (A) a government specified in subparagraph (A), (B), or (C) of paragraph (1); or
- (B) a foreign person described in section 7412(a)(2)(A)(ii).

(c) STRATEGY DESCRIBED.—The strategy described in this subsection is a strategy to deter foreign persons from entering into contracts related to reconstruction in the areas described in subsection (b) for or on behalf of—

- (1) a government specified in subparagraph (A), (B), or (C) of subsection (b)(1); or
- (2) a foreign person described in section 7412(a)(2)(A)(ii).

(d) FORM.—The strategy required by subsection (a)(2) shall be submitted in unclassified form but may include a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

- (1) the Committee on Foreign Affairs of the House of Representatives; and
- (2) the Committee on Foreign Relations of the Senate.

Subtitle B—Assistance for the People of Syria

SEC. 7421. SENSE OF CONGRESS.

It is the sense of Congress that it is in the interests of the United States to continue to provide assistance to the people of Syria in order to promote peace, stability, and development, including through multilateral organizations.

SEC. 7422. BRIEFING ON MONITORING AND EVALUATING OF ONGOING ASSISTANCE PROGRAMS IN SYRIA AND TO THE SYRIAN PEOPLE.

Deadline.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall brief the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the monitoring and evaluation of ongoing assistance programs

in Syria and for the Syrian people, including assistance provided through multilateral organizations.

(b) **MATTERS TO BE INCLUDED.**—The briefing required by subsection (a) shall include a description of—

(1) the specific project monitoring and evaluation efforts, including measurable goals and performance metrics for assistance in Syria;

(2) the memoranda of understanding entered into by the Department of State, the United States Agency for International Development, and their respective Inspectors General, and the multilateral organizations through which United States assistance will be delivered that formalize requirements for the sharing of information between such entities for the conduct of audits, investigations, and evaluations; and

(3) the major challenges to monitoring and evaluating programs described in subsection (a).

SEC. 7423. ASSESSMENT OF POTENTIAL METHODS TO ENHANCE THE PROTECTION OF CIVILIANS.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the President shall brief the appropriate congressional committees on the potential effectiveness, risks, and operational requirements of military and non-military means to enhance the protection of civilians inside Syria, especially civilians who are in besieged areas, trapped at borders, or internally displaced.

Deadline.
President.
Briefing.

(b) **CONSULTATION.**—The briefing required by subsection (a) shall be informed by consultations with the Department of State, the United States Agency for International Development, the Department of Defense, and international and local humanitarian aid organizations operating in Syria.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

SEC. 7424. ASSISTANCE TO SUPPORT ENTITIES TAKING ACTIONS RELATING TO GATHERING EVIDENCE FOR INVESTIGATIONS INTO WAR CRIMES OR CRIMES AGAINST HUMANITY IN SYRIA SINCE MARCH 2011.

(a) **IN GENERAL.**—Except as provided in subsection (b), the Secretary of State, after consultation with the Attorney General and the heads of other appropriate Federal agencies, is authorized, consistent with the national interest, to provide assistance to support entities that are conducting criminal investigations, supporting prosecutions, or collecting evidence and preserving the chain of custody for such evidence for eventual prosecution, against those who have committed war crimes or crimes against humanity in Syria, including the aiding and abetting of such crimes by foreign governments and organizations supporting the Government of Syria, since March 2011.

Consultation.

(b) **LIMITATION.**—No assistance may be provided under subsection (a) while President Bashar al-Assad remains in power—

Bashar al-Assad.

(1) to build the investigative or judicial capacities of the Government of Syria; or

Deadline. (2) to support prosecutions in the domestic courts in Syria.
 (c) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall brief the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on assistance provided under subsection (a).

SEC. 7425. CODIFICATION OF CERTAIN SERVICES IN SUPPORT OF NON-GOVERNMENTAL ORGANIZATIONS’ ACTIVITIES AUTHORIZED.

(a) IN GENERAL.—Except as provided in subsection (b), section 542.516 of title 31, Code of Federal Regulations (relating to certain services in support of nongovernmental organizations’ activities authorized), as in effect on the day before the date of the enactment of this Act, shall—

(1) remain in effect on and after such date of enactment; and

(2) in the case of a nongovernmental organization that is authorized to export or reexport services to Syria under such section on the day before such date of enactment, apply to such organization on and after such date of enactment to the same extent and in the same manner as such section applied to such organization on the day before such date of enactment.

(b) EXCEPTION.—

(1) IN GENERAL.—Section 542.516 of title 31, Code of Federal Regulations, as codified under subsection (a), shall not apply with respect to a foreign person that has been designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), or otherwise designated as a terrorist organization, by the Secretary of State, in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security.

Applicability.
Federal Register,
publication.

(2) EFFECTIVE DATE.—Paragraph (1) shall apply with respect to a foreign person on and after the date on which the designation of that person as a terrorist organization is published in the Federal Register.

President.

SEC. 7426. BRIEFING ON STRATEGY TO FACILITATE HUMANITARIAN ASSISTANCE.

Deadline.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall brief the appropriate congressional committees on the strategy of the President to help facilitate the ability of humanitarian organizations to access financial services to help facilitate the safe and timely delivery of assistance to communities in need in Syria.

(b) CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NON-GOVERNMENTAL ORGANIZATIONS.—In preparing the strategy required by subsection (a), the President shall consider credible data already obtained by other countries and nongovernmental organizations, including organizations operating in Syria.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

Subtitle C—General Provisions

SEC. 7431. SUSPENSION OF SANCTIONS.

(a) IN GENERAL.—The President may suspend in whole or in part the imposition of sanctions otherwise required under this Act or the imposition of sanctions required by any amendment made by this title for renewable periods not to exceed 180 days if the President determines that the following criteria have been met in Syria:

President.

Time period.
Determination.

(1) The air space over Syria is no longer being utilized by the Government of Syria or the Government of the Russian Federation to target civilian populations through the use of incendiary devices, including barrel bombs, chemical weapons, and conventional arms (including air-delivered missiles and explosives).

(2) Areas besieged by the Government of Syria, the Government of the Russian Federation, the Government of Iran, or a foreign person described in section 7412(a)(2)(A)(ii) are no longer cut off from international aid and have regular access to humanitarian assistance, freedom of travel, and medical care.

(3) The Government of Syria is releasing all political prisoners forcibly held within the prison system of the regime of Bashar al-Assad and the Government of Syria is allowing full access to prison system facilities for investigations by appropriate international human rights organizations.

Bashar al-Assad.

(4) The forces of the Government of Syria, the Government of the Russian Federation, the Government of Iran, and any foreign person described in section 7412(a)(2)(A)(ii) are no longer engaged in deliberate targeting of medical facilities, schools, residential areas, and community gathering places, including markets, in violation of international norms.

(5) The Government of Syria is—

(A) taking steps to verifiably fulfill its commitments under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Geneva September 3, 1992, and entered into force April 29, 1997 (commonly known as the “Chemical Weapons Convention”), and the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483); and

(B) making tangible progress toward becoming a signatory to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, done at Washington, London, and Moscow April 10, 1972, and entered into force March 26, 1975 (26 UST 583).

(6) The Government of Syria is permitting the safe, voluntary, and dignified return of Syrians displaced by the conflict.

(7) The Government of Syria is taking verifiable steps to establish meaningful accountability for perpetrators of war crimes in Syria and justice for victims of war crimes committed by the Assad regime, including through participation in a credible and independent truth and reconciliation process.

Deadline.	(b) BRIEFING REQUIRED.—Not later than 30 days after the President makes a determination described in subsection (a), the President shall provide a briefing to the appropriate congressional committees on the determination and the suspension of sanctions pursuant to the determination.
Determination.	(c) REIMPOSITION OF SANCTIONS.—Any sanctions suspended under subsection (a) shall be reimposed if the President determines that the criteria described in that subsection are no longer being met. (d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the President to terminate the application of sanctions under section 7412 with respect to a person that no longer engages in activities described in subsection (a)(2) of that section. (e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means— (1) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means, and the Committee on the Judiciary of the House of Representatives; and (2) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate.
President.	SEC. 7432. WAIVERS AND EXEMPTIONS. (a) EXEMPTIONS.—The following activities and transactions shall be exempt from sanctions authorized under this title or any amendment made by this title: (1) Any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), or to any authorized intelligence activities of the United States. (2) Any transaction necessary to comply with United States obligations under— (A) the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States; (B) the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967; or (C) any other international agreement to which the United States is a party. (b) WAIVER.— (1) IN GENERAL.—The President may, for renewable periods not to exceed 180 days, waive the application of any provision of this title (other than section 7434) with respect to a foreign person if the President certifies to the appropriate congressional committees that such a waiver is in the national security interests of the United States. (2) BRIEFING.—Not later than 90 days after the issuance of a waiver under paragraph (1), and every 180 days thereafter while the waiver remains in effect, the President shall brief the appropriate congressional committees on the reasons for the waiver. (c) HUMANITARIAN WAIVER.—
Time period. Certification.	
Deadline.	

(1) **IN GENERAL.**—The President may waive, for renewable periods not to exceed 2 years, the application of any provision of this title (other than section 7434) with respect to a non-governmental organization providing humanitarian assistance not covered by the authorization described in section 7425 if the President certifies to the appropriate congressional committees that such a waiver is important to address a humanitarian need and is consistent with the national security interests of the United States.

Time period.
Certification.

(2) **BRIEFING.**—Not later than 90 days after the issuance of a waiver under paragraph (1), and every 180 days thereafter while the waiver remains in effect, the President shall brief the appropriate congressional committees on the reasons for the waiver.

Deadline.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means, and the Committee on the Judiciary of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate.

SEC. 7433. IMPLEMENTATION AND REGULATORY AUTHORITIES.

President.

(a) **IMPLEMENTATION AUTHORITY.**—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) for purposes of carrying out this title and the amendments made by this title.

(b) **REGULATORY AUTHORITY.**—The President shall, not later than 180 days after the date of the enactment of this Act, promulgate regulations as necessary for the implementation of this title and the amendments made by this title.

Deadline.

SEC. 7434. EXCEPTION RELATING TO IMPORTATION OF GOODS.

(a) **IN GENERAL.**—The authorities and requirements to impose sanctions authorized under this title or the amendments made by this title shall not include the authority or a requirement to impose sanctions on the importation of goods.

(b) **GOOD DEFINED.**—In this section, the term “good” means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

SEC. 7435. COST LIMITATION.

No additional funds are authorized to be appropriated to carry out the requirements of this title and the amendments made by this title. Such requirements shall be carried out using amounts otherwise authorized to be appropriated.

SEC. 7436. RULE OF CONSTRUCTION.

Except for section 7434 with respect to the importation of goods, nothing in this title shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or any other provision of law.

SEC. 7437. PROHIBITION ON CONSTRUCTION OF PROVISIONS OF THIS TITLE AS AN AUTHORIZATION FOR USE OF MILITARY FORCE.

Nothing in this title may be construed as an authorization for use of military force.

SEC. 7438. SUNSET.

This title shall cease to be effective on the date that is 5 years after the date of the enactment of this Act.

Protecting
Europe’s Energy
Security Act
of 2019.
22 USC 9526
note.

**TITLE LXXV—PROTECTING EUROPE’S
ENERGY SECURITY**

Sec. 7501. Short title.

Sec. 7502. Sense of Congress.

Sec. 7503. Imposition of sanctions with respect to provision of certain vessels for the construction of certain Russian energy export pipelines.

SEC. 7501. SHORT TITLE.

This title may be cited as the “Protecting Europe’s Energy Security Act of 2019”.

SEC. 7502. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States and Europe share a common history, a common identity, and common values built upon the principles of democracy, rule of law, and individual freedoms;

(2) the United States has encouraged and admired the European project, which has resulted in a common market and common policies, has achieved unprecedented prosperity and stability on the continent, and serves as a model for other countries to reform their institutions and prioritize anticorruption measures;

(3) the relationships between the United States and Europe and the United States and Germany are critical to the national security interests of the United States as well as to global prosperity and peace, and Germany in particular is a crucial partner for the United States in multilateral efforts aimed at promoting global prosperity and peace;

(4) the United States should stand against any effort designed to weaken those relationships; and

(5) Germany has demonstrated leadership within the European Union and in international fora to ensure that sanctions imposed with respect to the Russian Federation for its malign activities are maintained.

President.

SEC. 7503. IMPOSITION OF SANCTIONS WITH RESPECT TO PROVISION OF CERTAIN VESSELS FOR THE CONSTRUCTION OF CERTAIN RUSSIAN ENERGY EXPORT PIPELINES.

(a) REPORT REQUIRED.—

Consultation.

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that identifies, for the period specified in paragraph (2)—

(A) vessels that engaged in pipe-laying at depths of 100 feet or more below sea level for the construction of

the Nord Stream 2 pipeline project, the TurkStream pipeline project, or any project that is a successor to either such project; and

(B) foreign persons that the Secretary of State, in consultation with the Secretary of the Treasury, determines have knowingly—

Consultation.
Determination.

(i) sold, leased, or provided those vessels for the construction of such a project; or

(ii) facilitated deceptive or structured transactions to provide those vessels for the construction of such a project.

(2) PERIOD SPECIFIED.—The period specified in this paragraph is—

(A) in the case of the first report required to be submitted by paragraph (1), the period beginning on the date of the enactment of this Act and ending on the date on which the report is submitted; and

(B) in the case of any subsequent such report, the 90-day period preceding submission of the report.

(b) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE OF IDENTIFIED PERSONS AND CORPORATE OFFICERS.—

(1) IN GENERAL.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in paragraph (2) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The visa or other entry documentation of an alien described in paragraph (2) shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien is—

(A) a foreign person identified under subsection (a)(1)(B);

(B) a corporate officer of a person described in subparagraph (A); or

(C) a principal shareholder with a controlling interest in a person described in subparagraph (A).

(c) BLOCKING OF PROPERTY OF IDENTIFIED PERSONS.—The President shall exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of any person identified under subsection (a)(1)(B) if such property and interests in property

Certification.
Deadline.

are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) WIND-DOWN PERIOD.—The President may not impose sanctions under this section with respect to a person identified in the first report submitted under subsection (a) if the President certifies in that report that the person has, not later than 30 days after the date of the enactment of this Act, engaged in good faith efforts to wind down operations that would otherwise subject the person to the imposition of sanctions under this section.

(e) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(2) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under this section shall not apply with respect to the admission of an alien to the United States if the admission of the alien is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations.

(3) EXCEPTION FOR SAFETY OF VESSELS AND CREW.—Sanctions under this section shall not apply with respect to a person providing provisions to a vessel identified under subsection (a)(1)(A) if such provisions are intended for the safety and care of the crew aboard the vessel, the protection of human life aboard the vessel, or the maintenance of the vessel to avoid any environmental or other significant damage.

(4) EXCEPTION FOR REPAIR OR MAINTENANCE OF PIPELINES.—Sanctions under this section shall not apply with respect to a person for engaging in activities necessary for or related to the repair or maintenance of, or environmental remediation with respect to, a pipeline project described in subsection (a)(1)(A).

(5) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—Notwithstanding any other provision of this section, the authorities and requirements to impose sanctions authorized under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term “good” means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(f) WAIVERS.—

(1) NATIONAL INTEREST WAIVER FOR VISA BAN.—The President may waive the application of sanctions under subsection (b) with respect to an alien if the President—

(A) determines that the waiver is in the national interests of the United States; and

(B) submits to the appropriate congressional committees a report on the waiver and the reasons for the waiver.

Determination.

Reports.

(2) NATIONAL SECURITY WAIVER FOR ECONOMIC AND OTHER SANCTIONS.—The President may waive the application of sanctions under subsection (c) with respect to a person if the President—

(A) determines that the waiver is in the national security interests of the United States; and

Determination.

(B) submits to the appropriate congressional committees a report on the waiver and the reasons for the waiver.

Reports.

(g) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(h) TERMINATION AND SUNSET.—The authority to impose sanctions under this section with respect to a person involved in the construction of a pipeline project described in subsection (a)(1)(A), and any sanctions imposed under this section with respect to that project, shall terminate on the date that is the earlier of—

(1) the date on which the President certifies to the appropriate congressional committees that appropriate safeguards have been put in place—

Certification.

(A) to minimize the ability of the Government of the Russian Federation to use that project as a tool of coercion and political leverage, including by achieving the unbundling of energy production and transmission so that entities owned or controlled by that Government do not control the transmission network for the pipeline; and

(B) to ensure, barring unforeseen circumstances, that the project would not result in a decrease of more than 25 percent in the volume of Russian energy exports transiting through existing pipelines in other countries, particularly Ukraine, relative to the average monthly volume of Russian energy exports transiting through such pipelines in 2018; or

(2) the date that is 5 years after the date of the enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) ADMISSION; ADMITTED; ALIEN.—The terms “admission”, “admitted”, and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

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

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

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(3) **FOREIGN PERSON.**—The term “foreign person” means an individual or entity that is not a United States person.

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

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

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person within the United States.

TITLE LXXVI—OTHER MATTERS

Subtitle A—Federal Employee Paid Leave Act

Sec. 7601. Short title.

Sec. 7602. Paid parental leave under title 5.

Sec. 7603. Paid parental leave for congressional employees.

Sec. 7604. Conforming amendment to Family and Medical Leave Act for GAO and Library of Congress employees.

Sec. 7605. Clarification for members of the National Guard and Reserves.

Sec. 7606. Conforming amendment for certain TSA employees.

Subtitle B—Other Matters

Sec. 7611. Liberian refugee immigration fairness.

Sec. 7612. Pensacola Dam and Reservoir, Grand River, Oklahoma.

Sec. 7613. Limitation on certain rolling stock procurements; cybersecurity certification for rail rolling stock and operations.

Federal
Employee Paid
Leave Act.

Subtitle A—Federal Employee Paid Leave Act

5 USC 101 note.

SEC. 7601. SHORT TITLE.

This subtitle may be cited as the “Federal Employee Paid Leave Act”.

SEC. 7602. PAID PARENTAL LEAVE UNDER TITLE 5.

(a) **IN GENERAL.**—Subsection (d) of section 6382 of title 5, United States Code, is amended—

(1) by striking “An employee” and inserting “(1) An employee”;

(2) by striking “subparagraph (A), (B), (C),” and inserting “subparagraph (C),”; and

(3) by adding at the end the following:

“(2)(A) An employee may elect to substitute for any leave without pay under subparagraph (A) or (B) of subsection (a)(1) any paid leave which is available to such employee for that purpose.

“(B) The paid leave that is available to an employee for purposes of subparagraph (A) is—

“(i) 12 administrative workweeks of paid parental leave under this subparagraph in connection with the birth or placement involved; and

“(ii) during the 12-month period referred to in subsection (a)(1), and in addition to the 12 administrative

Time periods.

workweeks under clause (i), any annual or sick leave accrued or accumulated by such employee under subchapter I.

“(C) Nothing in this subsection shall be considered to require that an employee first use all or any portion of the leave described in subparagraph (B)(ii) before being allowed to use the paid parental leave described in subparagraph (B)(i).

“(D) Paid parental leave under subparagraph (B)(i)—

“(i) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing agency;

“(ii) shall not be considered to be annual or vacation leave for purposes of section 5551 or 5552 or for any other purpose; and

“(iii) if not used by the employee before the end of the 12-month period (as referred to in subsection (a)(1)) to which it relates, shall not accumulate for any subsequent use.

Time period.

“(E) Nothing in this paragraph shall be construed to modify the requirement to complete at least 12 months of service as an employee (within the meaning of section 6381(1)(A)) before the date of the applicable birth or placement involved to be eligible for paid parental leave under subparagraph (B)(i) of this paragraph.

Time period.

“(F)(i) An employee may not take leave under this paragraph unless the employee agrees (in writing), before the commencement of such leave, to work for the applicable employing agency for not less than a period of 12 weeks beginning on the date such leave concludes.

Time period.

“(ii) The head of the agency shall waive the requirement in clause (i) in any instance where the employee is unable to return to work because of the continuation, recurrence, or onset of a serious health condition (including mental health), related to the applicable birth or placement of a child, of the employee or the child.

Waiver authority.

“(iii) The head of the employing agency may require that an employee who claims to be unable to return to work because of a health condition described under clause (ii) provide certification supporting such claim by the health care provider of the employee or the child (as the case may be). The employee shall provide such certification to the head in a timely manner.

Certification.

“(G)(i) If an employee fails to return from paid leave provided under this paragraph after the date such leave concludes, the employing agency may recover, from such employee, an amount equal to the total amount of Government contributions paid by the agency under section 8906 on behalf of the employee for maintaining such employee’s health coverage under chapter 89 during the period of such leave.

“(ii) Clause (i) shall not apply to any employee who fails to return from such leave due to—

“(I) the continuation, recurrence, or onset of a serious health condition as described under, and consistent with the requirements of, subparagraph (F); or

“(II) any other circumstance beyond the control of the employee.”.

(b) CONFORMING AMENDMENTS.—Section 6382(a) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A) by inserting “and subsection (d)(2) of this section” after “section 6383”; and

(2) in paragraph (4), by striking “During” and inserting “Subject to subsection (d)(2), during”.

5 USC 6382 note.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall not be effective with respect to any birth or placement occurring before October 1, 2020.

SEC. 7603. PAID PARENTAL LEAVE FOR CONGRESSIONAL EMPLOYEES.

(a) **AMENDMENTS TO CONGRESSIONAL ACCOUNTABILITY ACT.**—Section 202 of the Congressional Accountability Act of 1995 (2 U.S.C. 1312) is amended—

(1) in subsection (a)(1), by adding at the end the following: “In applying section 102 of such Act with respect to leave for an event described in subsection (a)(1)(A) or (B) of such section to covered employees, subsection (d) of this section shall apply. Paragraphs (1) and (4) of section 102(a) of such Act shall be subject to subsection (d) of this section.”;

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

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

“(d) **SPECIAL RULE FOR PAID PARENTAL LEAVE.**—

“(1) **SUBSTITUTION OF PAID LEAVE.**—A covered employee may elect to substitute for any leave without pay under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) any paid leave which is available to such employee for that purpose.

“(2) **AMOUNT OF PAID LEAVE.**—The paid leave that is available to a covered employee for purposes of paragraph (1) is—

“(A) the number of weeks of paid parental leave in connection with the birth or placement involved that corresponds to the number of administrative workweeks of paid parental leave available to employees under section 6382(d)(2)(B)(i) of title 5, United States Code; and

“(B) during the 12-month period referred to in section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) and in addition to the administrative workweeks described in subparagraph (A), any additional paid vacation, personal, family, medical, or sick leave provided by the employing office to such employee.

“(3) **LIMITATION.**—Nothing in this section or section 102(d)(2)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(d)(2)(A)) shall be considered to require or permit an employing office to require that an employee first use all or any portion of the leave described in paragraph (2)(B) before being allowed to use the paid parental leave described in paragraph (2)(A).

“(4) **ADDITIONAL RULES.**—Paid parental leave under paragraph (2)(A)—

“(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing office;

“(B) if not used by the covered employee before the end of the 12-month period (as referred to in section 102(a)(1) of the Family and Medical Leave Act of 1993

Time period.

Time period.

(29 U.S.C. 2612(a)(1))) to which it relates, shall not accumulate for any subsequent use; and

“(C) shall apply without regard to the limitations in subparagraph (E), (F), or (G) of section 6382(d)(2) of title 5, United States Code, or section 104(c)(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2614(c)(2)).”

Applicability.

(b) CONFORMING AMENDMENT.—Section 202(a)(2) of the Congressional Accountability Act of 1995 (2 U.S.C. 1312(a)(2)) is amended by adding at the end the following: “The requirements of subparagraph (B) shall not apply with respect to leave under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)).”

(c) EFFECTIVE DATE.—The amendments made by this section shall not be effective with respect to any birth or placement occurring before October 1, 2020.

2 USC 1312 note.

SEC. 7604. CONFORMING AMENDMENT TO FAMILY AND MEDICAL LEAVE ACT FOR GAO AND LIBRARY OF CONGRESS EMPLOYEES.

(a) AMENDMENT TO FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “and subsection (d)(3)” after “section 103”; and

(B) in paragraph (4), by striking “During” and inserting “Subject to subsection (d)(3), during”; and

(2) in subsection (d), by adding at the end the following:

“(3) SPECIAL RULE FOR GAO EMPLOYEES.—

“(A) SUBSTITUTION OF PAID LEAVE.—An employee of the Government Accountability Office may elect to substitute for any leave without pay under subparagraph (A) or (B) of subsection (a)(1) any paid leave which is available to such employee for that purpose.

“(B) AMOUNT OF PAID LEAVE.—The paid leave that is available to an employee of the Government Accountability Office for purposes of subparagraph (A) is—

“(i) the number of weeks of paid parental leave in connection with the birth or placement involved that corresponds to the number of administrative workweeks of paid parental leave available to employees under section 6382(d)(2)(B)(i) of title 5, United States Code; and

“(ii) during the 12-month period referred to in section 102(a)(1) and in addition to the administrative workweeks described in clause (i), any additional paid vacation, personal, family, medical, or sick leave provided by such employer.

Time period.

“(C) LIMITATION.—Nothing in this section shall be considered to require or permit an employer to require that an employee first use all or any portion of the leave described in subparagraph (B)(ii) before being allowed to use the paid parental leave described in clause (i) of subparagraph (B).

“(D) ADDITIONAL RULES.—Paid parental leave under subparagraph (B)(i)—

	“(i) shall be payable from any appropriation or fund available for salaries or expenses for positions with the Government Accountability Office;
Time period.	“(ii) if not used by the employee of such employer before the end of the 12-month period (as referred to in subsection (a)(1)) to which it relates, shall not accumulate for any subsequent use; and
Applicability.	“(iii) shall apply without regard to the limitations in subparagraph (E), (F), or (G) of section 6382(d)(2) of title 5, United States Code or section 104(c)(2) of this Act.
Applicability.	“(4) SPECIAL RULE FOR LIBRARY OF CONGRESS EMPLOYEES.—Consistent with section 101(a)(3)(J) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(a)(3)(J)), the rights and protections established by sections 101 through 105, including section 102(d)(3), shall apply to employees of the Library of Congress under section 202 of that Act (2 U.S.C. 1312).”.
	(b) CONFORMING AMENDMENT.—Section 101(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(2)) is amended by adding at the end the following:
	“(E) GAO EMPLOYEES.—In the case of an employee of the Government Accountability Office, the requirements of subparagraph (A) shall not apply with respect to leave under section 102(a)(1)(A) or (B).”.
29 USC 2611 note.	(c) EFFECTIVE DATE.—The amendments made by this section shall not be effective with respect to any birth or placement occurring before October 1, 2020.
Determinations.	SEC. 7605. CLARIFICATION FOR MEMBERS OF THE NATIONAL GUARD AND RESERVES.
5 USC 6382 note.	(a) EXECUTIVE BRANCH EMPLOYEES.—For purposes of determining the eligibility of an employee who is a member of the National Guard or Reserves to take leave under section 6382(a) of title 5, United States Code, or to substitute such leave pursuant to subsection (d)(2)(A) of section 6382 of such title (as added by section 1102), any service by such employee on active duty (as defined in section 6381(7) of such title) shall be counted as service as an employee for purposes of section 6381(1)(B) of such title.
2 USC 1312 note.	(b) CONGRESSIONAL EMPLOYEES.—For purposes of determining the eligibility of a covered employee (as such term is defined in section 101(3) of the Congressional Accountability Act) who is a member of the National Guard or Reserves to take leave under section 102(a) of the Family and Medical Leave Act of 1993 (pursuant to section 202(a)(1) of the Congressional Accountability Act), any service by such employee on active duty (as defined in section 101(14) of the Family and Medical Leave Act of 1993) shall be counted as time during which such employee has been employed in an employing office for purposes of section 202(a)(2)(B) of the Congressional Accountability Act.
29 USC 2612 note.	(c) GAO AND LIBRARY OF CONGRESS EMPLOYEES.—For purposes of determining the eligibility of an employee of the Government Accountability Office or Library of Congress who is a member of the National Guard or Reserves to take leave under section 102(a) of the Family and Medical Leave Act of 1993, any service by such employee on active duty (as defined in section 101(14)

of such Act) shall be counted as time during which such employee has been employed for purposes of section 101(2)(A) of such Act.

SEC. 7606. CONFORMING AMENDMENT FOR CERTAIN TSA EMPLOYEES.

Section 111(d)(2) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended to read as follows:

“(2) EXCEPTIONS.—

“(A) REEMPLOYMENT.—In carrying out the functions authorized under paragraph (1), the Under Secretary shall be subject to the provisions set forth in chapter 43 of title 38, United States Code.

“(B) LEAVE.—The provisions of subchapter V of chapter 63 of title 5, United States Code, shall apply to any individual appointed under paragraph (1) as if such individual were an employee (within the meaning of subparagraph (A) of section 6381(1) of such title).”.

Subtitle B—Other Matters

SEC. 7611. LIBERIAN REFUGEE IMMIGRATION FAIRNESS.

8 USC 1255 note.

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—Except as otherwise specifically provided, any term used in this Act that is used in the immigration laws shall have the meaning given the term in the immigration laws.

(2) IMMIGRATION LAWS.—The term “immigration laws” has the meaning given the term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(3) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(b) ADJUSTMENT OF STATUS.—

Determinations.

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall adjust the status of an alien described in subsection (c) to that of an alien lawfully admitted for permanent residence if the alien—

(A) applies for adjustment not later than 1 year after the date of the enactment of this Act;

(B) is otherwise eligible to receive an immigrant visa; and

(C) subject to paragraph (2), is admissible to the United States for permanent residence.

(2) APPLICABILITY OF GROUNDS OF INADMISSIBILITY.—In determining the admissibility of an alien under paragraph (1)(C), the grounds of inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(3) EXCEPTIONS.—An alien shall not be eligible for adjustment of status under this subsection if the Secretary determines that the alien—

(A) has been convicted of any aggravated felony;

(B) has been convicted of two or more crimes involving moral turpitude (other than a purely political offense); or

(C) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

(4) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(A) IN GENERAL.—An alien present in the United States who has been subject to an order of exclusion, deportation, removal, or voluntary departure under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order, submit an application for adjustment of status under this subsection if the alien is otherwise eligible for adjustment of status under paragraph (1).

(B) SEPARATE MOTION NOT REQUIRED.—An alien described in subparagraph (A) shall not be required, as a condition of submitting or granting an application under this subsection, to file a separate motion to reopen, reconsider, or vacate an order described in subparagraph (A).

(C) EFFECT OF DECISION BY SECRETARY.—

(i) GRANT.—If the Secretary adjusts the status of an alien pursuant to an application under this subsection, the Secretary shall cancel any order described in subparagraph (A) to which the alien has been subject.

(ii) DENIAL.—If the Secretary makes a final decision to deny such application, any such order shall be effective and enforceable to the same extent that such order would be effective and enforceable if the application had not been made.

(c) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—

Applicability.

(1) IN GENERAL.—The benefits provided under subsection (b) shall apply to any alien who—

Time period.

(A)(i) is a national of Liberia; and

(ii) has been continuously present in the United States during the period beginning on November 20, 2014, and ending on the date on which the alien submits an application under subsection (b); or

(B) is the spouse, child, or unmarried son or daughter of an alien described in subparagraph (A).

(2) DETERMINATION OF CONTINUOUS PHYSICAL PRESENCE.—

For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(A)(ii), an alien shall not be considered to have failed to maintain continuous physical presence based on one or more absences from the United States for one or more periods amounting, in the aggregate, of not more than 180 days.

(d) STAY OF REMOVAL.—

Regulations.
Procedures.

(1) IN GENERAL.—The Secretary shall promulgate regulations establishing procedures by which an alien who is subject to a final order of deportation, removal, or exclusion, may seek a stay of such order based on the filing of an application under subsection (b).

(2) DURING CERTAIN PROCEEDINGS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary may not order an alien to be removed from the United States if the alien—

(i) is in exclusion, deportation, or removal proceedings under any provision of such Act; and

(ii) has submitted an application for adjustment of status under subsection (b).

(B) EXCEPTION.—The Secretary may order an alien described in subparagraph (A) to be removed from the United States if the Secretary has made a final determination to deny the application for adjustment of status under subsection (b) of the alien.

(3) WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary may—

(i) authorize an alien who has applied for adjustment of status under subsection (b) to engage in employment in the United States during the period in which a determination on such application is pending; and

(ii) provide such alien with an “employment authorized” endorsement or other appropriate document signifying authorization of employment.

(B) PENDING APPLICATIONS.—If an application for adjustment of status under subsection (b) is pending for a period exceeding 180 days and has not been denied, the Secretary shall authorize employment for the applicable alien.

Time period.

(e) RECORD OF PERMANENT RESIDENCE.—On the approval of an application for adjustment of status under subsection (b) of an alien, the Secretary shall establish a record of admission for permanent residence for the alien as of the date of the arrival of the alien in the United States.

(f) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary shall provide applicants for adjustment of status under subsection (b) with the same right to, and procedures for, administrative review as are provided to—

Procedures.

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); and

(2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(g) LIMITATION ON JUDICIAL REVIEW.—

(1) IN GENERAL.—A determination by the Secretary with respect to the adjustment of status of any alien under this section is final and shall not be subject to review by any court.

Determination.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to preclude the review of a constitutional claim or a question of law under section 704 of title 5, United States Code, with respect to a denial of adjustment of status under this section.

(h) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—The Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) to offset the adjustment of status of an alien who has been lawfully admitted for permanent residence pursuant to this section.

(i) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—

(1) SAVINGS PROVISION.—Nothing in this Act may be construed to repeal, amend, alter, modify, effect, or restrict the powers, duties, function, or authority of the Secretary in the

administration and enforcement of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) or any other law relating to immigration, nationality, or naturalization.

(2) EFFECT OF ELIGIBILITY FOR ADJUSTMENT OF STATUS.—The eligibility of an alien to be lawfully admitted for permanent residence under this section shall not preclude the alien from seeking any status under any other provision of law for which the alien may otherwise be eligible.

SEC. 7612. PENSACOLA DAM AND RESERVOIR, GRAND RIVER, OKLAHOMA.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Federal Energy Regulatory Commission.

(2) CONSERVATION POOL.—The term “conservation pool” means all land and water of Grand Lake O’ the Cherokees, Oklahoma, below the flood pool.

(3) FLOOD POOL.—The term “flood pool” means all land and water of Grand Lake O’ the Cherokees, Oklahoma, allocated for flood control or navigation by the Secretary pursuant to section 7 of the Flood Control Act of 1944 (33 U.S.C. 709).

(4) PROJECT.—The term “project” means the Pensacola Hydroelectric Project (FERC No. 1494).

(5) SECRETARY.—The term “Secretary” means the Secretary of the Army.

(b) CONSERVATION POOL MANAGEMENT.—

(1) FEDERAL LAND.—Notwithstanding section 3(2) of the Federal Power Act (16 U.S.C. 796(2)), any Federal land within the project boundary, including any right, title, or interest in or to land held by the United States for any purpose, shall not—

(A) be subject to the first proviso in section 4(e) of the Federal Power Act (16 U.S.C. 797(e)); or

(B) be considered to be—

(i) land or other property of the United States for purposes of recompensing the United States for the use, occupancy, or enjoyment of the land under section 10(e)(1) of that Act (16 U.S.C. 803(e)(1)); or

(ii) land of the United States for purposes of section 24 of that Act (16 U.S.C. 818).

(2) LICENSE CONDITIONS.—

(A) IN GENERAL.—Except as may be required by the Secretary to carry out responsibilities under section 7 of the Flood Control Act of 1944 (33 U.S.C. 709), the Commission or any other Federal or State agency shall not include in any license for the project any condition or other requirement relating to—

(i) surface elevations of the conservation pool; or

(ii) the flood pool (except to the extent it references flood control requirements prescribed by the Secretary).

(B) EXCEPTION.—Notwithstanding subparagraph (A), the project shall remain subject to the Commission’s rules and regulations for project safety and protection of human health.

(3) PROJECT SCOPE.—

(A) **LICENSING JURISDICTION.**—The licensing jurisdiction of the Commission for the project shall not extend to any land or water outside the project boundary.

(B) **OUTSIDE INFRASTRUCTURE.**—Any land, water, or physical infrastructure or other improvement outside the project boundary shall not be considered to be part of the project.

(C) **BOUNDARY JURISDICTION AMENDMENTS.**—The Commission may, consistent with the requirements of the Federal Power Act, amend the project boundary, only with the expressed written agreement of the project licensee. If the licensee does not agree to a project boundary change proposed by the Commission, the purposes and requirements of part I of the Federal Power Act (16 U.S.C. 791a et seq.) shall be deemed to be satisfied without the Commission’s proposed boundary or jurisdiction change.

(c) **EXCLUSIVE JURISDICTION OF FLOOD POOL MANAGEMENT.**—The Secretary shall have exclusive jurisdiction and responsibility for management of the flood pool for flood control operations at Grand Lake O’ the Cherokees.

(d) **STUDY OF UPSTREAM INFRASTRUCTURE.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall initiate a study of infrastructure and lands upstream from the project to evaluate resiliency to flooding. Not later than one year after initiating the study, the Secretary shall issue a report advising local communities and State departments of transportation of any identified deficiencies and potential mitigation options.

Deadline.
Evaluation.

Reports.

(e) **SAVINGS PROVISION.**—Nothing in this section affects, with respect to the project—

(1) any authority or obligation of the Secretary or the Chief of Engineers pursuant to section 2 of the Act of June 28, 1938 (commonly known as the “Flood Control Act of 1938”) (33 U.S.C. 701c–1);

(2) any authority of the Secretary or the Chief of Engineers pursuant to section 7 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (33 U.S.C. 709);

(3) any obligation of the United States to obtain flowage or other property rights pursuant to the Act of July 31, 1946 (60 Stat. 743, chapter 710);

(4) any obligation of the United States to acquire flowage or other property rights for additional reservoir storage pursuant to Executive Order 9839 (12 Fed. Reg. 2447; relating to the Grand River Dam Project);

(5) any authority of the Secretary to acquire real property interest pursuant to section 560 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3783);

(6) any obligation of the Secretary to conduct and pay the cost of a feasibility study pursuant to section 449 of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2641);

(7) the National Flood Insurance Program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), including any policy issued under that Act; or

(8) any disaster assistance made available under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42

U.S.C. 5121 et seq.) or other Federal disaster assistance program.

SEC. 7613. LIMITATION ON CERTAIN ROLLING STOCK PROCUREMENTS; CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.

Section 5323 of title 49, United States Code, is amended by adding at the end the following:

“(u) **LIMITATION ON CERTAIN ROLLING STOCK PROCUREMENTS.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (5), financial assistance made available under this chapter shall not be used in awarding a contract or subcontract to an entity on or after the date of enactment of this subsection for the procurement of rolling stock for use in public transportation if the manufacturer of the rolling stock—

“(A) is incorporated in or has manufacturing facilities in the United States; and

“(B) is owned or controlled by, is a subsidiary of, or is otherwise related legally or financially to a corporation based in a country that—

“(i) is identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of this subsection;

“(ii) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a foreign country included on the priority watch list defined in subsection (g)(3) of that section; and

“(iii) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

“(2) **EXCEPTION.**—For purposes of paragraph (1), the term ‘otherwise related legally or financially’ does not include a minority relationship or investment.

“(3) **INTERNATIONAL AGREEMENTS.**—This subsection shall be applied in a manner consistent with the obligations of the United States under international agreements.

“(4) **CERTIFICATION FOR RAIL ROLLING STOCK.**—

“(A) **IN GENERAL.**—Except as provided in paragraph (5), as a condition of financial assistance made available in a fiscal year under section 5337, a recipient that operates rail fixed guideway service shall certify in that fiscal year that the recipient will not award any contract or subcontract for the procurement of rail rolling stock for use in public transportation with a rail rolling stock manufacturer described in paragraph (1).

“(B) **SEPARATE CERTIFICATION.**—The certification required under this paragraph shall be in addition to any certification the Secretary establishes to ensure compliance with the requirements of paragraph (1).

“(5) **SPECIAL RULES.**—

“(A) **PARTIES TO EXECUTED CONTRACTS.**—This subsection, including the certification requirement under paragraph (4), shall not apply to the award of any contract or subcontract made by a public transportation agency

Applicability.

with a rail rolling stock manufacturer described in paragraph (1) if the manufacturer and the public transportation agency have executed a contract for rail rolling stock before the date of enactment of this subsection.

“(B) ROLLING STOCK.—Except as provided in subparagraph (C) and for a contract or subcontract that is not described in subparagraph (A), this subsection, including the certification requirement under paragraph (4), shall not apply to the award of a contract or subcontract made by a public transportation agency with any rolling stock manufacturer for the 2-year period beginning on or after the date of enactment of this subsection.

Time period.

“(C) EXCEPTION.—Subparagraph (B) shall not apply to the award of a contract or subcontract made by the Washington Metropolitan Area Transit Authority.

“(v) CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.—

“(1) CERTIFICATION.—As a condition of financial assistance made available under this chapter, a recipient that operates a rail fixed guideway public transportation system shall certify that the recipient has established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks.

“(2) COMPLIANCE.—For the process required under paragraph (1), a recipient of assistance under this chapter shall—

“(A) utilize the approach described by the voluntary standards and best practices developed under section 2(c)(15) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(15)), as applicable;

“(B) identify hardware and software that the recipient determines should undergo third-party testing and analysis to mitigate cybersecurity risks, such as hardware or software for rail rolling stock under proposed procurements; and

Determination.

“(C) utilize the approach described in any voluntary standards and best practices for rail fixed guideway public transportation systems developed under the authority of the Secretary of Homeland Security, as applicable.

“(3) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority of—

“(A) the Secretary of Homeland Security to publish or ensure compliance with requirements or standards concerning cybersecurity for rail fixed guideway public transportation systems; or

“(B) the Secretary of Transportation under section 5329 to address cybersecurity issues as those issues relate to

the safety of rail fixed guideway public transportation systems.”.

Approved December 20, 2019.

LEGISLATIVE HISTORY—S. 1790 (H.R. 2500):

HOUSE REPORTS: Nos. 116–120 and Pt. 2 (both from Comm. on Armed Services) accompanying H.R. 2500 and 116–333 (Comm. of Conference).

SENATE REPORTS: No. 116–48 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 165 (2019):

June 24–27, Sept. 12, considered and passed Senate.

Sept. 17, considered and passed House, amended.

Dec. 11, House agreed to conference report.

Dec. 12, 16, 17, Senate considered and agreed to conference report.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2019):

Dec. 20, Presidential remarks and statement.

Public Law 116–93
116th Congress

An Act

Making consolidated appropriations for the fiscal year ending September 30, 2020,
and for other purposes.

Dec. 20, 2019
[H.R. 1158]

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

Consolidated
Appropriations
Act, 2020.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consolidated Appropriations
Act, 2020”.

SEC. 2. TABLE OF CONTENTS.

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Explanatory statement.
- Sec. 5. Statement of appropriations.
- Sec. 6. Availability of funds.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2020

Title I—Military Personnel
Title II—Operation and Maintenance
Title III—Procurement
Title IV—Research, Development, Test and Evaluation
Title V—Revolving and Management Funds
Title VI—Other Department of Defense Programs
Title VII—Related Agencies
Title VIII—General Provisions
Title IX—Overseas Contingency Operations
Title X—Natural Disaster Relief

**DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS ACT, 2020**

Title I—Department of Commerce
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**DIVISION C—FINANCIAL SERVICES AND GENERAL GOVERNMENT
APPROPRIATIONS ACT, 2020**

Title I—Department of the Treasury
Title II—Executive Office of the President and Funds Appropriated to the President
Title III—The Judiciary
Title IV—District of Columbia
Title V—Independent Agencies
Title VI—General Provisions—This Act
Title VII—General Provisions—Government-wide
Title VIII—General Provisions—District of Columbia

**DIVISION D—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS
ACT, 2020**

Title I—Departmental Management, Operations, Intelligence, and Oversight

Title II—Security, Enforcement, and Investigations
Title III—Protection, Preparedness, Response, and Recovery
Title IV—Research, Development, Training, and Services
Title V—General Provisions

1 USC 1 note.

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act, printed in the House section of the Congressional Record on or about December 17, 2019, and submitted by the Chairwoman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of divisions A through D of this Act as if it were a joint explanatory statement of a committee of conference.

SEC. 5. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020.

SEC. 6. AVAILABILITY OF FUNDS.

(a) Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

(b) Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

Department of
Defense
Appropriations
Act, 2020.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2020

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$42,746,972,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$31,710,431,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$14,098,666,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$31,239,149,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 7038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,922,087,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section

12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,115,997,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$833,604,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,014,190,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$8,704,320,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or

other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,060,651,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law, \$39,597,083,000: *Provided*, That not to exceed \$12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, \$47,622,510,000: *Provided*, That not to exceed \$15,055,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$7,868,468,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, \$42,736,365,000: *Provided*, That not to exceed \$7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, SPACE FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Space Force, as authorized by law, \$40,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$37,491,073,000: *Provided*, That not more than \$6,859,000 may be used for the Combatant Commander Initiative

Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed \$36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than \$44,500,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than \$4,500,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That \$17,732,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That of the funds provided under this heading, \$643,073,000, of which \$160,768,000, to remain available until September 30, 2021, shall be available to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or other Department of Defense security cooperation programs: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,984,494,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,102,616,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities

and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$289,076,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$3,227,318,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$7,461,947,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$6,655,292,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$14,771,000, of which not to exceed \$5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$251,700,000, to remain available until transferred: *Provided*, That the Secretary of the

Determinations.

Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

Determinations. For the Department of the Navy, \$385,000,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

Determinations. For the Department of the Air Force, \$485,000,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$19,002,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

Determinations.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$275,000,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

Determinations.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), \$135,000,000, to remain available until September 30, 2021.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance, including assistance provided by contract or by grants, under programs and activities of the Department of Defense Cooperative Threat Reduction Program authorized under the Department of Defense Cooperative Threat Reduction Act, \$373,700,000, to remain available until September 30, 2022.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT
FUND

For the Department of Defense Acquisition Workforce Development Fund, \$400,000,000, to remain available for obligation until September 30, 2021: *Provided*, That no other amounts may be otherwise credited or transferred to the Fund, or deposited into the Fund, in fiscal year 2020 pursuant to section 1705(d) of title 10, United States Code.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$3,771,329,000, to remain available for obligation until September 30, 2022.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,995,673,000, to remain available for obligation until September 30, 2022.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES,
ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other

expenses necessary for the foregoing purposes, \$4,663,597,000, to remain available for obligation until September 30, 2022.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,578,575,000, to remain available for obligation until September 30, 2022.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$7,581,524,000, to remain available for obligation until September 30, 2022.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$19,605,513,000, to remain available for obligation until September 30, 2022.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and

machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$4,017,470,000, to remain available for obligation until September 30, 2022.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$843,401,000, to remain available for obligation until September 30, 2022.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Ohio Replacement Submarine (AP), \$1,820,927,000;
 Carrier Replacement Program (CVN–80), \$1,062,000,000;
 Carrier Replacement Program (CVN–81), \$1,214,500,000;
 Virginia Class Submarine, \$5,365,181,000;
 Virginia Class Submarine (AP), \$2,969,552,000;
 CVN Refueling Overhauls, \$634,626,000;
 CVN Refueling Overhauls (AP), \$16,900,000;
 DDG–1000 Program, \$155,944,000;
 DDG–51 Destroyer, \$5,065,295,000;
 DDG–51 Destroyer (AP), \$744,028,000;
 FFG–Frigate, \$1,281,177,000;
 LPD Flight II, \$524,100,000;
 LHA Replacement, \$650,000,000;
 Expeditionary Fast Transport, \$261,000,000;
 TAO Fleet Oiler, \$981,215,000;
 TAO Fleet Oiler (AP), \$73,000,000;
 Towing, Salvage, and Rescue Ship, \$150,282,000;
 LCU 1700, \$83,670,000;
 Ship to Shore Connector, \$65,000,000;
 Service Craft, \$56,289,000;

For outfitting, post delivery, conversions, and first destination transportation, \$695,992,000; and

Completion of Prior Year Shipbuilding Programs, \$104,700,000.

In all: \$23,975,378,000, to remain available for obligation until September 30, 2024: *Provided*, That additional obligations may

be incurred after September 30, 2024, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards: *Provided further*, That funds appropriated or otherwise made available by this Act for Ohio Replacement Submarine (AP) may be available for the purposes authorized by subsections (f), (g), (h) or (i) of section 2218a of title 10, United States Code, only in accordance with the provisions of the applicable subsection: *Provided further*, That an appropriation made under the heading “Shipbuilding and Conversion, Navy” provided for the purpose of “Program increase—advance procurement for fiscal year 2020 LPD Flight II and/or multiyear procurement economic order quantity” shall be considered to be for the purpose of “Program increase—advance procurement of LPD–31”.

Vessels.

Vessels.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$10,075,257,000, to remain available for obligation until September 30, 2022: *Provided*, That such funds are also available for the maintenance, repair, and modernization of Pacific Fleet ships under a pilot program established for such purposes.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$2,898,422,000, to remain available for obligation until September 30, 2022.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories

therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$17,512,361,000, to remain available for obligation until September 30, 2022.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$2,575,890,000, to remain available for obligation until September 30, 2022.

SPACE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of spacecraft, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$2,353,383,000, to remain available for obligation until September 30, 2022.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,625,661,000, to remain available for obligation until September 30, 2022.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$21,410,021,000, to remain available for obligation until September 30, 2022.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$5,332,147,000, to remain available for obligation until September 30, 2022.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533), \$64,393,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$12,543,435,000, to remain available for obligation until September 30, 2021.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$20,155,115,000, to remain available for obligation until September 30, 2021: *Provided*, That funds appropriated in this paragraph

which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$45,566,955,000, to remain available for obligation until September 30, 2021.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$25,938,027,000, to remain available for obligation until September 30, 2021.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$227,700,000, to remain available for obligation until September 30, 2021.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,564,211,000.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, \$34,074,119,000; of which \$31,321,665,000, shall be for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2021, and of which up to \$15,262,668,000 may be available for contracts entered into under the TRICARE program; of which \$446,359,000, to remain available for obligation until September 30, 2022, shall be for procurement; and of which \$2,306,095,000, to remain available for obligation until September 30, 2021, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any

other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than \$8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations: *Provided further*, That of the funds provided under this heading for research, development, test and evaluation, not less than \$1,383,500,000 shall be made available to the United States Army Medical Research and Development Command to carry out the congressionally directed medical research programs: *Provided further*, That the Secretary of Defense shall submit to the Congressional defense committees quarterly reports on the current status of the deployment of the electronic health record: *Provided further*, That the Secretary of Defense shall provide notice to the Congressional defense committees not later than ten business days after delaying the proposed timeline of such deployment if such delay is longer than one week: *Provided further*, That the Comptroller General of the United States shall perform quarterly performance reviews of such deployment.

Reports.

Notification.
Deadline.
Time period.

Reviews.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$985,499,000, of which \$107,351,000 shall be for operation and maintenance, of which no less than \$52,452,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of \$22,444,000 for activities on military installations and \$30,008,000, to remain available until September 30, 2021, to assist State and local governments; \$2,218,000 shall be for procurement, to remain available until September 30, 2022, of which not less than \$2,218,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and \$875,930,000, to remain available until September 30, 2021, shall be for research, development, test and evaluation, of which \$869,430,000 shall only be for the Assembled Chemical Weapons Alternatives program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, \$893,059,000, of which \$522,171,000 shall be for counter-narcotics support; \$124,922,000 shall be for the drug demand reduction program; \$220,595,000 shall be for the National Guard counter-drug program; and \$25,371,000 shall be for the National Guard counter-drug schools program: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred:

Determination. *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$363,499,000, of which \$360,201,000 shall be for operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; of which \$333,000, to remain available for obligation until September 30, 2022, shall be for procurement; and of which \$2,965,000, to remain available until September 30, 2021, shall be for research, development, test and evaluation.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$514,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, \$556,000,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

10 USC 1584
note.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not

apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

Time period.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2020: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

Determination.

Notification.

Reprogramming requests.

Deadline.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled Explanation of Project Level Adjustments in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

Applicability.	(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: <i>Provided</i> , That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.
Reports.	SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2020: <i>Provided</i> , That the report shall include— <ol style="list-style-type: none"> (1) a table for each appropriation with a separate column to display the President’s budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and (3) an identification of items of special congressional interest.
Certification.	(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement: <i>Provided</i> , That this subsection shall not apply to transfers from the following appropriations accounts: <ol style="list-style-type: none"> (1) “Environmental Restoration, Army”; (2) “Environmental Restoration, Navy”; (3) “Environmental Restoration, Air Force”; (4) “Environmental Restoration, Defense-Wide”; (5) “Environmental Restoration, Formerly Used Defense Sites”; and (6) “Drug Interdiction and Counter-drug Activities, Defense”.

(TRANSFER OF FUNDS)

Determination. Notification.	SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: <i>Provided</i> , That transfers may be made between such funds: <i>Provided further</i> , That transfers may be made between working capital funds and the “Foreign Currency Fluctuations, Defense” appropriation and the “Operation and Maintenance” appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer: <i>Provided further</i> , That except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.
Notification.	

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 30-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and

Notification.
Deadline.

Contracts.
Notifications.
Deadlines.
10 USC 2306b
note.

Budget request.

Humanitarian
assistance.
Territories.

Reports.

Determination. Hawaii.	<p>similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: <i>Provided further</i>, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.</p>
Budget request. Effective date.	<p>SEC. 8012. (a) During the current fiscal year, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.</p> <p>(b) The fiscal year 2021 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2021 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2021.</p> <p>(c) As required by section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2358 note) civilian personnel at the Department of Army Science and Technology Reinvention Laboratories may not be managed on the basis of the Table of Distribution and Allowances, and the management of the workforce strength shall be done in a manner consistent with the budget available with respect to such Laboratories.</p> <p>(d) Nothing in this section shall be construed to apply to military (civilian) technicians.</p>
Lobbying.	<p>SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.</p>
Applicability.	<p>SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: <i>Provided</i>, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: <i>Provided further</i>, That this section applies only to active components of the Army.</p>

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protégé Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protégé Program developmental assistance agreement pursuant to section 831 of the

National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term “manufactured” shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the Service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

Anchor and
mooring chain.

Definition.

Waiver authority.
Certification.

SEC. 8017. None of the funds available in this Act to the Department of Defense, other than appropriations made for necessary or routine refurbishments, upgrades or maintenance activities, shall be used to reduce or to prepare to reduce the number of deployed and non-deployed strategic delivery vehicles and launchers below the levels set forth in the report submitted to Congress in accordance with section 1042 of the National Defense Authorization Act for Fiscal Year 2012.

SEC. 8018. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That, in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

Alcohol and
alcoholic
beverages.

Applicability.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms

Arms and
munitions.
Certification.

ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

Waiver authority.
Certification.

SEC. 8020. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

Contracts.

SEC. 8021. Of the funds made available in this Act, \$25,000,000 shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over \$500,000 and involves the expenditure of funds appropriated by an Act making appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

Applicability.

SEC. 8022. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

Kuwait.

SEC. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8024. (a) Of the funds made available in this Act, not less than \$51,800,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$39,100,000 shall be available from “Operation and Maintenance, Air Force” to support Civil Air Patrol Corporation operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;

(2) \$11,000,000 shall be available from “Aircraft Procurement, Air Force”; and

(3) \$1,700,000 shall be available from “Other Procurement, Air Force” for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during the current fiscal year may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings not located on a military installation, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2020, not more than 6,053 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That, of the specific amount referred to previously in this subsection, not more than 1,148 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program and the Military Intelligence Program.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2021 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

Reports.

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy, or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely

Contracts.

Applicability.

Waiver authority.
Certification.

	<p>basis and that such an acquisition must be made in order to acquire capability for national security purposes: <i>Provided further</i>, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.</p>
Definition. 10 USC 2731 note.	<p>SEC. 8027. For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.</p>
Certification.	<p>SEC. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: <i>Provided</i>, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: <i>Provided further</i>, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.</p>
Consultation. Determination. Contracts. Rescission. 41 USC 8304 note.	<p>SEC. 8029. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary’s blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.</p>
Memorandum.	<p>(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.</p>
Reports.	<p>(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2020. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.</p>
Definition.	<p>(c) For purposes of this section, the term “Buy American Act” means chapter 83 of title 41, United States Code.</p>
	<p>SEC. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.</p>
Native Americans. State listing. Housing.	<p>SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units</p>

located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

Determination.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term “Indian tribe” means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131).

Definition.

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$250,000.

SEC. 8033. None of the funds made available by this Act may be used to—

(1) disestablish, or prepare to disestablish, a Senior Reserve Officers’ Training Corps program in accordance with Department of Defense Instruction Number 1215.08, dated June 26, 2006; or

(2) close, downgrade from host to extension center, or place on probation a Senior Reserve Officers’ Training Corps program in accordance with the information paper of the Department of the Army titled “Army Senior Reserve Officer’s Training Corps (SROTC) Program Review and Criteria”, dated January 27, 2014.

SEC. 8034. Amounts appropriated for “Procurement, Defense-Wide” in this Act may be used for the purchase of up to 24 new passenger carrying motor vehicles at a cost of not more than \$47,000 per vehicle for use by the Defense POW/MIA Accounting Agency in carrying out the responsibilities specified in section 1501 of title 10, United States Code, in the United States Indo-Pacific Command, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 8035. Up to \$14,000,000 of the funds appropriated under the heading “Operation and Maintenance, Navy” may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that

is otherwise prohibited from receiving such type of assistance under any other provision of law.

Regulations.
Tobacco and
tobacco products.
10 USC 2484
note.

SEC. 8036. The Secretary of Defense shall issue regulations to prohibit the sale of any tobacco or tobacco-related products in military resale outlets in the United States, its territories and possessions at a price below the most competitive price in the local community: *Provided*, That such regulations shall direct that the prices of tobacco or tobacco-related products in overseas military retail outlets shall be within the range of prices established for military retail system stores located in the United States.

SEC. 8037. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

Budget request.

(b) The fiscal year 2021 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2021 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2021 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8038. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2021: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947 (50 U.S.C. 3093) shall remain available until September 30, 2021.

50 USC 3521
note.

SEC. 8039. Of the funds appropriated to the Department of Defense under the heading “Operation and Maintenance, Defense-Wide”, not less than \$12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

Compliance.

SEC. 8040. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American

Act. For purposes of this subsection, the term “Buy American Act” means chapter 83 of title 41, United States Code.

Definition.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

Determination.
Labeling.
Fraud.
Debarment.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8041. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee’s place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and the Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

Waiver authority.
Determination.
Certification.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program;

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats;

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense; or

(4) an Air Force field operating agency established to administer the Air Force Mortuary Affairs Program and Mortuary Operations for the Department of Defense and authorized Federal entities.

Determination.

SEC. 8042. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

Contracts.
Effective date.

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

Plan.

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly

Determination.

to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization’s personnel-related costs for performance of that activity or function by Federal employees; or

(B) \$10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O’Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(RESCISSIONS)

SEC. 8043. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that

were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

“Shipbuilding and Conversion, Navy: DDG-51 Destroyer”, 2012/2020, \$44,500,000;

“Shipbuilding and Conversion, Navy: LCAC SLEP”, 2013/2022, \$2,000,000;

“Aircraft Procurement, Army”, 2018/2020, \$44,000,000;

“Missile Procurement, Army”, 2018/2020, \$5,182,000;

“Weapons and Tracked Combat Vehicles, Army”, 2018/2020, \$97,000,000;

“Other Procurement, Army”, 2018/2020, \$5,685,000;

“Aircraft Procurement, Navy”, 2018/2020, \$114,781,000;

“Other Procurement, Navy”, 2018/2020, \$23,526,000;

“Procurement, Marine Corps”, 2018/2020, \$9,046,000;

“Aircraft Procurement, Air Force”, 2018/2020, \$160,975,000;

“Missile Procurement, Air Force”, 2018/2020, \$75,973,000;

“Other Procurement, Air Force”, 2018/2020, \$26,000,000;

“Operation and Maintenance, Defense-Wide: Defense Security Cooperation Agency”, 2019/2020, \$21,314,000;

“Aircraft Procurement, Army”, 2019/2021, \$58,600,000;

“Missile Procurement, Army”, 2019/2021, \$67,798,000;

“Weapons and Tracked Combat Vehicles, Army”, 2019/2021, \$215,946,000;

“Other Procurement, Army”, 2019/2021, \$107,483,000;

“Aircraft Procurement, Navy”, 2019/2021, \$307,100,000;

“Procurement of Ammunition, Navy and Marine Corps”, 2019/2021, \$22,000,000;

“Shipbuilding and Conversion, Navy: DDG-51 Destroyer Advance Procurement”, 2019/2023, \$51,000,000;

“Shipbuilding and Conversion, Navy: LPD-17 Advance Procurement”, 2019/2023, \$102,900,000;

“Other Procurement, Navy”, 2019/2021, \$24,770,000;

“Procurement, Marine Corps”, 2019/2021, \$74,756,000;

“Aircraft Procurement, Air Force”, 2019/2021, \$713,455,000;

“Missile Procurement, Air Force”, 2019/2021, \$39,979,000;

“Space Procurement, Air Force”, 2019/2021, \$164,300,000;

“Procurement of Ammunition, Air Force”, 2019/2021, \$236,100,000;

“Procurement, Defense-Wide”, 2019/2021, \$337,000,000;

“Research, Development, Test and Evaluation, Army”, 2019/2020, \$150,276,000;

“Research, Development, Test and Evaluation, Navy”, 2019/2020, \$230,957,000;

“Research, Development, Test and Evaluation, Air Force”, 2019/2020, \$263,050,000;

“Research, Development, Test and Evaluation, Defense-Wide”, 2019/2020, \$267,000,000; and

“Defense Health Program: Research, Development, Test and Evaluation”, 2019/2020, \$26,200,000.

SEC. 8044. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard,

	Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.
North Korea.	SEC. 8045. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose: <i>Provided</i> , That this restriction shall not apply to any activities incidental to the Defense POW/MIA Accounting Agency mission to recover and identify the remains of United States Armed Forces personnel from the Democratic People's Republic of Korea.
Armed Forces remains.	
Reimbursement. National Guard and Reserve.	SEC. 8046. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: <i>Provided</i> , That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.
Drugs and drug abuse. 10 USC 274 note.	SEC. 8047. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.
50 USC 3506 note.	(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.
Ball and roller bearings.	SEC. 8048. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: <i>Provided</i> , That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: <i>Provided further</i> , That this restriction shall not apply to the purchase of "commercial items", as defined by section 103 of title 41, United States Code, except that the restriction shall apply to ball or roller bearings purchased as end items.
Waiver authority. Certification.	SEC. 8049. Of the amounts appropriated for "Working Capital Fund, Army", \$129,000,000 shall be available to maintain competitive rates at the arsenals.
	SEC. 8050. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$44,000,000 is hereby appropriated to the Department of Defense: <i>Provided</i> , That upon the determination of the Secretary of Defense that it shall serve the national interest, the Secretary shall make grants in the amounts
Determination. Grants.	

specified as follows: \$20,000,000 to the United Service Organizations and \$24,000,000 to the Red Cross.

SEC. 8051. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

Supercomputers.
Certification.

SEC. 8052. Notwithstanding any other provision in this Act, the Small Business Innovation Research program and the Small Business Technology Transfer program set-asides shall be taken proportionally from all programs, projects, or activities to the extent they contribute to the extramural budget.

SEC. 8053. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

Contracts.

- (1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and
- (2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8054. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading “Operation and Maintenance, Defense-Wide” may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8055. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

- (1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;
- (2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and
- (3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge

to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account:

Provided, That the Under Secretary of Defense (Comptroller) shall include with the budget of the President for fiscal year 2021 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) a statement describing each instance if any, during each of the fiscal years 2015 through 2020 in which the authority in this section was exercised.

Reimbursement.

SEC. 8056. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8057. Of the funds appropriated in this Act under the heading “Operation and Maintenance, Defense-Wide”, \$35,000,000 shall be for continued implementation and expansion of the Sexual Assault Special Victims’ Counsel Program: *Provided*, That the funds are made available for transfer to the Department of the Army, the Department of the Navy, and the Department of the Air Force: *Provided further*, That funds transferred shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority provided in this Act.

Reports.

SEC. 8058. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That the Secretary of Defense shall, at the time of the submittal to Congress of the budget of the President for fiscal year 2021 pursuant to section 1105 of title 31, United States Code, submit to the congressional defense committees a report detailing the use of funds requested in research, development, test and evaluation accounts for end-items used in development, prototyping and test activities preceding and leading to acceptance for operational use: *Provided further*, That the report shall set forth, for each end-item covered by the preceding proviso, a detailed list of the statutory authorities under which amounts in the accounts described in that proviso were used for such item: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing

Lists.

Waiver authority.
Certification.

to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8059. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

Waiver authority.
Determination.

(b) Subsection (a) applies with respect to—

Applicability.
Contracts.

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section XI (chapters 50–65) of the Harmonized Tariff Schedule of the United States and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8060. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8061. Notwithstanding any other provision of law, funds appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees.

Time period.
Reports.
Strategies.
Cost estimates.

SEC. 8062. The Secretary of Defense shall continue to provide a classified quarterly report to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

Classified
information.
Reports.

SEC. 8063. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8064. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held

Arms and
munitions.

by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of “armor penetrator”, “armor piercing (AP)”, “armor piercing incendiary (API)”, or “armor-piercing incendiary tracer (API-T)”, except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

Waiver authority.
Time period.

SEC. 8065. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

(INCLUDING TRANSFER OF FUNDS)

Contracts.
Determinations.

SEC. 8066. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Army”, \$138,103,000 shall remain available until expended: *Provided*, That, notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8067. (a) None of the funds appropriated in this or any other Act may be used to take any action to modify—

(1) the appropriations account structure for the National Intelligence Program budget, including through the creation of a new appropriation or new appropriation account;

(2) how the National Intelligence Program budget request is presented in the unclassified P-1, R-1, and O-1 documents supporting the Department of Defense budget request;

(3) the process by which the National Intelligence Program appropriations are apportioned to the executing agencies; or

(4) the process by which the National Intelligence Program appropriations are allotted, obligated and disbursed.

(b) Nothing in subsection (a) shall be construed to prohibit the merger of programs or changes to the National Intelligence Program budget at or below the Expenditure Center level, provided

such change is otherwise in accordance with paragraphs (a)(1)–(3).

(c) The Director of National Intelligence and the Secretary of Defense may jointly, only for the purposes of achieving auditable financial statements and improving fiscal reporting, study and develop detailed proposals for alternative financial management processes. Such study shall include a comprehensive counterintelligence risk assessment to ensure that none of the alternative processes will adversely affect counterintelligence.

Study.
Proposals.

Assessment.

(d) Upon development of the detailed proposals defined under subsection (c), the Director of National Intelligence and the Secretary of Defense shall—

(1) provide the proposed alternatives to all affected agencies;

(2) receive certification from all affected agencies attesting that the proposed alternatives will help achieve auditability, improve fiscal reporting, and will not adversely affect counterintelligence; and

Certification.

(3) not later than 30 days after receiving all necessary certifications under paragraph (2), present the proposed alternatives and certifications to the congressional defense and intelligence committees.

Deadline.

SEC. 8068. In addition to amounts provided elsewhere in this Act, \$10,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

Determination.
Grants.
Fisher House
Foundation, Inc.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. Of the amounts appropriated for “Operation and Maintenance, Navy”, up to \$1,000,000 shall be available for transfer to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105).

SEC. 8070. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of United States Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force until a written modification has been proposed to the House and Senate Appropriations Committees: *Provided further*, That the proposed modification may be implemented 30 days after the notification unless an objection is received from either the House or Senate Appropriations Committees: *Provided further*, That any proposed modification shall not preclude the ability of the commander of United States Indo-Pacific Command to meet operational requirements.

Modification.

Deadline.
Notification.

SEC. 8071. Any notice that is required to be submitted to the Committees on Appropriations of the Senate and the House of Representatives under section 806(c)(4) of the Bob Stump

Notification.
10 USC 2302
note.

National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) after the date of the enactment of this Act shall be submitted pursuant to that requirement concurrently to the Subcommittees on Defense of the Committees on Appropriations of the Senate and the House of Representatives.

(INCLUDING TRANSFER OF FUNDS)

Israel.

SEC. 8072. Of the amounts appropriated in this Act under the headings “Procurement, Defense-Wide” and “Research, Development, Test and Evaluation, Defense-Wide”, \$500,000,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, \$95,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, subject to the U.S.-Israel Iron Dome Procurement Agreement, as amended; \$191,000,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which \$50,000,000 shall be for co-production activities of SRBMD systems in the United States and in Israel to meet Israel’s defense requirements consistent with each nation’s laws, regulations, and procedures, subject to the U.S.-Israeli co-production agreement for SRBMD, as amended; \$55,000,000 shall be for an upper-tier component to the Israeli Missile Defense Architecture, of which \$55,000,000 shall be for co-production activities of Arrow 3 Upper Tier systems in the United States and in Israel to meet Israel’s defense requirements consistent with each nation’s laws, regulations, and procedures, subject to the U.S.-Israeli co-production agreement for Arrow 3 Upper Tier, as amended; and \$159,000,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the heading “Shipbuilding and Conversion, Navy”, \$104,700,000 shall be available until September 30, 2020, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

- (1) Under the heading “Shipbuilding and Conversion, Navy”, 2016/2020: Littoral Combat Ship \$14,000,000;
- (2) Under the heading “Shipbuilding and Conversion, Navy”, 2016/2020: Expeditionary Sea Base \$38,000,000;
- (3) Under the heading “Shipbuilding and Conversion, Navy”, 2018/2020: TAO Fleet Oiler \$3,700,000; and
- (4) Under the heading “Shipbuilding and Conversion, Navy”, 2019/2020: Expeditionary Fast Transport \$49,000,000.

SEC. 8074. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C.

3094) during fiscal year 2020 until the enactment of the Intelligence Authorization Act for Fiscal Year 2020.

SEC. 8075. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

Notification.

SEC. 8076. The budget of the President for fiscal year 2021 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, the Procurement accounts, and the Research, Development, Test and Evaluation accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

10 USC 221 note.

Cost estimates.

SEC. 8077. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

Nuclear interceptors.

SEC. 8078. The Secretary of Defense may use up to \$650,000,000 of the amounts appropriated or otherwise made available in this Act to the Department of Defense for the rapid acquisition and deployment of supplies and associated support services pursuant to section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note), but only for the purposes specified in clauses (i), (ii), (iii), and (iv) of subsection (c)(3)(B) of such section and subject to the applicable limits specified in clauses (i), (ii), and (iii) of such subsection and, in the case of clause (iv) of such subsection, subject to a limit of \$50,000,000: *Provided*, That the Secretary of Defense shall notify the congressional defense committees promptly of all uses of such authority.

Notification.

SEC. 8079. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

53rd Weather Reconnaissance Squadron.

SEC. 8080. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*,

Foreign intelligence.

	That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.
Tactical unmanned aerial vehicles.	SEC. 8081. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army. (b) The Army shall retain responsibility for and operational control of the MQ–1C Gray Eagle Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.
	SEC. 8082. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2021.
Applicability.	SEC. 8083. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading “Shipbuilding and Conversion, Navy” shall be considered to be for the same purpose as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.
Reports.	SEC. 8084. (a) Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2020: <i>Provided</i> , That the report shall include— (1) a table for each appropriation with a separate column to display the President’s budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation by Expenditure Center and project; and (3) an identification of items of special congressional interest.
Certification.	(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement. SEC. 8085. Notwithstanding any other provision of law, any transfer of funds, appropriated or otherwise made available by this Act, for support to friendly foreign countries in connection with the conduct of operations in which the United States is not participating, pursuant to section 331(d) of title 10, United States Code, shall be made in accordance with section 8005 or 9002 of this Act, as applicable. SEC. 8086. Any transfer of amounts appropriated to, credited to, or deposited in the Department of Defense Acquisition Workforce Development Fund in or for fiscal year 2020 to a military department or Defense Agency pursuant to section 1705(e)(1) of title 10, United States Code, shall be covered by and subject to section 8005 or 9002 of this Act, as applicable.

SEC. 8087. None of the funds made available by this Act for excess defense articles, assistance under section 333 of title 10, United States Code, or peacekeeping operations for the countries designated annually to be in violation of the standards of the Child Soldiers Prevention Act of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may be used to support any military training or operation that includes child soldiers, as defined by the Child Soldiers Prevention Act of 2008, unless such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008.

Child soldiers.

SEC. 8088. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that—

- (1) creates a new start effort;
- (2) terminates a program with appropriated funding of \$10,000,000 or more;
- (3) transfers funding into or out of the National Intelligence Program; or
- (4) transfers funding between appropriations, unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex accompanying the Act unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

Notification.
Time period.

SEC. 8089. For the purposes of this Act, the term “congressional intelligence committees” means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

Definition.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. During the current fiscal year, not to exceed \$11,000,000 from each of the appropriations made in title II of this Act for “Operation and Maintenance, Army”, “Operation and Maintenance, Navy”, and “Operation and Maintenance, Air Force” may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

SEC. 8091. None of the funds appropriated by this Act may be available for the purpose of making remittances to the Department of Defense Acquisition Workforce Development Fund in accordance with section 1705 of title 10, United States Code.

Public
information.
Web posting.
Reports.
Determinations.

SEC. 8092. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

Time period.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

Contracts.

SEC. 8093. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of \$1,000,000, unless the contractor agrees not to—

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a “covered subcontractor” is an entity that has a subcontract in excess of \$1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor’s or subcontractor’s agreements with employees or independent contractors that may not be enforced in a court of the United States.

Waiver authority.
Determination.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security

interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

Public
information.
Determination.
Deadline.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8094. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to \$127,000,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

Notification.

SEC. 8095. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Defense or a component thereof in contravention of the provisions of section 130h of title 10, United States Code.

SEC. 8096. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of \$450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8097. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed \$1,500,000,000 of the funds made available in this Act for the National Intelligence Program: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2020.

Determination.

Reprogramming
request.
Deadline.

SEC. 8098. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

Khalid Sheikh
Mohammed.
Detainees.
Cuba.

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at United States Naval Station, Guantánamo Bay, Cuba, by the Department of Defense.

Detainee.
Cuba.

SEC. 8099. None of the funds appropriated or otherwise made available in this Act may be used to transfer any individual detained at United States Naval Station Guantánamo Bay, Cuba, to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity except in accordance with section 1034 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) and section 1035 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

SEC. 8100. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

Rosoboronexport.

SEC. 8101. (a) None of the funds appropriated or otherwise made available by this or any other Act may be used by the Secretary of Defense, or any other official or officer of the Department of Defense, to enter into a contract, memorandum of understanding, or cooperative agreement with, or make a grant to, or provide a loan or loan guarantee to Rosoboronexport or any subsidiary of Rosoboronexport.

Waiver authority.
Consultation.
Determination.
Certification.
Russia.
Ukraine.

(b) The Secretary of Defense may waive the limitation in subsection (a) if the Secretary, in consultation with the Secretary of State and the Director of National Intelligence, determines that it is in the vital national security interest of the United States to do so, and certifies in writing to the congressional defense committees that, to the best of the Secretary's knowledge:

Syria.

(1) Rosoboronexport has ceased the transfer of lethal military equipment to, and the maintenance of existing lethal military equipment for, the Government of the Syrian Arab Republic;

(2) The armed forces of the Russian Federation have withdrawn from Crimea, other than armed forces present on military bases subject to agreements in force between the Government of the Russian Federation and the Government of Ukraine; and

(3) Agents of the Russian Federation have ceased taking active measures to destabilize the control of the Government of Ukraine over eastern Ukraine.

Review.
Reports.

(c) The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport with respect to a waiver issued by the Secretary of Defense pursuant to subsection (b), and not later than 90 days after the date on which such a waiver is issued by the Secretary of Defense, the Inspector General shall submit to the congressional defense committees a report containing the results of the review conducted with respect to such waiver.

SEC. 8102. None of the funds made available in this Act may be used for the purchase or manufacture of a flag of the United States unless such flags are treated as covered items under section 2533a(b) of title 10, United States Code.

Cuba.

SEC. 8103. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories,

or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

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

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

SEC. 8104. (a) Of the funds appropriated in this Act for the Department of Defense, amounts should be made available, under such regulations as the Secretary of Defense may prescribe, to local military commanders appointed by the Secretary, or by an officer or employee designated by the Secretary, to provide at their discretion ex gratia payments in amounts consistent with subsection (d) of this section for damage, personal injury, or death that is incident to combat operations of the Armed Forces in a foreign country.

Regulations.
Claims.
10 USC 2731
note.

(b) An ex gratia payment under this section may be provided only if—

(1) the prospective foreign civilian recipient is determined by the local military commander to be friendly to the United States;

(2) a claim for damages would not be compensable under chapter 163 of title 10, United States Code (commonly known as the “Foreign Claims Act”); and

(3) the property damage, personal injury, or death was not caused by action by an enemy.

(c) Any payments provided under a program under subsection (a) shall not be considered an admission or acknowledgement of any legal obligation to compensate for any damage, personal injury, or death.

(d) If the Secretary of Defense determines a program under subsection (a) to be appropriate in a particular setting, the amounts of payments, if any, to be provided to civilians determined to have suffered harm incident to combat operations of the Armed Forces under the program should be determined pursuant to regulations prescribed by the Secretary and based on an assessment, which should include such factors as cultural appropriateness and prevailing economic conditions.

Determination.
Regulations.
Assessment.

(e) Local military commanders shall receive legal advice before making ex gratia payments under this subsection. The legal advisor, under regulations of the Department of Defense, shall advise on whether an ex gratia payment is proper under this section and applicable Department of Defense regulations.

(f) A written record of any ex gratia payment offered or denied shall be kept by the local commander and on a timely basis submitted to the appropriate office in the Department of Defense as determined by the Secretary of Defense.

Records.
Determination.

Reports.	(g) The Secretary of Defense shall report to the congressional defense committees on an annual basis the efficacy of the ex gratia payment program including the number of types of cases considered, amounts offered, the response from ex gratia payment recipients, and any recommended modifications to the program.
Grants.	SEC. 8105. The Secretary of Defense shall post grant awards on a public website in a searchable format.
Web posting.	SEC. 8106. The Secretary of each military department, in reducing each research, development, test and evaluation and procurement account of the military department as required under paragraph (1) of section 828(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2430 note), as amended by section 825(a)(3) of the National Defense Authorization Act for Fiscal Year 2018, shall allocate the percentage reduction determined under paragraph (2) of such section 828(d) proportionally from all programs, projects, or activities under such account: <i>Provided</i> , That the authority under section 804(d)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) to transfer amounts available in the Rapid Prototyping Fund shall be subject to section 8005 or 9002 of this Act, as applicable. SEC. 8107. None of the funds made available by this Act may be used by the National Security Agency to— (1) conduct an acquisition pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978 for the purpose of targeting a United States person; or (2) acquire, monitor, or store the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication of a United States person from a provider of electronic communication services to the public pursuant to section 501 of the Foreign Intelligence Surveillance Act of 1978.
Salaries.	SEC. 8108. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of any agency funded by this Act who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: <i>Provided</i> , That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense. SEC. 8109. Of the amounts appropriated in this Act for “Operation and Maintenance, Navy”, \$352,044,000, to remain available until expended, may be used for any purposes related to the National Defense Reserve Fleet established under section 11 of the Merchant Ship Sales Act of 1946 (46 U.S.C. 57100): <i>Provided</i> , That such amounts are available for reimbursements to the Ready Reserve Force, Maritime Administration account of the United States Department of Transportation for programs, projects, activities, and expenses related to the National Defense Reserve Fleet.
Notification. Time period.	SEC. 8110. None of the funds made available in this Act may be obligated for activities authorized under section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 112–81; 125 Stat. 1621) to initiate support for, or expand support to, foreign forces, irregular forces, groups,

or individuals unless the congressional defense committees are notified in accordance with the direction contained in the classified annex accompanying this Act, not less than 15 days before initiating such support: *Provided*, That none of the funds made available in this Act may be used under section 1208 for any activity that is not in support of an ongoing military operation being conducted by United States Special Operations Forces to combat terrorism: *Provided further*, That the Secretary of Defense may waive the prohibitions in this section if the Secretary determines that such waiver is required by extraordinary circumstances and, by not later than 72 hours after making such waiver, notifies the congressional defense committees of such waiver.

Waiver authority.
Determination.
Deadline.
Notification.

SEC. 8111. None of the funds made available by this Act may be used with respect to Iraq in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed forces into hostilities in Iraq, into situations in Iraq where imminent involvement in hostilities is clearly indicated by the circumstances, or into Iraqi territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of such Resolution (50 U.S.C. 1542 and 1543).

Iraq.

SEC. 8112. The Secretary of Defense, in consultation with the Service Secretaries, shall submit two reports to the congressional defense committees, not later than March 1, 2020, and not later than September 1, 2020, detailing the submission of records during the previous 6 months to databases accessible to the National Instant Criminal Background Check System (NICS), including the Interstate Identification Index (III), the National Crime Information Center (NCIC), and the NICS Index, as required by Public Law 110–180: *Provided*, That such reports shall provide the number and category of records submitted by month to each such database, by Service or Component: *Provided further*, That such reports shall identify the number and category of records submitted by month to those databases for which the Identification for Firearm Sales (IFFS) flag or other database flags were used to pre-validate the records and indicate that such persons are prohibited from receiving or possessing a firearm: *Provided further*, That such reports shall describe the steps taken during the previous 6 months, by Service or Component, to ensure complete and accurate submission and appropriate flagging of records of individuals prohibited from gun possession or receipt pursuant to 18 U.S.C. 922(g) or (n) including applicable records involving proceedings under the Uniform Code of Military Justice.

Consultation.
Reports.
Records.
Time period.
Firearms.

SEC. 8113. (a) None of the funds provided in this Act for the TAO Fleet Oiler program shall be used to award a new contract that provides for the acquisition of the following components unless those components are manufactured in the United States: Auxiliary equipment (including pumps) for shipboard services; propulsion equipment (including engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes.

Contracts.

(b) None of the funds provided in this Act for the FFG(X) Frigate program shall be used to award a new contract that provides for the acquisition of the following components unless those components are manufactured in the United States: Air circuit breakers; gyrocompasses; electronic navigation chart systems; steering controls; pumps; propulsion and machinery control systems; totally enclosed lifeboats; auxiliary equipment pumps; shipboard cranes;

Effective date.
Deadline.

auxiliary chill water systems; and propulsion propellers: *Provided*, That the Secretary of the Navy shall incorporate United States manufactured propulsion engines and propulsion reduction gears into the FFG(X) Frigate program beginning not later than with the eleventh ship of the program.

SEC. 8114. No amounts credited or otherwise made available in this or any other Act to the Department of Defense Acquisition Workforce Development Fund may be transferred to:

(1) the Rapid Prototyping Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2302 note); or

(2) credited to a military-department specific fund established under section 804(d)(2) of the National Defense Authorization Act for Fiscal Year 2016 (as amended by section 897 of the National Defense Authorization Act for Fiscal Year 2017).

Gaming.
Adult
entertainment.

SEC. 8115. None of the funds made available by this Act may be used for Government Travel Charge Card expenses by military or civilian personnel of the Department of Defense for gaming, or for entertainment that includes topless or nude entertainers or participants, as prohibited by Department of Defense FMR, Volume 9, Chapter 3 and Department of Defense Instruction 1015.10 (enclosure 3, 14a and 14b).

Grants.
Contracts.
Reimbursement.

SEC. 8116. Notwithstanding any other provision of law, from funds made available to the Department of Defense in title II of this Act under the heading “Operation and Maintenance, Defense-Wide”, \$15,000,000 shall be available for a project in a country designated by the Secretary of Defense: *Provided*, That in furtherance of the project, the Department of Defense is authorized to acquire services, including services performed pursuant to a grant agreement, from another Federal agency, on an advance of funds or reimbursable basis: *Provided further*, That an order for services placed under this section is deemed to be an obligation in the same manner that a similar order placed under a contract with a private contractor is an obligation.

Turkey.

SEC. 8117. None of the funds appropriated by this Act may be made available to deliver F–35 air vehicles or any other F–35 weapon system equipment to the Republic of Turkey, except in accordance with section 1245 of the National Defense Authorization Act for Fiscal Year 2020.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8118. Of the amounts appropriated in this Act, the Secretary of Defense may use up to \$82,046,000 under the heading “Operation and Maintenance, Defense-Wide”, and up to \$44,001,000 under the heading “Research, Development, Test and Evaluation, Defense-Wide” to develop, replace, and sustain Federal Government security and suitability background investigation information technology systems of the Office of Personnel Management or other Federal agency responsible for conducting such investigations: *Provided*, That the Secretary may transfer additional amounts into these headings or into “Procurement, Defense-Wide” using established reprogramming procedures prescribed in the Department of Defense Financial Management Regulation 7000.14, Volume 3, Chapter 6, dated September 2015: *Provided further*, That such

funds shall supplement, not supplant any other amounts made available to other Federal agencies for such purposes.

SEC. 8119. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites. Pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities, or for any activity necessary for the national defense, including intelligence activities.

SEC. 8120. Notwithstanding any other provision of law, any transfer of funds appropriated or otherwise made available by this Act to the Global Engagement Center established by section 1287 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 22 U.S.C. 2656 note) shall be made in accordance with section 8005 or 9002 of this Act, as applicable, but only after the amount so transferred exceeds \$20,000,000, the amount appropriated in this Act for the Global Engagement Center.

SEC. 8121. In addition to amounts provided elsewhere in this Act, there is appropriated \$315,000,000, for an additional amount for “Operation and Maintenance, Defense-Wide”, to remain available until expended: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense: *Provided further*, That as a condition of receiving funds under this section a local educational agency or State shall provide a matching share as described in the notice titled “Department of Defense Program for Construction, Renovation, Repair or Expansion of Public Schools Located on Military Installations” published by the Department of Defense in the Federal Register on September 9, 2011 (76 Fed. Reg. 55883 et seq.): *Provided further*, That these provisions apply to funds provided under this section, and to funds previously provided by Congress to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools to the extent such funds remain unobligated on the date of enactment of this section. Determination.

SEC. 8122. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba. Cuba.

SEC. 8123. In carrying out the program described in the memorandum on the subject of “Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members” issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the Applicability.

	guidance issued to implement such memorandum, the Secretary of Defense shall apply such policy and guidance, except that—
Embryos.	(1) the limitation on periods regarding embryo cryopreservation and storage set forth in part III(G) and in part IV(H) of such memorandum shall not apply; and
Definition.	(2) the term “assisted reproductive technology” shall include embryo cryopreservation and storage without limitation on the duration of such cryopreservation and storage.
Azov Battalion.	SEC. 8124. None of the funds made available by this Act may be used to provide arms, training, or other assistance to the Azov Battalion.
Determination.	SEC. 8125. None of the funds provided for, or otherwise made available, in this or any other Act, may be obligated or expended by the Secretary of Defense to provide motorized vehicles, aviation platforms, munitions other than small arms and munitions appropriate for customary ceremonial honors, operational military units, or operational military platforms if the Secretary determines that providing such units, platforms, or equipment would undermine the readiness of such units, platforms, or equipment.
Notification. Deadline.	SEC. 8126. The Secretary of Defense may obligate and expend funds made available under this Act for procurement or for research, development, test and evaluation for the F–35 Joint Strike Fighter to modify up to six F–35 aircraft, including up to two F–35 aircraft of each variant, to a test configuration: <i>Provided</i> , That the Secretary of Defense shall, with the concurrence of the Secretary of the Air Force and the Secretary of the Navy, notify the congressional defense committees not fewer than 30 days prior to obligating and expending funds under this section: <i>Provided further</i> , That any transfer of funds pursuant to the authority provided in this section shall be made in accordance with section 8005 or 9002 of this Act, as appropriate, if applicable: <i>Provided further</i> , That aircraft referred to previously in this section are not additional to aircraft referred to in section 8135 of the Department of Defense Appropriations Act, 2019.
10 USC 1475 note.	SEC. 8127. Amounts appropriated for “Defense Health Program” in this Act and hereafter may be obligated to make death gratuity payments, as authorized in subchapter II of chapter 75 of title 10, United States Code, if no appropriation for “Military Personnel” is available for obligation for such payments: <i>Provided</i> , That such obligations may subsequently be recorded against appropriations available for “Military Personnel”.
Corporations. Taxes.	SEC. 8128. (a) None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting such tax liability, provided that the applicable Federal agency is aware of the unpaid Federal tax liability. (b) Subsection (a) shall not apply if the applicable Federal agency has considered suspension or debarment of the corporation described in such subsection and has made a determination that such suspension or debarment is not necessary to protect the interests of the Federal Government.

SEC. 8129. None of the funds made available by this Act may be used in contravention of—

(1) Executive Order No. 13175 (65 Fed. Reg. 67249; relating to consultation and coordination with Indian Tribal governments); or

(2) section 1501.2(d)(2) of title 40, Code of Federal Regulations.

SEC. 8130. During fiscal year 2020, any advance billing for background investigation services and related services purchased from activities financed using Defense Working Capital Funds shall be excluded from the calculation of cumulative advance billings under section 2208(l)(3) of title 10, United States Code.

SEC. 8131. None of the funds appropriated or otherwise made available by this Act may be used to transfer the National Reconnaissance Office to the Space Force.

SEC. 8132. The Secretary of Defense shall submit to the Committees on Appropriations the reports required by section 596 of the National Defense Authorization Act for Fiscal Year 2020. Reports.

SEC. 8133. Notwithstanding any other provision of this Act, to reflect savings due to favorable foreign exchange rates, the total amount appropriated in this Act is hereby reduced by \$81,559,000.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, \$2,743,132,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, \$356,392,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, \$104,213,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, \$1,007,594,000: *Provided*, That such amount is designated by the

Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel, Army”, \$34,812,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, NAVY

For an additional amount for “Reserve Personnel, Navy”, \$11,370,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for “Reserve Personnel, Marine Corps”, \$3,599,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for “Reserve Personnel, Air Force”, \$16,428,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Personnel, Army”, \$202,644,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for “National Guard Personnel, Air Force”, \$5,624,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$20,092,038,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War

on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$8,772,379,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, \$1,109,791,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$10,359,379,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for “Operation and Maintenance, Defense-Wide”, \$7,803,193,000: *Provided*, That of the funds provided under this heading, not to exceed \$225,000,000, to remain available until September 30, 2021, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria: *Provided further*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following written notification to the appropriate congressional committees: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria, and 15 days following written notification to the appropriate congressional committees: *Provided further*, That these funds may be used to support the Government of Jordan in such amounts as the Secretary of Defense may determine, to enhance the ability of the armed forces of Jordan to increase or sustain security along its borders, upon 15 days prior written notification to the congressional defense committees outlining the amounts intended to be provided and the nature of

Reimbursements.
Consultation.
Determination.
Time period.
Notification.

Time period.
Notification.

Jordan.
Deadline.
Notification.

Reports.

the expenses incurred: *Provided further*, That of the funds provided under this heading, not to exceed \$1,049,178,000 to remain available until September 30, 2021, shall be available to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or other Department of Defense security cooperation programs: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for “Operation and Maintenance, Army Reserve”, \$37,592,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for “Operation and Maintenance, Navy Reserve”, \$23,036,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, \$8,707,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for “Operation and Maintenance, Air Force Reserve”, \$29,758,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, \$83,291,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Air National Guard”, \$176,909,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/

Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN SECURITY FORCES FUND

For the “Afghanistan Security Forces Fund”, \$4,199,978,000, to remain available until September 30, 2021: *Provided*, That such funds shall be available to the Secretary of Defense for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary’s designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funding: *Provided further*, That the Secretary of Defense may obligate and expend funds made available to the Department of Defense in this title for additional costs associated with existing projects previously funded with amounts provided under the heading “Afghanistan Infrastructure Fund” in prior Acts: *Provided further*, That such costs shall be limited to contract changes resulting from inflation, market fluctuation, rate adjustments, and other necessary contract actions to complete existing projects, and associated supervision and administration costs and costs for design during construction: *Provided further*, That the Secretary may not use more than \$50,000,000 under the authority provided in this section: *Provided further*, That the Secretary shall notify in advance such contract changes and adjustments in annual reports to the congressional defense committees: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing and not fewer than 15 days prior to obligating funds for any proposed new projects or transfer of funds between budget sub-activity groups in excess of \$20,000,000: *Provided further*, That the United States may accept equipment procured using funds provided under this heading in this or prior Acts that was transferred to the security forces of Afghanistan and returned by such forces to the United States: *Provided further*, That equipment procured using funds provided under this heading in this or prior Acts, and not yet transferred to the security forces of Afghanistan or transferred to the security forces of Afghanistan and returned by such forces to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That of the funds provided under this heading, not less than \$10,000,000 shall be for recruitment and retention of women in the Afghanistan National Security

Contracts.

Notification.
Reports.

Notification.

Deadline.
Notification.

Notification.
Deadline.

Notification.

Forces, and the recruitment and training of female security personnel: *Provided further*, That funds appropriated under this heading and made available for the salaries and benefits of personnel of the Afghanistan Security Forces may only be used for personnel who are enrolled in the Afghanistan Personnel and Pay System: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Iraq.
Syria.

COUNTER-ISIS TRAIN AND EQUIP FUND

Coordination.

Coordination.
Notification.

Assessment.

Deadline.
Notification.

Waiver authority.
Determination.
Notification.

For the “Counter-Islamic State of Iraq and Syria Train and Equip Fund”, \$1,195,000,000, to remain available until September 30, 2021: *Provided*, That such funds shall be available to the Secretary of Defense in coordination with the Secretary of State, to provide assistance, including training; equipment; logistics support, supplies, and services; stipends; infrastructure repair and renovation; construction for facility fortification and humane treatment; and sustainment, to foreign security forces, irregular forces, groups, or individuals participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria, and their affiliated or associated groups: *Provided further*, That these funds may be used in such amounts as the Secretary of Defense may determine to enhance the border security of nations adjacent to conflict areas including Jordan, Lebanon, Egypt, and Tunisia resulting from actions of the Islamic State of Iraq and Syria: *Provided further*, That amounts made available under this heading shall be available to provide assistance only for activities in a country designated by the Secretary of Defense, in coordination with the Secretary of State, as having a security mission to counter the Islamic State of Iraq and Syria, and following written notification to the congressional defense committees of such designation: *Provided further*, That the Secretary of Defense shall ensure that prior to providing assistance to elements of any forces or individuals, such elements or individuals are appropriately vetted, including at a minimum, assessing such elements for associations with terrorist groups or groups associated with the Government of Iran; and receiving commitments from such elements to promote respect for human rights and the rule of law: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense may accept and retain contributions, including assistance in-kind, from foreign governments, including the Government of Iraq and other entities, to carry out assistance authorized under this heading: *Provided further*, That contributions of funds for the purposes provided herein from any foreign government or other entity may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall prioritize such contributions when providing any assistance for construction for facility fortification: *Provided further*, That the Secretary of Defense may waive a provision of law relating to the acquisition of items and support services or sections 40 and 40A of the Arms Export Control Act (22 U.S.C. 2780 and 2785) if the Secretary determines that such provision of law would prohibit, restrict, delay

or otherwise limit the provision of such assistance and a notice of and justification for such waiver is submitted to the congressional defense committees, the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives: *Provided further*, That the United States may accept equipment procured using funds provided under this heading, or under the heading, “Iraq Train and Equip Fund” in prior Acts, that was transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria and returned by such forces or groups to the United States, and such equipment may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That equipment procured using funds provided under this heading, or under the heading, “Iraq Train and Equip Fund” in prior Acts, and not yet transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria may be treated as stocks of the Department of Defense when determined by the Secretary to no longer be required for transfer to such forces or groups and upon written notification to the congressional defense committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided under this heading, including, but not limited to, the number of individuals trained, the nature and scope of support and sustainment provided to each group or individual, the area of operations for each group, and the contributions of other countries, groups, or individuals: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Notification.

Determination.
Notification.

Reports.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for “Aircraft Procurement, Army”, \$531,541,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, ARMY

For an additional amount for “Missile Procurement, Army”, \$1,423,589,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for “Procurement of Weapons and Tracked Combat Vehicles, Army”, \$346,306,000, to remain available

until September 30, 2022: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for “Procurement of Ammunition, Army”, \$148,682,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, ARMY

For an additional amount for “Other Procurement, Army”, \$1,080,504,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for “Aircraft Procurement, Navy”, \$95,153,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WEAPONS PROCUREMENT, NAVY

For an additional amount for “Weapons Procurement, Navy”, \$116,429,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for “Procurement of Ammunition, Navy and Marine Corps”, \$204,814,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, NAVY

For an additional amount for “Other Procurement, Navy”, \$351,250,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, MARINE CORPS

For an additional amount for “Procurement, Marine Corps”, \$20,589,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for “Aircraft Procurement, Air Force”, \$851,310,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for “Missile Procurement, Air Force”, \$201,671,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for “Procurement of Ammunition, Air Force”, \$934,758,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for “Other Procurement, Air Force”, \$3,748,801,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Procurement, Defense-Wide”, \$438,064,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

For procurement of rotary-wing aircraft; combat, tactical and support vehicles; other weapons; and other procurement items for the reserve components of the Armed Forces, \$1,300,000,000, to

Deadline.
Assessment.

remain available for obligation until September 30, 2022: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That none of the funds made available by this paragraph may be used to procure manned fixed wing aircraft, or procure or modify missiles, munitions, or ammunition: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for “Research, Development, Test and Evaluation, Army”, \$147,304,000, to remain available until September 30, 2021: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for “Research, Development, Test and Evaluation, Navy”, \$164,410,000, to remain available until September 30, 2021: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, \$128,248,000, to remain available until September 30, 2021: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, \$394,260,000, to remain available until September 30, 2021: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Funds”, \$20,100,000: *Provided*, That such amount is designated by the

Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Program”, \$347,746,000, which shall be for operation and maintenance: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, \$153,100,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the “Office of the Inspector General”, \$24,254,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2020.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to \$2,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

Determination.

Notification.

SEC. 9003. Supervision and administration costs and costs for design during construction associated with a construction project funded with appropriations available for operation and maintenance or the “Afghanistan Security Forces Fund” provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract

is awarded: *Provided*, That, for the purpose of this section, supervision and administration costs and costs for design during construction include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in the United States Central Command area of responsibility: (1) passenger motor vehicles up to a limit of \$75,000 per vehicle; and (2) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of \$450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed \$5,000,000 of the amounts appropriated by this title under the heading “Operation and Maintenance, Army” may be used, notwithstanding any other provision of law, to fund the Commanders’ Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed \$2,000,000: *Provided further*, That not later than 45 days after the end of each 6 months of the fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that 6-month period that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, not later than 30 days after the end of each fiscal year quarter, the Army shall submit to the congressional defense committees quarterly commitment, obligation, and expenditure data for the CERP in Afghanistan: *Provided further*, That, not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of \$500,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third-party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to allied forces participating in a combined operation with the armed forces

Time period.
Reports.

Deadline.
Time periods.
Data
submissions.

Deadline.
Notification.

Plans.

of the United States and coalition forces supporting military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

Reports.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

Iraq.
Afghanistan.

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9009. None of the funds provided for the “Afghanistan Security Forces Fund” (ASFF) may be obligated prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council (AROC) of the Department of Defense: *Provided*, That the AROC must approve the requirement and acquisition plan for any service requirements in excess of \$50,000,000 annually and any non-standard equipment requirements in excess of \$100,000,000 using ASFF: *Provided further*, That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding proviso and accompanying report language for the ASFF.

Certification.

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than \$250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than \$500,000.

Determination.

SEC. 9011. Up to \$500,000,000 of funds appropriated by this Act for the Defense Security Cooperation Agency in “Operation and Maintenance, Defense-Wide” may be used to provide assistance to the Government of Jordan to support the armed forces of Jordan and to enhance security along its borders.

SEC. 9012. None of the funds made available by this Act under the heading “Counter-ISIS Train and Equip Fund” may be used to procure or transfer man-portable air defense systems.

SEC. 9013. Of the amounts appropriated in this title under the heading “Operation and Maintenance, Defense-Wide”, for the Defense Security Cooperation Agency, \$250,000,000, of which \$125,000,000, to remain available until September 30, 2020, shall be for the Ukraine Security Assistance Initiative: *Provided*, That such funds shall be available to the Secretary of Defense, in coordination with the Secretary of State, to provide assistance, including training; equipment; lethal assistance; logistics support, supplies and services; sustainment; and intelligence support to the military and national security forces of Ukraine, and for replacement of any weapons or articles provided to the Government of Ukraine from the inventory of the United States: *Provided further*, That of the amounts made available in this section, \$50,000,000 shall be available only for lethal assistance described in paragraphs (2) and (3) of section 1250(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92): *Provided further*, That the Secretary of Defense shall, not less than 15 days prior to obligating funds provided under this heading, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall, not less than 90 days after such notification is made, inform such committees if such funds have not been obligated and the reasons therefor: *Provided further*, That the United States may accept equipment procured using funds provided under this heading in this or prior Acts that was transferred to the security forces of Ukraine and returned by such forces to the United States: *Provided further*, That equipment procured using funds provided under this heading in this or prior Acts, and not yet transferred to the military or National Security Forces of Ukraine or returned by such forces to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That amounts made available by this section are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 9014. Funds appropriated in this title shall be available for replacement of funds for items provided to the Government of Ukraine from the inventory of the United States to the extent specifically provided for in section 9013 of this Act.

SEC. 9015. None of the funds made available by this Act under section 9013 may be used to procure or transfer man-portable air defense systems.

SEC. 9016. Equipment procured using funds provided in prior Acts under the heading “Counterterrorism Partnerships Fund” for the program authorized by section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), and not yet transferred to authorized recipients may be transferred to foreign security forces, irregular forces, groups, or individuals, authorized to receive assistance using amounts provided under the heading “Counter-ISIS Train and Equip Fund” in this Act: *Provided*, That such equipment may be transferred 15 days following written notification to the congressional defense committees.

Coordination.
Ukraine.

Deadline.
Notification.

Deadline.

Notification.

Ukraine.

Deadline.
Notification.

SEC. 9017. (a) None of the funds appropriated or otherwise made available by this Act under the heading “Operation and Maintenance, Defense-Wide” for payments under section 1233 of Public Law 110–181 for reimbursement to the Government of Pakistan may be made available unless the Secretary of Defense, in coordination with the Secretary of State, certifies to the congressional defense committees that the Government of Pakistan is—

Pakistan.
Coordination.
Certification.

(1) cooperating with the United States in counterterrorism efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Jaish-e-Mohammed, Al Qaeda, and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

(2) not supporting terrorist activities against United States or coalition forces in Afghanistan, and Pakistan’s military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

(3) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;

(4) preventing the proliferation of nuclear-related material and expertise;

(5) implementing policies to protect judicial independence and due process of law;

(6) issuing visas in a timely manner for United States visitors engaged in counterterrorism efforts and assistance programs in Pakistan; and

(7) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

(b) The Secretary of Defense, in coordination with the Secretary of State, may waive the restriction in subsection (a) on a case-by-case basis by certifying in writing to the congressional defense committees that it is in the national security interest to do so: *Provided*, That if the Secretary of Defense, in coordination with the Secretary of State, exercises such waiver authority, the Secretaries shall report to the congressional defense committees on both the justification for the waiver and on the requirements of this section that the Government of Pakistan was not able to meet: *Provided further*, That such report may be submitted in classified form if necessary.

Waiver authority.

Reports.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9018. In addition to amounts otherwise made available in this Act, \$250,000,000 is hereby appropriated to the Department of Defense and made available for transfer only to the operation and maintenance, military personnel, and procurement accounts, to improve near-term intelligence, surveillance, and reconnaissance capabilities and related processing, exploitation, and dissemination functions of the Department of Defense: *Provided*, That the transfer authority provided in this section is in addition to any other transfer authority provided elsewhere in this Act: *Provided further*, That not later than 30 days prior to exercising the transfer authority provided in this section, the Secretary of Defense shall submit a report to the congressional defense committees on the proposed

Reports.

Termination date.	<p>uses of these funds: <i>Provided further</i>, That the funds provided in this section may not be transferred to any program, project, or activity specifically limited or denied by this Act: <i>Provided further</i>, That such funds may not be obligated for new start efforts: <i>Provided further</i>, That amounts made available by this section are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: <i>Provided further</i>, That the authority to provide funding under this section shall terminate on September 30, 2020.</p> <p>SEC. 9019. None of the funds made available by this Act may be used with respect to Syria in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed or military forces into hostilities in Syria, into situations in Syria where imminent involvement in hostilities is clearly indicated by the circumstances, or into Syrian territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of that law (50 U.S.C. 1542 and 1543).</p>
Reports.	<p>SEC. 9020. None of the funds in this Act may be made available for the transfer of additional C–130 cargo aircraft to the Afghanistan National Security Forces or the Afghanistan Air Force until the Department of Defense provides a report to the congressional defense committees of the Afghanistan Air Force’s medium airlift requirements. The report should identify Afghanistan’s ability to utilize and maintain existing medium lift aircraft in the inventory and the best alternative platform, if necessary, to provide additional support to the Afghanistan Air Force’s current medium airlift capacity.</p>
Afghanistan. Certification. Deadline.	<p>SEC. 9021. Funds available for the Afghanistan Security Forces Fund may be used to provide limited training, equipment, and other assistance that would otherwise be prohibited by 10 U.S.C. 362 to a unit of the security forces of Afghanistan only if the Secretary certifies to the congressional defense committees, within 30 days of a decision to provide such assistance, that (1) a denial of such assistance would present significant risk to U.S. or coalition forces or significantly undermine United States national security objectives in Afghanistan; and (2) the Secretary has sought a commitment by the Government of Afghanistan to take all necessary corrective steps: <i>Provided</i>, That such certification shall be accompanied by a report describing: (1) the information relating to the gross violation of human rights; (2) the circumstances that necessitated the provision of such assistance; (3) the Afghan security force unit involved; (4) the assistance provided and the assistance withheld; and (5) the corrective steps to be taken by the Government of Afghanistan: <i>Provided further</i>, That every 120 days after the initial report an additional report shall be submitted detailing the status of any corrective steps taken by the Government of Afghanistan: <i>Provided further</i>, That if the Government of Afghanistan has not initiated necessary corrective steps within one year of the certification, the authority under this section to provide assistance to such unit shall no longer apply: <i>Provided further</i>, That the Secretary shall submit a report to such committees detailing the final disposition of the case by the Government of Afghanistan.</p>
Reports.	<p>SEC. 9022. None of the funds made available by this Act may be made available for any member of the Taliban except to support a reconciliation activity that includes the participation of members</p>
Taliban.	

of the Government of Afghanistan, does not restrict the participation of women, and is authorized by section 1218 of the National Defense Authorization Act for Fiscal Year 2020.

(RESCISSIONS)

SEC. 9023. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

“Weapons and Tracked Combat Vehicles, Army”, 2018/2020, \$30,000,000;
“Aircraft Procurement, Air Force”, 2018/2020, \$32,300,000;
“Operation and Maintenance, Defense-Wide: DSCA Security Cooperation”, 2019/2020, \$55,000,000;
“Operation and Maintenance, Defense-Wide: Coalition Support Fund”, 2019/2020, \$30,000,000;
“Afghanistan Security Forces Fund”, 2019/2020, \$396,000,000;
“Counter-ISIS Train and Equip Fund”, 2019/2020, \$450,000,000;
“Missile Procurement, Army”, 2019/2021, \$13,176,000;
“Weapons and Tracked Combat Vehicles, Army”, 2019/2021, \$52,477,000;
“Other Procurement, Army”, 2019/2021, \$8,750,000;
“Procurement of Ammunition, Navy and Marine Corps”, 2019/2021, \$16,574,000;
“Aircraft Procurement, Air Force”, 2019/2021, \$24,713,000;
and
“Missile Procurement, Air Force”, 2019/2021, \$25,752,000.

SEC. 9024. Nothing in this Act may be construed as authorizing the use of force against Iran.

TITLE X

NATURAL DISASTER RELIEF

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$427,000,000, for necessary expenses related to the consequences of Hurricanes Michael and Florence and flooding and earthquakes occurring in fiscal year 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, \$394,000,000, for necessary expenses related to the consequences of Hurricanes Michael and Florence and flooding and earthquakes occurring in fiscal year 2019: *Provided*, That such

amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$110,000,000, for necessary expenses related to the consequences of Hurricanes Michael and Florence and flooding and earthquakes occurring in fiscal year 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, \$45,700,000, for necessary expenses related to the consequences of Hurricanes Michael and Florence and flooding and earthquakes occurring in fiscal year 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

OTHER PROCUREMENT, NAVY

For an additional amount for “Other Procurement, Navy” \$75,015,000, for necessary expenses related to the consequences of Hurricanes Michael and Florence and flooding and earthquakes occurring in fiscal year 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, MARINE CORPS

For an additional amount for “Procurement, Marine Corps” \$73,323,000, for necessary expenses related to the consequences of Hurricanes Michael and Florence and flooding and earthquakes occurring in fiscal year 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for “Aircraft Procurement, Air Force” \$204,448,000, for necessary expenses related to the consequences of Hurricanes Michael and Florence and flooding and earthquakes occurring in fiscal year 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for “Other Procurement, Air Force” \$77,974,000, for necessary expenses related to the consequences of Hurricanes Michael and Florence and flooding and earthquakes occurring in fiscal year 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for “Research, Development, Test and Evaluation, Navy” \$130,444,000, for necessary expenses related to the consequences of Hurricanes Michael and Florence and flooding and earthquakes occurring in fiscal year 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Funds” for the Navy Working Capital Fund, \$233,500,000, for necessary expenses related to the consequences of Hurricanes Michael and Florence and flooding and earthquakes occurring in fiscal year 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 10001. Notwithstanding any other provision of law, funds made available under each heading in this title shall only be used for the purposes specifically described under that heading.

This division may be cited as the “Department of Defense Appropriations Act, 2020”.

**DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2020**

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, to carry out activities associated with facilitating, attracting, and retaining business investment in the United States, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of

Commerce,
Justice, Science,
and Related
Agencies
Appropriations
Act, 2020.
Department of
Commerce
Appropriations
Act, 2020.

Applicability.
Assessments.

United States firms, without regard to sections 3702 and 3703 of title 44, United States Code; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to section 40118 of title 49, United States Code; employment of citizens of the United States and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed \$294,300 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$521,250,000, of which \$70,000,000 shall remain available until September 30, 2021: *Provided*, That \$11,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That, of amounts provided under this heading, not less than \$16,400,000 shall be for China antidumping and countervailing duty enforcement and compliance activities: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

Applicability.

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of citizens of the United States and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed \$13,500 for official representation expenses abroad; awards of compensation to informers under the Export Control Reform Act of 2018 (subtitle B of title XVII of the John S. McCain National Defense Authorization Act for Fiscal Year 2019; Public Law 115–232; 132 Stat. 2208; 50 U.S.C. 4801 et seq.), and as authorized by section 1(b) of the Act of June 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$127,652,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c)

of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, and for grants authorized by sections 27 and 28 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722 and 3723), \$292,500,000, to remain available until expended, of which \$33,000,000 shall be for grants under such section 27 and \$2,000,000 shall be for grants under such section 28.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$40,500,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, sections 27 and 28 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722 and 3723), and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprises, including expenses of grants, contracts, and other agreements with public or private organizations, \$42,000,000, of which not more than \$15,500,000 shall be available for overhead expenses, including salaries and expenses, rent, utilities, and information technology services.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$107,990,000, to remain available until September 30, 2021.

BUREAU OF THE CENSUS

CURRENT SURVEYS AND PROGRAMS

For necessary expenses for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$274,000,000: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for collecting, compiling, analyzing, preparing, and publishing statistics for periodic censuses and programs provided for by law, \$7,284,319,000, to remain available until September 30, 2021: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: *Provided further*, That within the amounts appropriated, \$3,556,000 shall be transferred to the “Office of Inspector General” account for activities associated with carrying out investigations and audits related to the Bureau of the Census: *Provided further*, That of the amount provided under this heading, \$2,500,000,000 is designated by the Congress as being for the 2020 Census pursuant to section 251(b)(2)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL TELECOMMUNICATIONS AND INFORMATION
ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$40,441,000, to remain available until September 30, 2021: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND
CONSTRUCTION

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, \$3,450,681,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections of fees and surcharges assessed and collected by the USPTO under any law are received during fiscal year 2020, so as to result in a fiscal year 2020 appropriation from the general fund estimated at \$0: *Provided further*, That during fiscal year 2020, should the total amount of such offsetting collections be less than \$3,450,681,000, this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of \$3,450,681,000 in fiscal year 2020 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: *Provided further*, That the Director of USPTO shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That any amounts reprogrammed in accordance with the preceding proviso shall be transferred to the United States Patent and Trademark Office “Salaries and Expenses” account: *Provided further*, That from amounts provided herein, not to exceed \$900 shall be made available in fiscal year 2020 for official reception and representation expenses: *Provided further*, That in fiscal year 2020 from the amounts made available for “Salaries and Expenses” for the USPTO, the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO’s specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title, and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO’s specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the FEGLI Fund, and the Employees FEHB Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That any differences between the present value factors published in OPM’s yearly 300 series benefit letters and the factors that OPM provides for USPTO’s specific use shall be recognized as an imputed cost on USPTO’s financial statements, where applicable: *Provided further*, That, notwithstanding any other provision of law, all fees and surcharges assessed and collected by USPTO are available for USPTO only pursuant

Spending plan.

to section 42(c) of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (Public Law 112–29): *Provided further*, That within the amounts appropriated, \$2,000,000 shall be transferred to the “Office of Inspector General” account for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the National Institute of Standards and Technology (NIST), \$754,000,000, to remain available until expended, of which not to exceed \$9,000,000 may be transferred to the “Working Capital Fund”: *Provided*, That not to exceed \$5,000 shall be for official reception and representation expenses: *Provided further*, That NIST may provide local transportation for summer undergraduate research fellowship program participants.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses for industrial technology services, \$162,000,000, to remain available until expended, of which \$146,000,000 shall be for the Hollings Manufacturing Extension Partnership, and of which \$16,000,000 shall be for the National Network for Manufacturing Innovation (also known as “Manufacturing USA”).

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by sections 13 through 15 of the National Institute of Standards and Technology Act (15 U.S.C. 278c–278e), \$118,000,000, to remain available until expended: *Provided*, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than \$5,000,000, and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

Budget
estimates.
15 USC 1513b
note.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including

maintenance, operation, and hire of aircraft and vessels; pilot programs for state-led fisheries management, notwithstanding any other provision of law; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, \$3,763,939,000, to remain available until September 30, 2021: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That in addition, \$174,774,000 shall be derived by transfer from the fund entitled “Promote and Develop Fishery Products and Research Pertaining to American Fisheries”, which shall only be used for fishery activities related to the Saltonstall-Kennedy Grant Program; Fisheries Data Collections, Surveys and Assessments; and Interjurisdictional Fisheries Grants: *Provided further*, That not to exceed \$62,070,000 shall be for payment to the Department of Commerce Working Capital Fund: *Provided further*, That of the \$3,956,213,000 provided for in direct obligations under this heading, \$3,763,939,000 is appropriated from the general fund, \$174,774,000 is provided by transfer, and \$17,500,000 is derived from recoveries of prior year obligations: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That in addition, for necessary retired pay expenses under the Retired Serviceman’s Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents’ Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary: *Provided further*, That the Administrator of the National Oceanic and Atmospheric Administration submit to Congress a report on existing supercomputing capacity and needs of the Administration and on the incremental improvement to operational weather forecasts that would result from a significant investment in additional compute capacity.

Reports.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$1,530,890,000, to remain available until September 30, 2022, except that funds provided for acquisition and construction of vessels and construction of facilities shall remain available until expended: *Provided*, That of the \$1,543,890,000 provided for in direct obligations under this heading, \$1,530,890,000 is appropriated from the general fund and \$13,000,000 is provided from recoveries of prior year obligations: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures

Budget
estimates.
15 USC 1513a
note.

set forth in section 505 of this Act: *Provided further*, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition or construction project having a total of more than \$5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years: *Provided further*, That, within the amounts appropriated, \$1,302,000 shall be transferred to the “Office of Inspector General” account for activities associated with carrying out investigations and audits related to satellite procurement, acquisition and construction.

PACIFIC COASTAL SALMON RECOVERY

Guidelines.

For necessary expenses associated with the restoration of Pacific salmon populations, \$65,000,000, to remain available until September 30, 2021: *Provided*, That, of the funds provided herein, the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and to the Federally recognized tribes of the Columbia River and Pacific Coast (including Alaska), for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or that are identified by a State as at-risk to be so listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

FISHERMEN’S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed \$349,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2020, obligations of direct loans may not exceed \$24,000,000 for Individual Fishing Quota loans and not to exceed \$100,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for the management of the Department of Commerce provided for by law, including not to exceed \$4,500 for official reception and representation, \$61,000,000: *Provided*,

That no employee of the Department of Commerce may be detailed or assigned from a bureau or office funded by this Act or any other Act to offices within the Office of the Secretary of the Department of Commerce for more than 30 days in a fiscal year unless the individual's employing bureau or office is fully reimbursed for the salary and expenses of the employee for the entire period of assignment using funds provided under this heading: *Provided further*, That of the funds provided under this heading, \$15,000,000 shall be withheld from obligation until the Secretary updates and resubmits to the Committees on Appropriations of the House of Representatives and the Senate the plan for expenditure described in the third proviso under the heading "Bureau of the Census—Periodic Censuses and Programs" in division C of Public Law 116–6.

Expenditure
plan.

RENOVATION AND MODERNIZATION

For necessary expenses for the renovation and modernization of the Herbert C. Hoover Building, \$1,000,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$35,000,000: *Provided*, That notwithstanding section 6413(b) of the Middle Class Tax Relief and Job Creation Act of 2012 (Public Law 112–96), \$2,000,000, to remain available until expended, from the amounts provided under this heading, shall be derived from the Public Safety Trust Fund for activities associated with carrying out investigations and audits related to the First Responder Network Authority (FirstNet).

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

Certification.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation

Notification.
Deadline.

or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce.

Incorporation by
reference.
33 USC 878a
note.

SEC. 104. The requirements set forth by section 105 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (Public Law 112–55), as amended by section 105 of title I of division B of Public Law 113–6, are hereby adopted by reference and made applicable with respect to fiscal year 2020: *Provided*, That the life cycle cost for the Joint Polar Satellite System is \$11,322,125,000 and the life cycle cost for the Geostationary Operational Environmental Satellite R-Series Program is \$10,828,059,000.

SEC. 105. Notwithstanding any other provision of law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms, or organizations are authorized, pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority, to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949 on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to \$200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

Child
pornography.

SEC. 106. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 107. The Administrator of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency, or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory, or possession, or of any political subdivision thereof, or of any foreign government or international organization, for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

SEC. 108. The National Technical Information Service shall not charge any customer for a copy of any report or document generated by the Legislative Branch unless the Service has provided information to the customer on how an electronic copy of such report or document may be accessed and downloaded for free online. Should a customer still require the Service to provide a printed or digital copy of the report or document, the charge shall be limited to recovering the Service's cost of processing, reproducing, and delivering such report or document.

SEC. 109. To carry out the responsibilities of the National Oceanic and Atmospheric Administration (NOAA), the Administrator of NOAA is authorized to: (1) enter into grants and cooperative agreements with; (2) use on a non-reimbursable basis land, services, equipment, personnel, and facilities provided by; and (3) receive and expend funds made available on a consensual basis from: a Federal agency, State or subdivision thereof, local government, tribal government, territory, or possession or any subdivisions thereof: *Provided*, That funds received for permitting and related regulatory activities pursuant to this section shall be deposited under the heading “National Oceanic and Atmospheric Administration—Operations, Research, and Facilities” and shall remain available until September 30, 2022, for such purposes: *Provided further*, That all funds within this section and their corresponding uses are subject to section 505 of this Act.

Grants.
Contracts.

SEC. 110. Amounts provided by this Act or by any prior appropriations Act that remain available for obligation, for necessary expenses of the programs of the Economics and Statistics Administration of the Department of Commerce, including amounts provided for programs of the Bureau of Economic Analysis and the Bureau of the Census, shall be available for expenses of cooperative agreements with appropriate entities, including any Federal, State, or local governmental unit, or institution of higher education, to aid and promote statistical, research, and methodology activities which further the purposes for which such amounts have been made available.

SEC. 111. (a) There is hereby established in the Treasury of the United States a fund to be known as the “Department of Commerce Nonrecurring Expenses Fund” (the Fund): *Provided*, That unobligated balances of expired discretionary funds appropriated for this or any succeeding fiscal year from the General Fund of the Treasury to the Department of Commerce by this or any other Act may be transferred (not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated) into the Fund: *Provided further*, That amounts deposited in the Fund shall be available until expended, and in addition to such other funds as may be available for such purposes, for information and business technology system modernization and facilities infrastructure improvements necessary for the operation of the Department, subject to approval by the Office of Management and Budget: *Provided further*, That amounts in the Fund may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of the planned use of funds.

15 USC 1521a.

(b) In addition to amounts otherwise made available by this Act, there is appropriated \$20,000,000, to remain available until September 30, 2022, to the Fund for necessary expenses for a business application system modernization.

Notification.
Deadline.

SEC. 112. Not later than thirty days after the date of the enactment of this Act, using amounts appropriated or otherwise made available in this title for the Bureau of Industry and Security for operations and administration, the Secretary of Commerce shall—

Reports.
Exports and
imports.
Automobiles and
automotive parts.

(1) publish in the Federal Register the report on the findings of the investigation into the effect on national security

Federal Register,
publication.

of imports of automobiles and automotive parts that the Secretary initiated on May 23, 2018, under section 232(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1862(b)), as required under paragraph (3)(B) of that section; and

(2) submit to Congress any portion of the report that contains classified information, which may be viewed only by Members of Congress and their staff with appropriate security clearances.

This title may be cited as the “Department of Commerce Appropriations Act, 2020”.

Department of
Justice
Appropriations
Act, 2020.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$114,740,000, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

JUSTICE INFORMATION SHARING TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, \$33,875,000, to remain available until expended: *Provided*, That the Attorney General may transfer up to \$40,000,000 to this account, from funds available to the Department of Justice for information technology, to remain available until expended, for enterprise-wide information technology initiatives: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act: *Provided further*, That any transfer pursuant to the first proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of immigration-related activities of the Executive Office for Immigration Review, \$672,966,000, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the “Immigration Examinations Fee” account, and of which not less than \$18,000,000 shall be available for services and activities provided by the Legal Orientation Program: *Provided*, That not to exceed \$35,000,000 of the total amount made available under this heading shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$105,000,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character: *Provided*, That not to exceed \$2,000,000 shall remain available until September 30, 2021.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, \$13,308,000: *Provided*, That, notwithstanding any other provision of law, upon the expiration of a term of office of a Commissioner, the Commissioner may continue to act until a successor has been appointed.

Term extension.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; the administration of pardon and clemency petitions; and rent of private or Government-owned space in the District of Columbia, \$920,000,000, of which not to exceed \$20,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the amount provided for INTERPOL Washington dues payments, not to exceed \$685,000 shall remain available until expended: *Provided further*, That of the total amount appropriated, not to exceed \$9,000 shall be available to INTERPOL Washington for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to “Salaries and Expenses, General Legal Activities” from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to the Civil Rights Division for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (52 U.S.C. 10305) and to reimburse the Office of Personnel Management for such salaries and expenses: *Provided further*, That of the amounts provided under this heading for the election monitoring program, \$3,390,000 shall remain available until expended: *Provided further*, That of the amount appropriated, not less than \$193,715,000 shall be available for the Criminal Division, including related expenses for the Mutual Legal Assistance Treaty Program.

Determination.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National

Childhood Vaccine Injury Act of 1986, not to exceed \$13,000,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$166,755,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be \$141,000,000 in fiscal year 2020), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2020, so as to result in a final fiscal year 2020 appropriation from the general fund estimated at \$25,755,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$2,254,541,000: *Provided*, That of the total amount appropriated, not to exceed \$7,200 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$25,000,000 shall remain available until expended: *Provided further*, That each United States Attorney shall establish or participate in a task force on human trafficking.

Human
trafficking.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, \$227,229,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, deposits to the United States Trustee System Fund and amounts herein appropriated shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, fees deposited into the Fund pursuant to section 589a(b) of title 28, United States Code (as limited by section 1004(b) of the Bankruptcy Judgeship Act of 2017 (division B of Public Law 115–72)), shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That to the extent that fees deposited into the Fund in fiscal year 2020, net of amounts necessary to pay refunds due depositors, exceed \$227,229,000, those excess amounts shall be available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further*, That the sum herein appropriated from the general fund shall be reduced (1) as such fees are received during fiscal year 2020, net of amounts necessary to pay refunds due depositors, (estimated at \$309,000,000) and (2) to the extent that any remaining general fund appropriations can be derived from amounts deposited in the Fund in previous fiscal years that are not otherwise appropriated, so as to result in a final fiscal year 2020 appropriation from the general fund estimated at \$0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, \$2,335,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$270,000,000, to remain available until expended, of which not to exceed \$16,000,000 is for construction of buildings for protected witness safesites; not to exceed \$3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed \$18,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses: *Provided*, That amounts made available under this heading may not be transferred pursuant to section 205 of this Act.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Community Relations Service, \$16,000,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Determination.

ASSETS FORFEITURE FUND

For expenses authorized by subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code, \$20,514,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$1,430,000,000, of which not to exceed \$6,000 shall be available for official reception and representation expenses, and not to exceed \$25,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$15,000,000, to remain available until expended.

FEDERAL PRISONER DETENTION

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by section 4013 of title 18, United States Code, \$1,867,461,000, to remain available until expended: *Provided*, That not to exceed \$20,000,000 shall be considered “funds appropriated for State and local law enforcement assistance” pursuant to section 4013(b) of title 18, United States Code: *Provided further*, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Determination.

For expenses necessary to carry out the activities of the National Security Division, \$110,000,000, of which not to exceed \$5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking organizations, transnational organized crime, and money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in transnational organized crime and drug trafficking, \$550,458,000, of which \$50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, \$9,467,902,000, of which not to exceed \$216,900,000 shall remain available until expended: *Provided*, That not to exceed \$284,000 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities, and sites by purchase, or as otherwise authorized by law; conversion, modification, and extension of federally owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; \$485,000,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, \$2,279,153,000, of which not to exceed \$75,000,000 shall remain available until expended and not to exceed \$90,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$1,400,000,000, of which not to exceed \$36,000 shall be for official reception and representation expenses, not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed \$25,000,000 shall remain available until expended: *Provided*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under

section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

42 USC 250a.

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$7,470,000,000 of which not less than \$75,000,000 shall be for the programs and activities authorized by the First Step Act of 2018 (Public Law 115–391): *Provided*, That the Attorney General may transfer to the Department of Health and Human Services such amounts as may be necessary for direct expenditures by that Department for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed \$5,400 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$50,000,000 shall remain available until expended for necessary operations: *Provided further*, That, of the amounts provided for contract confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past, notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites, and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$308,000,000, to remain available until expended, of which \$181,000,000 shall be available only for costs related to construction of new facilities: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation.

Contracts.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$2,700,000 of the funds of the Federal Prison Industries, Incorporated, shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et seq.) (“the 1968 Act”); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (“the 1994 Act”); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (“the 1990 Act”); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.) (“the 1974 Act”); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (“the 2000 Act”); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (“the 2005 Act”); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (“the 2013 Act”); the Rape Survivor Child Custody Act of 2015 (Public Law 114–22) (“the 2015 Act”); and the Abolish Human Trafficking Act (Public Law 115–392); and for related victims services, \$502,500,000, to remain available until expended, of which \$435,000,000 shall be derived by transfer from amounts available for obligation in this Act from the Fund established by section 1402 of chapter XIV

of title II of Public Law 98–473 (34 U.S.C. 20101), notwithstanding section 1402(d) of such Act of 1984, and merged with the amounts otherwise made available under this heading: *Provided*, That except as otherwise provided by law, not to exceed 5 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided—

Grants.

(1) \$215,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act;

(2) \$37,000,000 is for transitional housing assistance grants for victims of domestic violence, dating violence, stalking, or sexual assault as authorized by section 40299 of the 1994 Act;

(3) \$2,500,000 is for the National Institute of Justice and the Bureau of Justice Statistics for research, evaluation, and statistics of violence against women and related issues addressed by grant programs of the Office on Violence Against Women, which shall be transferred to “Research, Evaluation and Statistics” for administration by the Office of Justice Programs;

(4) \$11,500,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: *Provided*, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303, and 41305 of the 1994 Act, prior to its amendment by the 2013 Act, shall be available for this program: *Provided further*, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act: *Provided further*, That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this program;

Applicability.
Grants.

(5) \$53,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which \$4,000,000 is for a homicide reduction initiative;

(6) \$38,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) \$43,500,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) \$20,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) \$46,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) \$5,000,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40801 of the 1994 Act;

(11) \$17,000,000 is for grants to support families in the justice system, as authorized by section 1301 of the 2000 Act: *Provided*, That unobligated balances available for the programs authorized by section 1301 of the 2000 Act and section 41002

of the 1994 Act, prior to their amendment by the 2013 Act, shall be available for this program;

(12) \$6,000,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) \$1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(14) \$1,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act: *Provided*, That such funds may be transferred to “Research, Evaluation and Statistics” for administration by the Office of Justice Programs;

(15) \$500,000 is for a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women;

(16) \$4,000,000 is for grants to assist tribal governments in exercising special domestic violence criminal jurisdiction, as authorized by section 904 of the 2013 Act: *Provided*, That the grant conditions in section 40002(b) of the 1994 Act shall apply to this program; and

(17) \$1,500,000 is for the purposes authorized under the 2015 Act.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION AND STATISTICS

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Juvenile Justice and Delinquency Prevention Act of 1974 (“the 1974 Act”); the Missing Children’s Assistance Act (34 U.S.C. 11291 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (“the 2005 Act”); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (“the Adam Walsh Act”); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (“the 2002 Act”); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (“the 2013 Act”); and other programs, \$79,000,000, to remain available until expended, of which—

(1) \$43,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act; and

(2) \$36,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act, of which \$5,000,000 is for research targeted toward developing a better understanding of the domestic radicalization phenomenon, and advancing evidence-based strategies for effective

intervention and prevention; \$1,000,000 is for research to study the root causes of school violence to include the impact and effectiveness of grants made under the STOP School Violence Act; \$1,000,000 is for a national study to understand the responses of law enforcement to sex trafficking of minors; and \$2,000,000 is for a national center on forensics.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (“the 1994 Act”); the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (“the 1990 Act”); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (“the 2005 Act”); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (“the Adam Walsh Act”); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (“the 2002 Act”); the Second Chance Act of 2007 (Public Law 110–199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403); the Victims of Crime Act of 1984 (Public Law 98–473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (“the 2013 Act”); the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198) (“CARA”); the Justice for All Reauthorization Act of 2016 (Public Law 114–324); Kevin and Avonte’s Law (division Q of Public Law 115–141) (“Kevin and Avonte’s Law”); the Keep Young Athletes Safe Act of 2018 (title III of division S of Public Law 115–141) (“the Keep Young Athletes Safe Act”); the STOP School Violence Act of 2018 (title V of division S of Public Law 115–141) (“the STOP School Violence Act”); the Fix NICS Act of 2018 (title VI of division S of Public Law 115–141); the Project Safe Neighborhoods Grant Program Authorization Act of 2018 (Public Law 115–185); the SUPPORT for Patients and Communities Act (Public Law 115–271); and the Second Chance Reauthorization Act of 2018 (Public Law 115–391); and other programs, \$1,892,000,000, to remain available until expended as follows—

(1) \$547,210,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g) of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1, \$12,000,000 is for the Officer Robert Wilson III Memorial Initiative on Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR), \$7,500,000 is for an initiative to support evidence-based policing, \$8,000,000 is for an initiative to

enhance prosecutorial decision-making, \$2,400,000 is for the operationalization, maintenance and expansion of the National Missing and Unidentified Persons System, \$2,500,000 is for an academic based training initiative to improve police-based responses to people with mental illness or developmental disabilities, \$2,000,000 is for a student loan repayment assistance program pursuant to section 952 of Public Law 110–315, \$15,500,000 is for prison rape prevention and prosecution grants to States and units of local government, and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79), \$2,000,000 is for a grant program authorized by Kevin and Avonte’s Law, \$3,000,000 is for a regional law enforcement technology initiative, \$20,000,000 is for grants authorized under the Project Safe Neighborhoods Grant Authorization Act of 2018 (Public Law 115–185), \$2,000,000 is for a grant to provide a drug field testing and training initiative, \$5,500,000 is for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful conviction review, \$2,000,000 is for grants to States and units of local government to deploy managed access systems to combat contraband cell phone use in prison, \$1,000,000 is for a collaborative mental health and anti-recidivism initiative, \$100,000,000 is for grants for law enforcement activities associated with the presidential nominating conventions, \$2,000,000 is for a program to improve juvenile indigent defense, \$8,000,000 is for community-based violence prevention initiatives, and \$3,000,000 is for a national center for restorative justice;

(2) \$244,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): *Provided*, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) \$85,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386, for programs authorized under Public Law 109–164, or programs authorized under Public Law 113–4;

(4) \$14,000,000 for economic, high technology, white collar, and Internet crime prevention grants, including as authorized by section 401 of Public Law 110–403, of which \$2,500,000 is for competitive grants that help State and local law enforcement tackle intellectual property thefts, and \$2,000,000 for a competitive grant program for training students in computer forensics and digital investigation;

(5) \$20,000,000 for sex offender management assistance, as authorized by the Adam Walsh Act, and related activities;

(6) \$27,500,000 for the Patrick Leahy Bulletproof Vest Partnership Grant Program, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That \$1,500,000 is transferred directly to the National Institute of Standards and Technology’s Office of Law Enforcement Standards for research, testing and evaluation programs;

(7) \$1,000,000 for the National Sex Offender Public Website;

(8) \$78,290,000 for grants to States to upgrade criminal and mental health records for the National Instant Criminal Background Check System, of which no less than \$25,000,000 shall be for grants made under the authorities of the NICS Improvement Amendments Act of 2007 (Public Law 110–180) and Fix NICS Act of 2018;

(9) \$30,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(10) \$132,000,000 for DNA-related and forensic programs and activities, of which—

(A) \$102,000,000 is for the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546) (the Debbie Smith DNA Backlog Grant Program): *Provided*, That up to 4 percent of funds made available under this paragraph may be used for the purposes described in the DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers program (Public Law 108–405, section 303);

(B) \$19,000,000 for other local, State, and Federal forensic activities;

(C) \$7,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program (Public Law 108–405, section 412); and

(D) \$4,000,000 is for Sexual Assault Forensic Exam Program grants, including as authorized by section 304 of Public Law 108–405;

(11) \$48,000,000 for a grant program for community-based sexual assault response reform;

(12) \$12,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(13) \$38,000,000 for assistance to Indian tribes;

(14) \$90,000,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110–199) and by the Second Chance Reauthorization Act of 2018 (Public Law 115–391), without regard to the time limitations specified at section 6(1) of such Act, of which not to exceed \$6,000,000 is for a program to improve State, local, and tribal probation or parole supervision efforts and strategies, \$5,000,000 is for Children of Incarcerated Parents Demonstrations to enhance and maintain parental and family relationships for incarcerated parents as a reentry or recidivism reduction strategy, and \$4,500,000 is for additional replication sites employing the Project HOPE Opportunity Probation with Enforcement model implementing swift and certain sanctions in probation, and for a research project on the effectiveness of the model: *Provided*, That up to \$7,500,000 of funds made available in this paragraph may be used for performance-based awards for Pay for Success projects, of which up to \$5,000,000 shall be for Pay for Success programs implementing the Permanent Supportive Housing Model;

(15) \$67,500,000 for initiatives to improve police-community relations, of which \$22,500,000 is for a competitive matching grant program for purchases of body-worn cameras for State, local and Tribal law enforcement, \$28,000,000 is for a justice reinvestment initiative, for activities related to criminal justice

reform and recidivism reduction, and \$17,000,000 is for an Edward Byrne Memorial criminal justice innovation program;

(16) \$378,000,000 for comprehensive opioid abuse reduction activities, including as authorized by CARA, and for the following programs, which shall address opioid, stimulant, and substance abuse reduction consistent with underlying program authorities—

(A) \$80,000,000 for Drug Courts, as authorized by section 1001(a)(25)(A) of title I of the 1968 Act;

(B) \$33,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(C) \$31,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(D) \$23,000,000 for a veterans treatment courts program;

(E) \$31,000,000 for a program to monitor prescription drugs and scheduled listed chemical products; and

(F) \$180,000,000 for a comprehensive opioid, stimulant, and substance abuse program;

(17) \$2,500,000 for a competitive grant program authorized by the Keep Young Athletes Safe Act;

(18) \$75,000,000 for grants to be administered by the Bureau of Justice Assistance for purposes authorized under the STOP School Violence Act; and

(19) \$2,000,000 for grants to state and local law enforcement agencies for the expenses associated with the investigation and prosecution of criminal offenses, involving civil rights, authorized by the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016 (Public Law 114–325):

Provided, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (“the 1974 Act”); the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (“the 2005 Act”); the Missing Children’s Assistance Act (34 U.S.C. 11291 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (“the 1990 Act”); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (“the Adam Walsh Act”); the PROTECT Our Children Act of 2008 (Public Law 110–401); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (“the 2013 Act”); the Justice for All Reauthorization Act of 2016 (Public Law 114–324); the Juvenile

Justice Reform Act of 2018 (Public Law 115–385); and other juvenile justice programs, \$320,000,000, to remain available until expended as follows—

(1) \$63,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, nonprofit organizations with the Federal grants process: *Provided*, That of the amounts provided under this paragraph, \$500,000 shall be for a competitive demonstration grant program to support emergency planning among State, local and tribal juvenile justice residential facilities;

(2) \$97,000,000 for youth mentoring grants;

(3) \$42,000,000 for delinquency prevention, of which, pursuant to sections 261 and 262 of the 1974 Act—

(A) \$2,000,000 shall be for grants to prevent trafficking of girls;

(B) \$5,000,000 shall be for the Tribal Youth Program;

(C) \$500,000 shall be for an Internet site providing information and resources on children of incarcerated parents;

(D) \$2,000,000 shall be for competitive grants focusing on girls in the juvenile justice system;

(E) \$10,000,000 shall be for an opioid-affected youth initiative; and

(F) \$8,000,000 shall be for an initiative relating to children exposed to violence;

(4) \$27,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(5) \$87,500,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act (except that section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (Public Law 110–401) shall not apply for purposes of this Act); and

(6) \$3,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of the amounts designated under paragraphs (1) through (3) and (6) may be used for training and technical assistance: *Provided further*, That the two preceding provisos shall not apply to grants and projects administered pursuant to sections 261 and 262 of the 1974 Act and to missing and exploited children programs.

PUBLIC SAFETY OFFICER BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs), to remain available until expended; and \$24,800,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney

Determination.

General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to “Public Safety Officer Benefits” from available appropriations for the Department of Justice as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (“the 2005 Act”); the American Law Enforcement Heroes Act of 2017 (Public Law 115–37); and the SUPPORT for Patients and Communities Act (Public Law 115–271), \$343,000,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act: *Provided further*, That of the amount provided under this heading—

Grants.

(1) \$235,000,000 is for grants under section 1701 of title I of the 1968 Act (34 U.S.C. 10381) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: *Provided*, That, notwithstanding section 1704(c) of such title (34 U.S.C. 10384(c)), funding for hiring or rehiring a career law enforcement officer may not exceed \$125,000 unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: *Provided further*, That within the amounts appropriated under this paragraph, \$27,000,000 is for improving tribal law enforcement, including hiring, equipment, training, anti-methamphetamine activities, and anti-opioid activities: *Provided further*, That of the amounts appropriated under this paragraph, \$6,500,000 is for community policing development activities in furtherance of the purposes in section 1701: *Provided further*, That of the amounts appropriated under this paragraph \$38,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act, which shall be transferred to and merged with “Research, Evaluation, and Statistics” for administration by the Office of Justice Programs: *Provided further*, That within the amounts appropriated under this paragraph, no less than \$3,000,000 is to support the Tribal Access Program: *Provided further*, That within the amounts appropriated under this paragraph, \$5,000,000 is for training, peer mentoring, and mental health program activities as authorized under the Law Enforcement Mental Health and Wellness Act (Public Law 115–113);

(2) \$10,000,000 is for activities authorized by the POLICE Act of 2016 (Public Law 114–199);

(3) \$13,000,000 is for competitive grants to State law enforcement agencies in States with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures: *Provided*, That funds appropriated under this paragraph shall be utilized for investigative purposes to locate or investigate illicit activities, including precursor diversion, laboratories, or methamphetamine traffickers;

(4) \$35,000,000 is for competitive grants to statewide law enforcement agencies in States with high rates of primary treatment admissions for heroin and other opioids: *Provided*, That these funds shall be utilized for investigative purposes to locate or investigate illicit activities, including activities related to the distribution of heroin or unlawful distribution of prescription opioids, or unlawful heroin and prescription opioid traffickers through statewide collaboration; and

(5) \$50,000,000 is for competitive grants to be administered by the Community Oriented Policing Services Office for purposes authorized under the STOP School Violence Act (title V of division S of Public Law 115–141).

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

Abortion.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

Abortion.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

Abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Prisons and
prisoners.

SEC. 206. None of the funds made available under this title may be used by the Federal Bureau of Prisons or the United

States Marshals Service for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 207. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, or to rent or purchase audiovisual or electronic media or equipment used primarily for recreational purposes.

Prisons and
prisoners.

(b) Subsection (a) does not preclude the rental, maintenance, or purchase of audiovisual or electronic media or equipment for inmate training, religious, or educational programs.

SEC. 208. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations of the House of Representatives and the Senate that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

Certification.

SEC. 209. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and to any use of deobligated balances of funds provided under this title in previous years.

Applicability.

SEC. 210. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 211. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of section 545 of title 28, United States Code.

SEC. 212. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings “Research, Evaluation and Statistics”, “State and Local Law Enforcement Assistance”, and “Juvenile Justice Programs”—

(1) up to 2 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance; and

(2) up to 2 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National

Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs.

Determination.

SEC. 213. Upon request by a grantee for whom the Attorney General has determined there is a fiscal hardship, the Attorney General may, with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2017 through 2020 for the following programs, waive the following requirements:

(1) For the adult and juvenile offender State and local reentry demonstration projects under part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10631 et seq.), the requirements under section 2976(g)(1) of such part (34 U.S.C. 10631(g)(1)).

(2) For grants to protect inmates and safeguard communities as authorized by section 6 of the Prison Rape Elimination Act of 2003 (34 U.S.C. 30305(c)(3)), the requirements of section 6(c)(3) of such Act.

SEC. 214. Notwithstanding any other provision of law, section 20109(a) of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12109(a)) shall not apply to amounts made available by this or any other Act.

Firearms.

SEC. 215. None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901), may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 216. (a) None of the income retained in the Department of Justice Working Capital Fund pursuant to title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation during fiscal year 2020, except up to \$12,000,000 may be obligated for implementation of a unified Department of Justice financial management system.

(b) Not to exceed \$30,000,000 of the unobligated balances transferred to the capital account of the Department of Justice Working Capital Fund pursuant to title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation in fiscal year 2020, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.

(c) Not to exceed \$10,000,000 of the excess unobligated balances available under section 524(c)(8)(E) of title 28, United States Code, shall be available for obligation during fiscal year 2020, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.

SEC. 217. Discretionary funds that are made available in this Act for the Office of Justice Programs may be used to participate in Performance Partnership Pilots authorized under section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, section 525 of division H of Public Law 114–113, and such authorities as are enacted for Performance Partnership Pilots in an appropriations Act for fiscal years 2019 and 2020.

SEC. 218. In this fiscal year and each fiscal year thereafter, amounts credited to and made available in the Department of Justice Working Capital Fund as an offsetting collection pursuant to section 11013 of Public Law 107–273 shall be so credited and available only to the extent and in such amounts as provided in advance in appropriations Acts: *Provided*, That notwithstanding 31 U.S.C. 3302 or any other statute affecting the crediting of collections, the Attorney General may credit, as a discretionary offsetting collection, to the Department of Justice Working Capital Fund, for fiscal year 2020 and thereafter, up to three percent of all amounts collected pursuant to civil debt collection litigation activities of the Department of Justice; and such amounts so credited in fiscal year 2020 and thereafter shall remain available until expended, and shall be subject to the terms and conditions of that fund: *Provided further*, That any such amounts from the fund that the Attorney General determines are necessary to pay, first, for the costs of processing and tracking civil and criminal debt collection litigation activities, and thereafter for financial systems and for debt-collection-related personnel, administrative, and litigation expenses, in fiscal year 2020 and thereafter, shall be transferred to other appropriations accounts in the Department of Justice for paying the costs of such activities, and shall be in addition to any amounts otherwise made available for such purposes in those appropriations accounts: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by law: *Provided further*, That any transfer of funds pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

28 USC 527 note.

Determination.

SEC. 219. Section 1930(a)(6)(B) of title 28, United States Code, shall be applied for this fiscal year and next fiscal year by substituting “\$300,000,000” for “\$200,000,000”.

Applicability.
28 USC 1930
note.

This title may be cited as the “Department of Justice Appropriations Act, 2020”.

TITLE III

SCIENCE

Science
Appropriations
Act, 2020.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed \$2,250 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$5,544,000.

NATIONAL SPACE COUNCIL

For necessary expenses of the National Space Council, in carrying out the purposes of Title V of Public Law 100–685 and Executive Order 13803, hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed \$2,250 for official reception and representation expenses, \$1,965,000: *Provided*, That notwithstanding any other

provision of law, the National Space Council may accept personnel support from Federal agencies, departments, and offices, and such Federal agencies, departments, and offices may detail staff without reimbursement to the National Space Council for purposes provided herein.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

Deadlines. For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$7,138,900,000, to remain available until September 30, 2021: *Provided*, That, \$1,971,800,000 shall be for Earth Science; \$2,713,400,000 shall be for Planetary Science; \$1,306,200,000 shall be for Astrophysics; \$423,000,000 shall be for the James Webb Space Telescope; and \$724,500,000 shall be for Heliophysics: *Provided further*, That of the amounts provided, \$592,600,000 is for an orbiter to meet the science goals for the Jupiter Europa mission as recommended in previous Planetary Science Decadal surveys: *Provided further*, That the National Aeronautics and Space Administration shall use the Space Launch System as the launch vehicles for the Jupiter Europa missions, plan for an orbiter launch no later than 2025 and a lander launch no later than 2027, and include in the fiscal year 2021 budget the 5-year funding profile necessary to achieve these goals.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$783,900,000, to remain available until September 30, 2021.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space technology research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire

of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$1,100,000,000, to remain available until September 30, 2021: *Provided*, That \$227,200,000 shall be for RESTORE–L/SPace Infrastructure DExterous Robot: *Provided further*, That \$110,000,000 shall be for the development and demonstration of a nuclear thermal propulsion system, of which \$80,000,000 shall be for the design of a flight demonstration system: *Provided further*, That, not later than 180 days after the enactment of this Act, the National Aeronautics and Space Administration (NASA) shall provide a plan for the design of a flight demonstration.

Deadline.
Plans.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$6,017,600,000, to remain available until September 30, 2021: *Provided*, That not less than \$1,406,700,000 shall be for the Orion Multi-Purpose Crew Vehicle: *Provided further*, That not less than \$2,585,900,000 shall be for the Space Launch System (SLS) launch vehicle, which shall have a lift capability not less than 130 metric tons and which shall have core elements and an Exploration Upper Stage developed simultaneously to be used to the maximum extent practicable, including for Earth to Moon missions and a Moon landing: *Provided further*, That of the amounts provided for SLS, not less than \$300,000,000 shall be for Exploration Upper Stage development: *Provided further*, That \$590,000,000 shall be for Exploration Ground Systems: *Provided further*, That the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate, concurrent with the annual budget submission, a 5-year budget profile for an integrated system that includes the SLS, the Orion Multi-Purpose Crew Vehicle, and associated ground systems that will ensure an Exploration Mission-2 crewed launch as early as possible, as well as a system-based funding profile for a sustained launch cadence beyond the initial crewed test launch: *Provided further*, That \$1,435,000,000 shall be for exploration research and development.

Budget profile.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities, including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor

vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$4,140,200,000, to remain available until September 30, 2021.

SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS
ENGAGEMENT

For necessary expenses, not otherwise provided for, in the conduct and support of aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$120,000,000, to remain available until September 30, 2021, of which \$24,000,000 shall be for the Established Program to Stimulate Competitive Research and \$48,000,000 shall be for the National Space Grant College and Fellowship Program.

SAFETY, SECURITY AND MISSION SERVICES

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, space technology, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$2,913,300,000, to remain available until September 30, 2021.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, \$373,400,000, to remain available until September 30, 2025: *Provided*, That proceeds from leases deposited into this account shall be available for a period of 5 years to the extent and in amounts as provided in annual appropriations Acts: *Provided further*, That such proceeds referred to in the preceding proviso shall be available for obligation for fiscal year 2020 in an amount not to exceed \$17,000,000: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 20145 of title 51, United States Code.

Contracts.
Time period.
51 USC 20145
note.

Deadline.
Estimates.
51 USC 30103
note.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$41,700,000, of which \$500,000 shall remain available until September 30, 2021.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Funds for any announced prize otherwise authorized shall remain available, without fiscal year limitation, until a prize is claimed or the offer is withdrawn. 51 USC 20144 note.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any funds transferred to “Construction and Environmental Compliance and Restoration” for construction activities shall not increase that account by more than \$75,300,000. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Not to exceed 5 percent of any appropriation provided for the National Aeronautics and Space Administration under previous appropriations Acts that remains available for obligation or expenditure in fiscal year 2020 may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this provision shall retain its original availability and shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The spending plan required by this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section. Spending plan.

Not more than 40 percent of the amounts made available in this Act for the Gateway; Advanced Cislunar and Surface Capabilities; Commercial LEO Development; and Lunar Discovery and Exploration, excluding the Lunar Reconnaissance Orbiter, may be obligated until the Administrator submits a multi-year plan to the Committees on Appropriations of the House of Representatives and the Senate that identifies estimated dates, by fiscal year, for Space Launch System flights to build the Gateway; the commencement of partnerships with commercial entities for additional LEO missions to land humans and rovers on the Moon; and conducting additional scientific activities on the Moon. The multi-year plan shall include key milestones to be met by fiscal year to achieve Plans.

goals for each of the lunar programs described in the previous sentence and funding required by fiscal year to achieve such milestones.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), and Public Law 86–209 (42 U.S.C. 1880 et seq.); services as authorized by section 3109 of title 5, United States Code; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$6,737,200,000, to remain available until September 30, 2021, of which not to exceed \$500,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including authorized travel, \$243,230,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including services as authorized by section 3109 of title 5, United States Code, authorized travel, and rental of conference rooms in the District of Columbia, \$940,000,000, to remain available until September 30, 2021.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.); services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; \$336,900,000: *Provided*, That not to exceed \$8,280 is for official reception and representation expenses: *Provided further*, That contracts may be entered into under this heading in fiscal year 2020 for maintenance and operation of facilities and for other services to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), \$4,500,000: *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, \$16,500,000, of which \$400,000 shall remain available until September 30, 2021.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The Director of the National Science Foundation (NSF) shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 30 days in advance of any planned divestment through transfer, decommissioning, termination, or deconstruction of any NSF-owned facilities or any NSF capital assets (including land, structures, and equipment) valued greater than \$2,500,000.

Notification.
Deadline.

This title may be cited as the “Science Appropriations Act, 2020”.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$10,500,000: *Provided*, That none of the funds appropriated in this paragraph may be used to employ any individuals under Schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: *Provided further*, That the Chair may accept and use any

gift or donation to carry out the work of the Commission: *Provided further*, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by section 3 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, section 501 of the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Genetic Information Nondiscrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles as authorized by section 1343(b) of title 31, United States Code; nonmonetary awards to private citizens; and up to \$30,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, \$389,500,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,250 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further*, That the Chair may accept and use any gift or donation to carry out the work of the Commission.

Workforce
proposal.
Notification.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed \$2,250 for official reception and representation expenses, \$99,400,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$440,000,000, of which \$402,700,000 is for basic field programs and required independent audits; \$5,300,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$22,000,000 is for management and grants oversight; \$4,000,000 is for client self-help and information technology; \$4,500,000 is for a Pro Bono Innovation Fund; and \$1,500,000 is for loan repayment assistance:

Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996d(d)): *Provided further*, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: *Provided further*, That, for the purposes of section 505 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

Applicability.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2019 and 2020, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), \$3,616,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by section 3109 of title 5, United States Code, \$54,000,000, of which \$1,000,000 shall remain available until expended: *Provided*, That of the total amount made available under this heading, not to exceed \$124,000 shall be available for official reception and representation expenses.

TRADE ENFORCEMENT TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For activities of the United States Trade Representative authorized by section 611 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4405), including transfers, \$15,000,000, to be derived from the Trade Enforcement Trust Fund: *Provided*, That any transfer pursuant to subsection (d)(1) of such section shall be treated as a reprogramming under section 505 of this Act.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Act of 1984 (42 U.S.C. 10701 et seq.) \$6,555,000, of which \$500,000 shall remain available until September 30, 2021: *Provided*, That not to exceed \$2,250 shall be available for official reception and representation expenses: *Provided further*, That, for the purposes of section 505 of this Act, the State Justice Institute shall be considered an agency of the United States Government.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

(INCLUDING TRANSFER OF FUNDS)

Propaganda. SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Contracts. SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Notifications.
Deadline. SEC. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2020, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project, or activity; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs, or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects, or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project, or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs,

projects, or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

SEC. 506. (a) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(b)(1) To the extent practicable, with respect to authorized purchases of promotional items, funds made available by this Act shall be used to purchase items that are manufactured, produced, or assembled in the United States, its territories or possessions.

(2) The term “promotional items” has the meaning given the term in OMB Circular A–87, Attachment B, Item (1)(f)(3).

Definition.

SEC. 507. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

Reports.

(b) The report described in subsection (a) shall be submitted within 30 days of the end of each quarter.

(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.

SEC. 508. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That for the Department of Commerce, this section shall also apply to actions taken for the care and protection of loan collateral or grant property.

Transfer
authority.

Applicability.
Loans.
Grants.

SEC. 509. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

Tobacco and
tobacco products.

34 USC 20101
note.

SEC. 510. Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (34 U.S.C. 20101) in any fiscal year in excess of \$2,641,000,000 shall not be available for obligation until the following fiscal year: *Provided*, That notwithstanding section 1402(d) of such Act, of the amounts available from the Fund for obligation: (1) \$10,000,000 shall be transferred to the Department of Justice Office of Inspector General and remain available until expended for oversight and auditing purposes associated with this section; and (2) 5 percent shall be available to the Office for Victims of Crime for grants, consistent with the requirements of the Victims of Crime Act, to Indian tribes to improve services for victims of crime.

Discrimination.

SEC. 511. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

Audits.
Reports.
Deadlines.

SEC. 513. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

Certification.

(c) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

Effective date.
Consultation.
Determination.
Applicability.

(d) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to

the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 514. (a) None of the funds appropriated or otherwise made available under this Act may be used by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire a high-impact or moderate-impact information system, as defined for security categorization in the National Institute of Standards and Technology’s (NIST) Federal Information Processing Standard Publication 199, “Standards for Security Categorization of Federal Information and Information Systems” unless the agency has—

Review.

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST and the Federal Bureau of Investigation (FBI) to inform acquisition decisions for high-impact and moderate-impact information systems within the Federal Government;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the FBI and other appropriate agencies; and

(3) in consultation with the FBI or other appropriate Federal entity, conducted an assessment of any risk of cyber-espionage or sabotage associated with the acquisition of such system, including any risk associated with such system being produced, manufactured, or assembled by one or more entities identified by the United States Government as posing a cyber threat, including but not limited to, those that may be owned, directed, or subsidized by the People’s Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, or the Russian Federation.

Consultation.
Assessment.
China.
Iran.
North Korea.
Russia.

(b) None of the funds appropriated or otherwise made available under this Act may be used to acquire a high-impact or moderate-impact information system reviewed and assessed under subsection (a) unless the head of the assessing entity described in subsection (a) has—

Consultations.

(1) developed, in consultation with NIST, the FBI, and supply chain risk management experts, a mitigation strategy for any identified risks;

(2) determined, in consultation with NIST and the FBI, that the acquisition of such system is in the national interest of the United States; and

Determination.

(3) reported that determination to the Committees on Appropriations of the House of Representatives and the Senate and the agency Inspector General.

Reports.

SEC. 515. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

Torture.

SEC. 516. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States–Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States–Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States–Morocco Free Trade Agreement.

National security
letter.

SEC. 517. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act of 1978; The Electronic Communications Privacy Act of 1986; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; USA FREEDOM Act of 2015; and the laws amended by these Acts.

Notifications.

SEC. 518. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than \$75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent or more, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

Deadline.
Determination.

SEC. 519. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2020 until the enactment of the Intelligence Authorization Act for fiscal year 2020.

Contracts.
Grants.
Certification.
Taxes.
Time periods.

SEC. 520. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(RESCISSIONS)

Deadlines.

SEC. 521. (a) Of the unobligated balances from prior year appropriations available to the Department of Commerce, the following funds are hereby rescinded, not later than September 30, 2020, from the following accounts in the specified amounts—

(1) “Economic Development Administration, Economic Development Assistance Programs”, \$17,000,000; and

(2) “National Oceanic and Atmospheric Administration, Fisheries Enforcement Asset Forfeiture Fund”, \$5,000,000.

(b) Of the unobligated balances available to the Department of Justice, the following funds are hereby rescinded, not later than September 30, 2020, from the following accounts in the specified amounts—

(1) “Working Capital Fund”, \$107,000,000;

(2) “Federal Bureau of Investigation, Salaries and Expenses”, \$71,974,000 including from, but not limited to, fees collected to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs;

(3) “Drug Enforcement Administration, Salaries and Expenses”, \$10,000,000;

(4) “State and Local Law Enforcement Activities, Office of Justice Programs”, \$70,000,000; and

(5) “State and Local Law Enforcement Activities, Community Oriented Policing Services”, \$13,000,000.

(c) Of the unobligated balances available to the National Aeronautics and Space Administration from prior year appropriations under the heading “Science”, \$70,000,000 is hereby rescinded.

(d) The Departments of Commerce and Justice and the National Aeronautics and Space Administration shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2020, specifying the amount of each rescission made pursuant to subsections (a), (b), and (c).

Reports.

(e) The amounts rescinded in subsections (a), (b), and (c) shall not be from amounts that were designated by the Congress as an emergency or disaster relief requirement pursuant to the concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 522. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

Airline travel.

SEC. 523. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency, who are stationed in the United States, at any single conference occurring outside the United States unless—

Conference attendees.

(1) such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States; or

(2) such conference is a scientific conference and the department or agency head determines that such attendance is in the national interest and notifies the Committees on Appropriations of the House of Representatives and the Senate within at least 15 days of that determination and the basis for that determination.

Determination.
Notification.
Deadline.

SEC. 524. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

Grants.
Performance plan.
Reports.

	(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.
	(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.
	(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.
Time period.	(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.
Light bulbs.	SEC. 525. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are “Energy Star” qualified or have the “Federal Energy Management Program” designation.
China.	SEC. 526. (a) None of the funds made available by this Act may be used for the National Aeronautics and Space Administration (NASA), the Office of Science and Technology Policy (OSTP), or the National Space Council (NSC) to develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company unless such activities are specifically authorized by a law enacted after the date of enactment of this Act. (b) None of the funds made available by this Act may be used to effectuate the hosting of official Chinese visitors at facilities belonging to or utilized by NASA.
Consultation. Certification.	(c) The limitations described in subsections (a) and (b) shall not apply to activities which NASA, OSTP, or NSC, after consultation with the Federal Bureau of Investigation, have certified— (1) pose no risk of resulting in the transfer of technology, data, or other information with national security or economic security implications to China or a Chinese-owned company; and (2) will not involve knowing interactions with officials who have been determined by the United States to have direct involvement with violations of human rights.
Deadline.	(d) Any certification made under subsection (c) shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate, and the Federal Bureau of Investigation, no later than 30 days prior to the activity in question and shall include a description of the purpose of the activity, its agenda, its major participants, and its location and timing.
Pornography.	SEC. 527. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. (b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication, or other law enforcement- or victim assistance-related activity.
Spending plans. Deadline.	SEC. 528. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National

Science Foundation, the Commission on Civil Rights, the Equal Employment Opportunity Commission, the International Trade Commission, the Legal Services Corporation, the Marine Mammal Commission, the Offices of Science and Technology Policy and the United States Trade Representative, the National Space Council, and the State Justice Institute shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

SEC. 529. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract.

Contracts.

SEC. 530. None of the funds made available by this Act may be used in contravention of section 7606 (“Legitimacy of Industrial Hemp Research”) of the Agricultural Act of 2014 (Public Law 113–79) by the Department of Justice or the Drug Enforcement Administration.

SEC. 531. None of the funds made available under this Act to the Department of Justice may be used, with respect to any of the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, or with respect to the District of Columbia, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, or Puerto Rico, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

State listing.
Territories.
Medical
marijuana.

SEC. 532. The Department of Commerce, the National Aeronautics and Space Administration, and the National Science Foundation shall provide a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate on any official travel to China by any employee of such Department or agency, including the purpose of such travel.

Reports.
China.

SEC. 533. Of the amounts made available by this Act, not less than 10 percent of each total amount provided, respectively, for Public Works grants authorized by the Public Works and Economic Development Act of 1965 and grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722) shall be allocated for assistance in persistent poverty counties: *Provided*, That for purposes of this section, the term “persistent poverty counties” means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates, or any territory or possession of the United States.

Definition.

SEC. 534. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States,

Khalid Sheikh
Mohammed.
Detainees.
Cuba.

its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

Cuba.

SEC. 535. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

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

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

Termination
date.
Determination.

SEC. 536. None of the funds provided in this Act shall be available for obligation for the James Webb Space Telescope (JWST) after December 31, 2020, if the individual identified under subsection (c)(2)(E) of section 30104 of title 51, United States Code, as responsible for JWST determines that the formulation and development costs (with development cost as defined under section 30104 of title 51, United States Code) are likely to exceed \$8,802,700,000, unless the program is modified so that the costs do not exceed \$8,802,700,000.

Exports and
imports.
Canada.
Firearms.

SEC. 537. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding \$500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal

Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 538. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin “curios or relics” firearms, parts, or ammunition.

SEC. 539. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel to deny, or fail to act on, an application for the importation of any model of shotgun if—

(1) all other requirements of law with respect to the proposed importation are met; and

(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

SEC. 540. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

This division may be cited as the “Commerce, Justice, Science, and Related Agencies Appropriations Act, 2020”.

President.
Determination.
Federal Register,
publication.

Termination.

Firearms.
Ammunition.

Exports and
imports.
Firearms.

Financial
Services and
General
Government
Appropriations
Act, 2020.
Department of
the Treasury
Appropriations
Act, 2020.

DIVISION C—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2020

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Freedman’s Bank Building; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; executive direction program activities; international affairs and economic policy activities; domestic finance and tax policy activities, including technical assistance to State, local, and territorial entities; and Treasury-wide management policies and programs activities, \$228,373,000: *Provided*, That of the amount appropriated under this heading—

(1) not to exceed \$350,000 is for official reception and representation expenses;

(2) not to exceed \$258,000 is for unforeseen emergencies of a confidential nature to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on the Secretary’s certificate; and

(3) not to exceed \$24,000,000 shall remain available until September 30, 2021, for—

(A) the Treasury-wide Financial Statement Audit and Internal Control Program;

(B) information technology modernization requirements;

(C) the audit, oversight, and administration of the Gulf Coast Restoration Trust Fund;

(D) the development and implementation of programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements;

(E) operations and maintenance of facilities; and

(F) international operations.

COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES FUND

(INCLUDING TRANSFER OF FUNDS)

Notification.

For necessary expenses of the Committee on Foreign Investment in the United States, \$20,000,000, to remain available until expended: *Provided*, That the chairperson of the Committee may transfer such amounts to any department or agency represented on the Committee (including the Department of the Treasury) subject to advance notification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts so transferred shall remain available until expended for expenses of implementing section 721 of the Defense Production Act of 1950, as amended (50 U.S.C. 4565), and shall be available

in addition to any other funds available to any department or agency: *Provided further*, That fees authorized by section 721(p) of such Act shall be credited to this appropriation as offsetting collections: *Provided further*, That the total amount appropriated under this heading from the general fund shall be reduced as such offsetting collections are received during fiscal year 2020, so as to result in a total appropriation from the general fund estimated at not more than \$10,000,000.

OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE

SALARIES AND EXPENSES

For the necessary expenses of the Office of Terrorism and Financial Intelligence to safeguard the financial system against illicit use and to combat rogue nations, terrorist facilitators, weapons of mass destruction proliferators, human rights abusers, money launderers, drug kingpins, and other national security threats, \$169,712,000, of which not less than \$3,000,000 shall be available for addressing human rights violations and corruption, including activities authorized by the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note): *Provided*, That of the amounts appropriated under this heading, up to \$10,000,000 shall remain available until September 30, 2021.

CYBERSECURITY ENHANCEMENT ACCOUNT

For salaries and expenses for enhanced cybersecurity for systems operated by the Department of the Treasury, \$18,000,000, to remain available until September 30, 2022: *Provided*, That such funds shall supplement and not supplant any other amounts made available to the Treasury offices and bureaus for cybersecurity: *Provided further*, That of the total amount made available under this heading \$1,000,000 shall be available for administrative expenses for the Treasury Chief Information Officer to provide oversight of the investments made under this heading: *Provided further*, That such funds shall supplement and not supplant any other amounts made available to the Treasury Chief Information Officer.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services and for repairs and renovations to buildings owned by the Department of the Treasury, \$6,118,000, to remain available until September 30, 2022: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to support or supplement "Internal Revenue Service, Operations Support" or "Internal Revenue Service, Business Systems Modernization".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$41,044,000, including hire of passenger motor vehicles; of which not to exceed \$100,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; of which up to \$2,800,000 to remain available until September 30, 2021, shall be for audits and investigations conducted pursuant to section 1608 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (33 U.S.C. 1321 note); and of which not to exceed \$1,000 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; \$170,250,000, of which \$5,000,000 shall remain available until September 30, 2021; of which not to exceed \$6,000,000 shall be available for official travel expenses; of which not to exceed \$500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed \$1,500 shall be available for official reception and representation expenses.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM

SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), \$22,000,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; services authorized by 5 U.S.C. 3109; not to exceed \$12,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$126,000,000, of which not to exceed \$34,335,000 shall remain available until September 30, 2022.

BUREAU OF THE FISCAL SERVICE

SALARIES AND EXPENSES

For necessary expenses of operations of the Bureau of the Fiscal Service, \$340,280,000; of which not to exceed \$8,000,000, to remain available until September 30, 2022, is for information systems modernization initiatives; and of which \$5,000 shall be available for official reception and representation expenses.

In addition, \$165,000, to be derived from the Oil Spill Liability Trust Fund to reimburse administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, \$119,600,000; of which not to exceed \$6,000 for official reception and representation expenses; and of which not to exceed \$50,000 shall be available for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: *Provided*, That of the amount appropriated under this heading, \$5,000,000 shall be for the costs of accelerating the processing of formula and label applications: *Provided further*, That of the amount appropriated under this heading, \$5,000,000, to remain available until September 30, 2021, shall be for the costs associated with enforcement of the trade practice provisions of the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.).

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments: *Provided*, That the aggregate amount of new liabilities and obligations incurred during fiscal year 2020 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed \$30,000,000.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND
PROGRAM ACCOUNT

To carry out the Riegle Community Development and Regulatory Improvement Act of 1994 (subtitle A of title I of Public Law 103–325), including services authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem rate equivalent to the rate for EX–III, \$262,000,000. Of the amount appropriated under this heading—

(1) not less than \$165,500,000, notwithstanding section 108(e) of Public Law 103–325 (12 U.S.C. 4707(e)) with regard

Definition.
Time period.

to Small and/or Emerging Community Development Financial Institutions Assistance awards, is available until September 30, 2021, for financial assistance and technical assistance under subparagraphs (A) and (B) of section 108(a)(1), respectively, of Public Law 103–325 (12 U.S.C. 4707(a)(1)(A) and (B)), of which up to \$1,600,000 may be available for training and outreach under section 109 of Public Law 103–325 (12 U.S.C. 4708), of which up to \$2,397,500 may be used for the cost of direct loans, of which up to \$4,000,000, notwithstanding subsection (d) of section 108 of Public Law 103–325 (12 U.S.C. 4707 (d)), may be available to provide financial assistance, technical assistance, training, and outreach to community development financial institutions to expand investments that benefit individuals with disabilities, and of which not less than \$2,000,000 shall be for the Economic Mobility Corps to be operated in conjunction with the Corporation for National and Community Service, pursuant to 42 U.S.C. 12571: *Provided*, That the cost of direct and guaranteed loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$25,000,000: *Provided further*, That of the funds provided under this paragraph, excluding those made to community development financial institutions to expand investments that benefit individuals with disabilities and those made to community development financial institutions that serve populations living in persistent poverty counties, the CDFI Fund shall prioritize Financial Assistance awards to organizations that invest and lend in high-poverty areas: *Provided further*, That for purposes of this section, the term “high-poverty area” means any census tract with a poverty rate of at least 20 percent as measured by the 2011–2015 5-year data series available from the American Community Survey of the Bureau of the Census for all States and Puerto Rico or with a poverty rate of at least 20 percent as measured by the 2010 Island Areas Decennial Census data for any other territory or possession of the United States;

(2) not less than \$16,000,000, notwithstanding section 108(e) of Public Law 103–325 (12 U.S.C. 4707(e)), is available until September 30, 2021, for financial assistance, technical assistance, training, and outreach programs designed to benefit Native American, Native Hawaiian, and Alaska Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations, and other suitable providers;

(3) not less than \$25,000,000 is available until September 30, 2021, for the Bank Enterprise Award program;

(4) not less than \$22,000,000, notwithstanding subsections (d) and (e) of section 108 of Public Law 103–325 (12 U.S.C. 4707(d) and (e)), is available until September 30, 2021, for a Healthy Food Financing Initiative to provide financial assistance, technical assistance, training, and outreach to community development financial institutions for the purpose of offering

affordable financing and technical assistance to expand the availability of healthy food options in distressed communities;

(5) not less than \$5,000,000 is available until September 30, 2021, to provide grants for loan loss reserve funds and to provide technical assistance for small dollar loan programs under section 122 of Public Law 103–325 (12 U.S.C. 4719): *Provided*, That sections 108(d) and 122(b)(2) of such Public Law shall not apply to the provision of such grants and technical assistance;

(6) up to \$28,500,000 is available until September 30, 2020, for administrative expenses, including administration of CDFI Fund programs and the New Markets Tax Credit Program, of which not less than \$1,000,000 is for development of tools to better assess and inform CDFI investment performance, and up to \$300,000 is for administrative expenses to carry out the direct loan program; and

(7) during fiscal year 2020, none of the funds available under this heading are available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of commitments to guarantee bonds and notes under section 114A of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4713a): *Provided*, That commitments to guarantee bonds and notes under such section 114A shall not exceed \$500,000,000: *Provided further*, That such section 114A shall remain in effect until December 31, 2020: *Provided further*, That of the funds awarded under this heading, not less than 10 percent shall be used for awards that support investments that serve populations living in persistent poverty counties: *Provided further*, That for the purposes of this paragraph and paragraph (1) the term “persistent poverty counties” means any county, including county equivalent areas in Puerto Rico, that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the 2011–2015 5-year data series available from the American Community Survey of the Bureau of the Census or any other territory or possession of the United States that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990, 2000 and 2010 Island Areas Decennial Censuses, or equivalent data, of the Bureau of the Census.

Termination
date.
12 USC 4713a
note.

Definition.
Puerto Rico.
Time period.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$2,511,554,000, of which not less than \$11,000,000 shall be for the Tax Counseling for the Elderly Program, of which not less than \$12,000,000 shall be available for low-income taxpayer clinic grants, of which not less than \$25,000,000, to remain available until September 30, 2021, shall be available for the Community Volunteer Income Tax Assistance Matching Grants Program for tax return preparation

assistance, and of which not less than \$209,000,000 shall be available for operating expenses of the Taxpayer Advocate Service: *Provided*, That of the amounts made available for the Taxpayer Advocate Service, not less than \$5,500,000 shall be for identity theft and refund fraud casework.

ENFORCEMENT

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$5,010,000,000, of which not to exceed \$250,000,000 shall remain available until September 30, 2021; of which not less than \$60,257,000 shall be for the Interagency Crime and Drug Enforcement program; and of which not to exceed \$15,000,000 shall be for investigative technology for the Criminal Investigation Division: *Provided*, That the amount made available for investigative technology for the Criminal Investigation Division shall be in addition to amounts made available for the Criminal Investigation Division under the “Operations Support” heading.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); the operations of the Internal Revenue Service Oversight Board; and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; \$3,808,500,000, of which not to exceed \$250,000,000 shall remain available until September 30, 2021; of which not to exceed \$10,000,000 shall remain available until expended for acquisition of equipment and construction, repair and renovation of facilities; of which not to exceed \$1,000,000 shall remain available until September 30, 2022, for research; of which not less than \$10,000,000, to remain available until expended, shall be available for establishment of an application through which entities registering and renewing registrations in the System for Award Management may request an authenticated electronic certification stating that the entity does or does not have a seriously delinquent tax debt; and of which not to exceed \$20,000 shall be for official reception and representation expenses: *Provided*, That not later than 30 days after the end of each quarter, the Internal Revenue Service shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate and the Comptroller General of the United States detailing the cost and schedule performance for its major information technology investments, including the purpose and life-cycle stages of the investments; the reasons for any cost and schedule variances; the risks of such investments and strategies the Internal Revenue

Service is using to mitigate such risks; and the expected developmental milestones to be achieved and costs to be incurred in the next quarter: *Provided further*, That the Internal Revenue Service shall include, in its budget justification for fiscal year 2021, a summary of cost and schedule performance information for its major information technology systems.

Summaries.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, \$180,000,000, to remain available until September 30, 2022, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That not later than 30 days after the end of each quarter, the Internal Revenue Service shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate and the Comptroller General of the United States detailing the cost and schedule performance for major information technology investments, including the purposes and life-cycle stages of the investments; the reasons for any cost and schedule variances; the risks of such investments and the strategies the Internal Revenue Service is using to mitigate such risks; and the expected developmental milestones to be achieved and costs to be incurred in the next quarter.

Reports.
26 USC 7801
note.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 4 percent of the appropriation made available in this Act to the Internal Revenue Service under the "Enforcement" heading, and not to exceed 5 percent of any other appropriation made available in this Act to the Internal Revenue Service, may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate.

Advance
approval.

SEC. 102. The Internal Revenue Service shall maintain an employee training program, which shall include the following topics: taxpayers' rights, dealing courteously with taxpayers, cross-cultural relations, ethics, and the impartial application of tax law.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information and protect taxpayers against identity theft.

Confidentiality.
Identify theft.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make improvements to the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to enhance the response time to taxpayer communications, particularly with regard to victims of tax-related crimes.

SEC. 105. The Internal Revenue Service shall issue a notice of confirmation of any address change relating to an employer making employment tax payments, and such notice shall be sent

Notice.

to both the employer's former and new address and an officer or employee of the Internal Revenue Service shall give special consideration to an offer-in-compromise from a taxpayer who has been the victim of fraud by a third party payroll tax preparer.

SEC. 106. None of the funds made available under this Act may be used by the Internal Revenue Service to target citizens of the United States for exercising any right guaranteed under the First Amendment to the Constitution of the United States.

SEC. 107. None of the funds made available in this Act may be used by the Internal Revenue Service to target groups for regulatory scrutiny based on their ideological beliefs.

SEC. 108. None of funds made available by this Act to the Internal Revenue Service shall be obligated or expended on conferences that do not adhere to the procedures, verification processes, documentation requirements, and policies issued by the Chief Financial Officer, Human Capital Office, and Agency-Wide Shared Services as a result of the recommendations in the report published on May 31, 2013, by the Treasury Inspector General for Tax Administration entitled "Review of the August 2010 Small Business/Self-Employed Division's Conference in Anaheim, California" (Reference Number 2013–10–037).

SEC. 109. None of the funds made available in this Act to the Internal Revenue Service may be obligated or expended—

(1) to make a payment to any employee under a bonus, award, or recognition program; or

(2) under any hiring or personnel selection process with respect to re-hiring a former employee; unless such program or process takes into account the conduct and Federal tax compliance of such employee or former employee.

SEC. 110. None of the funds made available by this Act may be used in contravention of section 6103 of the Internal Revenue Code of 1986 (relating to confidentiality and disclosure of returns and return information).

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. Not to exceed 2 percent of any appropriations in this title made available under the headings "Departmental Offices—Salaries and Expenses", "Office of Inspector General", "Special Inspector General for the Troubled Asset Relief Program", "Financial Crimes Enforcement Network", "Bureau of the Fiscal Service", and "Alcohol and Tobacco Tax and Trade Bureau" may be transferred between such appropriations upon the advance approval of the Committees on Appropriations of the House of

Advance
approval.

Representatives and the Senate: *Provided*, That no transfer under this section may increase or decrease any such appropriation by more than 2 percent.

SEC. 113. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

Advance
approval.

SEC. 114. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the \$1 Federal Reserve note.

SEC. 115. The Secretary of the Treasury may transfer funds from the "Bureau of the Fiscal Service—Salaries and Expenses" to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

Reimbursement.

SEC. 116. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 117. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; and the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 118. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2020 until the enactment of the Intelligence Authorization Act for Fiscal Year 2020.

SEC. 119. Not to exceed \$5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

SEC. 120. The Secretary of the Treasury shall submit a Capital Investment Plan to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days following the submission of the annual budget submitted by the President: *Provided*, That such Capital Investment Plan shall include capital investment spending from all accounts within the Department of the Treasury, including but not limited to the Department-wide Systems and Capital Investment Programs account, Treasury Franchise Fund account, and the Treasury Forfeiture Fund account: *Provided further*, That such Capital Investment Plan shall include

Plan.
Deadline.

	expenditures occurring in previous fiscal years for each capital investment project that has not been fully completed.
Reports.	SEC. 121. Within 45 days after the date of enactment of this Act, the Secretary of the Treasury shall submit an itemized report to the Committees on Appropriations of the House of Representatives and the Senate on the amount of total funds charged to each office by the Franchise Fund including the amount charged for each service provided by the Franchise Fund to each office, a detailed description of the services, a detailed explanation of how each charge for each service is calculated, and a description of the role customers have in governing in the Franchise Fund.
Non profit organizations.	SEC. 122. During fiscal year 2020— (1) none of the funds made available in this or any other Act may be used by the Department of the Treasury, including the Internal Revenue Service, to issue, revise, or finalize any regulation, revenue ruling, or other guidance not limited to a particular taxpayer relating to the standard which is used to determine whether an organization is operated exclusively for the promotion of social welfare for purposes of section 501(c)(4) of the Internal Revenue Code of 1986 (including the proposed regulations published at 78 Fed. Reg. 71535 (November 29, 2013)); and (2) the standard and definitions as in effect on January 1, 2010, which are used to make such determinations shall apply after the date of the enactment of this Act for purposes of determining status under section 501(c)(4) of such Code of organizations created on, before, or after such date.
Applicability. Determination.	SEC. 123. (a) Not later than 60 days after the end of each quarter, the Office of Financial Stability and the Office of Financial Research shall submit reports on their activities to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Financial Services of the House of Representatives and the Senate Committee on Banking, Housing, and Urban Affairs. (b) The reports required under subsection (a) shall include— (1) the obligations made during the previous quarter by object class, office, and activity; (2) the estimated obligations for the remainder of the fiscal year by object class, office, and activity; (3) the number of full-time equivalents within each office during the previous quarter; (4) the estimated number of full-time equivalents within each office for the remainder of the fiscal year; and (5) actions taken to achieve the goals, objectives, and performance measures of each office.
Time period. Reports.	(c) At the request of any such Committees specified in subsection (a), the Office of Financial Stability and the Office of Financial Research shall make officials available to testify on the contents of the reports required under subsection (a).
Testimony.	SEC. 124. In addition to the amounts otherwise made available to the Department of the Treasury, \$25,000,000, to remain available until expended, shall be for expenses associated with digitization and distribution of the Department's records of matured savings bonds that have not been redeemed. This title may be cited as the "Department of the Treasury Appropriations Act, 2020".

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS
APPROPRIATED TO THE PRESIDENTExecutive Office
of the President
Appropriations
Act, 2020.

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed \$19,000 for official reception and representation expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$55,000,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For necessary expenses of the Executive Residence at the White House, \$13,081,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit \$25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt

Notice.
Deadlines.Penalties.
Deadlines.

on a United States Government claim under 31 U.S.C. 3717: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Records.* *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House pursuant to 3 U.S.C. 105(d), \$750,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,000,000.

NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council and the Homeland Security Council, including services as authorized by 5 U.S.C. 3109, \$11,500,000 of which not to exceed \$5,000 shall be available for official reception and representation expenses.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, \$94,000,000, of which not to exceed \$12,800,000 shall remain available until expended for continued modernization of information resources within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, to carry out the provisions of chapter 35 of title 44, United States Code, and to prepare and submit the budget of the United States Government, in accordance with section 1105(a) of title 31, United States Code, \$101,600,000, of which not to exceed \$3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the annual work plan developed by the Corps of Engineers for submission to the Committees on Appropriations: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

Deadline.
Policy reviews.

Notification.

Reports.

INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR

For necessary expenses of the Office of the Intellectual Property Enforcement Coordinator, as authorized by title III of the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403), including services authorized by 5 U.S.C. 3109, \$1,300,000.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

21 USC 1702
note.

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998, as amended through Public Law 115–271; not to exceed \$10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, \$18,400,000: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

Deadline.

Notifications.
Deadlines.
Determination.
Consultation.

Determination.

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, \$285,000,000, to remain available until September 30, 2021, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas ("HIDTAs"), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy, of which up to \$2,700,000 may be used for auditing services and associated activities: *Provided further*, That any unexpended funds obligated prior to fiscal year 2018 may be used for any other approved activities of that HIDTA, subject to reprogramming requirements: *Provided further*, That each HIDTA designated as of September 30, 2019, shall be funded at not less than the fiscal year 2019 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2020 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein and upon notification to the Committees on Appropriations of the House of Representatives and the Senate, such amounts may be transferred back to this appropriation.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the National Narcotics Leadership Act of 1988 and the Office of National Drug Control Policy Reauthorization Act of 1998, as amended through Public Law 115–271, \$121,715,000, to remain available until expended, which shall be available as follows: \$101,250,000 for the Drug-Free Communities Program, of which \$2,500,000 shall be made available as directed by section 4 of Public Law 107–82, as amended by section 8204 of Public Law 115–271; \$2,500,000 for drug court training and technical assistance; \$10,000,000 for anti-doping activities; \$2,715,000 for the United States membership dues to the World Anti-Doping Agency; \$1,250,000 for the Model Acts Program; and \$4,000,000 for activities authorized by section 103 of Public Law 114–198: *Provided*, That amounts made available under this heading may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, \$1,000,000, to remain available until September 30, 2021.

INFORMATION TECHNOLOGY OVERSIGHT AND REFORM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the furtherance of integrated, efficient, secure, and effective uses of information technology in the Federal Government, \$15,000,000, to remain available until expended: *Provided*, That the Director of the Office of Management and Budget may transfer these funds to one or more other agencies to carry out projects to meet these purposes.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, \$4,288,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including

electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed \$90,000 pursuant to 3 U.S.C. 106(b)(2), \$302,000: *Provided*, That advances, repayments, or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE
PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFER OF FUNDS)

Advance approval.	SEC. 201. From funds made available in this Act under the headings “The White House”, “Executive Residence at the White House”, “White House Repair and Restoration”, “Council of Economic Advisers”, “National Security Council and Homeland Security Council”, “Office of Administration”, “Special Assistance to the President”, and “Official Residence of the Vice President”, the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, with advance approval of the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: <i>Provided</i> , That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: <i>Provided further</i> , That no amount shall be transferred from “Special Assistance to the President” or “Official Residence of the Vice President” without the approval of the Vice President.
President. Cost estimates.	SEC. 202. (a) During fiscal year 2020, any Executive order or Presidential memorandum issued or revoked by the President shall be accompanied by a written statement from the Director of the Office of Management and Budget on the budgetary impact, including costs, benefits, and revenues, of such order or memorandum.
Time period.	(b) Any such statement shall include— (1) a narrative summary of the budgetary impact of such order or memorandum on the Federal Government; (2) the impact on mandatory and discretionary obligations and outlays as the result of such order or memorandum, listed by Federal agency, for each year in the 5-fiscal-year period beginning in fiscal year 2020; and (3) the impact on revenues of the Federal Government as the result of such order or memorandum over the 5-fiscal-year period beginning in fiscal year 2020.
Deadline.	(c) If an Executive order or Presidential memorandum is issued during fiscal year 2020 due to a national emergency, the Director of the Office of Management and Budget may issue the statement required by subsection (a) not later than 15 days after the date that such order or memorandum is issued.
Cost estimates. Applicability.	(d) The requirement for cost estimates for Presidential memoranda shall only apply for Presidential memoranda estimated to have a regulatory cost in excess of \$100,000,000.
Deadline. Memorandum.	SEC. 203. Not later than 45 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue a memorandum to all Federal departments, agencies,

and corporations directing compliance with the provisions in title VII of this Act.

This title may be cited as the “Executive Office of the President Appropriations Act, 2020”.

TITLE III THE JUDICIARY

Judiciary
Appropriations
Act, 2020.

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$87,699,000, of which \$1,500,000 shall remain available until expended.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief justice and associate justices of the court.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, \$15,590,000, to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of officers and employees, and for necessary expenses of the court, as authorized by law, \$32,700,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of officers and employees of the court, services, and necessary expenses of the court, as authorized by law, \$19,564,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of judges of the United States Court of Federal Claims, magistrate judges, and all other officers and employees

of the Federal Judiciary not otherwise specifically provided for, necessary expenses of the courts, and the purchase, rental, repair, and cleaning of uniforms for Probation and Pretrial Services Office staff, as authorized by law, \$5,250,234,000 (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of circuit and district judges (including judges of the territorial courts of the United States), bankruptcy judges, and justices and judges retired from office or from regular active service.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed \$9,070,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A and 3599, and for the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services for such representations as authorized by law; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d)(1); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; the compensation and reimbursement of travel expenses of guardians ad litem appointed under 18 U.S.C. 4100(b); and for necessary training and general administrative expenses, \$1,234,574,000 to remain available until expended.

FEEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), \$53,545,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States

courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), \$639,165,000, of which not to exceed \$20,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$94,261,000, of which not to exceed \$8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, \$30,436,000; of which \$1,800,000 shall remain available through September 30, 2021, to provide education and training to Federal court personnel; and of which not to exceed \$1,500 is authorized for official reception and representation expenses.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$19,670,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act

may be transferred between such appropriations, but no such appropriation, except “Courts of Appeals, District Courts, and Other Judicial Services, Defender Services” and “Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners”, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for “Courts of Appeals, District Courts, and Other Judicial Services” shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

Applicability.

SEC. 304. Section 3315(a) of title 40, United States Code, shall be applied by substituting “Federal” for “executive” each place it appears.

Reimbursement.

SEC. 305. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 306. (a) Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended in the matter following paragraph 12—

(1) in the second sentence (relating to the District of Kansas), by striking “28 years and 6 months” and inserting “29 years and 6 months”; and

(2) in the sixth sentence (relating to the District of Hawaii), by striking “25 years and 6 months” and inserting “26 years and 6 months”.

(b) Section 406 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2470; 28 U.S.C. 133 note) is amended in the second sentence (relating to the eastern District of Missouri) by striking “26 years and 6 months” and inserting “27 years and 6 months”.

(c) Section 312(c)(2) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 28 U.S.C. 133 note), is amended—

(1) in the first sentence by striking “17 years” and inserting “18 years”; and

(2) in the second sentence (relating to the central District of California), by striking “16 years and 6 months” and inserting “17 years and 6 months”; and

(3) in the third sentence (relating to the western district of North Carolina), by striking “15 years” and inserting “16 years”.

This title may be cited as the “Judiciary Appropriations Act, 2020”.

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

District of
Columbia
Appropriations
Act, 2020.

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$40,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident’s academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

Account.

Reports.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$18,000,000, to remain available until expended, for the costs of providing public safety at events related to the presence of the National Capital in the District of Columbia, including support requested by the Director of the United States Secret Service in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

Determination.
Consultation.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$250,088,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$14,682,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the Superior Court of the District of Columbia, \$125,638,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Court System, \$75,518,000, of which not to exceed \$2,500 is for official reception and representation expenses; and \$34,250,000, to remain available until September 30, 2021, for capital improvements for District of Columbia courthouse facilities: *Provided*, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and facilities condition assessment: *Provided further*, That, in addition to the amounts appropriated herein, fees received by the District of Columbia Courts for administering bar examinations and processing District of Columbia bar admissions may be retained and credited to this appropriation, to remain available until expended, for salaries and expenses associated with such activities, notwithstanding section 450 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.50): *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than \$9,000,000 of the funds provided under this heading among the items and entities funded under this heading: *Provided further*, That the Joint Committee on Judicial Administration in the District of Columbia may, by regulation, establish a program substantially similar to the program set forth in subchapter II of chapter 35 of title 5, United States Code, for employees of the District of Columbia Courts.

Time period.

Deadline.
Notification.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21–2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$46,005,000, to remain available until expended: *Provided*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That,

Time period.

notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER
SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$248,524,000, of which not to exceed \$2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs, and of which not to exceed \$25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002: *Provided*, That, of the funds appropriated under this heading, \$181,065,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons, of which \$3,818,000 shall remain available until September 30, 2022 for costs associated with relocation under a replacement lease for headquarters offices, field offices, and related facilities: *Provided further*, That, of the funds appropriated under this heading, \$67,459,000 shall be available to the Pretrial Services Agency, of which \$998,000 shall remain available until September 30, 2022 for costs associated with relocation under a replacement lease for headquarters offices, field offices, and related facilities: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That amounts under this heading may be used for programmatic incentives for defendants to successfully complete their terms of supervision.

Time period.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER
SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$44,011,000, of which \$344,000 shall remain available until September 30, 2022 for costs associated with relocation under a replacement lease for headquarters offices, field offices, and related facilities: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies: *Provided further*, That the District of Columbia Public Defender Service may establish for employees of the District of Columbia Public Defender Service a program substantially similar to the program set forth in subchapter II of chapter 35 of title 5, United States Code, except that the maximum amount of the payment

Time period.

made under the program to any individual may not exceed the amount referred to in section 3523(b)(3)(B) of title 5, United States Code.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING
COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, \$2,150,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2021, to the Commission on Judicial Disabilities and Tenure, \$325,000, and for the Judicial Nomination Commission, \$275,000.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

Scholarships.

For a Federal payment for a school improvement program in the District of Columbia, \$52,500,000, to remain available until expended, for payments authorized under the Scholarships for Opportunity and Results Act (division C of Public Law 112–10): *Provided*, That, to the extent that funds are available for opportunity scholarships and following the priorities included in section 3006 of such Act, the Secretary of Education shall make scholarships available to students eligible under section 3013(3) of such Act (Public Law 112–10; 125 Stat. 211) including students who were not offered a scholarship during any previous school year: *Provided further*, That within funds provided for opportunity scholarships up to \$1,200,000 shall be for the activities specified in sections 3007(b) through 3007(d) of the Act and up to \$500,000 shall be for the activities specified in section 3009 of the Act.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, \$413,000, to remain available until expended for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/AIDS

For a Federal payment to the District of Columbia for the testing of individuals for, and the treatment of individuals with, human immunodeficiency virus and acquired immunodeficiency syndrome in the District of Columbia, \$4,000,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND
SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, \$8,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

DISTRICT OF COLUMBIA FUNDS

Local funds are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia (“General Fund”) for programs and activities set forth in the Fiscal Year 2020 Local Budget Act of 2019 (D.C. Act 23–78) and at rates set forth under such Act, as amended as of the date of enactment of this Act: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (section 1–204.50a, D.C. Official Code), sections 816 and 817 of the Financial Services and General Government Appropriations Act, 2009 (secs. 47–369.01 and 47–369.02, D.C. Official Code), and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2020 under this heading shall not exceed the estimates included in the Fiscal Year 2020 Local Budget Act of 2019, as amended as of the date of enactment of this Act or the sum of the total revenues of the District of Columbia for such fiscal year: *Provided further*, That the amount appropriated may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2020, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

Compliance.

This title may be cited as the “District of Columbia Appropriations Act, 2020”.

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., \$3,250,000, to remain available until September 30, 2021, of which not to exceed \$1,000 is for official reception and representation expenses.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials’ contributions to Commission activities, and

not to exceed \$4,000 for official reception and representation expenses, \$132,500,000, of which \$1,300,000 shall remain available until expended to carry out the program, including administrative costs, required by section 1405 of the Virginia Graeme Baker Pool and Spa Safety Act (Public Law 110–140; 15 U.S.C. 8004).

ADMINISTRATIVE PROVISION—CONSUMER PRODUCT SAFETY
COMMISSION

SEC. 501. During fiscal year 2020, none of the amounts made available by this Act may be used to finalize or implement the Safety Standard for Recreational Off-Highway Vehicles published by the Consumer Product Safety Commission in the Federal Register on November 19, 2014 (79 Fed. Reg. 68964) until after—

Consultation.
Study.
Determination.

(1) the National Academy of Sciences, in consultation with the National Highway Traffic Safety Administration and the Department of Defense, completes a study to determine—

(A) the technical validity of the lateral stability and vehicle handling requirements proposed by such standard for purposes of reducing the risk of Recreational Off-Highway Vehicle (referred to in this section as “ROV”) rollovers in the off-road environment, including the repeatability and reproducibility of testing for compliance with such requirements;

(B) the number of ROV rollovers that would be prevented if the proposed requirements were adopted;

(C) whether there is a technical basis for the proposal to provide information on a point-of-sale hangtag about a ROV’s rollover resistance on a progressive scale; and

(D) the effect on the utility of ROVs used by the United States military if the proposed requirements were adopted; and

Reports.

(2) a report containing the results of the study completed under paragraph (1) is delivered to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

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

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107–252), \$15,171,000, of which \$1,500,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002; and of which \$2,400,000 shall remain available until September 30, 2021, for relocation expenses.

ELECTION SECURITY GRANTS

Notwithstanding section 104(c)(2)(B) of the Help America Vote Act of 2002 (52 U.S.C. 20904(c)(2)(B)), \$425,000,000 is provided to the Election Assistance Commission for necessary expenses to make payments to States for activities to improve the administration of elections for Federal office, including to enhance election technology and make election security improvements, as authorized by sections 101, 103, and 104 of such Act: *Provided*, That for purposes of applying such sections, the Commonwealth of the Northern Mariana Islands shall be deemed to be a State and, for purposes of sections 101(d)(2) and 103(a) shall be treated in the same manner as the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands: *Provided further*, That each reference to the “Administrator of General Services” or the “Administrator” in sections 101 and 103 shall be deemed to refer to the “Election Assistance Commission”: *Provided further*, That each reference to “\$5,000,000” in section 103 shall be deemed to refer to “\$3,000,000” and each reference to “\$1,000,000” in section 103 shall be deemed to refer to “\$600,000”: *Provided further*, That not later than 45 days after the date of enactment of this Act, the Election Assistance Commission shall make the payments to States under this heading: *Provided further*, That not later than two years after receiving a payment under this heading, a State shall make available funds for such activities in an amount equal to 20 percent of the total amount of the payment made to the State under this heading.

Applicability.

Deadline.

Deadline.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed \$4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$339,000,000, to remain available until expended: *Provided*, That \$339,000,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2020 so as to result in a final fiscal year 2020 appropriation estimated at \$0: *Provided further*, That, notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed \$132,539,000 for fiscal year 2020: *Provided further*, That, of the amount appropriated under this heading, not less than \$11,105,700 shall be for the salaries and expenses of the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS
COMMISSION

118 Stat. 3998. SEC. 510. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking “December 31, 2019” each place it appears and inserting “December 31, 2020”.

SEC. 511. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004, recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$42,982,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, \$71,497,000, of which not to exceed \$5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and including official reception and representation expenses (not to exceed \$1,500) and rental of conference rooms in the District of Columbia and elsewhere, \$24,890,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That, notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL

ENVIRONMENTAL REVIEW IMPROVEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Environmental Review Improvement Fund established pursuant to 42 U.S.C. 4370m–8(d), \$8,000,000, to remain available until expended: *Provided*, That funds appropriated in prior appropriations Acts under the heading “General Services Administration—General Activities—Environmental Review Improvement Fund” shall be transferred to and merged with this account.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses, \$331,000,000, to remain available until expended: *Provided*, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$141,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$18,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2020, so as to result in a final fiscal year 2020 appropriation from the general fund estimated at not more than \$172,000,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFERS OF FUNDS)

Advance
approvals.

Amounts in the Fund, including revenues and collections deposited into the Fund, shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation, and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings, including grounds, approaches, and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of \$8,856,530,000, of which—

(1) \$152,400,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses, and associated design and construction services) for the San Luis I Land Port of Entry, San Luis, Arizona: *Provided*, That the foregoing limit of costs on new construction and acquisition may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in a transmitted prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount;

(2) \$833,752,000 shall remain available until expended for repairs and alterations, including associated design and construction services, of which—

(A) \$451,695,000 is for Major Repairs and Alterations;

and

(B) \$382,057,000 is for Basic Repairs and Alterations: *Provided*, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any

prior Act for “Repairs and Alterations” may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading “Repairs and Alterations”, may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading “Repairs and Alterations” or used to fund authorized increases in prospectus projects;

(3) \$5,497,561,000 for rental of space to remain available until expended; and

(4) \$2,372,817,000 for building operations to remain available until expended: *Provided*, That the total amount of funds made available from this Fund to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by 40 U.S.C. 3307(a), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2020, excluding reimbursements under 40 U.S.C. 592(b)(2), in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, travel, motor vehicles, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; \$64,000,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; and services as authorized by 5 U.S.C. 3109; \$49,440,000, of which \$26,890,000 is for Real and Personal Property Management and Disposal; and of which \$22,550,000 is for the Office of the Administrator, of which not to exceed \$7,500 is for official reception and representation expenses.

CIVILIAN BOARD OF CONTRACT APPEALS

For expenses authorized by law, not otherwise provided for, for the activities associated with the Civilian Board of Contract Appeals, \$9,301,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, \$67,000,000: *Provided*, That not to exceed \$50,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138, \$3,851,000.

FEDERAL CITIZEN SERVICES FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Products and Programs, including services authorized by 40 U.S.C. 323 and 44 U.S.C. 3604; and for necessary expenses in support of interagency projects that enable the Federal Government to enhance its ability to conduct activities electronically, through the development and implementation of innovative uses of information technology; \$55,000,000, to be deposited into the Federal Citizen Services Fund: *Provided*, That the previous amount may be transferred to Federal agencies to carry out the purpose of the Federal Citizen Services Fund: *Provided further*, That the appropriations, revenues, reimbursements, and collections deposited into the Fund shall be available until expended for necessary expenses of Federal Citizen Services and other activities that enable the Federal Government to enhance its ability to conduct activities electronically in the aggregate amount not to exceed \$100,000,000: *Provided further*, That appropriations, revenues, reimbursements, and collections accruing to this Fund during fiscal year 2020 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts: *Provided further*, That,

of the total amount appropriated, up to \$5,000,000 shall be available for support functions and full-time hires to support activities related to the Administration's requirements under Title II of the Foundations for Evidence-Based Policymaking Act (Public Law 115–435): *Provided further*, That the transfer authorities provided herein shall be in addition to any other transfer authority provided in this Act.

PRE-ELECTION PRESIDENTIAL TRANSITION

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by the Pre-Election Presidential Transition Act of 2010 (Public Law 111–283), not to exceed \$9,620,000, to remain available until September 30, 2021: *Provided*, That such amounts may be transferred to “Acquisition Services Fund” or “Federal Buildings Fund” to reimburse obligations incurred for the purposes provided herein in fiscal years 2019 and 2020: *Provided further*, That amounts made available under this heading shall be in addition to any other amounts available for such purposes.

TECHNOLOGY MODERNIZATION FUND

For the Technology Modernization Fund, \$25,000,000, to remain available until expended, for technology-related modernization activities.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 520. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 521. Funds in the Federal Buildings Fund made available for fiscal year 2020 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House of Representatives and the Senate.

Advance
approval.

SEC. 522. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2021 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved Courthouse Project Priorities plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

Courts.
Study.

SEC. 523. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration

Determination.

Notification.	<p>in consideration of the Public Buildings Amendments Act of 1972 (Public Law 92-313).</p> <p>SEC. 524. From funds made available under the heading Federal Buildings Fund, Limitations on Availability of Revenue, claims against the Government of less than \$250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House of Representatives and the Senate.</p>
Contracts. Determination. Statement.	<p>SEC. 525. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives and the Senate prior to exercising any lease authority provided in the resolution.</p>
Spending plan. Deadline.	<p>SEC. 526. With respect to each project funded under the heading “Major Repairs and Alterations”, and with respect to E-Government projects funded under the heading “Federal Citizen Services Fund”, the Administrator of General Services shall submit a spending plan and explanation for each project to be undertaken to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act.</p> <p>SEC. 527. In addition to the amounts otherwise made available in this Act for the General Services Administration, \$3,000,000, to remain available until expended, shall be for the Administrator of General Services to implement changes to the System for Award Management providing for submission of the authenticated certification described under the heading “Internal Revenue Service, Operations Support”.</p>

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93-642, \$1,670,000, to remain available until expended.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including

services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed \$2,000 for official reception and representation expenses, \$44,490,000, to remain available until September 30, 2021, and in addition not to exceed \$2,345,000, to remain available until September 30, 2021, for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall and Stewart L. Udall Trust Fund, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), \$1,800,000, to remain available until expended, of which, notwithstanding sections 8 and 9 of such Act, up to \$1,000,000 shall be available to carry out the activities authorized by section 6(7) of Public Law 102–259 and section 817(a) of Public Law 106–568 (20 U.S.C. 5604(7)): *Provided*, That all current and previous amounts transferred to the Office of Inspector General of the Department of the Interior will remain available until expended for audits and investigations of the Morris K. Udall and Stewart L. Udall Foundation, consistent with the Inspector General Act of 1978 (5 U.S.C. App.), as amended, and for annual independent financial audits of the Morris K. Udall and Stewart L. Udall Foundation pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289): *Provided further*, That previous amounts transferred to the Office of Inspector General of the Department of the Interior may be transferred to the Morris K. Udall and Stewart L. Udall Foundation for annual independent financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289).

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, \$3,200,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, the activities of the Public Interest Declassification Board, the operations and maintenance of the electronic records archives, the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning, \$359,000,000, of which \$22,000,000

shall remain available until expended for the repair and alteration of the National Archives facility in College Park, Maryland, and related improvements necessary to enhance the Federal Government's ability to electronically preserve, manage, and store Government records, and of which up to \$2,000,000 shall remain available until expended to implement the Civil Rights Cold Case Records Collection Act of 2018 (Public Law 115–426).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110–409, 122 Stat. 4302–16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, \$4,823,000.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$7,500,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, \$6,500,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, \$1,500,000 shall be available until September 30, 2021, for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, the Ethics Reform Act of 1989, and the Stop Trading on Congressional Knowledge Act of 2012, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$17,500,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management (OPM) pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of OPM and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, \$145,130,000: *Provided*, That of the total amount made available under this heading, up to \$14,000,000 shall remain available until expended, for information technology infrastructure modernization and Trust Fund Federal Financial System migration or modernization, and shall be in addition to funds otherwise made available for such purposes: *Provided further*, That of the total amount made available under this heading, \$1,068,000 may be made available for strengthening the capacity and capabilities of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 4001 et seq.)), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management; and in addition \$154,625,000 for administrative expenses, to be transferred from the appropriate trust funds of OPM without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: *Provided further*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8958(f)(2)(A), 8988(f)(2)(A), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of OPM established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2020, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, \$5,000,000, and in addition, not to exceed \$25,265,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel, including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; \$27,500,000.

POSTAL REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109–435), \$16,615,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee), \$8,200,000, to remain available until September 30, 2021.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,500 for official reception and representation expenses, \$1,815,000,000, to remain

available until expended; of which not less than \$15,662,000 shall be for the Office of Inspector General; of which not to exceed \$75,000 shall be available for a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations and staffs to exchange views concerning securities matters, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance including: (1) incidental expenses such as meals; (2) travel and transportation; and (3) related lodging or subsistence.

In addition to the foregoing appropriation, for move, replication, and related costs associated with a replacement lease for the Commission's New York Regional Office facilities, not to exceed \$10,525,000, to remain available until expended.

For purposes of calculating the fee rate under section 31(j) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(j)) for fiscal year 2020, all amounts appropriated under this heading shall be deemed to be the regular appropriation to the Commission for fiscal year 2020: *Provided*, That fees and charges authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) shall be credited to this account as offsetting collections: *Provided further*, That not to exceed \$1,815,000,000 of such offsetting collections shall be available until expended for necessary expenses of this account and not to exceed \$10,525,000 of such offsetting collections shall be available until expended for move, replication, and related costs under this heading associated with a replacement lease for the Commission's New York Regional Office facilities: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2020 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2020 appropriation from the general fund estimated at not more than \$0: *Provided further*, That if any amount of the appropriation for move, replication, and related costs associated with a replacement lease for the Commission's New York Regional Office facilities is subsequently de-obligated by the Commission, such amount that was derived from the general fund shall be returned to the general fund, and such amounts that were derived from fees or assessments collected for such purpose shall be paid to each national securities exchange and national securities association, respectively, in proportion to any fees or assessments paid by such national securities exchange or national securities association under section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) in fiscal year 2020.

ADMINISTRATIVE PROVISION—SECURITIES AND EXCHANGE
COMMISSION

SEC. 530. Within one year of the enactment of this Act, the Securities and Exchange Commission shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report concerning the Municipal Securities Rulemaking Board. The report shall detail:

- (1) the Commission's legal authorities with respect to:

Reports.

(A) the composition of the board and the selection of board members; and

(B) the compensation of board members and executive staff;

(2) whether board member and executive staff compensation is commensurate with that of State and local public finance officials, including State treasurers and municipal finance directors; and

(3) whether the current board member selection process ensures adequate representation of municipal securities stakeholders and accountability to local governments and municipal bondholders.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

President.

Induction.

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed \$750 for official reception and representation expenses; \$27,100,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles as authorized by sections 1343 and 1344 of title 31, United States Code, and not to exceed \$3,500 for official reception and representation expenses, \$270,157,000, of which not less than \$12,000,000 shall be available for examinations, reviews, and other lender oversight activities: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further*, That the Small Business Administration may accept gifts in an amount not to exceed \$4,000,000 and may co-sponsor activities, each in accordance with section 132(a) of division K of Public Law 108–447, during fiscal year 2020: *Provided further*, That \$6,100,000 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2021: *Provided further*, That \$3,000,000 shall be for the Federal and State Technology Partnership Program under section 34 of the Small Business Act (15 U.S.C. 657d).

ENTREPRENEURIAL DEVELOPMENT PROGRAMS

For necessary expenses of programs supporting entrepreneurial and small business development, \$261,000,000, to remain available until September 30, 2021: *Provided*, That \$135,000,000 shall be available to fund grants for performance in fiscal year 2020 or fiscal year 2021 as authorized by section 21 of the Small Business Act: *Provided further*, That \$34,500,000 shall be for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: *Provided further*, That \$19,000,000 shall be available for grants to States to carry out export programs that assist small business concerns authorized under section 22(l) of the Small Business Act (15 U.S.C. 649(l)).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$21,900,000.

OFFICE OF ADVOCACY

For necessary expenses of the Office of Advocacy in carrying out the provisions of title II of Public Law 94–305 (15 U.S.C. 634a et seq.) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), \$9,120,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, \$5,000,000, to remain available until expended, and for the cost of guaranteed loans as authorized by section 7(a) of the Small Business Act (Public Law 83–163), \$99,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2020 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed \$7,500,000,000: *Provided further*, That during fiscal year 2020 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed \$30,000,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans: *Provided further*, That during fiscal year 2020 commitments for loans authorized under subparagraph (C) of section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) shall not exceed \$7,500,000,000: *Provided further*, That during fiscal year 2020 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 shall not exceed \$4,000,000,000: *Provided further*, That during fiscal year 2020, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of \$12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$155,150,000, which

may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act, \$177,136,000, to be available until expended, of which \$1,600,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be transferred to and merged with the appropriations for the Office of Inspector General; of which \$167,136,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which \$8,400,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses: *Provided*, That, of the funds provided under this heading, \$150,888,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)): *Provided further*, That the amount for major disasters under this heading is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177).

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 540. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Advance
approval.

SEC. 541. Not to exceed 3 percent of any appropriation made available in this Act for the Small Business Administration under the headings “Salaries and Expenses” and “Business Loans Program Account” may be transferred to the Administration’s information technology system modernization and working capital fund (IT WCF), as authorized by section 1077(b)(1) of title X of division A of the National Defense Authorization Act for Fiscal Year 2018, for the purposes specified in section 1077(b)(3) of such Act, upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That amounts transferred to the IT WCF under this section shall remain available for obligation through September 30, 2023.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$56,711,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices: *Provided further*, That the Postal Service may not destroy, and shall continue to offer for sale, any copies of the Multinational Species Conservation Funds Semipostal Stamp, as authorized under the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (Public Law 111–241). Mail.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$250,000,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109–435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, and not to exceed \$3,000 for official reception and representation expenses: \$53,000,000, of which \$1,000,000 shall remain available until expended: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

(INCLUDING RESCISSION OF FUNDS)

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

Contracts.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with chapter 83 of title 41, United States Code.

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating chapter 83 of title 41, United States Code.

Advance
approval.

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2020, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose; (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That prior to any significant reorganization, restructuring, relocation, or closing of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline

Consultation.

Reports.

for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That at a minimum the report shall include: (1) a table for each appropriation, detailing both full-time employee equivalents and budget authority, with separate columns to display the prior year enacted level, the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation and its respective prior year enacted level by object class and program, project, and activity as detailed in this Act, in the accompanying report, or in the budget appendix for the respective appropriation, whichever is more detailed, and which shall apply to all items for which a dollar amount is specified and to all programs for which new budget authority is provided, as well as to discretionary grants and discretionary grant allocations; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

Applicability.

Penalties.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2020 from appropriations made available for salaries and expenses for fiscal year 2020 in this Act, shall remain available through September 30, 2021, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

Approval request.

SEC. 610. (a) None of the funds made available in this Act may be used by the Executive Office of the President to request—

(1) any official background investigation report on any individual from the Federal Bureau of Investigation; or

Background investigation.

(2) a determination with respect to the treatment of an organization as described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code from the Department of the Treasury or the Internal Revenue Service.

Determination.
Tax exemption.

(b) Subsection (a) shall not apply—

(1) in the case of an official background investigation report, if such individual has given express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

Background investigation.
Deadline.

(2) if such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under chapter 15 of title 41, United States Code shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations

Act) funds made available to the Office of Personnel Management pursuant to court approval.

Abortion.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in chapter 83 of title 41, United States Code (popularly known as the Buy American Act), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 103 of title 41, United States Code).

SEC. 616. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 617. Notwithstanding section 708 of this Act, funds made available to the Commodity Futures Trading Commission and the Securities and Exchange Commission by this or any other Act may be used for the interagency funding and sponsorship of a joint advisory committee to advise on emerging regulatory issues.

Contracts.
Consultation.

SEC. 618. (a)(1) Notwithstanding any other provision of law, an Executive agency covered by this Act otherwise authorized to enter into contracts for either leases or the construction or alteration of real property for office, meeting, storage, or other space must consult with the General Services Administration before issuing a solicitation for offers of new leases or construction contracts, and in the case of succeeding leases, before entering into negotiations with the current lessor.

President.

(2) Any such agency with authority to enter into an emergency lease may do so during any period declared by the President to require emergency leasing authority with respect to such agency.

Definition.

(b) For purposes of this section, the term “Executive agency covered by this Act” means any Executive agency provided funds by this Act, but does not include the General Services Administration or the United States Postal Service.

SEC. 619. (a) There are appropriated for the following activities the amounts required under current law:

(1) Compensation of the President (3 U.S.C. 102).

(2) Payments to—

(A) the Judicial Officers’ Retirement Fund (28 U.S.C. 377(o));

(B) the Judicial Survivors’ Annuities Fund (28 U.S.C. 376(c)); and

(C) the United States Court of Federal Claims Judges’ Retirement Fund (28 U.S.C. 178(l)).

(3) Payment of Government contributions—

(A) with respect to the health benefits of retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849); and

(B) with respect to the life insurance benefits for employees retiring after December 31, 1989 (5 U.S.C. ch. 87).

(4) Payment to finance the unfunded liability of new and increased annuity benefits under the Civil Service Retirement and Disability Fund (5 U.S.C. 8348).

(5) Payment of annuities authorized to be paid from the Civil Service Retirement and Disability Fund by statutory provisions other than subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(b) Nothing in this section may be construed to exempt any amount appropriated by this section from any otherwise applicable limitation on the use of funds contained in this Act.

SEC. 620. (a) In addition to amounts made available in prior fiscal years, the Public Company Accounting Oversight Board (Board) shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107–204) in fiscal year 2020 in an aggregate amount not exceeding the amount of funds collected by the Board between January 1, 2019, and September 30, 2019, including accrued interest, and between October 1, 2019, and September 30, 2020, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2020 shall remain available until expended.

Time periods.

(b) Beginning in fiscal year 2021 and for each fiscal year thereafter, the Board shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107–204) in such fiscal year in an aggregate amount not exceeding the amounts of funds collected by the Board between October 1 and September 30 of such fiscal year, including accrued interest, as a result of the assessment of monetary penalties. Funds made available for obligation in any fiscal year shall be in addition to amounts made available in prior fiscal years and shall remain available until expended.

Effective dates.
Time periods.
15 USC 7219
note.

SEC. 621. None of the funds made available in this Act may be used by the Federal Trade Commission to complete the draft report entitled “Interagency Working Group on Food Marketed to Children: Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts” unless the Interagency Working Group on Food Marketed to Children complies with Executive Order No. 13563.

Reports.
Compliance.

SEC. 622. (a) The head of each executive branch agency funded by this Act shall ensure that the Chief Information Officer of the agency has the authority to participate in decisions regarding the budget planning process related to information technology.

(b) Amounts appropriated for any executive branch agency funded by this Act that are available for information technology shall be allocated within the agency, consistent with the provisions

Consultation.

of appropriations Acts and budget guidelines and recommendations from the Director of the Office of Management and Budget, in such manner as specified by, or approved by, the Chief Information Officer of the agency in consultation with the Chief Financial Officer of the agency and budget officials.

SEC. 623. None of the funds made available in this Act may be used in contravention of chapter 29, 31, or 33 of title 44, United States Code.

SEC. 624. None of the funds made available in this Act may be used by a governmental entity to require the disclosure by a provider of electronic communication service to the public or remote computing service of the contents of a wire or electronic communication that is in electronic storage with the provider (as such terms are defined in sections 2510 and 2711 of title 18, United States Code) in a manner that violates the Fourth Amendment to the Constitution of the United States.

SEC. 625. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change the rules or regulations of the Commission for universal service high-cost support for competitive eligible telecommunications carriers in a way that is inconsistent with paragraph (e)(5) or (e)(6) of section 54.307 of title 47, Code of Federal Regulations, as in effect on July 15, 2015: *Provided*, That this section shall not prohibit the Commission from considering, developing, or adopting other support mechanisms as an alternative to Mobility Fund Phase II.

Records.

SEC. 626. No funds provided in this Act shall be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978, or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access. A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner. Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978. Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

Reports.
Compliance.

Pornography.

SEC. 627. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication activities, or other law enforcement- or victim assistance-related activity.

Contracts.
Determination.

SEC. 628. None of the funds appropriated or other-wise made available by this Act may be used to pay award or incentive fees for contractors whose performance has been judged to be below

satisfactory, behind schedule, over budget, or has failed to meet the basic requirements of a contract, unless the Agency determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program and unless such awards or incentive fees are consistent with 16.401(e)(2) of the Federal Acquisition Regulation.

SEC. 629. (a) None of the funds made available under this Act may be used to pay for travel and conference activities that result in a total cost to an Executive branch department, agency, board or commission funded by this Act of more than \$500,000 at any single conference unless the agency or entity determines that such attendance is in the national interest and advance notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate that includes the basis of that determination.

Determinations.
Notifications.

(b) None of the funds made available under this Act may be used to pay for the travel to or attendance of more than 50 employees, who are stationed in the United States, at any single conference occurring outside the United States unless the agency or entity determines that such attendance is in the national interest and advance notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate that includes the basis of that determination.

SEC. 630. None of the funds made available by this Act may be used for first-class or business-class travel by the employees of executive branch agencies funded by this Act in contravention of sections 301–10.122 through 301–10.125 of title 41, Code of Federal Regulations.

SEC. 631. In addition to any amounts appropriated or otherwise made available for expenses related to enhancements to www.oversight.gov, \$1,000,000, to remain available until expended, shall be provided for an additional amount for such purpose to the Inspectors General Council Fund established pursuant to Section 11(c)(3)(B) of the Inspector General Act of 1978 (5 U.S.C. App.): *Provided*, That these amounts shall be in addition to any amounts or any authority available to the Council of the Inspectors General on Integrity and Efficiency under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.).

SEC. 632. Of the unobligated balances from prior year appropriations available under the heading “Small Business Administration—Business Loans Program Account” heading, \$16,369,000 are hereby permanently rescinded: *Provided*, That no amounts may be rescinded under this section from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 633. None of the funds made available by this Act may be obligated on contracts in excess of \$5,000 for public relations, as that term is defined in Office and Management and Budget Circular A–87 (revised May 10, 2004), unless advance notice of such an obligation is transmitted to the Committees on Appropriations of the House of Representatives and the Senate.

Notification.

SEC. 634. None of the funds made available by this Act shall be used by the Securities and Exchange Commission to finalize, issue, or implement any rule, regulation, or order regarding the

disclosure of political contributions, contributions to tax exempt organizations, or dues paid to trade associations.

SEC. 635. None of the funds appropriated by this Act may be used to enforce section 540 of Public Law 110–329 (122 Stat. 3688) or section 538 of Public Law 112–74 (125 Stat. 976; 6 U.S.C. 190 note).

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

(INCLUDING TRANSFER OF FUNDS)

Drug-free
workplace.

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2020 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

31 USC 1343
note.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement vehicles, protective vehicles, and undercover surveillance vehicles), is hereby fixed at \$19,947 except station wagons for which the maximum shall be \$19,997: *Provided*, That these limits may be exceeded by not to exceed \$7,250 for police-type vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles: *Provided further*, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on alternative fuel, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

5 USC 3101 note.

SEC. 704. Unless otherwise specified in law during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for

permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person who owes allegiance to the United States: *Provided*, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: *Provided further*, That for purposes of subsections (2) and (3) such affidavits shall be submitted prior to employment and updated thereafter as necessary: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: *Provided further*, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

Affidavits.

Affidavits.

Penalties.

Time period.

Time period.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13834 (May 17, 2018), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this or any other Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

Notification.

SEC. 710. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term “office” shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

Definition.

SEC. 711. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 13618 (July 6, 2012).

Certification.

SEC. 712. (a) None of the funds made available by this or any other Act may be obligated or expended by any department, agency, or other instrumentality of the Federal Government to pay the salaries or expenses of any individual appointed to a position of a confidential or policy-determining character that is excepted from the competitive service under section 3302 of title 5, United States Code, (pursuant to schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations) unless the head of the applicable department, agency, or other instrumentality employing such schedule C individual certifies to the Director of the Office of Personnel Management that the schedule C position occupied by the individual was not created solely or primarily in order to detail the individual to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from an element of the intelligence community (as that term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))).

SEC. 713. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 714. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 715. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio,

Lobbying.

television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 716. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 717. None of the funds made available in this or any other Act may be used to provide any non-public information such as mailing, telephone, or electronic mailing lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 718. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by Congress.

Definition.

SEC. 719. (a) In this section, the term “agency”—

(1) means an Executive agency, as defined under 5 U.S.C. 105; and

(2) includes a military department, as defined under section 102 of such title, the United States Postal Service, and the Postal Regulatory Commission.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 720. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

Reimbursement.

SEC. 721. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse “General Services Administration, Government-wide Policy” with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide and other multi-agency financial, information technology, procurement, and other management innovations, initiatives, and activities, including improving coordination and reducing duplication, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency and multi-agency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human

Consultation.

capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): *Provided further*, That the total funds transferred or reimbursed shall not exceed \$15,000,000 to improve coordination, reduce duplication, and for other activities related to Federal Government Priority Goals established by 31 U.S.C. 1120, and not to exceed \$17,000,000 for Government-Wide innovations, initiatives, and activities: *Provided further*, That the funds transferred to or for reimbursement of “General Services Administration, Government-wide Policy” during fiscal year 2020 shall remain available for obligation through September 30, 2021: *Provided further*, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget.

Time period.
Notification.

SEC. 722. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

Breastfeeding.

SEC. 723. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science, Space, and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

Reports.

SEC. 724. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall comply with any relevant requirements in part 200 of title 2, Code of Federal Regulations: *Provided*, That this section shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

Compliance.

Applicability.

SEC. 725. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS’ INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual’s access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual’s access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term “regulatory” means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term “supervisory” means examinations of the agency’s supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

Contracts.
Drugs and drug
abuse.
Contraceptives.

SEC. 726. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

Religion.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care’s HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual’s religious beliefs or moral convictions.

Abortion.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

Anti-doping.

SEC. 727. The United States is committed to ensuring the health of its Olympic, Pan American, and Paralympic athletes, and supports the strict adherence to anti-doping in sport through testing, adjudication, education, and research as performed by nationally recognized oversight authorities.

SEC. 728. Notwithstanding any other provision of law, funds appropriated for official travel to Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 729. Notwithstanding any other provision of law, none of the funds appropriated or made available under this or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

Contracts.
Advance
approval.

SEC. 730. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be

used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 731. Unless otherwise authorized by existing law, none of the funds provided in this or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

News stories.

SEC. 732. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act), and regulations implementing that section.

SEC. 733. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

Contracts.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

Determination.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 734. During fiscal year 2020, for each employee who—

(1) retires under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code; or

(2) retires under any other provision of subchapter III of chapter 83 or chapter 84 of such title 5 and receives a payment as an incentive to separate, the separating agency shall remit to the Civil Service Retirement and Disability Fund an amount equal to the Office of Personnel Management's average unit cost of processing a retirement claim for the preceding fiscal year. Such amounts shall be available until expended to the Office of Personnel Management and shall be deemed to be an administrative expense under section 8348(a)(1)(B) of title 5, United States Code.

SEC. 735. (a) None of the funds made available in this or any other Act may be used to recommend or require any entity submitting an offer for a Federal contract to disclose any of the following information as a condition of submitting the offer:

Contracts.

(1) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or

that is otherwise made with respect to any election for Federal office.

(2) Any disbursement of funds (other than a payment described in paragraph (1)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any person with the intent or the reasonable expectation that the person will use the funds to make a payment described in paragraph (1).

Definitions.

(b) In this section, each of the terms “contribution”, “expenditure”, “independent expenditure”, “electioneering communication”, “candidate”, “election”, and “Federal office” has the meaning given such term in the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.).

SEC. 736. None of the funds made available in this or any other Act may be used to pay for the painting of a portrait of an officer or employee of the Federal government, including the President, the Vice President, a member of Congress (including a Delegate or a Resident Commissioner to Congress), the head of an executive branch agency (as defined in section 133 of title 41, United States Code), or the head of an office of the legislative branch.

5 USC 5343 note.

SEC. 737. (a)(1) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2020, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(A) during the period from the date of expiration of the limitation imposed by the comparable section for the previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2020, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(B) during the period consisting of the remainder of fiscal year 2020, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under subparagraph (A) by more than the sum of—

(i) the percentage adjustment taking effect in fiscal year 2020 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(ii) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2020 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(2) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which paragraph (1) is in effect at a rate that exceeds the rates that would be payable under paragraph (1) were paragraph (1) applicable to such employee.

Determination.
Regulations.

(3) For the purposes of this subsection, the rates payable to an employee who is covered by this subsection and who is paid from a schedule not in existence on September 30, 2019, shall

be determined under regulations prescribed by the Office of Personnel Management.

(4) Notwithstanding any other provision of law, rates of premium pay for employees subject to this subsection may not be changed from the rates in effect on September 30, 2019, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this subsection.

(5) This subsection shall apply with respect to pay for service performed after September 30, 2019. Applicability.

(6) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this subsection shall be treated as the rate of salary or basic pay.

(7) Nothing in this subsection shall be considered to permit or require the payment to any employee covered by this subsection at a rate in excess of the rate that would be payable were this subsection not in effect.

(8) The Office of Personnel Management may provide for exceptions to the limitations imposed by this subsection if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees. Determination.

(b) Notwithstanding subsection (a), the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2020 under sections 5344 and 5348 of title 5, United States Code, shall be—

(1) not less than the percentage received by employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under sections 5303 and 5304 of title 5, United States Code: *Provided*, That prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5, United States Code, and prevailing rate employees described in section 5343(a)(5) of title 5, United States Code, shall be considered to be located in the pay locality designated as “Rest of United States” pursuant to section 5304 of title 5, United States Code, for purposes of this subsection; and

(2) effective as of the first day of the first applicable pay period beginning after September 30, 2019. Effective date.

SEC. 738. (a) The head of any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act shall submit annual reports to the Inspector General or senior ethics official for any entity without an Inspector General, regarding the costs and contracting procedures related to each conference held by any such department, agency, board, commission, or office during fiscal year 2020 for which the cost to the United States Government was more than \$100,000. Reports.
Contracts.

(b) Each report submitted shall include, for each conference described in subsection (a) held during the applicable period—

(1) a description of its purpose;

(2) the number of participants attending;

(3) a detailed statement of the costs to the United States Government, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

(C) the cost of employee or contractor travel to and from the conference; and

(D) a discussion of the methodology used to determine which costs relate to the conference; and

(4) a description of the contracting procedures used including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the departmental component or office in evaluating potential contractors for the conference.

Deadline.
Time period.
Notification.

(c) Within 15 days after the end of a quarter, the head of any such department, agency, board, commission, or office shall notify the Inspector General or senior ethics official for any entity without an Inspector General, of the date, location, and number of employees attending a conference held by any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act during fiscal year 2020 for which the cost to the United States Government was more than \$20,000.

Grants.
Contracts.

(d) A grant or contract funded by amounts appropriated by this or any other appropriations Act may not be used for the purpose of defraying the costs of a conference described in subsection (c) that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(e) None of the funds made available in this or any other appropriations Act may be used for travel and conference activities that are not in compliance with Office of Management and Budget Memorandum M–12–12 dated May 11, 2012 or any subsequent revisions to that memorandum.

SEC. 739. None of the funds made available in this or any other appropriations Act may be used to increase, eliminate, or reduce funding for a program, project, or activity as proposed in the President's budget request for a fiscal year until such proposed change is subsequently enacted in an appropriation Act, or unless such change is made pursuant to the reprogramming or transfer provisions of this or any other appropriations Act.

SEC. 740. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled "Competitive Area" published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 741. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

Grants.
Confidentiality
agreements.

SEC. 742. (a) None of the funds appropriated or otherwise made available by this or any other Act may be available for a contract, grant, or cooperative agreement with an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees

or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

(b) The limitation in subsection (a) shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

SEC. 743. (a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: “These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.”: *Provided*, That notwithstanding the preceding provision of this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

Nondisclosure
agreements.

(b) A nondisclosure agreement may continue to be implemented and enforced notwithstanding subsection (a) if it complies with the requirements for such agreement that were in effect when the agreement was entered into.

(c) No funds appropriated in this or any other Act may be used to implement or enforce any agreement entered into during fiscal year 2014 which does not contain substantially similar language to that required in subsection (a).

SEC. 744. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless a Federal agency has considered

Contracts.
Memorandums.
Grants.
Loans.
Corporations.
Tax liability.
Determination.

Contracts. Memorandums. Grants. Loans. Corporations. Criminal violations. Time period. Determinations.	<p>suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.</p> <p>SEC. 745. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.</p>
Notification.	<p>SEC. 746. (a) During fiscal year 2020, on the date on which a request is made for a transfer of funds in accordance with section 1017 of Public Law 111–203, the Bureau of Consumer Financial Protection shall notify the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate of such request.</p>
Notification. Public information. Web posting.	<p>(b) Any notification required by this section shall be made available on the Bureau's public Web site.</p>
	<p>SEC. 747. If, for fiscal year 2020, new budget authority provided in appropriations Acts exceeds the discretionary spending limit for any category set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 due to estimating differences with the Congressional Budget Office, an adjustment to the discretionary spending limit in such category for fiscal year 2020 shall be made by the Director of the Office of Management and Budget in the amount of the excess but the total of all such adjustments shall not exceed 0.2 percent of the sum of the adjusted discretionary spending limits for all categories for that fiscal year.</p>
Locality pay. President. Determination. 5 USC 5303 note.	<p>SEC. 748. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2020 under section 5303 of title 5, United States Code, shall be an increase of 2.6 percent, and the overall average percentage of the adjustments taking effect in such fiscal year under sections 5304 and 5304a of such title 5 shall be an increase of 0.5 percent (with comparability payments to be determined and allocated among pay localities by the President). All adjustments under this subsection shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2020.</p>
Effective date.	<p>(b) Notwithstanding section 737, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2020 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentages in subsection (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303, 5304, and 5304a of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303, 5304, and 5304a of such title 5 and prevailing rate employees described in section 5343(a)(5) of such title 5 shall be considered to be located in the pay locality designated as "Rest of U.S." pursuant to section 5304 of such title 5 for purposes of this subsection.</p>

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2020.

SEC. 749. (a) Notwithstanding the official rate adjusted under section 104 of title 3, United States Code, the rate payable to the Vice President during calendar year 2020 shall be the rate payable to the Vice President on December 31, 2019, by operation of section 749 of division D of Public Law 116–6.

5 USC 5303 note.

(b) Notwithstanding the official rate adjusted under section 5318 of title 5, United States Code, or any other provision of law, the payable rate during calendar year 2020 for an employee serving in an Executive Schedule position, or in a position for which the rate of pay is fixed by statute at an Executive Schedule rate, shall be the rate payable for the applicable Executive Schedule level on December 31, 2019, by operation of section 749 of division D of Public Law 116–6. Such an employee may not receive a pay rate increase during calendar year 2020, except as provided in subsection (i).

(c) Notwithstanding section 401 of the Foreign Service Act of 1980 (Public Law 96–465) or any other provision of law, a chief of mission or ambassador at large is subject to subsection (b) in the same manner as other employees who are paid at an Executive Schedule rate.

(d)(1) This subsection applies to—

Applicability.

(A) a noncareer appointee in the Senior Executive Service paid a rate of basic pay at or above the official rate for level IV of the Executive Schedule; or

(B) a limited term appointee or limited emergency appointee in the Senior Executive Service serving under a political appointment and paid a rate of basic pay at or above the official rate for level IV of the Executive Schedule.

(2) Notwithstanding sections 5382 and 5383 of title 5, United States Code, an employee described in paragraph (1) may not receive a pay rate increase during calendar year 2020, except as provided in subsection (i).

(e) Notwithstanding any other provision of law, any employee paid a rate of basic pay (including any locality-based payments under section 5304 of title 5, United States Code, or similar authority) at or above the official rate for level IV of the Executive Schedule who serves under a political appointment may not receive a pay rate increase during calendar year 2020, except as provided in subsection (i). This subsection does not apply to employees in the General Schedule pay system or the Foreign Service pay system, to employees appointed under section 3161 of title 5, United States Code, or to employees in another pay system whose position would be classified at GS–15 or below if chapter 51 of title 5, United States Code, applied to them.

(f) Nothing in subsections (b) through (e) shall prevent employees who do not serve under a political appointment from receiving pay increases as otherwise provided under applicable law.

(g) This section does not apply to an individual who makes an election to retain Senior Executive Service basic pay under section 3392(c) of title 5, United States Code, for such time as that election is in effect.

(h) This section does not apply to an individual who makes an election to retain Senior Foreign Service pay entitlements under

section 302(b) of the Foreign Service Act of 1980 (Public Law 96–465) for such time as that election is in effect.

Effective date. (i) Notwithstanding subsections (b) through (e), an employee in a covered position may receive a pay rate increase upon an authorized movement to a different covered position only if that new position has higher-level duties and a pre-established level or range of pay higher than the level or range for the position held immediately before the movement. Any such increase must be based on the rates of pay and applicable limitations on payable rates of pay in effect on December 31, 2019, by operation of section 749 of division D of Public Law 116–6.

Effective date. (j) Notwithstanding any other provision of law, for an individual who is newly appointed to a covered position during the period of time subject to this section, the initial pay rate shall be based on the rates of pay and applicable limitations on payable rates of pay in effect on December 31, 2019, by operation of section 749 of division D of Public Law 116–6.

Applicability. (k) If an employee affected by this section is subject to a biweekly pay period that begins in calendar year 2020 but ends in calendar year 2021, the bar on the employee's receipt of pay rate increases shall apply through the end of that pay period.

(l) For the purpose of this section, the term “covered position” means a position occupied by an employee whose pay is restricted under this section.

Effective date. (m) This section takes effect on the first day of the first applicable pay period beginning on or after January 1, 2020.

SEC. 750. Except as expressly provided otherwise, any reference to “this Act” contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFERS OF FUNDS)

SEC. 801. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

Lobbying. SEC. 802. None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

Advance approval. SEC. 803. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2020, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a re-programming of funds which—

- (1) creates new programs;
- (2) eliminates a program, project, or responsibility center;
- (3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) re-establishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of \$3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 7, 2020.

Time period.

SEC. 804. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 805. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer’s or employee’s official duties. For purposes of this section, the term “official duties” does not include travel between the officer’s or employee’s residence and workplace, except in the case of—

Definition.

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day;

(4) at the discretion of the Chief Medical Examiner, an officer or employee of the Office of the Chief Medical Examiner who resides in the District of Columbia and is on call 24 hours a day;

(5) at the discretion of the Director of the Homeland Security and Emergency Management Agency, an officer or employee of the Homeland Security and Emergency Management Agency who resides in the District of Columbia and is on call 24 hours a day;

(6) the Mayor of the District of Columbia; and

(7) the Chairman of the Council of the District of Columbia.

SEC. 806. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

Voting rights.

	<p>(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.</p>
Needle distribution.	<p>SEC. 807. None of the Federal funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.</p>
Contraceptives. Conscience exception.	<p>SEC. 808. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a “conscience clause” which provides exceptions for religious beliefs and moral convictions.</p>
Penalties. Drugs and drug abuse.	<p>SEC. 809. (a) None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.</p> <p>(b) No funds available for obligation or expenditure by the District of Columbia government under any authority may be used to enact any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative for recreational purposes.</p>
Abortion.	<p>SEC. 810. No funds available for obligation or expenditure by the District of Columbia government under any authority shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.</p>
Deadline. Operating budget.	<p>SEC. 811. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for fiscal year 2020 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.</p>
Applicability. Certification.	<p>(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.</p>
Deadline. Operating budget.	<p>SEC. 812. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted</p>

pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42).

SEC. 813. (a) Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia’s enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

(b) The District of Columbia government is authorized to reprogram or transfer for operating expenses any local funds transferred or reprogrammed in this or the four prior fiscal years from operating funds to capital funds, and such amounts, once transferred or reprogrammed, shall retain appropriation authority consistent with the provisions of this Act.

(c) The District of Columbia government may not transfer or reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

SEC. 814. None of the Federal funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 815. Except as otherwise specifically provided by law or under this Act, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2020 from appropriations of Federal funds made available for salaries and expenses for fiscal year 2020 in this Act, shall remain available through September 30, 2021, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines outlined in section 803 of this Act.

Advance
approval.

SEC. 816. (a)(1) During fiscal year 2021, during a period in which neither a District of Columbia continuing resolution or a regular District of Columbia appropriation bill is in effect, local funds are appropriated in the amount provided for any project or activity for which local funds are provided in the Act referred to in paragraph (2) (subject to any modifications enacted by the District of Columbia as of the beginning of the period during which this subsection is in effect) at the rate set forth by such Act.

Time period.

(2) The Act referred to in this paragraph is the Act of the Council of the District of Columbia pursuant to which a proposed budget is approved for fiscal year 2021 which (subject to the requirements of the District of Columbia Home Rule Act) will constitute the local portion of the annual budget for the District of Columbia government for fiscal year 2021 for purposes of section 446 of the District of Columbia Home Rule Act (sec. 1–204.46, D.C. Official Code).

(b) Appropriations made by subsection (a) shall cease to be available—

(1) during any period in which a District of Columbia continuing resolution for fiscal year 2021 is in effect; or

(2) upon the enactment into law of the regular District of Columbia appropriation bill for fiscal year 2021.

(c) An appropriation made by subsection (a) is provided under the authority and conditions as provided under this Act and shall be available to the extent and in the manner that would be provided by this Act.

Applicability.

(d) An appropriation made by subsection (a) shall cover all obligations or expenditures incurred for such project or activity during the portion of fiscal year 2021 for which this section applies to such project or activity.

(e) This section shall not apply to a project or activity during any period of fiscal year 2021 if any other provision of law (other than an authorization of appropriations)—

(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

(f) Nothing in this section shall be construed to affect obligations of the government of the District of Columbia mandated by other law.

SEC. 817. Except as expressly provided otherwise, any reference to “this Act” contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the “Financial Services and General Government Appropriations Act, 2020”.

Department of
Homeland
Security
Appropriations
Act, 2020.

DIVISION D—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2020

TITLE I

DEPARTMENTAL MANAGEMENT, OPERATIONS, INTELLIGENCE, AND OVERSIGHT

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

OPERATIONS AND SUPPORT

Appointment.
Compliance.

For necessary expenses of the Office of the Secretary and for executive management for operations and support, \$168,808,000; of which \$10,000,000 shall be for an Ombudsman for Immigration Detention as established by section 106, of which \$5,000,000 shall remain available until September 30, 2021; and of which \$500,000 shall be withheld from obligation until the Secretary appoints such Ombudsman for Immigration Detention and complies with the directive related to the Public Complaint and Feedback System Working Group in the explanatory statement accompanying this Act: *Provided*, That not to exceed \$30,000 shall be for official reception and representation expenses.

FEDERAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of the Secretary and Executive Management for Federal Assistance through grants, contracts, cooperative agreements, and other activities, \$10,000,000, which shall be transferred to the Federal Emergency Management Agency for targeted violence and terrorism prevention grants.

MANAGEMENT DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Management Directorate for operations and support, \$1,182,142,000: *Provided*, That not to exceed \$2,000 shall be for official reception and representation expenses: *Provided further*, That of the funds made available under this heading, \$2,000,000 shall be withheld from obligation until the first report required by section 403 has been made available on a publicly accessible website.

Public
information.
Web posting.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Management Directorate for procurement, construction, and improvements, \$381,298,000, of which \$157,531,000 shall remain available until September 30, 2022; and of which \$223,767,000 shall remain available until September 30, 2024, to plan, acquire, design, construct, renovate, remediate, equip, furnish, improve infrastructure, and occupy buildings and facilities for the Department headquarters consolidation project.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service.

INTELLIGENCE, ANALYSIS, AND OPERATIONS COORDINATION

OPERATIONS AND SUPPORT

For necessary expenses of the Office of Intelligence and Analysis and the Office of Operations Coordination for operations and support, \$284,141,000, of which \$68,579,000 shall remain available until September 30, 2021: *Provided*, That not to exceed \$3,825 shall be for official reception and representation expenses and not to exceed \$2,000,000 is available for facility needs associated with secure space at fusion centers, including improvements to buildings.

OFFICE OF INSPECTOR GENERAL

OPERATIONS AND SUPPORT

For necessary expenses of the Office of Inspector General for operations and support, \$190,186,000: *Provided*, That not to exceed \$300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) The Secretary of Homeland Security shall submit a report not later than October 15, 2020, to the Inspector General of the Department of Homeland Security listing all grants and contracts awarded by any means other than full and open competition during fiscal years 2019 or 2020.

Reports.
Grants.
Contracts.
Time period.

Review.
Assessment.

(b) The Inspector General shall review the report required by subsection (a) to assess departmental compliance with applicable laws and regulations and report the results of that review to the Committees on Appropriations of the Senate and the House of Representatives not later than February 15, 2021.

Deadline.
Budget.
Reports.

SEC. 102. Not later than 30 days after the last day of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations of the Department for that month and for the fiscal year at the appropriation and program, project, and activity levels, by the source year of the appropriation.

Contracts.
Award fees.

SEC. 103. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes, which shall be specified in terms of cost, schedule, and performance.

Consultation.
Notifications.

SEC. 104. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9705(g)(4)(B) of title 31, United States Code, from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: *Provided*, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives are notified of the proposed transfers.

SEC. 105. All official costs associated with the use of Government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Office of the Secretary.

ESTABLISHMENT OF AN IMMIGRATION DETENTION OMBUDSMAN

SEC. 106. (a) IN GENERAL.—Subtitle A of title IV of the Homeland Security Act of 2002 is amended by adding the following new section:

6 USC 205.

“SEC. 405. OMBUDSMAN FOR IMMIGRATION DETENTION.

“(a) IN GENERAL.—Within the Department, there shall be a position of Immigration Detention Ombudsman (in this section referred to as the ‘Ombudsman’). The Ombudsman shall be independent of Department agencies and officers and shall report directly to the Secretary. The Ombudsman shall be a senior official with a background in civil rights enforcement, civil detention care and custody, and immigration law.

“(b) FUNCTIONS.—The functions of the Ombudsman shall be to—

“(1) Establish and administer an independent, neutral, and confidential process to receive, investigate, resolve, and provide redress, including referral for investigation to the Office of the Inspector General, referral to U.S. Citizenship and Immigration Services for immigration relief, or any other action determined appropriate, for cases in which Department officers or other personnel, or contracted, subcontracted, or cooperating entity personnel, are found to have engaged in misconduct or violated the rights of individuals in immigration detention;

“(2) Establish an accessible and standardized process regarding complaints against any officer or employee of U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement, or any contracted, subcontracted, or cooperating entity personnel, for violations of law, standards of professional conduct, contract terms, or policy related to immigration detention;

“(3) Conduct unannounced inspections of detention facilities holding individuals in federal immigration custody, including those owned or operated by units of State or local government and privately-owned or operated facilities;

“(4) Review, examine, and make recommendations to address concerns or violations of contract terms identified in reviews, audits, investigations, or detainee interviews regarding immigration detention facilities and services;

Review.
Recommendations.

“(5) Provide assistance to individuals affected by potential misconduct, excessive force, or violations of law or detention standards by Department of Homeland Security officers or other personnel, or contracted, subcontracted, or cooperating entity personnel; and

“(6) Ensure that the functions performed by the Ombudsman are complementary to existing functions within the Department of Homeland Security.

“(c) ACCESS TO DETENTION FACILITIES.—The Ombudsman or designated personnel of the Ombudsman, shall be provided unfettered access to any location within each such detention facility and shall be permitted confidential access to any detainee at the detainee’s request and any departmental records concerning such detainee.

“(d) COORDINATION WITH DEPARTMENT COMPONENTS.—

Procedures.
Deadlines.

“(1) IN GENERAL.—The Director of U.S. Immigration and Customs Enforcement and the Commissioner of U.S. Customs and Border Protection shall each establish procedures to provide formal responses to recommendations submitted to such officials by the Ombudsman within 60 days of receiving such recommendations.

“(2) ACCESS TO INFORMATION.—The Secretary shall establish procedures to provide the Ombudsman access to all departmental records necessary to execute the responsibilities of the Ombudsman under subsection (b) or (c) not later than 60 days after a request from the Ombudsman for such information.

Records.

“(e) ANNUAL REPORT.—The Ombudsman shall prepare a report to Congress on an annual basis on its activities, findings, and recommendations.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by adding the following new item after “Sec. 404. Surface Transportation Security Advisory Committee.”:

“Sec. 405. Ombudsman for Immigration Detention.”.

SEC. 107. Section 107 of the Department of Homeland Security Appropriations Act, 2018 (division F of Public Law 115–141), related to visa overstay data, shall apply in fiscal year 2020, except that the reference to “this Act” shall be treated as referring to this Act, and the reference to “2017” shall be treated as referring to “2019”.

Applicability.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Customs and Border Protection for operations and support, including the transportation of unaccompanied minor aliens; the provision of air and marine support to Federal, State, local, and international agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; at the discretion of the Secretary of Homeland Security, the provision of such support to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; the purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems; and contracting with individuals for personal services abroad; \$12,735,399,000; of which \$3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which \$500,000,000 shall be available until September 30, 2021; and of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; and of which \$104,377,000 is for additional Office of Field Operations staffing: *Provided*, That not to exceed \$34,425 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations: *Provided further*, That not to exceed \$2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That not to exceed \$5,000,000 may be transferred to the Bureau of Indian Affairs for the maintenance and repair of roads on Native American reservations used by the U.S. Border Patrol: *Provided further*, That of the funds made available under this heading for the Executive Leadership and Oversight program, project, and activity, \$5,000,000 shall be withheld from obligation until the reports directed by the explanatory statement accompanying this Act concerning Custody and Transfer Metrics, the Migrant Protection Protocol program, and medical guidance have been made available on a publicly accessible website.

Reports.
Public
information.
Web posting.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Customs and Border Protection for procurement, construction, and improvements, including procurement of marine vessels, aircraft, and unmanned aerial systems, \$1,904,468,000, of which \$467,104,000 shall remain available until September 30, 2022, and of which \$1,437,364,000 shall remain available until September 30, 2024.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Immigration and Customs Enforcement for operations and support, including the purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; overseas vetted units; and maintenance, minor construction, and minor leasehold improvements at owned and leased facilities; \$8,032,801,000; of which not less than \$6,000,000 shall remain available until expended for efforts to enforce laws against forced child labor; of which \$53,696,000 shall remain available until September 30, 2021; of which not less than \$1,500,000 is for paid apprenticeships for participants in the Human Exploitation Rescue Operative Child-Rescue Corps; of which not less than \$15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center; and of which not less than \$4,429,033,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied minor aliens: *Provided*, That not to exceed \$11,475 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081): *Provided further*, That not to exceed \$2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided further*, That of the funds made available under this heading, \$10,000,000 shall be withheld from obligation until the first report required by section 218 has been made available on a publicly accessible website.

Reports.
Public
information.
Web posting.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Immigration and Customs Enforcement for procurement, construction, and improvements, \$47,270,000, to remain available until September 30, 2022; of which not less than \$36,970,000 shall be available for facilities repair and maintenance projects.

TRANSPORTATION SECURITY ADMINISTRATION

OPERATIONS AND SUPPORT

For necessary expenses of the Transportation Security Administration for operations and support, \$7,680,565,000, to remain available until September 30, 2021: *Provided*, That not to exceed \$7,650 shall be for official reception and representation expenses: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal

year 2020 so as to result in a final fiscal year appropriation from the general fund estimated at not more than \$4,850,565,000.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Transportation Security Administration for procurement, construction, and improvements, \$110,100,000, to remain available until September 30, 2022.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Transportation Security Administration for research and development, \$22,902,000, to remain available until September 30, 2021.

COAST GUARD

OPERATIONS AND SUPPORT

For necessary expenses of the Coast Guard for operations and support including the Coast Guard Reserve; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of not more than \$700,000) and repairs and service-life replacements, not to exceed a total of \$31,000,000; purchase, lease, or improvements of boats necessary for overseas deployments and activities; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; \$8,181,253,000, of which \$530,000,000 shall be for defense-related activities, of which \$190,000,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985; of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which \$11,000,000 shall remain available until September 30, 2022; and of which \$19,982,000 shall remain available until September 30, 2024, for environmental compliance and restoration: *Provided*, That not to exceed \$23,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Coast Guard for procurement, construction, and improvements, including aids to navigation, shore facilities (including facilities at Department of Defense installations used by the Coast Guard), and vessels and aircraft, including equipment related thereto, \$1,772,506,000, to remain available until September 30, 2024; of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which \$32,350,000, shall be available to carry out the purposes of section 2946 of title 14, United States Code, of which \$26,376,833 shall be derived from the Coast Guard Housing Fund, established pursuant to such section.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Coast Guard for research and development; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; \$4,949,000, to remain available until September 30, 2022, of which \$500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, payment of continuation pay under section 356 of title 37, United States Code, concurrent receipts, combat-related special compensation, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,802,309,000, to remain available until expended.

UNITED STATES SECRET SERVICE

OPERATIONS AND SUPPORT

For necessary expenses of the United States Secret Service for operations and support, including purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; rental of buildings in the District of Columbia; fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; conduct of and participation in firearms matches; presentation of awards; conduct of behavioral research in support of protective intelligence and operations; payment in advance for commercial accommodations as may be necessary to perform protective functions; and payment, without regard to section 5702 of title 5, United States Code, of subsistence expenses of employees who are on protective missions, whether at or away from their duty stations; \$2,336,401,000; of which \$39,763,000 shall remain available until September 30, 2021, and of which \$6,000,000 shall be for a grant for activities related to investigations of missing and exploited children; and of which up to \$15,000,000 may be for calendar year 2019 premium pay in excess of the annual equivalent of the limitation on the rate of pay contained in section 5547(a) of title 5, United States Code, pursuant to section 2 of the Overtime Pay for Protective Services Act of 2016 (5 U.S.C. 5547 note), as amended by Public Law 115–383: *Provided*, That not to exceed \$19,125 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in criminal

investigations within the jurisdiction of the United States Secret Service.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the United States Secret Service for procurement, construction, and improvements, \$66,989,000, to remain available until September 30, 2022.

RESEARCH AND DEVELOPMENT

For necessary expenses of the United States Secret Service for research and development, \$12,455,000, to remain available until September 30, 2021.

ADMINISTRATIVE PROVISIONS

Applicability.

SEC. 201. Section 201 of the Department of Homeland Security Appropriations Act, 2018 (division F of Public Law 115–141), related to overtime compensation limitations, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act, except that “fiscal year 2020” shall be substituted for “fiscal year 2018”.

SEC. 202. Funding made available under the headings “U.S. Customs and Border Protection—Operations and Support” and “U.S. Customs and Border Protection—Procurement, Construction, and Improvements” shall be available for customs expenses when necessary to maintain operations and prevent adverse personnel actions in Puerto Rico in addition to funding provided by section 740 of title 48, United States Code.

SEC. 203. As authorized by section 601(b) of the United States-Colombia Trade Promotion Agreement Implementation Act (Public Law 112–42), fees collected from passengers arriving from Canada, Mexico, or an adjacent island pursuant to section 13031(a)(5) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) shall be available until expended.

SEC. 204. For an additional amount for “U.S. Customs and Border Protection—Operations and Support”, \$31,000,000, to remain available until expended, to be reduced by amounts collected and credited to this appropriation in fiscal year 2020 from amounts authorized to be collected by section 286(i) of the Immigration and Nationality Act (8 U.S.C. 1356(i)), section 10412 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8311), and section 817 of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114–25), or other such authorizing language: *Provided*, That to the extent that amounts realized from such collections exceed \$31,000,000, those amounts in excess of \$31,000,000 shall be credited to this appropriation, to remain available until expended.

Applicability.
Time period.

SEC. 205. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription

drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 206. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall be used to approve a waiver of the navigation and vessel-inspection laws pursuant to section 501(b) of title 46, United States Code, for the transportation of crude oil distributed from and to the Strategic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 2 business days of any request for waivers of navigation and vessel-inspection laws pursuant to section 501(b) of title 46, United States Code, with respect to such transportation, and the disposition of such requests.

Consultation.

Notification.
Deadline.
Waivers.

SEC. 207. (a) Beginning on the date of enactment of this Act, the Secretary of Homeland Security shall not—

Effective date.

(1) establish, collect, or otherwise impose any new border crossing fee on individuals crossing the Southern border or the Northern border at a land port of entry; or

(2) conduct any study relating to the imposition of a border crossing fee.

(b) In this section, the term “border crossing fee” means a fee that every pedestrian, cyclist, and driver and passenger of a private motor vehicle is required to pay for the privilege of crossing the Southern border or the Northern border at a land port of entry.

Definition.

SEC. 208. Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit an expenditure plan for any amounts made available for “U.S. Customs and Border Protection—Procurement, Construction, and Improvements” in this Act and prior Acts to the Committees on Appropriations of the Senate and the House of Representatives: *Provided*, That no such amounts may be obligated prior to the submission of such plan.

Deadline.
Expenditure
plan.

SEC. 209. (a) Of the total amount made available under “U.S. Customs and Border Protection—Procurement, Construction, and Improvements”, \$1,904,468,000 shall be available only as follows:

(1) \$1,375,000,000 for the construction of barrier system along the southwest border;

(2) \$221,912,000 for the acquisition and deployment of border security technologies and trade and travel assets and infrastructure;

(3) \$62,364,000 for facility construction and improvements;

(4) \$199,519,000 for integrated operations assets and infrastructure; and

(5) \$45,673,000 for mission support and infrastructure.

(b) The amount designated in subsection (a)(1) shall only be available for barrier systems that—

(1) use—

(A) operationally effective designs deployed as of the date of enactment of the Consolidated Appropriations Act, 2017 (Public Law 115–31), such as currently deployed steel bollard designs, that prioritize agent safety; or

(B) operationally effective adaptations of such designs that help mitigate community or environmental impacts of barrier system construction, including adaptations based on consultation with jurisdictions within which barrier system will be constructed; and

(2) are constructed in the highest priority locations as identified in the Border Security Improvement Plan.

Deadlines.
Plan.

(c) The Chief of the U.S. Border Patrol shall—

(1) provide a plan to the Committees on Appropriations of the Senate and the House of Representatives for the use of the amounts provided in subsection (a)(1) within 30 days of the date of enactment of this Act; and

Notification.

(2) notify such Committees of any amendment to the highest priority locations identified for the use of the amount provided in subsection (a)(1) within 5 days of such amendment.

Consultation.
Time period.

(d) Consultation with a jurisdiction under subsection (b)(2) shall not exceed 90 calendar days after such jurisdiction has been notified that U.S. Customs and Border Protection is entering into such consultation, unless an extension of time is agreed to by such agency and such jurisdiction.

Deadline.
Plan.
Evaluation.

(e) Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Comptroller General of the United States an updated risk-based plan for improving security along the borders of the United States that includes the elements required under subsection (a) of section 231 of division F of the Consolidated Appropriations Act, 2018 (Public Law 115–141), which shall be evaluated in accordance with subsection (b) of such section.

SEC. 210. Federal funds may not be made available for the construction of fencing—

(1) within the Santa Ana Wildlife Refuge;

(2) within the Bentsen-Rio Grande Valley State Park;

(3) within La Lomita Historical park;

(4) within the National Butterfly Center;

(5) within or east of the Vista del Mar Ranch tract of the Lower Rio Grande Valley National Wildlife Refuge; or

(6) within historic cemeteries.

SEC. 211. Funds made available in this Act may be used to alter operations within the National Targeting Center of U.S. Customs and Border Protection: *Provided*, That none of the funds provided by this Act, provided by previous appropriations Acts that remain available for obligation or expenditure in fiscal year 2020, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, may be used to reduce anticipated or planned vetting operations at existing locations unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 212. (a) Of the amounts made available by this Act for “U.S. Customs and Border Protection—Operations and Support”—

(1) \$173,000,000 is for humanitarian care;

(2) \$30,000,000 is to address health, life, and safety issues at existing Border Patrol facilities, including construction, and for improved video recording capabilities; *Provided*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Of the amounts made available by this Act for “U.S. Customs and Border Protection—Procurement, Construction, and Improvements”, \$30,000,000 is for the development of an agency-wide electronic health records system; *Provided*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) The amounts in subsection (b) may not be obligated until the Department of Homeland Security Chief Medical Officer provides written certification of compliance with the requirements described in the explanatory statement accompanying this Act concerning electronic health records to the Committees on Appropriations of the Senate and the House of Representatives.

Certification.
Compliance.

SEC. 213. Without regard to the limitation as to time and condition of section 503(d) of this Act, the Secretary may reprogram within and transfer funds to “U.S. Immigration and Customs Enforcement—Operations and Support” as necessary to ensure the detention of aliens prioritized for removal.

SEC. 214. None of the funds provided under the heading “U.S. Immigration and Customs Enforcement—Operations and Support” may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been materially violated.

Determination.

SEC. 215. (a) None of the funds provided under the heading “U.S. Immigration and Customs Enforcement—Operations and Support” may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than “adequate” or the equivalent median score in any subsequent performance evaluation system.

Contracts.
6 USC 211 note.

(b) Beginning not later than January 1, 2021, the performance evaluations referenced in subsection (a) shall be conducted by the U.S. Immigration and Customs Enforcement Office of Professional Responsibility.

Effective date.
Deadline.

SEC. 216. (a) None of the funds provided by this Act or any other Act, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, may be used by the Secretary of Homeland Security to place in detention, remove, refer for a decision whether to initiate removal proceedings, or initiate removal proceedings against a sponsor, potential sponsor, or member of a household of a sponsor or potential sponsor of an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) based on information shared by the Secretary of Health and Human Services.

Aliens.

(b) Subsection (a) shall not apply if a background check of a sponsor, potential sponsor, or member of a household of a sponsor or potential sponsor reveals—

(1) a felony conviction or pending felony charge that relates to—

(A) an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)));

(B) child abuse;

(C) sexual violence or abuse; or

(D) child pornography;

(2) an association with any business that employs a minor who—

(A) is unrelated to the sponsor, potential sponsor, or member of a household of a sponsor or potential sponsor; and

(B) is—

(i) not paid a legal wage; or

(ii) unable to attend school due to the employment;

or

(3) an association with the organization or implementation of prostitution.

Public
information.
Web posting.
Reports.

SEC. 217. Not later than 45 days after the date of enactment of this Act, the Director of U.S. Immigration and Customs Enforcement shall submit to the Committees on Appropriations of the Senate and the House of Representatives, and make available on a publicly accessible website, a report describing agreements pursuant to section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) which shall include —

(1) detailed information relating to the community outreach activities of each participating jurisdiction pursuant to such agreement, including the membership and activities of any community-based steering committee established by such jurisdiction;

(2) the number of individuals placed into removal proceedings pursuant to each such agreement;

Data.

(3) data on the performance of the officers or employees of a State or political subdivision thereof under each such agreement, including the nationality and level of criminality of the individuals described in paragraph (2); and

(4) information relating to any future plans to increase the number of such agreements or expand the scope of such agreements through the introduction of new operations pursuant to such section.

Reports.
Public
information.
Web posting.
Time periods.
Aliens.
8 USC 1378a.

SEC. 218. Not later than 7 days after the date of enactment of this Act and updated semimonthly thereafter, the Director of U.S. Immigration and Customs Enforcement shall make available a report, on a publicly accessible website in a downloadable, searchable, and sortable format, with not less than the previous twelve months of semimonthly data as of the last date of each such reporting period; on—

(1) aliens detained by such agency, including data disaggregated by single adults and members of family units on—

(A) the average fiscal year-to-date daily populations of aliens detained;

(B) the daily count of aliens detained;

- (C) the fiscal year-to-date total for book-ins;
- (D) the average lengths of stay, including average post-determination length of stay in the case of detainees described in subparagraph (F);
- (E) the number transferred to the custody of U.S. Immigration and Customs Enforcement by U.S. Customs and Border Protection after being—
 - (i) deemed inadmissible at a port of entry or after being apprehended within 14 days of entering the United States; or
 - (ii) arrested by U.S. Immigration and Customs Enforcement;
- (F) the number determined to have a credible or reasonable fear of—
 - (i) persecution, as defined in section 235(b)(1)(B)(v) of the Immigration and Nationality Act; or
 - (ii) torture, as defined in section 208.30 of title 8, Code of Federal Regulations (as in effect on January 1, 2018); and
- (G) the number who have been issued a Notice to Appear pursuant to section 239 of the Immigration and Nationality Act, disaggregated by single adults and members of family units;
- (2) the total number of enrollees in the Alternatives to Detention program and the average length of participation, disaggregated by—
 - (A) single adults and family heads of household;
 - (B) participants in the family case management program;
 - (C) level of supervision; and
 - (D) location of supervision, by field office;
- (3) for each facility where aliens are detained by U.S. Immigration and Customs Enforcement—
 - (A) the address;
 - (B) the field offices that assign detainees to the facility;
 - (C) the detailed facility type, as defined in the integrated decision support system;
 - (D) the gender of aliens detained;
 - (E) the average daily population of detainees within each detainee classification level, as defined in the integrated decision support system;
 - (F) the average daily population of individuals within each threat level, as defined in the integrated decision support system;
 - (G) the average daily population within each criminality category, as defined in the integrated decision support system, disaggregated by gender;
 - (H) the average length of stay;
 - (I) the average daily population of individuals whose detention is classified as mandatory;
 - (J) the performance standards to which the facility is held;
 - (K) the date of the two most recent inspections, the entity that performed each inspection, and a detailed summary of the results of such inspections; and
 - (L) the guaranteed minimum detention capacity, if applicable; and

(4) the total number of releases from custody, by condition of release, and total number of removals, disaggregated by adult facilities and family facilities.

SEC. 219. Members of the United States House of Representatives and the United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

Explosives
detection
systems.

SEC. 220. Any award by the Transportation Security Administration to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness.

Contracts.

SEC. 221. Notwithstanding section 44923 of title 49, United States Code, for fiscal year 2020, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a) of such title.

SEC. 222. None of the funds made available by this or any other Act may be used by the Administrator of the Transportation Security Administration to implement, administer, or enforce, in abrogation of the responsibility described in section 44903(n)(1) of title 49, United States Code, any requirement that airport operators provide airport-financed staffing to monitor exit points from the sterile area of any airport at which the Transportation Security Administration provided such monitoring as of December 1, 2013.

Reports.
Plans.

SEC. 223. Not later than 30 days after the submission of the President's budget proposal, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations and Commerce, Science, and Transportation of the Senate and the Committees on Appropriations and Homeland Security in the House of Representatives a single report that fulfills the following requirements:

(1) a Capital Investment Plan (CIP) that includes a plan for continuous and sustained capital investment in new, and the replacement of aged, transportation security equipment;

(2) the 5-year technology investment plan as required by section 1611 of title XVI of the Homeland Security Act of 2002, as amended by section 3 of the Transportation Security Acquisition Reform Act (Public Law 113–245); and

(3) the Advanced Integrated Passenger Screening Technologies report as required by the Senate Report accompanying the Department of Homeland Security Appropriations Act, 2019 (Senate Report 115–283).

SEC. 224. None of the funds made available by this Act under the heading “Coast Guard—Operations and Support” shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to the appropriation made available by this Act under the heading “Coast Guard—Operations

and Support”: *Provided*, That to the extent such fees are insufficient to pay expenses of recreational vessel documentation under such section 12114, and there is a backlog of recreational vessel applications, personnel performing non-recreational vessel documentation functions under subchapter II of chapter 121 of title 46, United States Code, may perform documentation under section 12114.

SEC. 225. Without regard to the limitation as to time and condition of section 503(d) of this Act, after June 30, up to \$10,000,000 may be reprogrammed to or from the Military Pay and Allowances funding category within “Coast Guard—Operations and Support” in accordance with subsection (a) of section 503 of this Act.

SEC. 226. Notwithstanding any other provision of law, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives a future-years capital investment plan as described in the second proviso under the heading “Coast Guard—Acquisition, Construction, and Improvements” in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4), which shall be subject to the requirements in the third and fourth provisos under such heading.

Investment plan.

SEC. 227. Funds made available for Overseas Contingency Operations/Global War on Terrorism under the heading “Coast Guard—Operations and Support” may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

SEC. 228. None of the funds in this Act shall be used to reduce the Coast Guard’s Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 229. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 230. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any civil engineering unit unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 231. (a) Any discretionary amounts appropriated in this Act in the current fiscal year and any fiscal year thereafter may be obligated for death gratuity payments, as authorized in subchapter II of chapter 75 of title 10, United States Code.

10 USC 1475
note.

(b) Subsection (a) shall only apply if an appropriation for “Coast Guard—Operations and Support” is unavailable for obligation for such payments.

Applicability.

(c) Such obligations shall subsequently be recorded against appropriations that become available for “Coast Guard—Operations and Support”.

SEC. 232. Beginning in fiscal year 2021 and for each fiscal year thereafter, amounts credited to the Coast Guard Housing Fund pursuant to paragraphs (3) through (5) of subsection (b) of section 2946 of title 14, United States Code, shall be classified as discretionary offsetting receipts.

Effective date.
Time periods.
14 USC 2946
note.

SEC. 233. The United States Secret Service is authorized to obligate funds in anticipation of reimbursements from executive agencies, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under the heading “United States Secret Service—Operations and Support” at the end of the fiscal year.

SEC. 234. None of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided*, That the Director of the United States Secret Service may enter into agreements to provide such protection on a fully reimbursable basis.

SEC. 235. For purposes of section 503(a)(3) of this Act, up to \$15,000,000 may be reprogrammed within “United States Secret Service—Operations and Support”.

Notification.
Time period.

SEC. 236. Funding made available in this Act for “United States Secret Service—Operations and Support” is available for travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if the Director of the United States Secret Service or a designee notifies the Committees on Appropriations of the Senate and the House of Representatives 10 or more days in advance, or as early as practicable, prior to such expenditures.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

OPERATIONS AND SUPPORT

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for operations and support, \$1,566,229,000, of which \$31,793,000 shall remain available until September 30, 2021: *Provided*, That not to exceed \$3,825 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for procurement, construction, and improvements, \$434,962,000, to remain available until September 30, 2022.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for research and development, \$14,431,000, to remain available until September 30, 2021.

FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Emergency Management Agency for operations and support, \$1,102,199,000: *Provided*, That not to exceed \$2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Emergency Management Agency for procurement, construction, and improvements, \$133,363,000, of which \$74,167,000 shall remain available until September 30, 2022, and of which \$59,196,000 shall remain available until September 30, 2024.

FEDERAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities of the Federal Emergency Management Agency for Federal assistance through grants, contracts, cooperative agreements, and other activities, \$3,178,467,000, which shall be allocated as follows:

(1) \$560,000,000 for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), of which \$90,000,000 shall be for Operation Stonegarden, \$15,000,000 shall be for Tribal Homeland Security Grants under section 2005 of the Homeland Security Act of 2002 (6 U.S.C. 606), and \$40,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack: *Provided*, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2020, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

Determination.
Terrorism.

Puerto Rico.

(2) \$665,000,000 for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which \$50,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

Determination.
Terrorism.

(3) \$100,000,000 for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135, 1163, and 1182), of which \$10,000,000 shall be for Amtrak security and \$2,000,000 shall be for Over-the-Road Bus Security: *Provided*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(4) \$100,000,000 for Port Security Grants in accordance with section 70107 of title 46, United States Code.

(5) \$710,000,000, to remain available until September 30, 2021, of which \$355,000,000 shall be for Assistance to Fire-fighter Grants and \$355,000,000 shall be for Staffing for Adequate Fire and Emergency Response Grants under sections 33 and 34 respectively of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

(6) \$355,000,000 for emergency management performance grants under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701), section 762 of title 6, United States Code, and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.).

(7) \$263,000,000 for necessary expenses for Flood Hazard Mapping and Risk Analysis, in addition to and to supplement any other sums appropriated under the National Flood Insurance Fund, and such additional sums as may be provided by States or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)), to remain available until expended.

(8) \$10,000,000 for Regional Catastrophic Preparedness Grants.

(9) \$10,000,000 for Rehabilitation of High Hazard Potential Dams under section 8A of the National Dam Safety Program Act (33 U.S.C. 467f–2).

(10) \$125,000,000 for the emergency food and shelter program under title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331), to remain available until expended: *Provided*, That not to exceed 3.5 percent shall be for total administrative costs.

(11) \$280,467,000 to sustain current operations for training, exercises, technical assistance, and other programs.

DISASTER RELIEF FUND

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$17,863,259,000, to remain available until expended: *Provided*, That of the amount provided under this heading, \$17,352,112,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141, 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113–89; 128 Stat. 1020), \$206,782,000, to remain available until September 30, 2021, which shall be derived from offsetting amounts collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which \$14,005,000 shall be available for mission support associated with flood management;

and of which \$192,777,000 shall be available for flood plain management and flood mapping: *Provided*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as offsetting collections to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2020, no funds shall be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) in excess of—

(1) \$192,439,000 for operating expenses and salaries and expenses associated with flood insurance operations;

(2) \$1,151,000,000 for commissions and taxes of agents;

(3) such sums as are necessary for interest on Treasury borrowings; and

(4) \$175,000,000, which shall remain available until expended, for flood mitigation actions and for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding sections 1366(e) and 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)), shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding section 102(f)(8), section 1366(e) of the National Flood Insurance Act of 1968, and paragraphs (1) through (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e), 4104d(b)(1)–(3)): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation: *Provided further*, That up to \$5,000,000 is available to carry out section 24 of the Homeowner Flood Insurance Affordability Act of 2014 (42 U.S.C. 4033).

ADMINISTRATIVE PROVISIONS

SEC. 301. Notwithstanding section 2008(a)(12) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(12)) or any other provision of law, not more than 5 percent of the amount of a grant made available in paragraphs (1) through (4) under “Federal Emergency Management Agency—Federal Assistance”, may be used by the grantee for expenses directly related to administration of the grant.

SEC. 302. Applications for grants under the heading “Federal Emergency Management Agency—Federal Assistance”, for paragraphs (1) through (4), shall be made available to eligible applicants not later than 60 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 80 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act within 65 days after the receipt of an application.

SEC. 303. Under the heading “Federal Emergency Management Agency—Federal Assistance”, for grants under paragraphs (1) through (4), (8), and (9), the Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award.

Grants.
Deadlines.

Grants.
Briefing.
Time period.
Public
information.

	SEC. 304. Under the heading “Federal Emergency Management Agency—Federal Assistance”, for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility.
Applicability.	SEC. 305. The reporting requirements in paragraphs (1) and (2) under the heading “Federal Emergency Management Agency—Disaster Relief Fund” in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4) shall be applied in fiscal year 2020 with respect to budget year 2021 and current fiscal year 2020, respectively— (1) in paragraph (1) by substituting “fiscal year 2021” for “fiscal year 2016”; and (2) in paragraph (2) by inserting “business” after “fifth”.
Grants. Waivers. Extension.	SEC. 306. (a) In making grants under the heading “Federal Emergency Management Agency—Federal Assistance”, for Staffing for Adequate Fire and Emergency Response grants, the Secretary may grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a). (b) For grants made under the heading “Federal Emergency Management Agency—Firefighter Assistance Grants” in division F of Public Law 114–113, the Secretary may extend the period of performance described in subsection (a)(1)(B) of such section 34 for up to one additional year. (c) For purposes of subsection (b)— (1) subsections (a)(1)(E)(iii) and (c)(4)(C) of such section 34 shall also apply to such additional year of such period of performance; and (2) the authority provided shall only apply to any such grant award that remains open on the date of enactment of this Act.
Applicability.	SEC. 307. The aggregate charges assessed during fiscal year 2020, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security to be necessary for its Radiological Emergency Preparedness Program for the next fiscal year: <i>Provided</i> , That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: <i>Provided further</i> , That such fees shall be deposited in a Radiological Emergency Preparedness Program account as offsetting collections and will become available for authorized purposes on October 1, 2020, and remain available until expended.
Effective date.	

TITLE IV

RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Citizenship and Immigration Services for operations and support of the E-Verify Program, \$122,395,000.

FEDERAL ASSISTANCE

For necessary expenses of U.S. Citizenship and Immigration Services for Federal assistance for the Citizenship and Integration Grant Program, \$10,000,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Law Enforcement Training Centers for operations and support, including the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, \$292,997,000, of which \$54,283,000 shall remain available until September 30, 2021: *Provided*, That not to exceed \$7,180 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Law Enforcement Training Centers for procurement, construction, and improvements, \$58,173,000, to remain available until September 30, 2024.

SCIENCE AND TECHNOLOGY DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Science and Technology Directorate for operations and support, including the purchase or lease of not to exceed 5 vehicles, \$314,864,000, of which \$171,232,000 shall remain available until September 30, 2021: *Provided*, That not to exceed \$10,000 shall be for official reception and representation expenses.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Science and Technology Directorate for research and development, \$422,411,000, to remain available until September 30, 2022.

COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

OPERATIONS AND SUPPORT

For necessary expenses of the Countering Weapons of Mass Destruction Office for operations and support, \$179,467,000: *Provided*, That not to exceed \$2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Countering Weapons of Mass Destruction Office for procurement, construction, and improvements, \$118,988,000, to remain available until September 30, 2022.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Countering Weapons of Mass Destruction Office for research and development, \$69,181,000, to remain available until September 30, 2022.

FEDERAL ASSISTANCE

For necessary expenses of the Countering Weapons of Mass Destruction Office for Federal assistance through grants, contracts, cooperative agreements, and other activities, \$64,663,000, to remain available until September 30, 2022.

ADMINISTRATIVE PROVISIONS

SEC. 401. Notwithstanding any other provision of law, funds otherwise made available to U.S. Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to 5 vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided*, That the Director of U.S. Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

SEC. 402. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided by employees (including employees serving on a temporary or term basis) of U.S. Citizenship and Immigration Services of the Department of Homeland Security who are known as Immigration Information Officers, Immigration Service Analysts, Contact Representatives, Investigative Assistants, or Immigration Services Officers.

SEC. 403. (a) Not later than 30 days after the date of enactment of this Act and updated semimonthly thereafter, the Director of U.S. Citizenship and Immigration Services shall make available, on a publicly accessible website in a downloadable, searchable, and sortable format, a report containing not less than the previous twelve months of semimonthly data on—

(1) the number of aliens determined to have a credible or reasonable fear of—

(A) persecution, as defined in section 235(b)(1)(B)(v) of the Immigration and Nationality Act; or

(B) torture, as defined in section 208.30 of title 8, Code of Federal Regulations (as in effect on January 1, 2018);

(2) the total number of cases received by U.S. Citizenship and Immigration Services to adjudicate credible or reasonable fear claims, as described in paragraph (1), and the total number of cases closed.

(b) Such report shall also disaggregate the data described in subsection (a) with respect to the following subsets—

(1) claims submitted by aliens detained at a U.S. Immigration and Customs Enforcement family residential center;

(2) claims submitted by aliens organized by each subdivision of legal or administrative authority under which claims are reviewed; and

(3) the job series of the personnel reviewing the claims.

Public
information.
Web posting.
Reports.
Time period.
Data.
8 USC 1377a.

SEC. 404. The Director of the Federal Law Enforcement Training Centers is authorized to distribute funds to Federal law enforcement agencies for expenses incurred participating in training accreditation.

SEC. 405. The Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 406. The Director of the Federal Law Enforcement Training Centers may accept transfers to the account established by section 407(a) of division F of the Consolidated Appropriations Act, 2018 (Public Law 115–141) from Government agencies requesting the construction of special use facilities, as authorized by the Economy Act (31 U.S.C. 1535(b)): *Provided*, That the Federal Law Enforcement Training Centers maintain administrative control and ownership upon completion of such facilities.

SEC. 407. The functions of the Federal Law Enforcement Training Centers instructor staff shall be classified as inherently governmental for purposes of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the components in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2020, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or eliminates a program, project, or activity, or increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;

(2) contracts out any function or activity presently performed by Federal employees or any new function or activity proposed to be performed by Federal employees in the President's budget proposal for fiscal year 2020 for the Department of Homeland Security;

Notifications.
Time periods.

Contracts.

(3) augments funding for existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less;

(4) reduces funding for any program, project, or activity, or numbers of personnel, by 10 percent or more; or

(5) results from any general savings from a reduction in personnel that would result in a change in funding levels for programs, projects, or activities as approved by the Congress.

(b) Subsection (a) shall not apply if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of such reprogramming.

(c) Up to 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 30 days in advance of such transfer, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfer.

Deadline.

(d) Notwithstanding subsections (a), (b), and (c), no funds shall be reprogrammed within or transferred between appropriations based upon an initial notification provided after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

Applicability.

(e) The notification thresholds and procedures set forth in subsections (a), (b), (c), and (d) shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts that remain available for obligation in the current year.

(f) Notwithstanding subsection (c), the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to \$20,000,000 from appropriations available to the Department of Homeland Security: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives at least 5 days in advance of such transfer.

Applicability.
31 USC 501 note.

SEC. 504. Section 504 of the Department of Homeland Security Appropriations Act, 2017 (division F of Public Law 115–31), related to the operations of a working capital fund, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act: *Provided*, That funds from such working capital fund may be obligated and expended in anticipation of reimbursements from components of the Department of Homeland Security.

Time period.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2020, as recorded in the financial records at the time of a reprogramming notification, but not later than June 30, 2021, from appropriations for “Operations and Support” for fiscal year 2020 in this Act shall remain available through September 30, 2021, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a notification shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives in accordance with section 503 of this Act.

Notification.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947

(50 U.S.C. 414) during fiscal year 2020 until the enactment of an Act authorizing intelligence activities for fiscal year 2020.

SEC. 507. (a) The Secretary of Homeland Security, or the designee of the Secretary, shall notify the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of—

Notification.
Time period.
Grants.
Contracts.
Public
information.

(1) making or awarding a grant allocation, grant, contract, other transaction agreement, or task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of \$1,000,000;

(2) awarding a task or delivery order requiring an obligation of funds in an amount greater than \$10,000,000 from multi-year Department of Homeland Security funds;

(3) making a sole-source grant award; or

(4) announcing publicly the intention to make or award items under paragraph (1), (2), or (3), including a contract covered by the Federal Acquisition Regulation.

(b) If the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after such an award is made or letter issued.

Determination.
Deadline.

(c) A notification under this section—

(1) may not involve funds that are not available for obligation; and

(2) shall include the amount of the award; the fiscal year for which the funds for the award were appropriated; the type of contract; and the account from which the funds are being drawn.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without advance notification to the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Centers is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Centers' facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 520, 522, and 530 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

Applicability.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act: *Provided*, That for purposes of the preceding sentence, the term “Buy American Act” means chapter 83 of title 41, United States Code.

Definition.

SEC. 512. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 513. None of the funds provided or otherwise made available in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452) unless explicitly authorized by the Congress.

National
identification
card.

SEC. 514. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

Delegation of
authority.

SEC. 515. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

Khalid Sheikh
Mohammed.
Detainees.
Cuba.

SEC. 516. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 517. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 518. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 519. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

Contracts.

SEC. 520. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any Federal contract unless such contract is entered into in accordance with the requirements of subtitle I of title 41, United States Code, or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

Pornography.

SEC. 521. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

Firearms.

SEC. 522. None of the funds made available in this Act may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is

an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 523. None of the funds made available in this Act may be used to pay for the travel to or attendance of more than 50 employees of a single component of the Department of Homeland Security, who are stationed in the United States, at a single international conference unless the Secretary of Homeland Security, or a designee, determines that such attendance is in the national interest and notifies the Committees on Appropriations of the Senate and the House of Representatives within at least 10 days of that determination and the basis for that determination: *Provided*, That for purposes of this section the term “international conference” shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or non-governmental organizations: *Provided further*, That the total cost to the Department of Homeland Security of any such conference shall not exceed \$500,000.

Determination.
Notification.
Deadline.

SEC. 524. None of the funds made available in this Act may be used to reimburse any Federal department or agency for its participation in a National Special Security Event.

Definition.

SEC. 525. None of the funds made available to the Department of Homeland Security by this or any other Act may be obligated for any structural pay reform that affects more than 100 full-time positions or costs more than \$5,000,000 in a single year before the end of the 30-day period beginning on the date on which the Secretary of Homeland Security submits to Congress a notification that includes—

Pay reform.
Time period.
Effective date.
Notification.

(1) the number of full-time positions affected by such change;

(2) funding required for such change for the current year and through the Future Years Homeland Security Program;

(3) justification for such change; and

(4) an analysis of compensation alternatives to such change that were considered by the Department.

Analysis.

SEC. 526. (a) Any agency receiving funds made available in this Act shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Committees on Appropriations of the Senate and the House of Representatives in this Act, upon the determination by the head of the agency that it shall serve the national interest.

Web posting.
Public information.
Reports.
Determination.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises homeland or national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the Committees on Appropriations of the Senate and the House of Representatives for not less than 45 days except as otherwise specified in law.

SEC. 527. (a) Funding provided in this Act for “Operations and Support” may be used for minor procurement, construction, and improvements.

(b) For purposes of subsection (a), “minor” refers to end items with a unit cost of \$250,000 or less for personal property, and \$2,000,000 or less for real property.

Approval.	SEC. 528. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.
Education. Extension.	SEC. 529. The authority provided by section 532 of the Department of Homeland Security Appropriations Act, 2018 (Public Law 115–141) regarding primary and secondary schooling of dependents shall continue in effect during fiscal year 2020.
	SEC. 530. (a) For an additional amount for “Federal Emergency Management Agency—Federal Assistance”, \$41,000,000, to remain available until September 30, 2021, exclusively for providing reimbursement of extraordinary law enforcement personnel costs for protection activities directly and demonstrably associated with any residence of the President that is designated or identified to be secured by the United States Secret Service.
Applicability.	(b) Subsections (b) through (f) of section 534 of the Department of Homeland Security Appropriations Act, 2018 (Public Law 115–141), shall be applied with respect to amounts made available by subsection (a) of this section by substituting “October 1, 2020” for “October 1, 2018” and “October 1, 2019” for “October 1, 2017”.
Applicability. 6 USC 391 note.	SEC. 531. (a) Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall be applied— (1) In subsection (a), by substituting “September 30, 2020,” for “September 30, 2017,”; and (2) In subsection (c)(1), by substituting “September 30, 2020,” for “September 30, 2017”.
	(b) The Secretary of Homeland Security, under the authority of section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(a)), may carry out prototype projects under section 2371b of title 10, United States Code, and the Secretary shall perform the functions of the Secretary of Defense as prescribed.
Definition.	(c) The Secretary of Homeland Security under section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(d)) may use the definition of nontraditional government contractor as defined in section 2371b(e) of title 10, United States Code.
	SEC. 532. (a) None of the funds appropriated or otherwise made available to the Department of Homeland Security by this Act may be used to prevent any of the following persons from entering, for the purpose of conducting oversight, any facility operated by or for the Department of Homeland Security used to detain or otherwise house aliens, or to make any temporary modification at any such facility that in any way alters what is observed by a visiting member of Congress or such designated employee, compared to what would be observed in the absence of such modification: (1) A Member of Congress. (2) An employee of the United States House of Representatives or the United States Senate designated by such a Member for the purposes of this section.
	(b) Nothing in this section may be construed to require a Member of Congress to provide prior notice of the intent to enter a facility described in subsection (a) for the purpose of conducting oversight.
Time period.	(c) With respect to individuals described in subsection (a)(2), the Department of Homeland Security may require that a request be made at least 24 hours in advance of an intent to enter a facility described in subsection (a).

SEC. 533. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used to place restraints on a woman in the custody of the Department of Homeland Security (including during transport, in a detention facility, or at an outside medical facility) who is pregnant or in post-delivery recuperation.

Pregnant women.

(b) Subsection (a) shall not apply with respect to a pregnant woman if—

Determinations.

(1) an appropriate official of the Department of Homeland Security makes an individualized determination that the woman—

(A) is a serious flight risk, and such risk cannot be prevented by other means; or

(B) poses an immediate and serious threat to harm herself or others that cannot be prevented by other means; or

(2) a medical professional responsible for the care of the pregnant woman determines that the use of therapeutic restraints is appropriate for the medical safety of the woman.

(c) If a pregnant woman is restrained pursuant to subsection (b), only the safest and least restrictive restraints, as determined by the appropriate medical professional treating the woman, may be used. In no case may restraints be used on a woman who is in active labor or delivery, and in no case may a pregnant woman be restrained in a face-down position with four-point restraints, on her back, or in a restraint belt that constricts the area of the pregnancy. A pregnant woman who is immobilized by restraints shall be positioned, to the maximum extent feasible, on her left side.

SEC. 534. None of the funds made available by this Act to the Department of Homeland Security may be used to destroy any document, recording, or other record pertaining to any potential sexual assault or abuse perpetrated against any individual held in the custody of the Department of Homeland Security.

Records.
Sexual assault.

SEC. 535. Section 519 of division F of Public Law 114–113, regarding a prohibition on funding for any position designated as a Principal Federal Official, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act.

Applicability.

SEC. 536. Within 60 days of any budget submission for the Department of Homeland Security for fiscal year 2021 that assumes revenues or proposes a reduction from the previous year based on user fees proposals that have not been enacted into law prior to the submission of the budget, the Secretary of Homeland Security shall provide the Committees on Appropriations of the Senate and the House of Representatives specific reductions in proposed discretionary budget authority commensurate with the revenues assumed in such proposals in the event that they are not enacted prior to October 1, 2020.

Deadline.
Budget
submission.

(RESCISSIONS)

SEC. 537. (a) Of the unobligated balances of funds made available under the heading “U.S. Customs and Border Protection—Operations and Support” in Title III of the Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019 (Public Law 116–26), \$233,000,000 are hereby rescinded.

(b) The amounts rescinded pursuant to subsection (a) that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to that section of that Act.

SEC. 538. Of the funds appropriated to the Department of Homeland Security, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177):

(1) \$91,000,000 from Public Law 116–6 under the heading “Customs and Border Protection—Operations and Support”.

(2) \$38,000,000 from Public Law 116–6 under the heading “Customs and Border Protection—Procurement, Construction and Improvements”.

(3) \$20,000,000 from Public Law 115–141 under the heading “Customs and Border Protection—Procurement, Construction, and Improvements”.

(4) \$5,000,000 from Public Law 115–141 under the heading “Coast Guard—Research, Development, Test, and Evaluation”.

(5) \$42,379,000 from Public Law 116–6 under the heading “Transportation Security Administration—Operations and Support”.

(6) \$5,764,000 from Public Law 116–6 under the heading “Transportation Security Administration—Procurement, Construction and Improvements”.

SEC. 539. The following unobligated balances made available to the Department of Homeland Security pursuant to Section 505 of the Department of Homeland Security Appropriations Act, 2019 (Public Law 116–6) are rescinded:

(1) \$153,000 from “Office of the Secretary and Executive Management—Operations and Support”

(2) \$304,000 from “Management Directorate—Operations and Support”;

(3) \$130,000 from “Intelligence, Analysis, and Operations Coordination—Operations and Support”;

(4) \$3,600 from “Office of Inspector General—Operations and Support”;

(5) \$269,000 from “U.S. Customs and Border Protection—Operations and Support”;

(6) \$8,999,000 from “U.S. Immigration and Customs Enforcement—Operations and Support”;

(7) \$69,000 from “Coast Guard—Operations and Support”;

(8) \$695,000 from “United States Secret Service—Operations and Support”;

(9) \$3,915,000 from “Cybersecurity and Infrastructure Security Agency—Operations and Support”;

(10) \$1,815,000 from “U.S. Citizenship and Immigration Services—Operations and Support”;

(11) \$313,000 from “Federal Law Enforcement Training Centers—Operations and Support”;

(12) \$273,000 from “Science and Technology Directorate—Operations and Support”;

(13) \$1,596,000 from “Countering Weapons of Mass Destruction Office—Operations and Support”.

SEC. 540. Of the unobligated balances made available to “Federal Emergency Management Agency—Disaster Relief Fund”, \$300,000,000 shall be rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That no amounts may be rescinded from the amounts that were designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

This division may be cited as the “Department of Homeland Security Appropriations Act, 2020”.

Approved December 20, 2019.

LEGISLATIVE HISTORY—H.R. 1158:

HOUSE REPORTS: No. 116–89 (Comm. on Homeland Security).

CONGRESSIONAL RECORD, Vol. 165 (2019):

June 10, considered and passed House.

Sept. 24, considered and passed Senate, amended.

Dec. 17, House concurred in Senate amendment with an amendment. Senate considered House amendment.

Dec. 19, Senate concurred in House amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2019):

Dec. 20, Presidential statement.

Public Law 116–94
116th Congress

An Act

Dec. 20, 2019
[H.R. 1865]

Making further consolidated appropriations for the fiscal year ending September 30, 2020, and for other purposes.

Further
Consolidated
Appropriations
Act, 2020.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Further Consolidated Appropriations Act, 2020”.

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Explanatory statement.
Sec. 5. Statement of appropriations.
Sec. 6. Availability of funds.
Sec. 7. Adjustments to compensation.
Sec. 8. Office of Management and Budget Reporting Requirements.

**DIVISION A—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020**

Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related Agencies
Title V—General Provisions

**DIVISION B—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG
ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020**

Title I—Agricultural Programs
Title II—Farm Production and Conservation Programs
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Title IV—Domestic Food Programs
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**DIVISION C—ENERGY AND WATER DEVELOPMENT AND RELATED
AGENCIES APPROPRIATIONS ACT, 2020**

Title I—Corps of Engineers—Civil
Title II—Department of the Interior
Title III—Department of Energy
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**DIVISION D—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2020**

Title I—Department of the Interior
Title II—Environmental Protection Agency
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DIVISION E—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2020

Title I—Legislative Branch

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DIVISION F—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2020

Title I—Department of Defense

Title II—Department of Veterans Affairs

Title III—Related Agencies

Title IV—Overseas Contingency Operations

Title V—Natural Disaster Relief

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DIVISION G—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND
RELATED PROGRAMS APPROPRIATIONS ACT, 2020

Title I—Department of State and Related Agency

Title II—United States Agency for International Development

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Title V—Multilateral Assistance

Title VI—Export and Investment Assistance

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AND RELATED AGENCIES APPROPRIATIONS ACT, 2020

Title I—Department of Transportation

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DIVISION I—EXTENSIONS

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Title II—National Flood Insurance Program Extension

Title III—Secure Rural Schools and Community Self-Determination Extension

Title IV—Export-Import Bank Extension

Title V—Terrorism Risk Insurance Program Extension

Title VI—NASA Enhanced Use Leasing Extension

Title VII—INKSNA Extension

Title VIII—Brand USA Extension

Title IX—DC Opportunity Scholarship Extensions

Title X—Budgetary Effects

DIVISION J—FOREIGN POLICY

DIVISION K—NATIONAL LAW ENFORCEMENT MUSEUM COMMEMORATIVE
COIN

DIVISION L—DHS CYBER HUNT AND INCIDENT RESPONSE TEAMS

DIVISION M—BIPARTISAN AMERICAN MINERS

DIVISION N—HEALTH AND HUMAN SERVICES EXTENDERS

DIVISION O—SETTING EVERY COMMUNITY UP FOR RETIREMENT
ENHANCEMENT

DIVISION P—OTHER MATTER

Title I—Platte River Recovery Implementation Program

Title II—Great Lakes

Title III—Morris K. Udall and Stewart L. Udall Foundation

Title IV—White Horse Hill National Game Preserve

Title V—Pittman-Robertson Fund

Title VI—John F. Kennedy Center

Title VII—Preserving America's Battlefields

Title VIII—Veterans Affairs Report on Disability Compensation and the Positive As-
sociation With Exposure to an Herbicide Agent

Title IX—Disaster Recovery Workforce

Title X—Television Viewer Protection

Title XI—Eligibility to Receive Signals Under a Distant-Signal Satellite License
 Title XII—Groundfish Trawl Fishery
 Title XIII—Temporary Relief from Certain ERISA Requirements
 Title XIV—Library of Congress Technical Corrections
 Title XV—Senate Entities
 Title XVI—Legislative Branch Inspectors General Independence
 Title XVII—Managing Political Fund Activity
 Title XVIII—Kentucky Wildlands National Heritage Area Study
 Title XIX—International Bank for Reconstruction and Development
 Title XX—European Energy Security and Diversification Act of 2019

DIVISION Q—REVENUE PROVISIONS

1 USC 1 note.

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act, printed in the House section of the Congressional Record on or about December 17, 2019, and submitted by the Chairwoman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of divisions A through H of this Act as if it were a joint explanatory statement of a committee of conference.

SEC. 5. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020.

President.

SEC. 6. AVAILABILITY OF FUNDS.

(a) Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

(b) Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

2 USC 4501 note.

SEC. 7. ADJUSTMENTS TO COMPENSATION.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4501) (relating to cost of living adjustments for Members of Congress) during fiscal year 2020.

SEC. 8. OFFICE OF MANAGEMENT AND BUDGET REPORTING REQUIREMENTS.

(a) As of the date of enactment of this Act, section 150 of the Continuing Appropriations Act, 2020 (division A of Public Law 116–59), as added by the Further Continuing Appropriations Act, 2020 (division A of Public Law 116–69), shall no longer have any force or effect.

Estimates.

(b) Notwithstanding the “7 calendar days” requirement in section 251(a)(7)(B) of the Balanced Budget and Emergency Deficit

Control Act of 1985 (2 U.S.C. 901(a)(7)(B)), for any appropriations Act for fiscal year 2020 enacted before January 1, 2020, the Office of Management and Budget shall transmit to the Congress its report under that section estimating the discretionary budgetary effects of such Acts not later than January 15, 2020.

DIVISION A—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Innovation and Opportunity Act (referred to in this Act as “WIOA”) and the National Apprenticeship Act, \$3,611,200,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, \$2,819,832,000 as follows:

(A) \$854,649,000 for adult employment and training activities, of which \$142,649,000 shall be available for the period July 1, 2020 through June 30, 2021, and of which \$712,000,000 shall be available for the period October 1, 2020 through June 30, 2021;

(B) \$913,130,000 for youth activities, which shall be available for the period April 1, 2020 through June 30, 2021; and

(C) \$1,052,053,000 for dislocated worker employment and training activities, of which \$192,053,000 shall be available for the period July 1, 2020 through June 30, 2021, and of which \$860,000,000 shall be available for the period October 1, 2020 through June 30, 2021:

Provided, That the funds available for allotment to outlying areas to carry out subtitle B of title I of the WIOA shall not be subject to the requirements of section 127(b)(1)(B)(ii) of such Act; and

(2) for national programs, \$791,368,000 as follows:

(A) \$270,859,000 for the dislocated workers assistance national reserve, of which \$70,859,000 shall be available for the period July 1, 2020 through September 30, 2021, and of which \$200,000,000 shall be available for the period October 1, 2020 through September 30, 2021: *Provided*, That funds provided to carry out section 132(a)(2)(A) of the WIOA may be used to provide assistance to a State for statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out sections 168(b) and 169(c) of

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2020. Department of Labor Appropriations Act, 2020. Time periods.

Grants. State and local governments.

Coordination.

the WIOA may be used for technical assistance and demonstration projects, respectively, that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That notwithstanding section 168(b) of the WIOA, of the funds provided under this subparagraph, the Secretary of Labor (referred to in this title as “Secretary”) may reserve not more than 10 percent of such funds to provide technical assistance and carry out additional activities related to the transition to the WIOA: *Provided further*, That of the funds provided under this subparagraph, \$70,000,000 shall be for training and employment assistance under sections 168(b), 169(c) (notwithstanding the 10 percent limitation in such section) and 170 of the WIOA as follows:

(i) \$30,000,000 shall be for workers in the Appalachian region, as defined by 40 U.S.C. 14102(a)(1) and workers in the Lower Mississippi, as defined in section 4(2) of the Delta Development Act (Public Law 100–460, 102 Stat. 2246; 7 U.S.C. 2009aa(2));

(ii) \$40,000,000 shall be for the purpose of developing, offering, or improving educational or career training programs at community colleges, defined as public institutions of higher education, as described in section 101(a) of the Higher Education Act and at which the associate’s degree is primarily the highest degree awarded, with other eligible institutions of higher education, as defined in section 101(a) of the Higher Education Act, eligible to participate through consortia, with community colleges as the lead grantee: *Provided*, That the Secretary shall follow the requirements for the program in House Report 116–62: *Provided further*, That any grant funds used for apprenticeships shall be used to support only apprenticeship programs registered under the National Apprenticeship Act and as referred to in section 3(7)(B) of the Workforce Innovation and Opportunity Act;

Requirements.

Grants.

(B) \$55,000,000 for Native American programs under section 166 of the WIOA, which shall be available for the period July 1, 2020 through June 30, 2021;

Grants.

(C) \$91,896,000 for migrant and seasonal farmworker programs under section 167 of the WIOA, including \$85,229,000 for formula grants (of which not less than 70 percent shall be for employment and training services), \$6,122,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and \$545,000 for other discretionary purposes, which shall be available for the period April 1, 2020 through June 30, 2021: *Provided*, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) \$94,534,000 for YouthBuild activities as described in section 171 of the WIOA, which shall be available for the period April 1, 2020 through June 30, 2021;

(E) \$98,079,000 for ex-offender activities, under the authority of section 169 of the WIOA, which shall be available for the period April 1, 2020 through June 30, 2021: *Provided*, That of this amount, \$25,000,000 shall be for competitive grants to national and regional intermediaries for activities that prepare young ex-offenders and school dropouts for employment, with a priority for projects serving high-crime, high-poverty areas;

Grants.

(F) \$6,000,000 for the Workforce Data Quality Initiative, under the authority of section 169 of the WIOA, which shall be available for the period July 1, 2020 through June 30, 2021; and

(G) \$175,000,000 to expand opportunities through apprenticeships only registered under the National Apprenticeship Act and as referred to in section 3(7)(B) of the WIOA, to be available to the Secretary to carry out activities through grants, cooperative agreements, contracts and other arrangements, with States and other appropriate entities, which shall be available for the period July 1, 2020 through June 30, 2021.

JOB CORPS

(INCLUDING TRANSFER OF FUNDS)

To carry out subtitle C of title I of the WIOA, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration, and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIOA, \$1,743,655,000, plus reimbursements, as follows:

(1) \$1,603,325,000 for Job Corps Operations, which shall be available for the period July 1, 2020 through June 30, 2021;

(2) \$108,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available for the period July 1, 2020 through June 30, 2023, and which may include the acquisition, maintenance, and repair of major items of equipment: *Provided*, That the Secretary may transfer up to 15 percent of such funds to meet the operational needs of such centers or to achieve administrative efficiencies: *Provided further*, That any funds transferred pursuant to the preceding provision shall not be available for obligation after June 30, 2021: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer; and

Termination
date.

Notification.

(3) \$32,330,000 for necessary expenses of Job Corps, which shall be available for obligation for the period October 1, 2019 through September 30, 2020:

Provided, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 (referred to in this Act as “OAA”), \$405,000,000, which shall be available for the period April 1, 2020 through June 30, 2021, and may

be recaptured and reobligated in accordance with section 517(c) of the OAA.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2020 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, and including benefit payments, allowances, training, employment and case management services, and related State administration provided pursuant to section 231(a) of the Trade Adjustment Assistance Extension Act of 2011 and section 405(a) of the Trade Preferences Extension Act of 2015, \$680,000,000 together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2020: *Provided*, That notwithstanding section 502 of this Act, any part of the appropriation provided under this heading may remain available for obligation beyond the current fiscal year pursuant to the authorities of section 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$84,066,000, together with not to exceed \$3,290,583,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (“the Trust Fund”), of which:

Grants.

(1) \$2,540,816,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including not less than \$175,000,000 to carry out reemployment services and eligibility assessments under section 306 of such Act, any claimants of regular compensation, as defined in such section, including those who are profiled as most likely to exhaust their benefits, may be eligible for such services and assessments: *Provided*, That of such amount, \$117,000,000 is specified for grants under section 306 of the Social Security Act and is provided to meet the terms of section 251(b)(2)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and \$58,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(E)(i)(II) of such Act; and \$9,000,000 for continued support of the Unemployment Insurance Integrity Center of Excellence), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 231(a) of the Trade Adjustment Assistance Extension Act of 2011 and section 405(a) of the Trade Preferences Extension Act of 2015, and shall be available for obligation by the States through December 31, 2020, except that funds used for automation shall be available for Federal obligation through December 31, 2020, and for State obligation

through September 30, 2022, or, if the automation is being carried out through consortia of States, for State obligation through September 30, 2026, and for expenditure through September 30, 2027, and funds for competitive grants awarded to States for improved operations and to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews and provide reemployment services and referrals to training, as appropriate, shall be available for Federal obligation through December 31, 2020, and for obligation by the States through September 30, 2022, and funds for the Unemployment Insurance Integrity Center of Excellence shall be available for obligation by the State through September 30, 2021, and funds used for unemployment insurance workloads experienced through September 30, 2020 shall be available for Federal obligation through December 31, 2020;

(2) \$12,000,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) \$646,639,000 from the Trust Fund, together with \$21,413,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2020 through June 30, 2021;

(4) \$22,318,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act;

(5) \$68,810,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which \$54,528,000 shall be available for the Federal administration of such activities, and \$14,282,000 shall be available for grants to States for the administration of such activities; and

(6) \$62,653,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2020 through June 30, 2021:

Provided, That to the extent that the Average Weekly Insured Unemployment (“AWIU”) for fiscal year 2020 is projected by the Department of Labor to exceed 1,706,000, an additional \$28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That

Grants.

the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States to the entity operating the State Information Data Exchange System: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance, employment service, or immigration programs, may be obligated in contracts, grants, or agreements with States and non-State entities: *Provided further*, That States awarded competitive grants for improved operations under title III of the Social Security Act, or awarded grants to support the national activities of the Federal-State unemployment insurance system, may award subgrants to other States and non-State entities under such grants, subject to the conditions applicable to the grants: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the final rule entitled “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” at part 200 of title 2, Code of Federal Regulations: *Provided further*, That the Secretary, at the request of a State participating in a consortium with other States, may reallot funds allotted to such State under title III of the Social Security Act to other States participating in the consortium or to the entity operating the Unemployment Insurance Information Technology Support Center in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request: *Provided further*, That the Secretary may collect fees for the costs associated with additional data collection, analyses, and reporting services relating to the National Agricultural Workers Survey requested by State and local governments, public and private institutions of higher education, and nonprofit organizations and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, for the National Agricultural Workers Survey infrastructure, methodology, and data to meet the information collection and reporting needs of such entities, which shall be credited to this appropriation and shall remain available until September 30, 2021, for such purposes.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the revolving fund established by section 901(e) of the Social Security Act, to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the “Federal Unemployment Benefits and Allowances” account, such sums as may be necessary, which shall be available for obligation through September 30, 2021.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$108,674,000, together with not to exceed \$49,982,000 which

may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, \$181,000,000, of which up to \$3,000,000 shall be made available through September 30, 2021, for the procurement of expert witnesses for enforcement litigation.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation (“Corporation”) is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2020, for the Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2020 shall be available for obligations for administrative expenses in excess of \$452,858,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2020, an amount not to exceed an additional \$9,200,000 shall be available through September 30, 2024, for obligations for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That obligations in excess of the amounts provided for administrative expenses in this paragraph may be incurred and shall be available through September 30, 2024 for obligation for unforeseen and extraordinary pre-termination or termination expenses or extraordinary multiemployer program related expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That an additional amount shall be available for obligation through September 30, 2024 to the extent the Corporation’s costs exceed \$250,000 for the provision of credit or identity monitoring to affected individuals upon suffering a security incident or privacy breach, not to exceed an additional \$100 per affected individual.

Contracts.

Notification.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$242,000,000.

OFFICE OF LABOR-MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for the Office of Labor-Management Standards, \$43,187,000.

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Federal Contract Compliance Programs, \$105,976,000.

OFFICE OF WORKERS' COMPENSATION PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Workers' Compensation Programs, \$115,424,000, together with \$2,177,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; section 5(f) of the War Claims Act (50 U.S.C. App. 2012); obligations incurred under the War Hazards Compensation Act (42 U.S.C. 1701 et seq.); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, \$234,600,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year, for deposit into and to assume the attributes of the Employees' Compensation Fund established under 5 U.S.C. 8147(a): *Provided*, That amounts appropriated may be used under 5 U.S.C. 8104 by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2019, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2020: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration

Reimbursement.

Determination.

of the Federal Employees' Compensation Act, \$74,777,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems operations and telecommunications systems, \$24,540,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, \$22,968,000;

(3) For periodic roll disability management and medical review, \$25,535,000;

(4) For program integrity, \$1,734,000; and

(5) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, \$20,970,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2021, \$14,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$59,846,000, to remain available until expended: *Provided*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Such sums as may be necessary from the Black Lung Disability Trust Fund (the “Fund”), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code of 1986; and repayment of, and payment of interest on advances, as authorized by section 9501(d)(4) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2020 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed \$38,246,000 for transfer to the Office of Workers' Compensation Programs, “Salaries and Expenses”; not to exceed \$32,844,000 for transfer to Departmental Management, “Salaries and Expenses”; not to exceed \$330,000 for transfer to Departmental Management, “Office of

26 USC 9501
note.

Inspector General”; and not to exceed \$356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Grants.
State and local
governments.

Fees.

Farms and
farming.

Small businesses.

For necessary expenses for the Occupational Safety and Health Administration, \$581,787,000, including not to exceed \$108,575,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the “Act”), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$499,000 per fiscal year of training institute course tuition and fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2020, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (“DART”) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one

or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That \$11,537,000 shall be available for Susan Harwood training grants, of which not less than \$4,500,000 is for Susan Harwood Training Capacity Building Developmental grants, as described in Funding Opportunity Number SHTG–FY–16–02 (referenced in the notice of availability of funds published in the Federal Register on May 3, 2016 (81 Fed. Reg. 30568)) for program activities starting not later than September 30, 2020 and lasting for a period of 12 months: *Provided further*, That not less than \$3,500,000 shall be for Voluntary Protection Programs.

Grants.
Time period.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$379,816,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities and not less than \$10,537,000 for State assistance grants: *Provided*, That notwithstanding 31 U.S.C. 3302, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Mine Safety and Health Administration is authorized to collect and retain up to \$2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities: *Provided further*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further*, That the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization: *Provided further*, That any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

30 USC 966 note.

30 USC 962.

30 USC 962.

30 USC 962.

30 USC 962.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$587,000,000, together with not to exceed \$68,000,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

Within this amount, \$27,000,000 to remain available until September 30, 2024, for costs associated with the physical move of the Bureau of Labor Statistics' headquarters, including replication of space, furniture, fixtures, equipment, and related costs, as well as relocation of the data center to a shared facility.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, \$38,500,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, \$348,056,000, together with not to exceed \$308,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That \$67,325,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2020: *Provided further*, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: *Provided further*, That not more than \$53,825,000 shall be for programs to combat exploitative child labor internationally and not less than \$13,500,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: *Provided further*, That \$8,040,000 shall be used for program evaluation and shall be available for obligation through September 30, 2021: *Provided further*, That funds available for program evaluation may be used to administer grants for the purpose of evaluation: *Provided further*, That grants made for the purpose of evaluation shall be awarded through fair and open competition: *Provided further*, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: *Provided further*,

That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer: *Provided further*, That the funds available to the Women’s Bureau may be used for grants to serve and promote the interests of women in the workforce: *Provided further*, That of the amounts made available to the Women’s Bureau, not less than \$1,294,000 shall be used for grants authorized by the Women in Apprenticeship and Nontraditional Occupations Act.

Notification.

Grants.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed \$256,341,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of chapters 41, 42, and 43 of title 38, United States Code, of which:

(1) \$180,000,000 is for Jobs for Veterans State grants under 38 U.S.C. 4102A(b)(5) to support disabled veterans’ outreach program specialists under section 4103A of such title and local veterans’ employment representatives under section 4104(b) of such title, and for the expenses described in section 4102A(b)(5)(C), which shall be available for obligation by the States through December 31, 2020, and not to exceed 3 percent for the necessary Federal expenditures for data systems and contract support to allow for the tracking of participant and performance information: *Provided*, That, in addition, such funds may be used to support such specialists and representatives in the provision of services to transitioning members of the Armed Forces who have participated in the Transition Assistance Program and have been identified as in need of intensive services, to members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units, and to the spouses or other family caregivers of such wounded, ill, or injured members;

Grants.

(2) \$29,379,000 is for carrying out the Transition Assistance Program under 38 U.S.C. 4113 and 10 U.S.C. 1144;

(3) \$43,548,000 is for Federal administration of chapters 41, 42, and 43 of title 38, and sections 2021, 2021A and 2023 of title 38, United States Code: *Provided*, That, up to \$500,000 may be used to carry out the Hire VETS Act (division O of Public Law 115–31); and

(4) \$3,414,000 is for the National Veterans’ Employment and Training Services Institute under 38 U.S.C. 4109:

Provided, That the Secretary may reallocate among the appropriations provided under paragraphs (1) through (4) above an amount not to exceed 3 percent of the appropriation from which such reallocation is made.

In addition, from the General Fund of the Treasury, \$55,000,000 is for carrying out programs to assist homeless veterans and veterans at risk of homelessness who are transitioning from certain institutions under sections 2021, 2021A, and 2023 of title 38, United States Code: *Provided*, That notwithstanding subsections (c)(3) and (d) of section 2023, the Secretary may award grants through September 30, 2020, to provide services under such section: *Provided further*, That services provided under sections 2021 or under 2021A may include, in addition to services to homeless veterans described in section 2002(a)(1), services to veterans who were

Time periods.

homeless at some point within the 60 days prior to program entry or veterans who are at risk of homelessness within the next 60 days, and that services provided under section 2023 may include, in addition to services to the individuals described in subsection (e) of such section, services to veterans recently released from incarceration who are at risk of homelessness: *Provided further*, That notwithstanding paragraph (3) under this heading, funds appropriated in this paragraph may be used for data systems and contract support to allow for the tracking of participant and performance information: *Provided further*, That notwithstanding sections 2021(e)(2) and 2021A(f)(2) of title 38, United States Code, such funds shall be available for expenditure pursuant to 31 U.S.C. 1553.

Fees.

In addition, fees may be assessed and deposited in the HIRE Vets Medallion Award Fund pursuant to section 5(b) of the HIRE Vets Act, and such amounts shall be available to the Secretary to carry out the HIRE Vets Medallion Award Program, as authorized by such Act, and shall remain available until expended: *Provided*, That such sums shall be in addition to any other funds available for such purposes, including funds available under paragraph (3) of this heading: *Provided further*, That section 2(d) of division O of the Consolidated Appropriations Act, 2017 (Public Law 115–31; 38 U.S.C. 4100 note) shall not apply.

IT MODERNIZATION

For necessary expenses for Department of Labor centralized infrastructure technology investment activities related to support systems and modernization, \$25,269,000, which shall be available through September 30, 2021.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$85,187,000, together with not to exceed \$5,660,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated by this Act for the Job Corps shall be used to pay the salary and bonuses of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of

Notification.

the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act. Child labor.

SEC. 104. Except as otherwise provided in this section, none of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916a) may be used for any purpose other than competitive grants for training individuals who are older than 16 years of age and are not currently enrolled in school within a local educational agency in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training.

SEC. 105. None of the funds made available by this Act under the heading “Employment and Training Administration” shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

(TRANSFER OF FUNDS)

SEC. 106. (a) Notwithstanding section 102, the Secretary may transfer funds made available to the Employment and Training Administration by this Act, either directly or through a set-aside, for technical assistance services to grantees to “Program Administration” when it is determined that those services will be more efficiently performed by Federal employees: *Provided*, That this section shall not apply to section 171 of the WIOA.

(b) Notwithstanding section 102, the Secretary may transfer not more than 0.5 percent of each discretionary appropriation made available to the Employment and Training Administration by this Act to “Program Administration” in order to carry out program integrity activities relating to any of the programs or activities that are funded under any such discretionary appropriations: *Provided*, That notwithstanding section 102 and the preceding proviso, the Secretary may transfer not more than 0.5 percent of funds made available in paragraphs (1) and (2) of the “Office of Job Corps” account to paragraph (3) of such account to carry out program integrity activities related to the Job Corps program: *Provided further*, That funds transferred under the authority provided by

this subsection shall be available for obligation through September 30, 2021.

(TRANSFER OF FUNDS)

Evaluations.	SEC. 107. (a) The Secretary may reserve not more than 0.75 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out evaluations of any of the programs or activities that are funded under such accounts. Any funds reserved under this section shall be transferred to “Departmental Management” for use by the Office of the Chief Evaluation Officer within the Department of Labor, and shall be available for obligation through September 30, 2021: <i>Provided</i> , That such funds shall only be available if the Chief Evaluation Officer of the Department of Labor submits a plan to the Committees on Appropriations of the House of Representatives and the Senate describing the evaluations to be carried out 15 days in advance of any transfer.
Plan.	(b) The accounts referred to in subsection (a) are: “Training and Employment Services”, “Job Corps”, “Community Service Employment for Older Americans”, “State Unemployment Insurance and Employment Service Operations”, “Employee Benefits Security Administration”, “Office of Workers’ Compensation Programs”, “Wage and Hour Division”, “Office of Federal Contract Compliance Programs”, “Office of Labor Management Standards”, “Occupational Safety and Health Administration”, “Mine Safety and Health Administration”, “Office of Disability Employment Policy”, funding made available to the “Bureau of International Labor Affairs” and “Women’s Bureau” within the “Departmental Management, Salaries and Expenses” account, and “Veterans Employment and Training”.
Applicability.	SEC. 108. (a) Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall be applied as if the following text is part of such section:
Time period.	“(s)(1) The provisions of this section shall not apply for a period of 2 years after the occurrence of a major disaster to any employee— “(A) employed to adjust or evaluate claims resulting from or relating to such major disaster, by an employer not engaged, directly or through an affiliate, in underwriting, selling, or marketing property, casualty, or liability insurance policies or contracts; “(B) who receives from such employer on average weekly compensation of not less than \$591.00 per week or any minimum weekly amount established by the Secretary, whichever is greater, for the number of weeks such employee is engaged in any of the activities described in subparagraph (C); and “(C) whose duties include any of the following: “(i) interviewing insured individuals, individuals who suffered injuries or other damages or losses arising from or relating to a disaster, witnesses, or physicians; “(ii) inspecting property damage or reviewing factual information to prepare damage estimates; “(iii) evaluating and making recommendations regarding coverage or compensability of claims or determining liability or value aspects of claims; “(iv) negotiating settlements; or “(v) making recommendations regarding litigation.

“(2) The exemption in this subsection shall not affect the exemption provided by section 13(a)(1).

“(3) For purposes of this subsection—

Definitions.

“(A) the term ‘major disaster’ means any disaster or catastrophe declared or designated by any State or Federal agency or department;

“(B) the term ‘employee employed to adjust or evaluate claims resulting from or relating to such major disaster’ means an individual who timely secured or secures a license required by applicable law to engage in and perform the activities described in clauses (i) through (v) of paragraph (1)(C) relating to a major disaster, and is employed by an employer that maintains worker compensation insurance coverage or protection for its employees, if required by applicable law, and withholds applicable Federal, State, and local income and payroll taxes from the wages, salaries and any benefits of such employees; and

“(C) the term ‘affiliate’ means a company that, by reason of ownership or control of 25 percent or more of the outstanding shares of any class of voting securities of one or more companies, directly or indirectly, controls, is controlled by, or is under common control with, another company.”

(b) This section shall be effective on the date of enactment of this Act.

Effective date.

SEC. 109. (a) FLEXIBILITY WITH RESPECT TO THE CROSSING OF H–2B NONIMMIGRANTS WORKING IN THE SEAFOOD INDUSTRY.—

(1) IN GENERAL.—Subject to paragraph (2), if a petition for H–2B nonimmigrants filed by an employer in the seafood industry is granted, the employer may bring the nonimmigrants described in the petition into the United States at any time during the 120-day period beginning on the start date for which the employer is seeking the services of the nonimmigrants without filing another petition.

Time period.
Effective date.

(2) REQUIREMENTS FOR CROSSINGS AFTER 90TH DAY.—An employer in the seafood industry may not bring H–2B nonimmigrants into the United States after the date that is 90 days after the start date for which the employer is seeking the services of the nonimmigrants unless the employer—

Time period.

(A) completes a new assessment of the local labor market by—

Assessment.

(i) listing job orders in local newspapers on 2 separate Sundays; and

(ii) posting the job opportunity on the appropriate Department of Labor Electronic Job Registry and at the employer’s place of employment; and

(B) offers the job to an equally or better qualified United States worker who—

(i) applies for the job; and

(ii) will be available at the time and place of need.

(3) EXEMPTION FROM RULES WITH RESPECT TO STAGGERING.—The Secretary of Labor shall not consider an employer in the seafood industry who brings H–2B nonimmigrants into the United States during the 120-day period specified in paragraph (1) to be staggering the date of need in violation of section 655.20(d) of title 20, Code of Federal Regulations, or any other applicable provision of law.

(b) H-2B NONIMMIGRANTS DEFINED.—In this section, the term “H-2B nonimmigrants” means aliens admitted to the United States pursuant to section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

Determinations.
Wages.

SEC. 110. The determination of prevailing wage for the purposes of the H-2B program shall be the greater of—(1) the actual wage level paid by the employer to other employees with similar experience and qualifications for such position in the same location; or (2) the prevailing wage level for the occupational classification of the position in the geographic area in which the H-2B nonimmigrant will be employed, based on the best information available at the time of filing the petition. In the determination of prevailing wage for the purposes of the H-2B program, the Secretary shall accept private wage surveys even in instances where Occupational Employment Statistics survey data are available unless the Secretary determines that the methodology and data in the provided survey are not statistically supported.

Surveys.

SEC. 111. None of the funds in this Act shall be used to enforce the definition of corresponding employment found in 20 CFR 655.5 or the three-fourths guarantee rule definition found in 20 CFR 655.20, or any references thereto. Further, for the purpose of regulating admission of temporary workers under the H-2B program, the definition of temporary need shall be that provided in 8 CFR 214.2(h)(6)(ii)(B).

SEC. 112. Notwithstanding any other provision of law, the Secretary may furnish through grants, cooperative agreements, contracts, and other arrangements, up to \$2,000,000 of excess personal property, at a value determined by the Secretary, to apprenticeship programs for the purpose of training apprentices in those programs.

Applicability.

SEC. 113. (a) The Act entitled “An Act to create a Department of Labor”, approved March 4, 1913 (37 Stat. 736, chapter 141) shall be applied as if the following text is part of such Act:

“SEC. 12. SECURITY DETAIL.

“(a) IN GENERAL.—The Secretary of Labor is authorized to employ law enforcement officers or special agents to—

“(1) provide protection for the Secretary of Labor during the workday of the Secretary and during any activity that is preliminary or postliminary to the performance of official duties by the Secretary;

“(2) provide protection, incidental to the protection provided to the Secretary, to a member of the immediate family of the Secretary who is participating in an activity or event relating to the official duties of the Secretary;

Guidelines.

“(3) provide continuous protection to the Secretary (including during periods not described in paragraph (1)) and to the members of the immediate family of the Secretary if there is a unique and articulable threat of physical harm, in accordance with guidelines established by the Secretary; and

Guidelines.

“(4) provide protection to the Deputy Secretary of Labor or another senior officer representing the Secretary of Labor at a public event if there is a unique and articulable threat of physical harm, in accordance with guidelines established by the Secretary.

“(b) AUTHORITIES.—The Secretary of Labor may authorize a law enforcement officer or special agent employed under subsection

(a), for the purpose of performing the duties authorized under subsection (a), to—

“(1) carry firearms;

“(2) make arrests without a warrant for any offense against the United States committed in the presence of such officer or special agent;

“(3) perform protective intelligence work, including identifying and mitigating potential threats and conducting advance work to review security matters relating to sites and events;

“(4) coordinate with local law enforcement agencies; and

“(5) initiate criminal and other investigations into potential threats to the security of the Secretary, in coordination with the Inspector General of the Department of Labor.

“(c) COMPLIANCE WITH GUIDELINES.—A law enforcement officer or special agent employed under subsection (a) shall exercise any authority provided under this section in accordance with any—

“(1) guidelines issued by the Attorney General; and

“(2) guidelines prescribed by the Secretary of Labor.”.

(b) This section shall be effective on the date of enactment of this Act. Effective date.

SEC. 114. The Secretary is authorized to dispose of or divest, by any means the Secretary determines appropriate, including an agreement or partnership to construct a new Job Corps center, all or a portion of the real property on which the Treasure Island Job Corps Center is situated. Any sale or other disposition will not be subject to any requirement of any Federal law or regulation relating to the disposition of Federal real property, including but not limited to subchapter III of chapter 5 of title 40 of the United States Code and subchapter V of chapter 119 of title 42 of the United States Code. The net proceeds of such a sale shall be transferred to the Secretary, which shall be available until expended to carry out the Job Corps Program on Treasure Island.

(RESCISSION)

SEC. 115. Of the unobligated funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)), \$150,000,000 are hereby rescinded.

SEC. 116. Funds made available in prior Acts under the heading “Department of Labor—Employment and Training Administration—State Unemployment Insurance and Employment Service Operations” for fiscal years 2015 through 2019 for automation acquisitions that are being carried out through consortia of States shall be available for expenditure for 6 fiscal years after the final fiscal year that such funds are available to incur new obligations. Time periods.

SEC. 117. None of the funds made available by this Act may be used to—

(1) alter or terminate the Interagency Agreement between the United States Department of Labor and the United States Department of Agriculture; or

(2) close any of the Civilian Conservation Centers, except if such closure is necessary to prevent the endangerment of the health and safety of the students, the capacity of the program is retained, and the requirements of section 159(j) of the Workforce Innovation and Opportunity Act are met.

This title may be cited as the “Department of Labor Appropriations Act, 2020”.

Department of
Health and
Human Services
Appropriations
Act, 2020.

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PRIMARY HEALTH CARE

For carrying out titles II and III of the Public Health Service Act (referred to in this Act as the “PHS Act”) with respect to primary health care and the Native Hawaiian Health Care Act of 1988, \$1,626,522,000: *Provided*, That no more than \$1,000,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act: *Provided further*, That no more than \$120,000,000 shall be available until expended for carrying out subsections (g) through (n) and (q) of section 224 of the PHS Act, and for expenses incurred by the Department of Health and Human Services (referred to in this Act as “HHS”) pertaining to administrative claims made under such law.

HEALTH WORKFORCE

Waiver authority.
42 USC 294a
note.

For carrying out titles III, VII, and VIII of the PHS Act with respect to the health workforce, sections 1128E and 1921 of the Social Security Act, and the Health Care Quality Improvement Act of 1986, \$1,194,506,000, of which \$138,916,000 shall remain available through September 30, 2021 to carry out sections 750, 755, 756, 760, 781, and 791 of the PHS Act: *Provided*, That sections 751(j)(2) and 762(k) of the PHS Act and the proportional funding amounts in paragraphs (1) through (4) of section 756(f) of the PHS Act shall not apply to funds made available under this heading: *Provided further*, That for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of Health and Human Services (referred to in this title as the “Secretary”) may hereafter waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act for the full project period of a grant under such section: *Provided further*, That no funds shall be available for section 340G–1 of the PHS Act: *Provided further*, That fees collected for the disclosure of information under section 427(b) of the Health Care Quality Improvement Act of 1986 and sections 1128E(d)(2) and 1921 of the Social Security Act shall be sufficient to recover the full costs of operating the programs authorized by such sections and shall remain available until expended for the National Practitioner Data Bank: *Provided further*, That funds transferred to this account to carry out section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under such section and subpart: *Provided further*, That \$120,000,000 shall remain available until expended for the purposes of providing primary health services, assigning National Health Service Corps (“NHSC”) members to expand the delivery of substance use disorder treatment services, notwithstanding the assignment priorities and limitations under sections 333(a)(1)(D), 333(b), and 333A(a)(1)(B)(ii) of the PHS Act, and making payments under the NHSC Loan Repayment Program under section 338B of such Act: *Provided further*, That, within the amount made available in the previous proviso, \$15,000,000 shall remain available until expended for the purposes of making payments under the

NHSC Loan Repayment Program under section 338B of the PHS Act to individuals participating in such program who provide primary health services in Indian Health Service facilities, Tribally-Operated 638 Health Programs, and Urban Indian Health Programs (as those terms are defined by the Secretary), notwithstanding the assignment priorities and limitations under section 333(b) of such Act: *Provided further*, That for purposes of the previous two provisos, section 331(a)(3)(D) of the PHS Act shall be applied as if the term “primary health services” includes clinical substance use disorder treatment services, including those provided by masters level, licensed substance use disorder treatment counselors: *Provided further*, That of the funds made available under this heading, \$5,000,000 shall be available to make grants to establish or expand optional community-based nurse practitioner fellowship programs that are accredited or in the accreditation process, with a preference for those in Federally Qualified Health Centers, for practicing post-graduate nurse practitioners in primary care or behavioral health.

Applicability.
Definition.

Grants.

Of the funds made available under this heading, \$50,000,000 shall remain available until expended for grants to public institutions of higher education to expand or support graduate education for physicians provided by such institutions: *Provided*, That, in awarding such grants, the Secretary shall give priority to public institutions of higher education located in States with a projected primary care provider shortage in 2025, as determined by the Secretary: *Provided further*, That grants so awarded are limited to such public institutions of higher education in States in the top quintile of States with a projected primary care provider shortage in 2025, as determined by the Secretary: *Provided further*, That the minimum amount of a grant so awarded to such an institution shall be not less than \$1,000,000 per year: *Provided further*, That such a grant may be awarded for a period not to exceed 5 years: *Provided further*, That such a grant awarded with respect to a year to such an institution shall be subject to a matching requirement of non-Federal funds in an amount that is not less than 10 percent of the total amount of Federal funds provided in the grant to such institution with respect to such year.

Grants.

Determination.

Determination.

Time period.

MATERNAL AND CHILD HEALTH

For carrying out titles III, XI, XII, and XIX of the PHS Act with respect to maternal and child health and title V of the Social Security Act, \$943,784,000: *Provided*, That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not more than \$119,116,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and \$10,276,000 shall be available for projects described in subparagraphs (A) through (F) of section 501(a)(3) of such Act.

RYAN WHITE HIV/AIDS PROGRAM

For carrying out title XXVI of the PHS Act with respect to the Ryan White HIV/AIDS program, \$2,388,781,000, of which \$1,970,881,000 shall remain available to the Secretary through September 30, 2022, for parts A and B of title XXVI of the PHS Act, and of which not less than \$900,313,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of such Act; and of which \$70,000,000, to remain

available until expended, shall be available to the Secretary for carrying out a program of grants and contracts under title XXVI or section 311(c) of such Act focused on ending the nationwide HIV/AIDS epidemic, with any grants issued under such section 311(c) administered in conjunction with title XXVI of the PHS Act, including the limitation on administrative expenses.

HEALTH CARE SYSTEMS

For carrying out titles III and XII of the PHS Act with respect to health care systems, and the Stem Cell Therapeutic and Research Act of 2005, \$123,593,000, of which \$122,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen’s Disease Center.

RURAL HEALTH

Grants.

For carrying out titles III and IV of the PHS Act with respect to rural health, section 427(a) of the Federal Coal Mine Health and Safety Act of 1969, and sections 711 and 1820 of the Social Security Act, \$318,294,000, of which \$53,609,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program: *Provided*, That of the funds made available under this heading for Medicare rural hospital flexibility grants, \$19,942,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology and up to \$1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act, with funds provided for grants under section 1820(g)(6) available for the purchase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs electronic health record system: *Provided further*, That notwithstanding section 338J(k) of the PHS Act, \$12,500,000 shall be available for State Offices of Rural Health: *Provided further*, That \$10,000,000 shall remain available through September 30, 2022, to support the Rural Residency Development Program: *Provided further*, That \$110,000,000 shall be for the Rural Communities Opioids Response Program.

FAMILY PLANNING

Abortions.

For carrying out the program under title X of the PHS Act to provide for voluntary family planning projects, \$286,479,000: *Provided*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office.

PROGRAM MANAGEMENT

For program support in the Health Resources and Services Administration, \$155,300,000: *Provided*, That funds made available under this heading may be used to supplement program support funding provided under the headings “Primary Health Care”,

“Health Workforce”, “Maternal and Child Health”, “Ryan White HIV/AIDS Program”, “Health Care Systems”, and “Rural Health”.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (the “Trust Fund”), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed \$10,200,000 shall be available from the Trust Fund to the Secretary.

CENTERS FOR DISEASE CONTROL AND PREVENTION

IMMUNIZATION AND RESPIRATORY DISEASES

For carrying out titles II, III, XVII, and XXI, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, \$433,105,000.

HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED DISEASES, AND
TUBERCULOSIS PREVENTION

For carrying out titles II, III, XVII, and XXIII of the PHS Act with respect to HIV/AIDS, viral hepatitis, sexually transmitted diseases, and tuberculosis prevention, \$1,273,556,000.

EMERGING AND ZOO NOTIC INFECTIOUS DISEASES

For carrying out titles II, III, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to emerging and zoonotic infectious diseases, \$570,372,000.

CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, XI, XV, XVII, and XIX of the PHS Act with respect to chronic disease prevention and health promotion, \$984,964,000: *Provided*, That funds made available under this heading may be available for making grants under section 1509 of the PHS Act for not less than 21 States, tribes, or tribal organizations: *Provided further*, That of the funds made available under this heading, \$15,000,000 shall be available to continue and expand community specific extension and outreach programs to combat obesity in counties with the highest levels of obesity: *Provided further*, That the proportional funding requirements under section 1503(a) of the PHS Act shall not apply to funds made available under this heading.

BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITIES AND
HEALTH

For carrying out titles II, III, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, disabilities and health, \$160,810,000.

PUBLIC HEALTH SCIENTIFIC SERVICES

For carrying out titles II, III, and XVII of the PHS Act with respect to health statistics, surveillance, health informatics, and workforce development, \$555,497,000.

ENVIRONMENTAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to environmental health, \$196,850,000.

INJURY PREVENTION AND CONTROL

For carrying out titles II, III, and XVII of the PHS Act with respect to injury prevention and control, \$677,379,000.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

For carrying out titles II, III, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act, section 13 of the Mine Improvement and New Emergency Response Act, and sections 20, 21, and 22 of the Occupational Safety and Health Act, with respect to occupational safety and health, \$342,800,000.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION
PROGRAM

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$55,358,000, to remain available until expended: *Provided*, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106–554.

GLOBAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to global health, \$570,843,000, of which: (1) \$128,421,000 shall remain available through September 30, 2021 for international HIV/AIDS; and (2) \$173,400,000 shall remain available through September 30, 2022 for global disease detection and emergency response: *Provided*, That funds may be used for purchase and insurance of official motor vehicles in foreign countries.

PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, and XVII of the PHS Act with respect to public health preparedness and response, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian

populations, \$850,200,000: *Provided*, That the Director of the Centers for Disease Control and Prevention (referred to in this title as “CDC”) or the Administrator of the Agency for Toxic Substances and Disease Registry may detail staff without reimbursement for up to 180 days to support an activation of the CDC Emergency Operations Center, so long as the Director or Administrator, as applicable, provides a notice to the Committees on Appropriations of the House of Representatives and the Senate within 15 days of the use of this authority and a full report within 30 days after use of this authority which includes the number of staff and funding level broken down by the originating center and number of days detailed: *Provided further*, That funds appropriated under this heading may be used to support a contract for the operation and maintenance of an aircraft in direct support of activities throughout CDC to ensure the agency is prepared to address public health preparedness emergencies.

Time period.
Notice.
Deadlines.
Reports.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For acquisition of real property, equipment, construction, installation, demolition, and renovation of facilities, \$25,000,000, which shall remain available until September 30, 2024: *Provided*, That funds made available to this account in this or any prior Act that are available for the acquisition of real property or for construction or improvement of facilities shall be available to make improvements on non-federally owned property, provided that any improvements that are not adjacent to federally owned property do not exceed \$2,500,000, and that the primary benefit of such improvements accrues to CDC: *Provided further*, That funds previously set-aside by CDC for repair and upgrade of the Lake Lynn Experimental Mine and Laboratory shall be used to acquire a replacement mine safety research facility: *Provided further*, That in addition, the prior year unobligated balance of any amounts assigned to former employees in accounts of CDC made available for Individual Learning Accounts shall be credited to and merged with the amounts made available under this heading to support the replacement of the mine safety research facility.

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For carrying out titles II, III, XVII and XIX, and section 2821 of the PHS Act and for cross-cutting activities and program support for activities funded in other appropriations included in this Act for the Centers for Disease Control and Prevention, \$198,570,000, of which up to \$5,000,000 may be transferred to the reserve of the Working Capital Fund authorized under this heading in division F of Public Law 112–74: *Provided*, That paragraphs (1) through (3) of subsection (b) of section 2821 of the PHS Act shall not apply to funds appropriated under this heading and in all other accounts of the CDC: *Provided further*, That employees of CDC or the Public Health Service, both civilian and commissioned officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes

only and shall not be included within any personnel ceiling applicable to the Agency, Service, or HHS during the period of detail or assignment: *Provided further*, That CDC may use up to \$10,000 from amounts appropriated to CDC in this Act for official reception and representation expenses when specifically approved by the Director of CDC: *Provided further*, That in addition, such sums as may be derived from authorized user fees, which shall be credited to the appropriation charged with the cost thereof: *Provided further*, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program and the Respirator Certification Program shall be available through September 30, 2021.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cancer, \$6,245,442,000, of which up to \$30,000,000 may be used for facilities repairs and improvements at the National Cancer Institute—Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$3,624,258,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to dental and craniofacial diseases, \$477,429,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney disease, \$2,114,314,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, \$2,374,687,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases, \$5,885,470,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to general medical sciences, \$2,937,218,000, of which \$1,230,821,000 shall be from funds available under section 241 of the PHS Act: *Provided*, That not less than \$386,573,000 is provided for the Institutional Development Awards program.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH
AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the PHS Act with respect to child health and human development, \$1,556,879,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, \$824,090,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, \$802,598,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the PHS Act with respect to aging, \$3,543,673,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN
DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to arthritis and musculoskeletal and skin diseases, \$624,889,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION
DISORDERS

For carrying out section 301 and title IV of the PHS Act with respect to deafness and other communication disorders, \$490,692,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to nursing research, \$169,113,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the PHS Act with respect to alcohol abuse and alcoholism, \$545,373,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the PHS Act with respect to drug abuse, \$1,462,016,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to mental health, \$1,968,374,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to human genome research, \$606,349,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the PHS Act with respect to biomedical imaging and bioengineering research, \$403,638,000.

NATIONAL CENTER FOR COMPLEMENTARY AND INTEGRATIVE HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to complementary and integrative health, \$151,740,000.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, \$335,812,000: *Provided*, That funds may be used to implement a reorganization that is presented to an advisory council in a public meeting and for which the Committees on Appropriations of the House of Representatives and the Senate have been notified 30 days in advance.

Public
information.
Notification.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the PHS Act), \$80,760,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, \$456,911,000: *Provided*, That of the amounts available for improvement of information systems, \$4,000,000 shall be available until September 30, 2021: *Provided further*, That in fiscal year 2020, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health (referred to in this title as “NIH”).

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to translational sciences, \$832,888,000: *Provided*, That up to \$60,000,000 shall be available to implement section 480 of the PHS Act, relating to the Cures Acceleration Network: *Provided further*, That at least \$578,141,000 is provided to the Clinical and Translational Sciences Awards program.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, NIH, \$2,239,787,000: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided*

further, That \$180,000,000 shall be for the Environmental Influences on Child Health Outcomes study: *Provided further*, That \$626,511,000 shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: *Provided further*, That of the funds provided, \$10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: *Provided further*, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to \$8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act: *Provided further*, That \$50,000,000 shall be used to carry out section 404I of the PHS Act (42 U.S.C. 283K), relating to biomedical and behavioral research facilities: *Provided further*, That \$5,000,000 shall be transferred to and merged with the appropriation for the “Office of Inspector General” for oversight of grant programs and operations of the NIH, including agency efforts to ensure the integrity of its grant application evaluation and selection processes, and shall be in addition to funds otherwise made available for oversight of the NIH: *Provided further*, That the funds provided in the previous proviso may be transferred from one specified activity to another with 15 days prior approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Inspector General shall consult with the Committees on Appropriations of the House of Representatives and the Senate before submitting to the Committees an audit plan for fiscal years 2020 and 2021 no later than 30 days after the date of enactment of this Act: *Provided further*, That amounts available under this heading are also available to establish, operate, and support the Research Policy Board authorized by section 2034(f) of the 21st Century Cures Act.

Time period.

Consultation.
Audit plan.
Deadline.

In addition to other funds appropriated for the Common Fund established under section 402A(c) of the PHS Act, \$12,600,000 is appropriated to the Common Fund from the 10-year Pediatric Research Initiative Fund described in section 9008 of title 26, United States Code, for the purpose of carrying out section 402(b)(7)(B)(ii) of the PHS Act (relating to pediatric research), as authorized in the Gabriella Miller Kids First Research Act.

BUILDINGS AND FACILITIES

For the study of, construction of, demolition of, renovation of, and acquisition of equipment for, facilities of or used by NIH, including the acquisition of real property, \$200,000,000, to remain available through September 30, 2024.

NIH INNOVATION ACCOUNT, CURES ACT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes described in section 1001(b)(4) of the 21st Century Cures Act, in addition to amounts available for such purposes in the appropriations provided to the NIH in this Act, \$492,000,000, to remain available until expended: *Provided*, That such amounts are appropriated pursuant to section 1001(b)(3) of such Act, are to be derived from amounts transferred under section 1001(b)(2)(A) of such Act, and may be transferred by the Director of the National Institutes of Health to other accounts of the National Institutes of Health solely

Determination. for the purposes provided in such Act: *Provided further*, That upon a determination by the Director that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the Account: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided by law.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

MENTAL HEALTH

For carrying out titles III, V, and XIX of the PHS Act with respect to mental health, and the Protection and Advocacy for Individuals with Mental Illness Act, \$1,644,974,000: *Provided*, That of the funds made available under this heading, \$68,887,000 shall be for the National Child Traumatic Stress Initiative: *Provided further*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A shall be available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, \$21,039,000 shall be available under section 241 of the PHS Act to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX: *Provided further*, That up to 10 percent of the amounts made available to carry out the Children’s Mental Health Services program may be used to carry out demonstration grants or contracts for early interventions with persons not more than 25 years of age at clinical high risk of developing a first episode of psychosis: *Provided further*, That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated in this Act for fiscal year 2020: *Provided further*, That States shall expend at least 10 percent of the amount each receives for carrying out section 1911 of the PHS Act to support evidence-based programs that address the needs of individuals with early serious mental illness, including psychotic disorders, regardless of the age of the individual at onset: *Provided further*, That \$200,000,000 shall be available until September 30, 2022 for grants to communities and community organizations who meet criteria for Certified Community Behavioral Health Clinics pursuant to section 223(a) of Public Law 113–93: *Provided further*, That none of the funds provided for section 1911 of the PHS Act shall be subject to section 241 of such Act: *Provided further*, That of the funds made available under this heading, \$19,000,000 shall be to carry out section 224 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93; 42 U.S.C. 290aa 22 note).

SUBSTANCE ABUSE TREATMENT

For carrying out titles III and V of the PHS Act with respect to substance abuse treatment and title XIX of such Act with respect to substance abuse treatment and prevention, and the SUPPORT for Patients and Communities Act, \$3,756,556,000: *Provided*, That \$1,500,000,000 shall be for State Opioid Response Grants for carrying out activities pertaining to opioids and stimulants undertaken by the State agency responsible for administering the substance abuse prevention and treatment block grant under subpart II of

part B of title XIX of the PHS Act (42 U.S.C. 300x–21 et seq.): *Provided further*, That of such amount \$50,000,000 shall be made available to Indian Tribes or tribal organizations: *Provided further*, That 15 percent of the remaining amount shall be for the States with the highest mortality rate related to opioid use disorders: *Provided further*, That of the amounts provided for State Opioid Response Grants not more than 2 percent shall be available for Federal administrative expenses, training, technical assistance, and evaluation: *Provided further*, That of the amount not reserved by the previous three provisos, the Secretary shall make allocations to States, territories, and the District of Columbia according to a formula using national survey results that the Secretary determines are the most objective and reliable measure of drug use and drug-related deaths: *Provided further*, That the Secretary shall submit the formula methodology to the Committees on Appropriations of the House of Representatives and the Senate not less than 15 days prior to publishing a Funding Opportunity Announcement: *Provided further*, That prevention and treatment activities funded through such grants may include education, treatment (including the provision of medication), behavioral health services for individuals in treatment programs, referral to treatment services, recovery support, and medical screening associated with such treatment: *Provided further*, That each State, as well as the District of Columbia, shall receive not less than \$4,000,000: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) \$79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; and (2) \$2,000,000 to evaluate substance abuse treatment programs: *Provided further*, That none of the funds provided for section 1921 of the PHS Act or State Opioid Response Grants shall be subject to section 241 of such Act.

Determination.

Time period.

SUBSTANCE ABUSE PREVENTION

For carrying out titles III and V of the PHS Act with respect to substance abuse prevention, \$206,469,000.

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support and cross-cutting activities that supplement activities funded under the headings “Mental Health”, “Substance Abuse Treatment”, and “Substance Abuse Prevention” in carrying out titles III, V, and XIX of the PHS Act and the Protection and Advocacy for Individuals with Mental Illness Act in the Substance Abuse and Mental Health Services Administration, \$128,830,000: *Provided*, That in addition to amounts provided herein, \$31,428,000 shall be available under section 241 of the PHS Act to supplement funds available to carry out national surveys on drug abuse and mental health, to collect and analyze program data, and to conduct public awareness and technical assistance activities: *Provided further*, That, in addition, fees may be collected for the costs of publications, data, data tabulations, and data analysis completed under title V of the PHS Act and provided to a public or private entity upon request, which shall be credited to

Fees.

this appropriation and shall remain available until expended for such purposes: *Provided further*, That amounts made available in this Act for carrying out section 501(o) of the PHS Act shall remain available through September 30, 2021: *Provided further*, That funds made available under this heading may be used to supplement program support funding provided under the headings “Mental Health”, “Substance Abuse Treatment”, and “Substance Abuse Prevention”.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the PHS Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, \$338,000,000: *Provided*, That section 947(c) of the PHS Act shall not apply in fiscal year 2020: *Provided further*, That in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until September 30, 2021.

CENTERS FOR MEDICARE & MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$273,188,478,000, to remain available until expended.

For making, after May 31, 2020, payments to States under title XIX or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the last quarter of fiscal year 2020 for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2021, \$139,903,075,000, to remain available until expended.

Payment under such title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO THE HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d)(3) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$410,796,100,000.

In addition, for making matching payments under section 1844 and benefit payments under section 1860D–16 of the Social Security Act that were not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the PHS Act, the Clinical Laboratory Improvement Amendments of 1988, and other responsibilities of the Centers for Medicare & Medicaid Services, not to exceed \$3,669,744,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 1893(h) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That the Secretary is directed to collect fees in fiscal year 2020 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That amounts available under this heading to support quality improvement organizations (as defined in section 1152 of the Social Security Act) shall not exceed the amount specifically provided for such purpose under this heading in division H of the Consolidated Appropriations Act, 2018 (Public Law 115–141).

Fees.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, \$786,000,000, to remain available through September 30, 2021, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which \$610,000,000 shall be for the Centers for Medicare & Medicaid Services program integrity activities, of which \$93,000,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act, and of which \$83,000,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: *Provided*, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2020 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation: *Provided further*, That of the amount provided under this heading, \$311,000,000 is provided to meet the terms of section 251(b)(2)(C)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and \$475,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(C) of such Act: *Provided further*, That the Secretary shall provide not less than \$18,000,000 for the Senior Medicare Patrol program to combat health care fraud and abuse from the funds provided to this account.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND
FAMILY SUPPORT PROGRAMS

For carrying out, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, \$2,890,000,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2021, \$1,400,000,000, to remain available until expended.

For carrying out, after May 31 of the current fiscal year, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b) and (d) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), \$3,740,304,000: *Provided*, That notwithstanding section 2609A(a) of such Act, not more than \$2,988,000 may be reserved by the Secretary of Health and Human Services for technical assistance, training, and monitoring of program activities for compliance with internal controls, policies and procedures and the Secretary may, in addition to the authorities provided in section 2609A(a)(1), use such funds through contracts with private entities that do not qualify as nonprofit organizations: *Provided further*, That all but \$753,000,000 of the amount appropriated under this heading shall be allocated as though the total appropriation for such payments for fiscal year 2020 was less than \$1,975,000,000: *Provided further*, That, after applying all applicable provisions of section 2604 of such Act and the previous proviso, each State or territory that would otherwise receive an allocation that is less than 97 percent of the amount that it received under this heading for fiscal year 2019 from amounts appropriated in Public Law 115–245 shall have its allocation increased to that 97 percent level, with the portions of other States’ and territories’ allocations that would exceed 100 percent of the amounts they respectively received in such fashion for fiscal year 2019 being ratably reduced.

REFUGEE AND ENTRANT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, and for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, the Trafficking Victims Protection Act of 2000 (“TVPA”), and the Torture Victims Relief Act of 1998, \$1,908,201,000, of which \$1,864,446,000 shall remain available through September 30, 2022 for carrying out such sections 414, 501, 462, and 235: *Provided*, That amounts available under this heading to carry out the TVPA shall also be available for research and evaluation with respect to activities under such Act: *Provided further*, That not less than \$160,000,000

shall be used for legal services, child advocates, and post-release services: *Provided further*, That the limitation in section 205 of this Act regarding transfers increasing any appropriation shall apply to transfers to appropriations under this heading by substituting “15 percent” for “3 percent”.

Applicability.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT
BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990 (“CCDBG Act”), \$5,826,000,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That technical assistance under section 658I(a)(3) of such Act may be provided directly, or through the use of contracts, grants, cooperative agreements, or interagency agreements: *Provided further*, That all funds made available to carry out section 418 of the Social Security Act (42 U.S.C. 618), including funds appropriated for that purpose in such section 418 or any other provision of law, shall be subject to the reservation of funds authority in paragraphs (4) and (5) of section 658O(a) of the CCDBG Act: *Provided further*, That in addition to the amounts required to be reserved by the Secretary under section 658O(a)(2)(A) of such Act, \$174,780,000 shall be for Indian tribes and tribal organizations.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX–A of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Head Start Act, the Every Student Succeeds Act, the Child Abuse Prevention and Treatment Act, sections 303 and 313 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), part B–1 of title IV and sections 429, 473A, 477(i), 1110, 1114A, and 1115 of the Social Security Act, and the Community Services Block Grant Act (“CSBG Act”); and for necessary administrative expenses to carry out titles I, IV, V, X, XI, XIV, XVI, and XX–A of the Social Security Act, the Act of July 5, 1960, the Low-Income Home Energy Assistance Act of 1981, the Child Care and Development Block Grant Act of 1990, the Assets for Independence Act, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980, \$12,876,652,000, of which \$75,000,000, to remain available through September 30, 2021, shall be for grants to States for adoption and legal guardianship incentive payments, as defined by section 473A of the Social Security Act and may be made for adoptions and legal guardianships completed before September 30, 2020: *Provided*, That \$10,613,095,000 shall be for making payments under the Head Start Act, including for Early

Grants.

Head Start-Child Care Partnerships, and, of which, notwithstanding section 640 of such Act:

(1) \$193,000,000 shall be available for a cost of living adjustment, and with respect to any continuing appropriations act, funding available for a cost of living adjustment shall not be construed as an authority or condition under this Act;

(2) \$25,000,000 shall be available for allocation by the Secretary to supplement activities described in paragraphs (7)(B) and (9) of section 641(c) of the Head Start Act under the Designation Renewal System, established under the authority of sections 641(c)(7), 645A(b)(12), and 645A(d) of such Act, and such funds shall not be included in the calculation of “base grant” in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of such Act;

(3) \$100,000,000, in addition to funds otherwise available under such section 640 for such purposes, shall be available through March 31, 2021 for new grants to entities defined as eligible under section 645A(d) of such Act for Early Head Start programs as described in section 645A of such Act, conversion of Head Start services to Early Head Start services as described in section 645(a)(5)(A) of such Act, and high quality infant and toddler care through Early Head Start-Child Care Partnerships, and for training and technical assistance for such activities;

(4) \$250,000,000 shall be available for quality improvement consistent with section 640(a)(5) of such Act except that any amount of the funds may be used on any of the activities in such section (5);

(5) \$4,000,000 shall be available for the purposes of re-establishing the Tribal Colleges and Universities Head Start Partnership Program consistent with section 648(g) of such Act; and

(6) \$19,000,000 shall be available to supplement funding otherwise available for research, evaluation, and Federal administrative costs:

Provided further, That the Secretary may reduce the reservation of funds under section 640(a)(2)(C) of such Act in lieu of reducing the reservation of funds under sections 640(a)(2)(B), 640(a)(2)(D), and 640(a)(2)(E) of such Act: *Provided further*, That \$275,000,000 shall be available until December 31, 2020 for carrying out sections 9212 and 9213 of the Every Student Succeeds Act: *Provided further*, That up to 3 percent of the funds in the preceding proviso shall be available for technical assistance and evaluation related to grants awarded under such section 9212: *Provided further*, That \$770,383,000 shall be for making payments under the CSBG Act: *Provided further*, That \$30,383,000 shall be for section 680 of the CSBG Act, of which not less than \$20,383,000 shall be for section 680(a)(2) and not less than \$10,000,000 shall be for section 680(a)(3)(B) of such Act: *Provided further*, That, notwithstanding section 675C(a)(3) of such Act, to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under such Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired

with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That these procedures shall apply to such grant funds made available after November 29, 1999: *Provided further*, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That \$175,000,000 shall be for carrying out section 303(a) of the Family Violence Prevention and Services Act, of which \$7,000,000 shall be allocated notwithstanding section 303(a)(2) of such Act for carrying out section 309 of such Act: *Provided further*, That the percentages specified in section 112(a)(2) of the Child Abuse Prevention and Treatment Act shall not apply to funds appropriated under this heading: *Provided further*, That \$1,864,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: *Provided further*, That up to \$2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

42 USC 9921
note.

Applicability.
42 USC 9921
note.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out, except as otherwise provided, section 436 of the Social Security Act, \$345,000,000 and, for carrying out, except as otherwise provided, section 437 of such Act, \$92,515,000: *Provided*, That of the funds available to carry out section 437, \$59,765,000 shall be allocated consistent with subsections (b) through (d) of such section: *Provided further*, That of the funds available to carry out section 437, to assist in meeting the requirements described in section 471(e)(4)(C), \$20,000,000 shall be for grants to each State, territory, and Indian tribe operating title IV–E plans for developing, enhancing, or evaluating kinship navigator programs, as described in section 427(a)(1) of such Act, \$10,000,000, in addition to funds otherwise appropriated in section 436 for such purposes, shall be for competitive grants to regional partnerships as described in section 437(f), and \$2,750,000, in addition to funds otherwise appropriated in section 476 for such purposes, for the Family First Clearinghouse: *Provided further*, That section 437(b)(1) shall be applied to amounts in the previous proviso by substituting “5 percent” for “3.3 percent”, and notwithstanding section 436(b)(1), such reserved amounts may be used for identifying, establishing, and disseminating practices to meet the criteria specified in section 471(e)(4)(C): *Provided further*, That the reservation in section 437(b)(2) and the limitations in section 437(d) shall not apply to funds specified in the second proviso: *Provided further*, That the minimum grant award for kinship navigator programs in the case of States and territories shall be \$200,000, and, in the case of tribes, shall be \$25,000.

Applicability.

PAYMENTS FOR FOSTER CARE AND PERMANENCY

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, \$5,744,000,000.

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, for the first quarter of fiscal year 2021, \$3,000,000,000.

For carrying out, after May 31 of the current fiscal year, except as otherwise provided, section 474 of title IV–E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 (“OAA”), the RAISE Family Caregivers Act, the Supporting Grandparents Raising Grandchildren Act, titles III and XXIX of the PHS Act, sections 1252 and 1253 of the PHS Act, section 119 of the Medicare Improvements for Patients and Providers Act of 2008, title XX–B of the Social Security Act, the Developmental Disabilities Assistance and Bill of Rights Act, parts 2 and 5 of subtitle D of title II of the Help America Vote Act of 2002, the Assistive Technology Act of 1998, titles II and VII (and section 14 with respect to such titles) of the Rehabilitation Act of 1973, and for Department-wide coordination of policy and program activities that assist individuals with disabilities, \$2,171,000,000, together with \$52,115,000 to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to carry out section 4360 of the Omnibus Budget Reconciliation Act of 1990: *Provided*, That amounts appropriated under this heading may be used for grants to States under section 361 of the OAA only for disease prevention and health promotion programs and activities which have been demonstrated through rigorous evaluation to be evidence-based and effective: *Provided further*, That of amounts made available under this heading to carry out sections 311, 331, and 336 of the OAA, up to one percent of such amounts shall be available for developing and implementing evidence-based practices for enhancing senior nutrition, including medically-tailored meals: *Provided further*, That notwithstanding any other provision of this Act, funds made available under this heading to carry out section 311 of the OAA may be transferred to the Secretary of Agriculture in accordance with such section: *Provided further*, That \$2,000,000 shall be for competitive grants to support alternative financing programs that provide for the purchase of assistive technology devices, such as a low-interest loan fund; an interest buy-down program; a revolving loan fund; a loan guarantee; or an insurance program: *Provided further*, That applicants shall provide an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control: *Provided further*, That State agencies and community-based disability organizations that are directed by and operated for individuals with disabilities shall be eligible to compete: *Provided further*, That

none of the funds made available under this heading may be used by an eligible system (as defined in section 102 of the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10802)) to continue to pursue any legal action in a Federal or State court on behalf of an individual or group of individuals with a developmental disability (as defined in section 102(8)(A) of the Developmental Disabilities and Assistance and Bill of Rights Act of 2000 (20 U.S.C. 15002(8)(A)) that is attributable to a mental impairment (or a combination of mental and physical impairments), that has as the requested remedy the closure of State operated intermediate care facilities for people with intellectual or developmental disabilities, unless reasonable public notice of the action has been provided to such individuals (or, in the case of mental incapacitation, the legal guardians who have been specifically awarded authority by the courts to make healthcare and residential decisions on behalf of such individuals) who are affected by such action, within 90 days of instituting such legal action, which informs such individuals (or such legal guardians) of their legal rights and how to exercise such rights consistent with current Federal Rules of Civil Procedure: *Provided further*, That the limitations in the immediately preceding proviso shall not apply in the case of an individual who is neither competent to consent nor has a legal guardian, nor shall the proviso apply in the case of individuals who are a ward of the State or subject to public guardianship.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six passenger motor vehicles, and for carrying out titles III, XVII, XXI, and section 229 of the PHS Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, \$479,629,000, together with \$64,828,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: *Provided*, That of this amount, \$53,900,000 shall be for minority AIDS prevention and treatment activities: *Provided further*, That of the funds made available under this heading, \$101,000,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not more than 10 percent of the available funds shall be for training and technical assistance, evaluation, outreach, and additional program support activities, and of the remaining amount 75 percent shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, and 25 percent shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy: *Provided further*, That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, \$6,800,000 shall be available

Sexual risk
avoidance.

Embryo adoption.

to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: *Provided further*, That of the funds made available under this heading, \$35,000,000 shall be for making competitive grants which exclusively implement education in sexual risk avoidance (defined as voluntarily refraining from non-marital sexual activity): *Provided further*, That funding for such competitive grants for sexual risk avoidance shall use medically accurate information referenced to peer-reviewed publications by educational, scientific, governmental, or health organizations; implement an evidence-based approach integrating research findings with practical implementation that aligns with the needs and desired outcomes for the intended audience; and teach the benefits associated with self-regulation, success sequencing for poverty prevention, healthy relationships, goal setting, and resisting sexual coercion, dating violence, and other youth risk behaviors such as underage drinking or illicit drug use without normalizing teen sexual activity: *Provided further*, That no more than 10 percent of the funding for such competitive grants for sexual risk avoidance shall be available for technical assistance and administrative costs of such programs: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4): *Provided further*, That of the funds made available under this heading, \$5,000,000 shall be for carrying out prize competitions sponsored by the Office of the Secretary to accelerate innovation in the prevention, diagnosis, and treatment of kidney diseases (as authorized by section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719)).

MEDICARE HEARINGS AND APPEALS

For expenses necessary for Medicare hearings and appeals in the Office of the Secretary, \$191,881,000 shall remain available until September 30, 2021, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, \$60,367,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, \$80,000,000: *Provided*, That of such amount, necessary sums shall be available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$38,798,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, \$1,037,458,000, of which \$561,700,000 shall remain available through September 30, 2021, for expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act and other administrative expenses of the Biomedical Advanced Research and Development Authority: *Provided*, That funds provided under this heading for the purpose of acquisition of security countermeasures shall be in addition to any other funds available for such purpose: *Provided further*, That products purchased with funds provided under this heading may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile pursuant to section 319F–2 of the PHS Act: *Provided further*, That \$5,000,000 of the amounts made available to support emergency operations shall remain available through September 30, 2022.

For expenses necessary for procuring security countermeasures (as defined in section 319F–2(c)(1)(B) of the PHS Act), \$735,000,000, to remain available until expended.

For expenses necessary to carry out section 319F–2(a) of the PHS Act, \$705,000,000, to remain available until expended.

For an additional amount for expenses necessary to prepare for or respond to an influenza pandemic, \$260,000,000; of which \$225,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologics, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or

other extramural mechanism, at a rate in excess of Executive Level II: *Provided*, That none of the funds appropriated in this title shall be used to prevent the NIH from paying up to 100 percent of the salary of an individual at this rate.

Reports.

SEC. 203. None of the funds appropriated in this Act may be expended pursuant to section 241 of the PHS Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in HHS, prior to the preparation and submission of a report by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

Determination.
Evaluation.

SEC. 204. Notwithstanding section 241(a) of the PHS Act, such portion as the Secretary shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) and the implementation and effectiveness of programs funded in this title.

(TRANSFER OF FUNDS)

SEC. 205. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for HHS in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Notification.

Time period.
Contracts.

SEC. 206. In lieu of the timeframe specified in section 338E(c)(2) of the PHS Act, terminations described in such section may occur up to 60 days after the effective date of a contract awarded in fiscal year 2020 under section 338B of such Act, or at any time if the individual who has been awarded such contract has not received funds due under the contract.

Certification.
Family planning.
Children and
youth.

SEC. 207. None of the funds appropriated in this Act may be made available to any entity under title X of the PHS Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

Child abuse.

SEC. 208. Notwithstanding any other provision of law, no provider of services under title X of the PHS Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

Abortion.

SEC. 209. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate

of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 210. None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.

Gun control.

SEC. 211. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

Government employees.
Children, youth, and families.
AIDS.

SEC. 212. In order for HHS to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2020:

(1) The Secretary may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

Consultation.

(2) The Secretary is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of HHS. The Department of State shall cooperate fully with the Secretary to ensure that HHS has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

Consultation.
Grants.
Contracts.

(3) The Secretary is authorized to provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and 22 U.S.C. 4081 through 4086 and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel's official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter

I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.

(TRANSFER OF FUNDS)

Notification.

SEC. 213. The Director of the NIH, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 214. Of the amounts made available in this Act for NIH, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the “Office of AIDS Research” account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the PHS Act.

Procedures.
Consultation.
Assessments.

SEC. 215. (a) **AUTHORITY.**—Notwithstanding any other provision of law, the Director of NIH (“Director”) may use funds authorized under section 402(b)(12) of the PHS Act to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to or research and activities described in such section 402(b)(12).

Applicability.

(b) **PEER REVIEW.**—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

SEC. 216. Not to exceed \$45,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed \$3,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 217. Of the amounts made available for NIH, 1 percent of the amount made available for National Research Service Awards (“NRSA”) shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under sections 736, 739, or 747 of the PHS Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

Contracts.

SEC. 218. (a) The Biomedical Advanced Research and Development Authority (“BARDA”) may enter into a contract, for more

than one but no more than 10 program years, for purchase of research services or of security countermeasures, as that term is defined in section 319F–2(c)(1)(B) of the PHS Act (42 U.S.C. 247d–6b(c)(1)(B)), if—

(1) funds are available and obligated—

(A) for the full period of the contract or for the first fiscal year in which the contract is in effect; and

(B) for the estimated costs associated with a necessary termination of the contract; and

(2) the Secretary determines that a multi-year contract will serve the best interests of the Federal Government by encouraging full and open competition or promoting economy in administration, performance, and operation of BARDA's programs.

Determination.

(b) A contract entered into under this section—

(1) shall include a termination clause as described by subsection (c) of section 3903 of title 41, United States Code; and

(2) shall be subject to the congressional notice requirement stated in subsection (d) of such section.

SEC. 219. (a) The Secretary shall publish in the fiscal year 2021 budget justification and on Departmental Web sites information concerning the employment of full-time equivalent Federal employees or contractors for the purposes of implementing, administering, enforcing, or otherwise carrying out the provisions of the ACA, and the amendments made by that Act, in the proposed fiscal year and each fiscal year since the enactment of the ACA.

Publication.
Web posting.

(b) With respect to employees or contractors supported by all funds appropriated for purposes of carrying out the ACA (and the amendments made by that Act), the Secretary shall include, at a minimum, the following information:

(1) For each such fiscal year, the section of such Act under which such funds were appropriated, a statement indicating the program, project, or activity receiving such funds, the Federal operating division or office that administers such program, and the amount of funding received in discretionary or mandatory appropriations.

(2) For each such fiscal year, the number of full-time equivalent employees or contracted employees assigned to each authorized and funded provision detailed in accordance with paragraph (1).

(c) In carrying out this section, the Secretary may exclude from the report employees or contractors who—

(1) are supported through appropriations enacted in laws other than the ACA and work on programs that existed prior to the passage of the ACA;

(2) spend less than 50 percent of their time on activities funded by or newly authorized in the ACA; or

(3) work on contracts for which FTE reporting is not a requirement of their contract, such as fixed-price contracts.

SEC. 220. The Secretary shall publish, as part of the fiscal year 2021 budget of the President submitted under section 1105(a) of title 31, United States Code, information that details the uses of all funds used by the Centers for Medicare & Medicaid Services specifically for Health Insurance Exchanges for each fiscal year since the enactment of the ACA and the proposed uses for such funds for fiscal year 2021. Such information shall include, for each

Publication.

such fiscal year, the amount of funds used for each activity specified under the heading “Health Insurance Exchange Transparency” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 221. None of the funds made available by this Act from the Federal Hospital Insurance Trust Fund or the Federal Supplemental Medical Insurance Trust Fund, or transferred from other accounts funded by this Act to the “Centers for Medicare & Medicaid Services—Program Management” account, may be used for payments under section 1342(b)(1) of Public Law 111–148 (relating to risk corridors).

(TRANSFER OF FUNDS)

Deadline.

SEC. 222. (a) Within 45 days of enactment of this Act, the Secretary shall transfer funds appropriated under section 4002 of the ACA to the accounts specified, in the amounts specified, and for the activities specified under the heading “Prevention and Public Health Fund” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(b) Notwithstanding section 4002(c) of the ACA, the Secretary may not further transfer these amounts.

(c) Funds transferred for activities authorized under section 2821 of the PHS Act shall be made available without reference to section 2821(b) of such Act.

Time period.

SEC. 223. Effective during the period beginning on November 1, 2015 and ending January 1, 2022, any provision of law that refers (including through cross-reference to another provision of law) to the current recommendations of the United States Preventive Services Task Force with respect to breast cancer screening, mammography, and prevention shall be administered by the Secretary involved as if—

(1) such reference to such current recommendations were a reference to the recommendations of such Task Force with respect to breast cancer screening, mammography, and prevention last issued before 2009; and

(2) such recommendations last issued before 2009 applied to any screening mammography modality under section 1861(jj) of the Social Security Act (42 U.S.C. 1395x(jj)).

Applicability.

SEC. 224. In making Federal financial assistance, the provisions relating to indirect costs in part 75 of title 45, Code of Federal Regulations, including with respect to the approval of deviations from negotiated rates, shall continue to apply to the National Institutes of Health to the same extent and in the same manner as such provisions were applied in the third quarter of fiscal year 2017. None of the funds appropriated in this or prior Acts or otherwise made available to the Department of Health and Human Services or to any department or agency may be used to develop or implement a modified approach to such provisions, or to intentionally or substantially expand the fiscal effect of the approval of such deviations from negotiated rates beyond the proportional effect of such approvals in such quarter.

(TRANSFER OF FUNDS)

SEC. 225. The NIH Director may transfer funds specifically appropriated for opioid addiction, opioid alternatives, pain management, and addiction treatment to other Institutes and Centers of the NIH to be used for the same purpose 15 days after notifying the Committees on Appropriations: *Provided*, That the transfer authority provided in the previous proviso is in addition to any other transfer authority provided by law.

Drugs and drug
abuse.
Time period.
Notification.

SEC. 226. (a) The Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate:

(1) Detailed monthly enrollment figures from the Exchanges established under the Patient Protection and Affordable Care Act of 2010 pertaining to enrollments during the open enrollment period; and

(2) Notification of any new or competitive grant awards, including supplements, authorized under section 330 of the Public Health Service Act.

Notification.

(b) The Committees on Appropriations of the House and Senate must be notified at least 2 business days in advance of any public release of enrollment information or the award of such grants.

Notification.
Time period.

SEC. 227. In addition to the amounts otherwise available for “Centers for Medicare & Medicaid Services, Program Management”, the Secretary of Health and Human Services may transfer up to \$305,000,000 to such account from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to support program management activity related to the Medicare Program: *Provided*, That except for the foregoing purpose, such funds may not be used to support any provision of Public Law 111–148 or Public Law 111–152 (or any amendment made by either such Public Law) or to supplant any other amounts within such account.

SEC. 228. The Department of Health and Human Services shall provide the Committees on Appropriations of the House of Representatives and Senate a biannual report 30 days after enactment of this Act on staffing described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Reports.

SEC. 229. Funds appropriated in this Act that are available for salaries and expenses of employees of the Department of Health and Human Services shall also be available to pay travel and related expenses of such an employee or of a member of his or her family, when such employee is assigned to duty, in the United States or in a U.S. territory, during a period and in a location that are the subject of a determination of a public health emergency under section 319 of the Public Health Service Act and such travel is necessary to obtain medical care for an illness, injury, or medical condition that cannot be adequately addressed in that location at that time. For purposes of this section, the term “U.S. territory” means Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, or the Trust Territory of the Pacific Islands.

Definition.
Territories.

SEC. 230. The Department of Health and Human Services may accept donations from the private sector, nongovernmental organizations, and other groups independent of the Federal Government for the care of unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C.

	279(g)(2))) in the care of the Office of Refugee Resettlement of the Administration for Children and Families, including medical goods and services, which may include early childhood developmental screenings, school supplies, toys, clothing, and any other items intended to promote the wellbeing of such children.
Aliens. Children, youth, and families.	SEC. 231. (a) None of the funds provided by this or any prior appropriations Act may be used to reverse changes in procedures made by operational directives issued to providers by the Office of Refugee Resettlement on December 18, 2018, March 23, 2019, and June 10, 2019 regarding the Memorandum of Agreement on Information Sharing executed April 13, 2018.
Determination.	(b) Notwithstanding subsection (a), the Secretary may make changes to such operational directives upon making a determination that such changes are necessary to prevent unaccompanied alien children from being placed in danger, and the Secretary shall provide a written justification to Congress and the Inspector General of the Department of Health and Human Services in advance of implementing such changes.
Deadline. Assessment.	(c) Within 15 days of the Secretary's communication of the justification, the Inspector General of the Department of Health and Human Services shall provide an assessment, in writing, to the Secretary and to Committees on Appropriations of the House of Representatives and the Senate of whether such changes to operational directives are necessary to prevent unaccompanied children from being placed in danger.
Aliens. Children, youth, and families. Determination.	SEC. 232. None of the funds made available in this Act under the heading "Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance" may be obligated to a grantee or contractor to house unaccompanied alien children (as such term is defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))) in any facility that is not State-licensed for the care of unaccompanied alien children, except in the case that the Secretary determines that housing unaccompanied alien children in such a facility is necessary on a temporary basis due to an influx of such children or an emergency, provided that—
Time period. Requirements. Compliance.	(1) the terms of the grant or contract for the operations of any such facility that remains in operation for more than six consecutive months shall require compliance with—
Determination.	(A) the same requirements as licensed placements, as listed in Exhibit 1 of the Flores Settlement Agreement that the Secretary determines are applicable to non-State licensed facilities; and
	(B) staffing ratios of one (1) on-duty Youth Care Worker for every eight (8) children or youth during waking hours, one (1) on-duty Youth Care Worker for every sixteen (16) children or youth during sleeping hours, and clinician ratios to children (including mental health providers) as required in grantee cooperative agreements;
Time period. Waiver authority. Certification. Reports.	(2) the Secretary may grant a 60-day waiver for a contractor's or grantee's non-compliance with paragraph (1) if the Secretary certifies and provides a report to Congress on the contractor's or grantee's good-faith efforts and progress towards compliance;
	(3) not more than four consecutive waivers under paragraph (2) may be granted to a contractor or grantee with respect to a specific facility;

(4) ORR shall ensure full adherence to the monitoring requirements set forth in section 5.5 of its Policies and Procedures Guide as of May 15, 2019;

(5) for any such unlicensed facility in operation for more than three consecutive months, ORR shall conduct a minimum of one comprehensive monitoring visit during the first three months of operation, with quarterly monitoring visits thereafter; and

(6) not later than 60 days after the date of enactment of this Act, ORR shall brief the Committees on Appropriations of the House of Representatives and the Senate outlining the requirements of ORR for influx facilities including any requirement listed in paragraph (1)(A) that the Secretary has determined are not applicable to non-State licensed facilities.

SEC. 233. In addition to the existing Congressional notification for formal site assessments of potential influx facilities, the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 15 days before operationalizing an unlicensed facility, and shall (1) specify whether the facility is hard-sided or soft-sided, and (2) provide analysis that indicates that, in the absence of the influx facility, the likely outcome is that unaccompanied alien children will remain in the custody of the Department of Homeland Security for longer than 72 hours or that unaccompanied alien children will be otherwise placed in danger. Within 60 days of bringing such a facility online, and monthly thereafter, the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report detailing the total number of children in care at the facility, the average length of stay and average length of care of children at the facility, and, for any child that has been at the facility for more than 60 days, their length of stay and reason for delay in release.

SEC. 234. None of the funds made available in this Act may be used to prevent a United States Senator or Member of the House of Representatives from entering, for the purpose of conducting oversight, any facility in the United States used for the purpose of maintaining custody of, or otherwise housing, unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))), provided that such Senator or Member has coordinated the oversight visit with the Office of Refugee Resettlement not less than two business days in advance to ensure that such visit would not interfere with the operations (including child welfare and child safety operations) of such facility.

SEC. 235. Not later than 14 days after the date of enactment of this Act, and monthly thereafter, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate, and make publicly available online, a report with respect to children who were separated from their parents or legal guardians by the Department of Homeland Security (DHS) (regardless of whether or not such separation was pursuant to an option selected by the children, parents, or guardians), subsequently classified as unaccompanied alien children, and transferred to the care and custody of ORR during the previous month. Each report shall contain the following information:

Time periods.

Deadline.
Briefing.

Notification.
Time period.
Analysis.
Aliens.
Children, youth,
and families
6 USC 279 note.

Reports.
Time periods.

Congress.
Aliens.
Children, youth,
and families.
Time period.

Public
information.
Web posting.
Reports.
Aliens.
Children, youth,
and families.
6 USC 279 note.

(1) the number and ages of children so separated subsequent to apprehension at or between ports of entry, to be reported by sector where separation occurred; and

(2) the documented cause of separation, as reported by DHS when each child was referred.

SEC. 236. Funds appropriated in this Act that are available for salaries and expenses of employees of the Centers for Disease Control and Prevention shall also be available for the primary and secondary schooling of eligible dependents of personnel stationed in a U.S. territory as defined in section 229 of this Act at costs not in excess of those paid for or reimbursed by the Department of Defense.

SEC. 237. Of the unobligated balances available in the “Non-recurring Expenses Fund” established in section 223 of division G of Public Law 110–161, \$225,000,000, in addition to any funds otherwise made available for such purpose in this or subsequent fiscal years, shall be available for buildings and facilities at the National Institutes of Health.

SEC. 238. Of the unobligated balances available in the “Non-recurring Expenses Fund” established in section 223 of division G of Public Law 110–161, \$225,000,000, shall be available for acquisition of real property, equipment, construction, demolition, installation, renovation of facilities, and related infrastructure improvements for the Centers for Disease Control and Prevention’s Chamblee Campus.

Ebola.

SEC. 239. Of the funds provided under the heading “CDC-Wide Activities and Program Support”, \$85,000,000, to remain available until expended, shall be available to the Director of the CDC for deposit in the Infectious Diseases Rapid Response Reserve Fund established by section 231 of division B of Public Law 115–245: *Provided*, That such amount may be available for Ebola preparedness and response activities without regard to the limitations in the third proviso in such section 231.

(RESCISSION)

Deadline.

SEC. 240. Of the unobligated balances in the “Nonrecurring Expenses Fund” established in section 223 of division G of Public Law 110–161, \$350,000,000 are hereby rescinded not later than September 30, 2020.

This title may be cited as the “Department of Health and Human Services Appropriations Act, 2020”.

Department of
Education
Appropriations
Act, 2020.

TITLE III

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I and subpart 2 of part B of title II of the Elementary and Secondary Education Act of 1965 (referred to in this Act as “ESEA”) and section 418A of the Higher Education Act of 1965 (referred to in this Act as “HEA”), \$16,996,790,000, of which \$6,077,990,000 shall become available on July 1, 2020, and shall remain available through September 30, 2021, and of which \$10,841,177,000 shall become available on October 1, 2020, and shall remain available through September 30, 2021, for academic year 2020–2021: *Provided*, That \$6,459,401,000 shall be for

basic grants under section 1124 of the ESEA: *Provided further*, That up to \$5,000,000 of these funds shall be available to the Secretary of Education (referred to in this title as “Secretary”) on October 1, 2019, to obtain annually updated local educational agency-level census poverty data from the Bureau of the Census: *Provided further*, That \$1,362,301,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further*, That \$4,244,050,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further*, That \$4,244,050,000 shall be for education finance incentive grants under section 1125A of the ESEA: *Provided further*, That \$219,000,000 shall be for carrying out subpart 2 of part B of title II: *Provided further*, That \$45,623,000 shall be for carrying out section 418A of the HEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VII of the ESEA, \$1,486,112,000, of which \$1,340,242,000 shall be for basic support payments under section 7003(b), \$48,316,000 shall be for payments for children with disabilities under section 7003(d), \$17,406,000 shall be for construction under section 7007(a), \$75,313,000 shall be for Federal property payments under section 7002, and \$4,835,000, to remain available until expended, shall be for facilities maintenance under section 7008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 7003(a) for school year 2019–2020, children enrolled in a school of such agency that would otherwise be eligible for payment under section 7003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 7003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by part B of title I, part A of title II, subpart 1 of part A of title IV, part B of title IV, part B of title V, and parts B and C of title VI of the ESEA; the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, \$5,404,967,000, of which \$3,575,402,000 shall become available on July 1, 2020, and remain available through September 30, 2021, and of which \$1,681,441,000 shall become available on October 1, 2020, and shall remain available through September 30, 2021, for academic year 2020–2021: *Provided*, That \$378,000,000 shall be for part B of title I: *Provided further*, That \$1,249,673,000 shall be for part B of title IV: *Provided further*, That \$36,897,000 shall be for part B of title VI, which may be used for construction, renovation, and modernization of any public elementary school, secondary school, or structure related to a public elementary school or secondary school that serves a

Applicability.

Applicability. predominantly Native Hawaiian student body, and that the 5 percent limitation in section 6205(b) of the ESEA on the use of funds for administrative purposes shall apply only to direct administrative costs: *Provided further*, That \$35,953,000 shall be for part C of title VI, which shall be awarded on a competitive basis, and may be used for construction, and that the 5 percent limitation in section 6305 of the ESEA on the use of funds for administrative purposes shall apply only to direct administrative costs: *Provided further*, That \$52,000,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002 and the Secretary shall make such arrangements as determined to be necessary to ensure that the Bureau of Indian Education has access to services provided under this section: *Provided further*, That \$16,699,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That the Secretary may reserve up to 5 percent of the amount referred to in the previous proviso to provide technical assistance in the implementation of these grants: *Provided further*, That \$185,840,000 shall be for part B of title V: *Provided further*, That \$1,210,000,000 shall be available for grants under subpart 1 of part A of title IV.

INDIAN EDUCATION

Applicability. For expenses necessary to carry out, to the extent not otherwise provided, title VI, part A of the ESEA, \$180,739,000, of which \$67,993,000 shall be for subpart 2 of part A of title VI and \$7,365,000 shall be for subpart 3 of part A of title VI: *Provided*, That the 5 percent limitation in sections 6115(d), 6121(e), and 6133(g) of the ESEA on the use of funds for administrative purposes shall apply only to direct administrative costs.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by subparts 1, 3 and 4 of part B of title II, and parts C, D, and E and subparts 1 and 4 of part F of title IV of the ESEA, \$1,103,815,000: *Provided*, That \$284,815,000 shall be for subparts 1, 3 and 4 of part B of title II and shall be made available without regard to sections 2201, 2231(b) and 2241: *Provided further*, That \$629,000,000 shall be for parts C, D, and E and subpart 4 of part F of title IV, and shall be made available without regard to sections 4311, 4409(a), and 4601 of the ESEA: *Provided further*, That section 4303(d)(3)(A)(i) shall not apply to the funds available for part C of title IV: *Provided further*, That of the funds available for part C of title IV, the Secretary shall use \$60,000,000 to carry out section 4304, of which not more than \$10,000,000 shall be available to carry out section 4304(k), \$140,000,000, to remain available through March 31, 2021, to carry out section 4305(b), and not more than \$15,000,000 to carry out the activities in section 4305(a)(3): *Provided further*, That notwithstanding section 4601(b), \$190,000,000 shall be available through December 31, 2020 for subpart 1 of part F of title IV.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subparts 2 and 3 of part F of title IV of the ESEA, \$210,000,000: *Provided*, That \$105,000,000 shall be available for section 4631, of which up to \$5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence (Project SERV) program: *Provided further*, That \$25,000,000 shall be available for section 4625: *Provided further*, That \$80,000,000 shall be available through December 31, 2020, for section 4624, of which \$6,000,000 shall be for additional two-year extension awards to grantees that received such awards in fiscal year 2018.

Extension.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, \$787,400,000, which shall become available on July 1, 2020, and shall remain available through September 30, 2021, except that 6.5 percent of such amount shall be available on October 1, 2019, and shall remain available through September 30, 2021, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

State and local governments.

For carrying out the Individuals with Disabilities Education Act (IDEA) and the Special Olympics Sport and Empowerment Act of 2004, \$13,885,228,000, of which \$4,352,129,000 shall become available on July 1, 2020, and shall remain available through September 30, 2021, and of which \$9,283,383,000 shall become available on October 1, 2020, and shall remain available through September 30, 2021, for academic year 2020–2021: *Provided*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2019, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2019: *Provided further*, That the Secretary shall, without regard to section 611(d) of the IDEA, distribute to all other States (as that term is defined in section 611(g)(2)), subject to the third proviso, any amount by which a State's allocation under section 611, from funds appropriated under this heading, is reduced under section 612(a)(18)(B), according to the following: 85 percent on the basis of the States' relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part, and 15 percent to States on the basis of the States' relative populations of those children who are living in poverty: *Provided further*, That the Secretary may not distribute any funds under the previous proviso to any State whose reduction in allocation from funds appropriated under this heading made funds available for such a distribution: *Provided further*, That the States shall allocate such funds distributed under the second proviso to local educational agencies in accordance with section 611(f): *Provided further*, That the amount by which a State's allocation under section 611(d) of the IDEA is reduced under section 612(a)(18)(B) and the amounts distributed to States under the previous provisos in fiscal year 2012 or any subsequent year shall not be considered

20 USC 1411
note.

Applicability. Time period.	<p>in calculating the awards under section 611(d) for fiscal year 2013 or for any subsequent fiscal years: <i>Provided further</i>, That, notwithstanding the provision in section 612(a)(18)(B) regarding the fiscal year in which a State's allocation under section 611(d) is reduced for failure to comply with the requirement of section 612(a)(18)(A), the Secretary may apply the reduction specified in section 612(a)(18)(B) over a period of consecutive fiscal years, not to exceed five, until the entire reduction is applied: <i>Provided further</i>, That the Secretary may, in any fiscal year in which a State's allocation under section 611 is reduced in accordance with section 612(a)(18)(B), reduce the amount a State may reserve under section 611(e)(1) by an amount that bears the same relation to the maximum amount described in that paragraph as the reduction under section 612(a)(18)(B) bears to the total allocation the State would have received in that fiscal year under section 611(d) in the absence of the reduction: <i>Provided further</i>, That the Secretary shall either reduce the allocation of funds under section 611 for any fiscal year following the fiscal year for which the State fails to comply with the requirement of section 612(a)(18)(A) as authorized by section 612(a)(18)(B), or seek to recover funds under section 452 of the General Education Provisions Act (20 U.S.C. 1234a): <i>Provided further</i>, That the funds reserved under 611(c) of the IDEA may be used to provide technical assistance to States to improve the capacity of the States to meet the data collection requirements of sections 616 and 618 and to administer and carry out other services and activities to improve data collection, coordination, quality, and use under parts B and C of the IDEA: <i>Provided further</i>, That the Secretary may use funds made available for the State Personnel Development Grants program under part D, subpart 1 of IDEA to evaluate program performance under such subpart: <i>Provided further</i>, That States may use funds reserved for other State-level activities under sections 611(e)(2) and 619(f) of the IDEA to make subgrants to local educational agencies, institutions of higher education, other public agencies, and private nonprofit organizations to carry out activities authorized by those sections: <i>Provided further</i>, That, notwithstanding section 643(e)(2)(A) of the IDEA, if 5 or fewer States apply for grants pursuant to section 643(e) of such Act, the Secretary shall provide a grant to each State in an amount equal to the maximum amount described in section 643(e)(2)(B) of such Act: <i>Provided further</i>, That if more than 5 States apply for grants pursuant to section 643(e) of the IDEA, the Secretary shall award funds to those States on the basis of the States' relative populations of infants and toddlers except that no such State shall receive a grant in excess of the amount described in section 643(e)(2)(B) of such Act.</p>
20 USC 1411 note.	
20 USC 1411 note.	
Evaluation.	
Grants.	
Grants.	

REHABILITATION SERVICES

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973 and the Helen Keller National Center Act, \$3,747,739,000, of which \$3,610,040,000 shall be for grants for vocational rehabilitation services under title I of the Rehabilitation Act: *Provided*, That the Secretary may use amounts provided in this Act that remain available subsequent to the reallocation of funds to States pursuant to section 110(b) of the Rehabilitation Act for innovative activities aimed at improving the outcomes of individuals with disabilities as defined in section 7(20)(B) of the

Rehabilitation Act, including activities aimed at improving the education and post-school outcomes of children receiving Supplemental Security Income (“SSI”) and their families that may result in long-term improvement in the SSI child recipient’s economic status and self-sufficiency: *Provided further*, That States may award subgrants for a portion of the funds to other public and private, nonprofit entities: *Provided further*, That any funds made available subsequent to reallocation for innovative activities aimed at improving the outcomes of individuals with disabilities shall remain available until September 30, 2021.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act to Promote the Education of the Blind of March 3, 1879, \$32,431,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, \$79,500,000: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, \$137,361,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006 (“Perkins Act”) and the Adult Education and Family Literacy Act (“AEFLA”), \$1,960,686,000, of which \$1,169,686,000 shall become available on July 1, 2020, and shall remain available through September 30, 2021, and of which \$791,000,000 shall become available on October 1, 2020, and shall remain available through September 30, 2021: *Provided*, That of the amounts made available for AEFLA, \$13,712,000 shall be for national leadership activities under section 242.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 10 of part A, and part C of title IV of the HEA, \$24,520,352,000 which shall remain available through September 30, 2021.

The maximum Pell Grant for which a student shall be eligible during award year 2020–2021 shall be \$5,285.

20 USC 1070a
note.

STUDENT AID ADMINISTRATION

20 USC 1087f
note.

Briefings.

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 9, and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service Act, \$1,768,943,000, to remain available through September 30, 2021: *Provided*, That the Secretary shall allocate new student loan borrower accounts to eligible student loan servicers on the basis of their past performance compared to all loan servicers utilizing established common metrics, and on the basis of the capacity of each servicer to process new and existing accounts: *Provided further*, That for student loan contracts awarded prior to October 1, 2017, the Secretary shall allow student loan borrowers who are consolidating Federal student loans to select from any student loan servicer to service their new consolidated student loan: *Provided further*, That in order to promote accountability and high-quality service to borrowers, the Secretary shall not award funding for any contract solicitation for a new Federal student loan servicing environment, including the solicitation for the Federal Student Aid (FSA) Next Generation Processing and Servicing Environment, unless such an environment provides for the participation of multiple student loan servicers that contract directly with the Department of Education to manage a unique portfolio of borrower accounts and the full life-cycle of loans from disbursement to pay-off with certain limited exceptions, and allocates student loan borrower accounts to eligible student loan servicers based on performance: *Provided further*, That the Department shall re-allocate accounts from servicers for recurring non-compliance with FSA guidelines, contractual requirements, and applicable laws, including for failure to sufficiently inform borrowers of available repayment options: *Provided further*, That such servicers shall be evaluated based on their ability to meet contract requirements (including an understanding of Federal and State law), future performance on the contracts, and history of compliance with applicable consumer protections laws: *Provided further*, That to the extent FSA permits student loan servicing subcontracting, FSA shall hold prime contractors accountable for meeting the requirements of the contract, and the performance and expectations of subcontractors shall be accounted for in the prime contract and in the overall performance of the prime contractor: *Provided further*, That FSA shall ensure that the Next Generation Processing and Servicing Environment, or any new Federal loan servicing environment, incentivize more support to borrowers at risk of delinquency or default: *Provided further*, That FSA shall ensure that in such environment contractors have the capacity to meet and are held accountable for performance on service levels; are held accountable for and have a history of compliance with applicable consumer protection laws; and have relevant experience and demonstrated effectiveness: *Provided further*, That the Secretary shall provide quarterly briefings to the Committees on Appropriations and Education and Labor of the House of Representatives and the Committees on Appropriations and Health, Education, Labor, and Pensions of the Senate on general progress related to solicitations for Federal student loan servicing contracts: *Provided further*, That FSA shall strengthen transparency through expanded publication of aggregate data on student loan and servicer performance.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, VII, and VIII of the HEA, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Perkins Act, \$2,475,792,000, of which \$24,500,000 shall remain available through December 31, 2020: *Provided*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That up to 1.5 percent of the funds made available under chapter 2 of subpart 2 of part A of title IV of the HEA may be used for evaluation.

HOWARD UNIVERSITY

For partial support of Howard University, \$240,018,000, of which not less than \$3,405,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the HEA, \$435,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL
FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, \$20,150,000, as authorized pursuant to part D of title III of the HEA, which shall remain available through September 30, 2021: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$212,100,000: *Provided further*, That these funds may be used to support loans to public and private Historically Black Colleges and Universities without regard to the limitations within section 344(a) of the HEA.

In addition, \$16,000,000 shall be made available to provide for the deferment of loans made under part D of title III of the HEA to eligible institutions that are private Historically Black Colleges and Universities, which apply for the deferment of such a loan and demonstrate financial need for such deferment by having a score of 2.6 or less on the Department of Education's financial responsibility test: *Provided*, That the loan has not been paid in full and is not paid in full during the period of deferment: *Provided further*, That during the period of deferment of such a loan, interest

Time period.

Outreach plan.

on the loan will not accrue or be capitalized, and the period of deferment shall be for at least a period of 3-fiscal years and not more than 6-fiscal years: *Provided further*, That funds available under this paragraph shall be used to fund eligible deferment requests submitted for this purpose in fiscal year 2018: *Provided further*, That the Secretary shall create and execute an outreach plan to work with States and the Capital Financing Advisory Board to improve outreach to States and help additional public Historically Black Colleges and Universities participate in the program.

Time period.

In addition, \$10,000,000 shall be made available to provide for the deferment of loans made under part D of title III of the HEA to eligible institutions that are public Historically Black Colleges and Universities, which apply for the deferment of such a loan and demonstrate financial need for such deferment, which shall be determined by the Secretary of Education based on factors including, but not limited to, equal to or greater than 5 percent of the school's operating revenue relative to its annual debt service payment: *Provided*, That during the period of deferment of such a loan, interest on the loan will not accrue or be capitalized, and the period of deferment shall be for at least a period of 3-fiscal years and not more than 6-fiscal years.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, \$334,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, \$623,462,000, which shall remain available through September 30, 2021: *Provided*, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used to link Statewide elementary and secondary data systems with early childhood, postsecondary, and workforce data systems, or to further develop such systems: *Provided further*, That up to \$6,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for awards to public or private organizations or agencies to support activities to improve data coordination, quality, and use at the local, State, and national levels.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, \$430,000,000: *Provided*, That, notwithstanding any other provision of law, none of the funds provided by this Act or provided by previous Appropriations Acts to the Department of Education available for obligation or expenditure in the current fiscal year may be used for any activity relating to implementing a reorganization that decentralizes, reduces the staffing level, or alters the responsibilities, structure, authority,

or functionality of the Budget Service of the Department of Education, relative to the organization and operation of the Budget Service as in effect on January 1, 2018.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$130,000,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$63,000,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

Voluntary
prayer.
Meditation.

(TRANSFER OF FUNDS)

SEC. 302. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Notification.
Time period.

SEC. 303. Funds appropriated in this Act and consolidated for evaluation purposes under section 8601(c) of the ESEA shall be available from July 1, 2020, through September 30, 2021.

SEC. 304. (a) An institution of higher education that maintains an endowment fund supported with funds appropriated for title III or V of the HEA for fiscal year 2020 may use the income from that fund to award scholarships to students, subject to the limitation in section 331(c)(3)(B)(i) of the HEA. The use of such income for such purposes, prior to the enactment of this Act, shall be considered to have been an allowable use of that income, subject to that limitation.

(b) Subsection (a) shall be in effect until titles III and V of the HEA are reauthorized.

SEC. 305. Section 114(f) of the HEA (20 U.S.C. 1011c(f)) is amended by striking “2019” and inserting “2020”.

SEC. 306. Section 458(a) of the HEA (20 U.S.C. 1087h(a)) is amended in paragraph (4) by striking “2019” and inserting “2020”.

SEC. 307. Funds appropriated in this Act under the heading “Student Aid Administration” may be available for payments for student loan servicing to an institution of higher education that services outstanding Federal Perkins Loans under part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.).

(RESCISSION)

SEC. 308. Of the unobligated balances available under the heading “Student Financial Assistance” for carrying out subpart 1 of part A of title IV of the HEA, \$500,000,000 are hereby rescinded.

SEC. 309. Of the amounts appropriated under Section 401(b)(7)(A)(iv)(X) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(7)(A)(iv)(X)), \$50,000,000 are hereby rescinded.

SEC. 310. The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq) is amended—(1) in the part heading for part B of title IV, by inserting “NITA M. LOWEY” before “21ST”; and (2) in the table of contents of that Act, by striking the part heading for part B of title IV and inserting the following: “PART B—NITA M. LOWEY 21ST CENTURY COMMUNITY LEARNING CENTERS”.

Waiver authority.

SEC. 311. (a) IN GENERAL.—For the purpose of carrying out 34 CFR §668.206(a)(1), the Secretary of Education may waive the requirements under 34 CFR §668.213(b)(1) for an institution of higher education that offers an associate degree, is a public institution, and is located in an economically distressed county, defined as a county with a poverty rate of at least 25 percent based on the U.S. Census Bureau’s Small Area Income and Poverty Estimate program data for 2017 that was impacted by Hurricane Matthew.

(b) APPLICABILITY.—Subsection (a) shall apply to an institution of higher education that otherwise would be ineligible to participate in a program under part D of title IV of the Higher Education Act of 1965 on or after the date of enactment of this Act due to the application of 34 CFR §668.206(a)(1).

(c) COVERAGE.—This section shall be in effect for the period covered by this Act and for the succeeding fiscal year.

SEC. 312. Of the amounts made available under this title under the heading “Student Aid Administration”, \$2,300,000 shall be used by the Secretary of Education to conduct outreach to borrowers of loans made under part D of title IV of the Higher Education Act of 1965 who may intend to qualify for loan cancellation under section 455(m) of such Act (20 U.S.C. 1087e(m)), to ensure that borrowers are meeting the terms and conditions of such loan cancellation: *Provided*, That the Secretary shall specifically conduct outreach to assist borrowers who would qualify for loan cancellation under section 455(m) of such Act except that the borrower has made some, or all, of the 120 required payments under a repayment plan that is not described under section 455(m)(A) of such Act, to encourage borrowers to enroll in a qualifying repayment plan: *Provided further*, That the Secretary shall also communicate to all Direct Loan borrowers the full requirements of section 455(m) of such Act and improve the filing of employment certification by providing improved outreach and information such as outbound calls, electronic communications, ensuring prominent access to program requirements and benefits on each servicer’s website, and creating an option for all borrowers to complete the entire payment certification process electronically and on a centralized website.

Website.

SEC. 313. None of the funds made available by this Act may be used in contravention of section 203 of the Department of Education Organization Act (20 U.S.C. 3413).

SEC. 314. For an additional amount for “Department of Education—Federal Direct Student Loan Program Account”, \$50,000,000, to remain available until expended, shall be for the cost, as defined under section 502 of the Congressional Budget Act of 1974, of the Secretary of Education providing loan cancellation in the same manner as under section 455(m) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)), for borrowers of loans made under part D of title IV of such Act who would qualify for loan cancellation under section 455(m) except some, or all, of the 120 required payments under section 455(m)(1)(A) do not qualify for purposes of the program because they were monthly payments made in accordance with graduated or extended repayment plans as described under subparagraph (B) or (C) of section 455(d)(1) or the corresponding repayment plan for a consolidation loan made under section 455(g) and that were less than the amount calculated under section 455(d)(1)(A), based on a 10-year repayment period: *Provided*, That the monthly payment made 12 months before the borrower applied for loan cancellation as described in the matter preceding this proviso and the most recent monthly payment made by the borrower at the time of such application were each not less than the monthly amount that would be calculated under, and for which the borrower would otherwise qualify for, clause (i) or (iv) of section 455(m)(1)(A) regarding income-based or income-contingent repayment plans, with exception for a borrower who would have otherwise been eligible under this section but demonstrates an unusual fluctuation of income over the past 5 years: *Provided further*, That the total loan volume, including outstanding principal, fees, capitalized interest, or accrued interest, at application that is eligible for such loan cancellation by such borrowers shall not exceed \$75,000,000: *Provided further*, That the Secretary shall develop and make available a simple method for borrowers to apply for loan cancellation under this section within 60 days of enactment of this Act: *Provided further*, That the Secretary shall provide loan cancellation under this section to eligible borrowers on a first-come, first-serve basis, based on the date of application and subject to both the limitation on total loan volume at application for such loan cancellation specified in the second proviso and the availability of appropriations under this section: *Provided further*, That no borrower may, for the same service, receive a reduction of loan obligations under both this section and section 428J, 428K, 428L, or 460 of such Act.

Time periods.

Deadline.

This title may be cited as the “Department of Education Appropriations Act, 2020”.

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled (referred to in this title as “the Committee”) established under section 8502 of title 41, United States Code, \$10,000,000: *Provided*, That in order to

Contracts.

authorize any central nonprofit agency designated pursuant to section 8503(c) of title 41, United States Code, to perform requirements of the Committee as prescribed under section 51–3.2 of title 41, Code of Federal Regulations, the Committee shall enter into a written agreement with any such central nonprofit agency: *Provided further*, That such agreement shall contain such auditing, oversight, and reporting provisions as necessary to implement chapter 85 of title 41, United States Code: *Provided further*, That such agreement shall include the elements listed under the heading “Committee For Purchase From People Who Are Blind or Severely Disabled—Written Agreement Elements” in the explanatory statement described in section 4 of Public Law 114–113 (in the matter preceding division A of that consolidated Act): *Provided further*, That any such central nonprofit agency may not charge a fee under section 51–3.5 of title 41, Code of Federal Regulations, prior to executing a written agreement with the Committee: *Provided further*, That no less than \$1,650,000 shall be available for the Office of Inspector General.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (referred to in this title as “CNCS”) to carry out the Domestic Volunteer Service Act of 1973 (referred to in this title as “1973 Act”) and the National and Community Service Act of 1990 (referred to in this title as “1990 Act”), \$806,529,000, notwithstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: *Provided*, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) \$17,538,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (3) \$32,500,000 shall be available to carry out subtitle E of the 1990 Act; and (4) \$6,400,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by CNCS on a competitive basis: *Provided further*, That for the purposes of carrying out the 1990 Act, satisfying the requirements in section 122(c)(1)(D) may include a determination of need by the local community.

PAYMENT TO THE NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For payment to the National Service Trust established under subtitle D of title I of the 1990 Act, \$208,342,000, to remain available until expended: *Provided*, That CNCS may transfer additional funds from the amount provided within “Operating Expenses” allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*,

Determination.
Notice.

That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the 1990 Act and under section 504(a) of the 1973 Act, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$83,737,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$5,750,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. CNCS shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2020, during any grant selection process, an officer or employee of CNCS shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of CNCS that is authorized by CNCS to receive such information.

Notice.
Public
information.

SEC. 402. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the 1990 Act, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

Requirements.
Time period.
42 USC 12571
note.

SEC. 403. Donations made to CNCS under section 196 of the 1990 Act for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

SEC. 404. In addition to the requirements in section 146(a) of the 1990 Act, use of an educational award for the purpose described in section 148(a)(4) shall be limited to individuals who are veterans as defined under section 101 of the Act.

SEC. 405. For the purpose of carrying out section 189D of the 1990 Act—

(1) entities described in paragraph (a) of such section shall be considered “qualified entities” under section 3 of the National Child Protection Act of 1993 (“NCPA”);

(2) individuals described in such section shall be considered “volunteers” under section 3 of NCPA; and

(3) State Commissions on National and Community Service established pursuant to section 178 of the 1990 Act, are authorized to receive criminal history record information, consistent with Public Law 92–544.

Time period.

SEC. 406. Notwithstanding sections 139(b), 146 and 147 of the 1990 Act, an individual who successfully completes a term of service of not less than 1,200 hours during a period of not more than one year may receive a national service education award having a value of 70 percent of the value of a national service education award determined under section 147(a) of the Act.

CORPORATION FOR PUBLIC BROADCASTING

Discrimination.

Political test.

For payment to the Corporation for Public Broadcasting (“CPB”), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2022, \$465,000,000: *Provided*, That none of the funds made available to CPB by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds made available to CPB by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That none of the funds made available to CPB by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of CPB.

In addition, for the costs associated with replacing and upgrading the public broadcasting interconnection system and other technologies and services that create infrastructure and efficiencies within the public media system, \$20,000,000.

FEDERAL MEDIATION AND CONCILIATION SERVICE

Fees.

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service (“Service”) to carry out the functions vested in it by the Labor-Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, \$47,200,000, including up to \$900,000 to remain available through September 30, 2021, for activities authorized by the Labor-Management Cooperation Act of 1978: *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts

of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, \$17,184,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND
ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, \$252,000,000.

MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1900 of the Social Security Act, \$8,780,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, \$12,545,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, \$3,350,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, \$274,224,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated

on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

ADMINISTRATIVE PROVISIONS

SEC. 407. None of the funds provided by this Act or previous Acts making appropriations for the National Labor Relations Board may be used to issue any new administrative directive or regulation that would provide employees any means of voting through any electronic means in an election to determine a representative for the purposes of collective bargaining.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, \$14,050,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, \$13,225,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$16,000,000, which shall include amounts becoming available in fiscal year 2020 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2021, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board (“Board”) for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$123,500,000, to be derived in such amounts as determined by the Board from the

railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund: *Provided*, That notwithstanding section 7(b)(9) of the Railroad Retirement Act this limitation may be used to hire attorneys only through the excepted service: *Provided further*, That the previous proviso shall not change the status under Federal employment laws of any attorney hired by the Railroad Retirement Board prior to January 1, 2013: *Provided further*, That notwithstanding section 7(b)(9) of the Railroad Retirement Act, this limitation may be used to hire students attending qualifying educational institutions or individuals who have recently completed qualifying educational programs using current excepted hiring authorities established by the Office of Personnel Management: *Provided further*, That \$10,000,000, to remain available until expended, shall be used to supplement, not supplant, existing resources devoted to operations and improvements for the Board's Information Technology Investment Initiatives.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than \$11,000,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m) and 1131(b)(2) of the Social Security Act, \$11,000,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$41,714,889,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: *Provided further*, That not more than \$101,000,000 shall be available for research and demonstrations under sections 1110, 1115, and 1144 of the Social Security Act, and remain available through September 30, 2022.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2021, \$19,900,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$20,000 for official reception and representation expenses, not more than \$12,739,945,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to in such section: *Provided*, That not less than \$2,500,000 shall be for the Social Security Advisory Board: *Provided further*, That \$45,000,000 shall remain available until expended for information technology modernization, including related hardware and software infrastructure and equipment, and for administrative expenses directly associated with information technology modernization: *Provided further*, That \$100,000,000 shall remain available through September 30, 2021, for activities to address the disability hearings backlog within the Office of Hearings Operations: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2020 not needed for fiscal year 2020 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate prior to making unobligated balances available under the authority in the previous proviso: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

Notification.

Reimbursements.

Reviews.
Determination.

Transfer authority.

Of the total amount made available in the first paragraph under this heading, not more than \$1,582,000,000, to remain available through March 31, 2021, is for the costs associated with continuing disability reviews under titles II and XVI of the Social Security Act, including work-related continuing disability reviews to determine whether earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity, for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, for the cost of co-operative disability investigation units, and for the cost associated with the prosecution of fraud in the programs and operations of the Social Security Administration by Special Assistant United States Attorneys: *Provided*, That, of such amount, \$273,000,000 is provided to meet the terms of section 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and \$1,309,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(B) of such Act: *Provided further*, That, of the additional new budget authority described in the preceding proviso, up to \$10,000,000 may be transferred to the "Office of Inspector General", Social Security Administration, for the cost of jointly operated co-operative disability investigation units: *Provided further*, That such transfer authority is in addition

to any other transfer authority provided by law: *Provided further*, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these funds, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.

Reports.

In addition, \$130,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended: *Provided*, That to the extent that the amounts collected pursuant to such sections in fiscal year 2020 exceed \$130,000,000, the amounts shall be available in fiscal year 2021 only to the extent provided in advance in appropriations Acts.

In addition, up to \$1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$30,000,000, together with not to exceed \$75,500,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the “Limitation on Administrative Expenses”, Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer.

Notice.
Time period.

TITLE V

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet,

Lobbying.

publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

Gun control.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$28,000 and \$20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$5,000 from the funds available for “Federal Mediation and Conciliation Service, Salaries and Expenses”; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$5,000 from funds available for “National Mediation Board, Salaries and Expenses”.

SEC. 505. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

Abortion.

SEC. 506. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in

this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term “health benefits coverage” means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement. Definition.

SEC. 507. (a) The limitations established in the preceding section shall not apply to an abortion— Abortion.

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State’s or locality’s contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State’s or locality’s contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions. Discrimination.

(2) In this subsection, the term “health care entity” includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan. Definition.

SEC. 508. (a) None of the funds made available in this Act may be used for— Human embryos.

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term “human embryo or embryos” includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells. Definition.

SEC. 509. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications. Drugs and drug abuse.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

Health and
health care.

SEC. 510. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

Contracts.
Reports.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

Certifications.

SEC. 513. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

Consultations.
Time periods.
Notifications.

SEC. 514. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2020, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this

Act that remain available for obligation or expenditure in fiscal year 2020, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

SEC. 515. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

Political
disclosures.

(b) None of the funds made available in this Act may be used to disseminate information that is deliberately false or misleading.

SEC. 516. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2020 that are different than those specified in this Act, the accompanying detailed table in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) or the fiscal year 2020 budget request.

Deadline.
Operating plan.

SEC. 517. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding \$500,000, individually or in total for a particular project, activity, or programmatic initiative, in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2020, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

Reports.
Contracts.
Grants.

SEC. 518. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed

the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

Mexico.

SEC. 519. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

Pornography.

SEC. 520. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

ACORN.

SEC. 521. None of the funds made available under this or any other Act, or any prior Appropriations Act, may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations, or successors.

SEC. 522. For purposes of carrying out Executive Order 13589, Office of Management and Budget Memorandum M–12–12 dated May 11, 2012, and requirements contained in the annual appropriations bills relating to conference attendance and expenditures:

(1) the operating divisions of HHS shall be considered independent agencies; and

(2) attendance at and support for scientific conferences shall be tabulated separately from and not included in agency totals.

SEC. 523. Federal agencies funded under this Act shall clearly state within the text, audio, or video used for advertising or educational purposes, including emails or Internet postings, that the communication is printed, published, or produced and disseminated at U.S. taxpayer expense. The funds used by a Federal agency to carry out this requirement shall be derived from amounts made available to the agency for advertising or other communications regarding the programs and activities of the agency.

SEC. 524. (a) Federal agencies may use Federal discretionary funds that are made available in this Act to carry out up to 10 Performance Partnership Pilots. Such Pilots shall be governed by the provisions of section 526 of division H of Public Law 113–76, except that in carrying out such Pilots section 526 shall be applied by substituting “Fiscal Year 2020” for “Fiscal Year 2014” in the title of subsection (b) and by substituting “September 30, 2024” for “September 30, 2018” each place it appears: *Provided*, That such pilots shall include communities that have experienced civil unrest.

(b) In addition, Federal agencies may use Federal discretionary funds that are made available in this Act to participate in Performance Partnership Pilots that are being carried out pursuant to the authority provided by section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, section 525 of division H of Public Law 114–113, section 525 of division

H of Public Law 115–31, and section 525 of division H of Public Law 115–141.

(c) Pilot sites selected under authorities in this Act and prior appropriations Acts may be granted by relevant agencies up to an additional 5 years to operate under such authorities.

SEC. 525. Not later than 30 days after the end of each calendar quarter, beginning with the first month of fiscal year 2020, the Departments of Labor, Health and Human Services and Education and the Social Security Administration shall provide the Committees on Appropriations of the House of Representatives and Senate a report on the status of balances of appropriations: *Provided*, That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the monthly reports shall separately identify the amounts attributable to each source year of appropriation (beginning with fiscal year 2012, or, to the extent feasible, earlier fiscal years) from which balances were derived.

Reports.
31 USC 1502
note.

SEC. 526. The Departments of Labor, Health and Human Services, or Education shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of any new or competitive grant award notifications, including supplements, issued at the discretion of such Departments not less than 3 full business days before any entity selected to receive a grant award is announced by the Department or its offices (other than emergency response grants at any time of the year or for grant awards made during the last 10 business days of the fiscal year, or if applicable, of the program year).

Lists.
Grants.
Deadline.
Time period.

SEC. 527. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug: *Provided*, That such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law.

Needles.
Drugs and drug
abuse.

Consultation.
Determination.

SEC. 528. Each department and related agency funded through this Act shall provide answers to questions submitted for the record by members of the Committee within 45 business days after receipt.

Deadline.

(RESCISSION)

SEC. 529. Of any available amounts appropriated under section 2104(a)(23) of the Social Security Act (42 U.S.C. 1397dd) that are unobligated as of September 25, 2020, \$3,169,819,000 are hereby rescinded as of such date.

SEC. 530. Of amounts deposited in the Child Enrollment Contingency Fund prior to the beginning of fiscal year 2020 under section 2104(n)(2) of the Social Security Act and the income derived from investment of those funds pursuant to section 2104(n)(2)(C) of that Act, \$6,093,181,000 shall not be available for obligation in this fiscal year.

This division may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2020”.

Agriculture,
Rural
Development,
Food and Drug
Administration,
and Related
Agencies
Appropriations
Act, 2020.

**DIVISION B—AGRICULTURE, RURAL DEVELOPMENT,
FOOD AND DRUG ADMINISTRATION, AND RELATED
AGENCIES APPROPRIATIONS ACT, 2020**

TITLE I

AGRICULTURAL PROGRAMS

PROCESSING, RESEARCH, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary, \$46,139,000, of which not to exceed \$5,051,000 shall be available for the immediate Office of the Secretary; not to exceed \$1,496,000 shall be available for the Office of Homeland Security; not to exceed \$6,211,000 shall be available for the Office of Partnerships and Public Engagement, of which \$1,500,000 shall be for 7 U.S.C. 2279(c)(5); not to exceed \$22,251,000 shall be available for the Office of the Assistant Secretary for Administration, of which \$21,376,000 shall be available for Departmental Administration to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That funds made available by this Act to an agency in the Administration mission area for salaries and expenses are available to fund up to one administrative support staff for the Office; not to exceed \$3,869,000 shall be available for the Office of Assistant Secretary for Congressional Relations and Intergovernmental Affairs to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch; and not to exceed \$7,261,000 shall be available for the Office of Communications: *Provided further*, That the Secretary of Agriculture is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent: *Provided further*, That not to exceed \$22,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That the amount made available under this heading for Departmental Administration shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: *Provided further*, That funds made available under this heading for the Office of the Assistant Secretary for Congressional Relations and Intergovernmental Affairs may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available under this heading for the Office of Assistant Secretary for Congressional Relations may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of

Reimbursements.

Time period.
Notification.

these funds by USDA agency: *Provided further*, That of the funds made available under this heading, funding shall be made available to the Office of the Secretary to carry out the duties of the working group established under section 770 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2019 (Public Law 116–6; 133 Stat. 89): *Provided further*, That during any 30 day notification period referenced in section 716 of this Act, the Secretary of Agriculture, the Secretary of Health and Human Services or the Chairman of the Commodity Futures Trading Commission, (as the case may be) shall take no action to begin implementation of the proposal or make any public announcement in any form.

Notification.
Time period.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, \$24,013,000, of which \$8,000,000 shall be for grants or cooperative agreements for policy research under 7 U.S.C. 3155.

OFFICE OF HEARINGS AND APPEALS

For necessary expenses of the Office of Hearings and Appeals, \$15,222,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, \$9,525,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, \$66,580,000, of which not less than \$56,000,000 is for cybersecurity requirements of the department.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, \$6,028,000.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, \$901,000: *Provided*, That funds made available by this Act to an agency in the Civil Rights mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$24,206,000.

AGRICULTURE BUILDINGS AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 121, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, \$128,167,000, to remain available until expended.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), \$4,503,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978 (Public Law 95-452; 5 U.S.C. App.), \$98,208,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978 (Public Law 95-452; 5 U.S.C. App.), and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to the Inspector General Act of 1978 (Public Law 95-452; 5 U.S.C. App.) and section 1337 of the Agriculture and Food Act of 1981 (Public Law 97-98).

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$45,146,000.

OFFICE OF ETHICS

For necessary expenses of the Office of Ethics, \$4,136,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education, and Economics, \$800,000: *Provided*, That

funds made available by this Act to an agency in the Research, Education, and Economics mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, \$84,757,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, \$180,294,000, of which up to \$45,300,000 shall be available until expended for the Census of Agriculture: *Provided*, That amounts made available for the Census of Agriculture may be used to conduct Current Industrial Report surveys subject to 7 U.S.C. 2204g(d) and (f).

Surveys.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$1,414,366,000, of which \$13,100,000, to remain available until expended, shall be used for transition and equipment purchases for the National Bio and Agro-Defense Facility located in Manhattan, Kansas: *Provided*, That of the amounts available to the Agricultural Research Service for the National Bio and Agro-Defense Facility, no funds may be obligated above the amount provided for the facility in Public Law 116–6 until the Secretary of Agriculture submits to the Committees on Appropriations of both Houses of Congress, and receives written or electronic notification of receipt from such Committees, a strategic plan as required in House Report 116–107: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$500,000, except for headhouses or greenhouses which shall each be limited to \$1,800,000, except for 10 buildings to be constructed or improved at a cost not to exceed \$1,100,000 each, and except for two buildings to be constructed at a cost not to exceed \$3,000,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$500,000, whichever is greater: *Provided further*, That appropriations hereunder shall be available for entering into lease agreements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by the Agricultural Research Service and a condition of the lease shall be that any facility

Kansas.

Notification.
Strategic plan.

7 USC 2254.

7 USC 2254.

Contracts.

shall be owned, operated, and maintained by the non-Federal entity and shall be removed upon the expiration or termination of the lease agreement: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That appropriations hereunder shall be available for granting easements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by, and acceptable to, the Agricultural Research Service and a condition of the easements shall be that upon completion the facility shall be accepted by the Secretary, subject to the availability of funds herein, if the Secretary finds that acceptance of the facility is in the interest of the United States: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

Maryland.

Easements.

BUILDINGS AND FACILITIES

For the acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$192,700,000 to remain available until expended, of which \$166,900,000 shall be allocated for ARS facilities co-located with university partners.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$962,864,000, which shall be for the purposes, and in the amounts, specified in the table titled “National Institute of Food and Agriculture, Research and Education Activities” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for research grants for 1994 institutions, education grants for 1890 institutions, capacity building for non-land-grant colleges of agriculture, the agriculture and food research initiative, veterinary medicine loan repayment, multicultural scholars, graduate fellowship and institution challenge grants, and grants management systems shall remain available until expended: *Provided further*, That each institution eligible to receive funds under the Evans-Allen program receives no less than \$1,000,000: *Provided further*, That funds for education grants for Alaska Native and Native Hawaiian-serving institutions be made available to individual eligible institutions or consortia of eligible institutions with funds awarded equally to each of the States of Alaska and Hawaii: *Provided further*, That funds for education grants for 1890 institutions shall be made available to institutions eligible to receive funds under 7 U.S.C.

3221 and 3222: *Provided further*, That not more than 5 percent of the amounts made available by this or any other Act to carry out the Agriculture and Food Research Initiative under 7 U.S.C. 3157 may be retained by the Secretary of Agriculture to pay administrative costs incurred by the Secretary in carrying out that authority.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), \$11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, \$526,557,000, which shall be for the purposes, and in the amounts, specified in the table titled “National Institute of Food and Agriculture, Extension Activities” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for facility improvements at 1890 institutions shall remain available until expended: *Provided further*, That institutions eligible to receive funds under 7 U.S.C. 3221 for cooperative extension receive no less than \$1,000,000: *Provided further*, That funds for cooperative extension under sections 3(b) and (c) of the Smith-Lever Act (7 U.S.C. 343(b) and (c)) and section 208(c) of Public Law 93–471 shall be available for retirement and employees’ compensation costs for extension agents.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, \$38,000,000, which shall be for the purposes, and in the amounts, specified in the table titled “National Institute of Food and Agriculture, Integrated Activities” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for the Food and Agriculture Defense Initiative shall remain available until September 30, 2021: *Provided further*, That notwithstanding any other provision of law, indirect costs shall not be charged against any Extension Implementation Program Area grant awarded under the Crop Protection/Pest Management Program (7 U.S.C. 7626).

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, \$800,000: *Provided*, That funds made available by this Act to an agency in the Marketing and Regulatory Programs mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to \$30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), \$1,042,711,000, of which \$470,000, to remain available until expended, shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds (“contingency fund”) to the extent necessary to meet emergency conditions; of which \$11,520,000, to remain available until expended, shall be used for the cotton pests program, including for cost share purposes or for debt retirement for active eradication zones; of which \$37,857,000, to remain available until expended, shall be for Animal Health Technical Services; of which \$1,000,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831); of which \$62,840,000, to remain available until expended, shall be used to support avian health; of which \$4,251,000, to remain available until expended, shall be for information technology infrastructure; of which \$192,013,000, to remain available until expended, shall be for specialty crop pests; of which, \$13,826,000, to remain available until expended, shall be for field crop and rangeland ecosystem pests; of which \$16,523,000, to remain available until expended, shall be for zoonotic disease management; of which \$40,966,000, to remain available until expended, shall be for emergency preparedness and response; of which \$60,000,000, to remain available until expended, shall be for tree and wood pests; of which \$5,725,000, to remain available until expended, shall be for the National Veterinary Stockpile; of which up to \$1,500,000, to remain available until expended, shall be for the scrapie program for indemnities; of which \$2,500,000, to remain available until expended, shall be for the wildlife damage management program for aviation safety: *Provided*, That of amounts available under this heading for wildlife services methods development, \$1,000,000 shall remain available until expended: *Provided further*, That of amounts available under this heading for the screwworm program, \$4,990,000 shall remain available until expended; of which \$20,800,000, to remain available until expended, shall be used to carry out the science program and transition activities for the National Bio and Agro-defense Facility located in Manhattan, Kansas: *Provided further*, That of the amounts available to the Animal and Plant Health Inspection Service for the National Bio and Agro-Defense Facility, no funds may be obligated above the amount provided for the facility in Public Law 116-6 until the Secretary of Agriculture submits to the Committees on Appropriations of both Houses of Congress, and receives written or electronic notification of receipt from such Committees, a strategic plan as required in House Report 116-107: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the purchase, replacement, operation, and maintenance of aircraft: *Provided further*,

Kansas.

Notification.
Strategic plan.

Brucellosis
eradication.

That in addition, in emergencies which threaten any segment of the agricultural production industry of the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2020, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be reimbursed to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Fees.
Reimbursement.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 2268a, \$3,175,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, \$186,936,000, of which \$6,000,000 shall be available for the purposes of section 12306 of Public Law 113–79: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: *Provided further*, That up to \$4,454,000 of this appropriation may be used for United States Warehouse Act activities to supplement amounts made available by the United States Warehouse Act.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

Fees.

LIMITATION ON ADMINISTRATIVE EXPENSES

Notification. Not to exceed \$61,227,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY
(SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.); (2) transfers otherwise provided in this Act; and (3) not more than \$20,705,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961 (Public Law 87–128).

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,235,000.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Notification. Not to exceed \$55,000,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, \$800,000: *Provided*, That funds made available by this Act to an agency in the Food Safety mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$10,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$1,054,344,000; and in addition, \$1,000,000 may be credited to

this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: *Provided further*, That no fewer than 148 full-time equivalent positions shall be employed during fiscal year 2020 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act (7 U.S.C. 1901 et seq.): *Provided further*, That the Food Safety and Inspection Service shall continue implementation of section 11016 of Public Law 110–246 as further clarified by the amendments made in section 12106 of Public Law 113–79: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Employment
positions.

TITLE II

FARM PRODUCTION AND CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FARM PRODUCTION AND CONSERVATION

For necessary expenses of the Office of the Under Secretary for Farm Production and Conservation, \$901,000: *Provided*, That funds made available by this Act to an agency in the Farm Production and Conservation mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FARM PRODUCTION AND CONSERVATION BUSINESS CENTER

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Production and Conservation Business Center, \$203,877,000: *Provided*, That \$60,228,000 of amounts appropriated for the current fiscal year pursuant to section 1241(a) of the Farm Security and Rural Investment Act of 1985 (16 U.S.C. 3841(a)) shall be transferred to and merged with this account.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, \$1,122,837,000, of which not less than \$35,000,000 shall be for the hiring of new employees to fill vacancies at Farm Service Agency county offices and farm loan officers and shall be available until September 30, 2021: *Provided*, That not more than 50 percent of the funding made available under this heading for information technology related to farm program delivery may be obligated until

Notification.
Expenditure
plan.
Cost estimates.

Reports.
Assessment.

Notification.

the Secretary submits to the Committees on Appropriations of both Houses of Congress, and receives written or electronic notification of receipt from such Committees of, a plan for expenditure that (1) identifies for each project/investment over \$25,000 (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost for the entirety of the project/investment, including estimates for development as well as maintenance and operations, and (c) key milestones to be met; (2) demonstrates that each project/investment is, (a) consistent with the Farm Service Agency Information Technology Roadmap, (b) being managed in accordance with applicable lifecycle management policies and guidance, and (c) subject to the applicable Department's capital planning and investment control requirements; and (3) has been reviewed by the Government Accountability Office and approved by the Committees on Appropriations of both Houses of Congress: *Provided further*, That the agency shall submit a report by the end of the fourth quarter of fiscal year 2020 to the Committees on Appropriations and the Government Accountability Office, that identifies for each project/investment that is operational (a) current performance against key indicators of customer satisfaction, (b) current performance of service level agreements or other technical metrics, (c) current performance against a pre-established cost baseline, (d) a detailed breakdown of current and planned spending on operational enhancements or upgrades, and (e) an assessment of whether the investment continues to meet business needs as intended as well as alternatives to the investment: *Provided further*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That funds made available to county committees shall remain available until expended: *Provided further*, That none of the funds available to the Farm Service Agency shall be used to close Farm Service Agency county offices: *Provided further*, That none of the funds available to the Farm Service Agency shall be used to permanently relocate county based employees that would result in an office with two or fewer employees without prior notification and approval of the Committees on Appropriations of both Houses of Congress.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), \$5,545,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), \$6,500,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387, 114 Stat. 1549A-12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, emergency loans (7 U.S.C. 1961 et seq.), Indian tribe land acquisition loans (25 U.S.C. 5136), boll weevil loans (7 U.S.C. 1989), guaranteed conservation loans (7 U.S.C. 1924 et seq.), relending program (7 U.S.C. 1936c), and Indian highly fractionated land loans (25 U.S.C. 5136) to be available from funds in the Agricultural Credit Insurance Fund, as follows: \$2,750,000,000 for guaranteed farm ownership loans and \$1,875,000,000 for farm ownership direct loans; \$1,960,000,000 for unsubsidized guaranteed operating loans and \$1,550,133,000 for direct operating loans; emergency loans, \$37,668,000; Indian tribe land acquisition loans, \$20,000,000; guaranteed conservation loans, \$150,000,000; relending program, \$18,215,000; Indian highly fractionated land loans, \$10,000,000; and for boll weevil eradication program loans, \$60,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

Pink bollworm.

For the cost of direct and guaranteed loans and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: \$58,440,000 for direct farm operating loans, \$20,972,000 for unsubsidized guaranteed farm operating loans, emergency loans, \$2,023,000; relending program, \$5,000,000; Indian highly fractionated land loans, \$2,745,000; and \$60,000 for boll weevil eradication loans, to remain available until expended.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$317,068,000: *Provided*, That of this amount, \$290,917,000 shall be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”: *Provided further*, That of this amount \$16,081,000 shall be transferred to and merged with the appropriation for “Farm Production and Conservation Business Center, Salaries and Expenses”.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

Notification.
Time period.

RISK MANAGEMENT AGENCY

SALARIES AND EXPENSES

For necessary expenses of the Risk Management Agency, \$58,361,000: *Provided*, That \$2,000,000 shall be available for compliance and integrity activities required under section 516(b)(2)(C) of the Federal Crop Insurance Act of 1938 (7 U.S.C. 1516(b)(2)(C)) in addition to other amounts provided: *Provided further*, That not to exceed \$1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 2268a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$829,628,000, to remain available until September 30, 2021: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That of the amounts made available under this heading, \$5,600,000, shall remain available until expended for the authorities under 16 U.S.C. 1001–1005 and 1007–1009 for authorized ongoing watershed projects with a primary purpose of providing water to rural communities.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to surveys and investigations, engineering operations, works of improvement, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009) and in accordance with the provisions of laws relating to the activities of the Department, \$175,000,000, to remain available until expended: *Provided*, That for funds provided by this Act or any other prior Act, the limitation regarding the size of the watershed or subwatershed exceeding two hundred and fifty thousand acres in which such activities can be undertaken shall only apply for activities undertaken for the primary purpose of flood prevention (including structural and

Applicability.

land treatment measures): *Provided further*, That of the amounts made available under this heading, \$70,000,000 shall be allocated to projects and activities that can commence promptly following enactment; that address regional priorities for flood prevention, agricultural water management, inefficient irrigation systems, fish and wildlife habitat, or watershed protection; or that address authorized ongoing projects under the authorities of section 13 of the Flood Control Act of December 22, 1944 (Public Law 78–534) with a primary purpose of watershed protection by preventing floodwater damage and stabilizing stream channels, tributaries, and banks to reduce erosion and sediment transport.

WATERSHED REHABILITATION PROGRAM

Under the authorities of section 14 of the Watershed Protection and Flood Prevention Act, \$10,000,000 is provided: *Provided*, That of the amounts made available under this heading, \$5,000,000 shall remain available until expended for watershed rehabilitation projects in states with high-hazard dams and other watershed structures and that have recently incurred flooding events which caused fatalities.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to \$5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Solid Waste Disposal Act (42 U.S.C. 6961).

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, \$800,000: *Provided*, That funds made available by this Act to an agency in the Rural Development mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

RURAL DEVELOPMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of Rural Development programs, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$247,835,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support Rural Development programs: *Provided further*, That in addition to any other funds appropriated for purposes authorized by section 502(i) of the Housing Act of 1949 (42 U.S.C. 1472(i)), any amounts collected under such section, as amended by this Act, will immediately be credited to this account and will remain available until expended for such purposes.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$1,000,000,000 shall be for direct loans and \$24,000,000,000 shall be for unsubsidized guaranteed loans; \$28,000,000 for section 504 housing repair loans; \$40,000,000 for section 515 rental housing; \$230,000,000 for section 538 guaranteed multi-family housing loans; \$10,000,000 for credit sales of single

family housing acquired property; \$5,000,000 for section 523 self-help housing land development loans; and \$5,000,000 for section 524 site development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$90,000,000 shall be for direct loans; section 504 housing repair loans, \$4,679,000; section 523 self-help housing land development loans, \$577,000; section 524 site development loans, \$546,000; and repair, rehabilitation, and new construction of section 515 rental housing, \$12,144,000: *Provided*, That to support the loan program level for section 538 guaranteed loans made available under this heading the Secretary may charge or adjust any fees to cover the projected cost of such loan guarantees pursuant to the provisions of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), and the interest on such loans may not be subsidized: *Provided further*, That applicants in communities that have a current rural area waiver under section 541 of the Housing Act of 1949 (42 U.S.C. 1490q) shall be treated as living in a rural area for purposes of section 502 guaranteed loans provided under this heading: *Provided further*, That of the amounts available under this paragraph for section 502 direct loans, no less than \$5,000,000 shall be available for direct loans for individuals whose homes will be built pursuant to a program funded with a mutual and self-help housing grant authorized by section 523 of the Housing Act of 1949 until June 1, 2020: *Provided further*, That the Secretary shall implement provisions to provide incentives to nonprofit organizations and public housing authorities to facilitate the acquisition of Rural Housing Service (RHS) multifamily housing properties by such nonprofit organizations and public housing authorities that commit to keep such properties in the RHS multifamily housing program for a period of time as determined by the Secretary, with such incentives to include, but not be limited to, the following: allow such nonprofit entities and public housing authorities to earn a Return on Investment on their own resources to include proceeds from low income housing tax credit syndication, own contributions, grants, and developer loans at favorable rates and terms, invested in a deal; and allow reimbursement of organizational costs associated with owner's oversight of asset referred to as "Asset Management Fee" of up to \$7,500 per property.

Fees.

Determination.

In addition, for the cost of direct loans, grants, and contracts, as authorized by sections 514 and 516 of the Housing Act of 1949 (42 U.S.C. 1484, 1486), \$18,739,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts: *Provided*, That any balances available for the Farm Labor Program Account shall be transferred to and merged with this account.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$412,254,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

Time periods.

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Housing Act of 1949 or agreements entered into in lieu of debt forgiveness

or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$1,375,000,000, of which \$40,000,000 shall be available until September 30, 2021; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further*, That upon request by an owner of a project financed by an existing loan under section 514 or 515 of the Act, the Secretary may renew the rental assistance agreement for a period of 20 years or until the term of such loan has expired, subject to annual appropriations: *Provided further*, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance provided under agreements entered into prior to fiscal year 2020 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further*, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act: *Provided further*, That except as provided in the fourth proviso under this heading and notwithstanding any other provision of the Act, the Secretary may recapture rental assistance provided under agreements entered into prior to fiscal year 2020 for a project that the Secretary determines no longer needs rental assistance and use such recaptured funds for current needs.

Applicability.

Determination.

Vouchers.
Loans.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, \$60,000,000, to remain available until expended: *Provided*, That of the funds made available under this heading, \$32,000,000, shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That funds made available for such vouchers shall be subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: *Provided further*, That if the

Determination.

Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph: *Provided further*, That of the funds made available under this heading, \$28,000,000 shall be available for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided further*, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: *Provided further*, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further*, That if Congress enacts legislation to permanently authorize a multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That in addition to any other available funds, the Secretary may expend not more than \$1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

Contracts.

Determination.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$31,000,000, to remain available until expended.

RURAL HOUSING ASSISTANCE GRANTS

For grants for very low-income housing repair and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, and 1490m, \$45,000,000, to remain available until expended.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$2,800,000,000 for direct loans and \$500,000,000 for guaranteed loans.

For the cost of grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$49,000,000, to remain available until expended: *Provided*, That \$6,000,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That \$6,000,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106-387), with up to 5 percent for administration and capacity building in the State rural development offices: *Provided further*, That \$5,000,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: *Provided further*, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

Grants.

Grants.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by section 310B and described in subsections (a), (c), (f) and (g) of section 310B of the Consolidated Farm and Rural Development Act, \$66,500,000, to remain available until expended: *Provided*, That of the amount appropriated under this heading, not to exceed \$500,000 shall be made available for one grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and \$9,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.), the Northern Border Regional Commission (40 U.S.C. 15101 et seq.), and the Appalachian Regional Commission (40 U.S.C. 14101 et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: *Provided further*, That \$4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including \$250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That sections

Grants.

Grants.

381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading.

INTERMEDIARY RELENDING PROGRAM FUND ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), \$18,889,000.

For the cost of direct loans, \$5,219,000, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), of which \$557,000 shall be available through June 30, 2020, for Federally Recognized Native American Tribes; and of which \$1,072,000 shall be available through June 30, 2020, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan programs, \$4,468,000 shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

For the principal amount of direct loans, as authorized under section 313B(a) of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$50,000,000.

The cost of grants authorized under section 313B(a) of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects shall not exceed \$10,000,000.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$26,600,000, of which \$2,800,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed \$3,000,000 shall be for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and of which \$15,000,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 210A of the Agricultural Marketing Act of 1946, of which \$3,000,000, to remain available until expended, shall be for Agriculture Innovation Centers authorized pursuant to section 6402 of Public Law 107–171.

RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM

For the cost of loans and grants, \$6,000,000 under the same terms and conditions as authorized by section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008s): *Provided*, That such costs of loans, including the cost of modifying such loans, shall be defined in section 502 of the Congressional Budget Act of 1974.

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), \$706,000: *Provided*, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

Grants.

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Loans.

Alaska.

For the cost of direct loans, loan guarantees and grants for rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, \$659,480,000, to remain available until expended, of which not to exceed \$1,000,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed \$5,000,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided*, That not to exceed \$15,000,000 of the amount appropriated under this heading shall be for grants authorized by section 306A(i)(2) of the Consolidated Farm and Rural Development Act in addition to funding authorized by section 306A(i)(1) of such Act: *Provided further*, That \$68,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by section 306C(a)(2)(B) and section 306D of the Consolidated Farm and Rural Development Act, and Federally Recognized Native American Tribes authorized by 306C(a)(1) of such Act: *Provided further*, That funding provided for section 306D of the Consolidated Farm and Rural Development Act may be provided to a consortium formed pursuant to section 325 of Public Law 105–83: *Provided further*, That not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by the State of Alaska for training and technical assistance programs and not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by a consortium formed pursuant to section 325 of Public Law 105–83 for training and technical assistance programs: *Provided further*, That not to exceed \$30,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme

need, of which \$8,000,000 shall be made available for a grant to a qualified nonprofit multi-State regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than \$800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further*, That not to exceed \$19,570,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That not to exceed \$4,000,000 shall be for solid waste management grants: *Provided further*, That \$10,000,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): *Provided further*, That any prior year balances for high-energy cost grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Cost Grants Account: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

Contracts.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM
ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305, 306, and 317 of the Rural Electrification Act of 1936 (7 U.S.C. 935, 936, and 940g) shall be made as follows: loans made pursuant to sections 305, 306, and 317, notwithstanding 317(c), of that Act, rural electric, \$5,500,000,000; guaranteed underwriting loans pursuant to section 313A of that Act, \$750,000,000; 5 percent rural telecommunications loans, cost of money rural telecommunications loans, and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$690,000,000: *Provided*, That up to \$2,000,000,000 shall be used for the construction, acquisition, design and engineering or improvement of fossil-fueled electric generating plants (whether new or existing) that utilize carbon subsurface utilization and storage systems.

For the cost of direct loans as authorized by section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935), including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, cost of money rural telecommunications loans, \$3,795,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$33,270,000, which shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, \$11,179,000.

Grants.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$50,000,000, to remain available until expended: *Provided*, That \$3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: *Provided further*, That funding provided under this heading for grants under 379G of the Consolidated Farm and Rural Development Act may only be provided to entities that meet all of the eligibility criteria for a consortium as established by this section.

Loans.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, \$2,000,000, to remain available until expended: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, \$35,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa et seq.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION, AND
CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition, and Consumer Services, \$800,000: *Provided*, That funds made available by this Act to an agency in the Food, Nutrition and Consumer Services mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$23,615,098,000 to remain available through September 30, 2021, of which such sums as are made available under section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by this Act, shall be merged with and available for the same time period and purposes as provided herein: *Provided*, That of the total amount available, \$18,004,000 shall be available to carry out section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.): *Provided further*, That of the total amount available, \$14,999,000 shall be available to carry out studies and evaluations and shall remain available until expended: *Provided further*, That of the total amount available, \$30,000,000 shall be available to provide competitive grants to State agencies for subgrants to local educational agencies

Studies.
Evaluations.
Grants.

and schools to purchase the equipment, with a value of greater than \$1,000, needed to serve healthier meals, improve food safety, and to help support the establishment, maintenance, or expansion of the school breakfast program: *Provided further*, That of the total amount available, \$35,000,000 shall remain available until expended to carry out section 749(g) of the Agriculture Appropriations Act of 2010 (Public Law 111–80): *Provided further*, That section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking “2010 through 2019” and inserting “2010 through 2021”: *Provided further*, That section 9(h)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(3)) is amended in the first sentence by striking “For fiscal year 2019” and inserting “For fiscal year 2020”: *Provided further*, That section 9(h)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(4)) is amended in the first sentence by striking “For fiscal year 2019” and inserting “For fiscal year 2020”.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS,
AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$6,000,000,000, to remain available through September 30, 2021: *Provided*, That notwithstanding section 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)), not less than \$90,000,000 shall be used for breastfeeding peer counselors and other related activities, and \$14,000,000 shall be used for infrastructure: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: *Provided further*, That upon termination of a federally mandated vendor moratorium and subject to terms and conditions established by the Secretary, the Secretary may waive the requirement at 7 CFR 246.12(g)(6) at the request of a State agency.

Breastfeeding.

Waiver authority.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), \$67,886,285,000, of which \$3,000,000,000, to remain available through September 30, 2022, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That of the funds made available under this heading, \$998,000 may be used to provide nutrition education services to State agencies and Federally Recognized Tribes participating in the Food Distribution Program on Indian Reservations: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available

Workfare.

Contracts.
Studies.
Evaluations.

through September 30, 2021: *Provided further*, That funds made available under this heading for section 28(d)(1), section 4(b), and section 27(a) of the Food and Nutrition Act of 2008 shall remain available through September 30, 2021: *Provided further*, That none of the funds made available under this heading may be obligated or expended in contravention of section 213A of the Immigration and Nationality Act (8 U.S.C. 1183A): *Provided further*, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers’ Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, \$344,248,000, to remain available through September 30, 2021: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2020 to support the Seniors Farmers’ Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2021: *Provided further*, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 20 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, \$155,891,000: *Provided*, That of the funds provided herein, \$2,000,000 shall be used for the purposes of section 4404 of Public Law 107–171, as amended by section 4401 of Public Law 110–246.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR TRADE AND FOREIGN AGRICULTURAL AFFAIRS

For necessary expenses of the Office of the Under Secretary for Trade and Foreign Agricultural Affairs, \$875,000: *Provided*, That funds made available by this Act to any agency in the Trade and Foreign Agricultural Affairs mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

OFFICE OF CODEX ALIMENTARIUS

For necessary expenses of the Office of Codex Alimentarius, \$4,775,000, including not to exceed \$40,000 for official reception and representation expenses.

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed \$250,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$215,513,000, of which no more than 6 percent shall remain available until September 30, 2021, for overseas operations to include the payment of locally employed staff: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That funds made available for middle-income country training programs, funds made available for the Borlaug International Agricultural Science and Technology Fellowship program, and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS
PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the credit program of title I, Food for Peace Act (Public Law 83–480) and the Food for Progress Act of 1985, \$142,000, shall be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”.

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years’ costs, including interest thereon, under the Food for Peace Act (Public Law 83–480), for commodities supplied in connection with dispositions abroad under title II of said Act, \$1,725,000,000, to remain available until expended.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD
NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002

(7 U.S.C. 1736o–1), \$220,000,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein: *Provided further*, That of the amount made available under this heading, not more than 10 percent, but not less than \$20,000,000, shall remain available until expended to purchase agricultural commodities as described in subsection 3107(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1(a)(2)).

COMMODITY CREDIT CORPORATION EXPORT (LOANS) CREDIT
GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's Export Guarantee Program, GSM 102 and GSM 103, \$6,381,000, to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$6,063,000 shall be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$318,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG
ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; in addition to amounts appropriated to the FDA Innovation Account, for carrying out the activities described in section 1002(b)(4) of the 21st Century Cures Act (Public Law 114–255); for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107–188; \$5,772,442,000: *Provided*, That of the amount provided under this heading, \$1,074,714,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, and shall be credited to this account and remain available until expended; \$220,142,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$513,223,000 shall be derived from human generic drug user fees authorized by 21 U.S.C. 379j–42, and shall be credited to this account and

remain available until expended; \$41,923,000 shall be derived from biosimilar biological product user fees authorized by 21 U.S.C. 379j–52, and shall be credited to this account and remain available until expended; \$30,611,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j–12, and shall be credited to this account and remain available until expended; \$20,151,000 shall be derived from generic new animal drug user fees authorized by 21 U.S.C. 379j–21, and shall be credited to this account and remain available until expended; \$712,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s, and shall be credited to this account and remain available until expended: *Provided further*, That in addition to and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees, medical device user fees, human generic drug user fees, biosimilar biological product user fees, animal drug user fees, and generic new animal drug user fees that exceed the respective fiscal year 2020 limitations are appropriated and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, human generic drug, biosimilar biological product, animal drug, and generic new animal drug assessments for fiscal year 2020, including any such fees collected prior to fiscal year 2020 but credited for fiscal year 2020, shall be subject to the fiscal year 2020 limitations: *Provided further*, That the Secretary may accept payment during fiscal year 2020 of user fees specified under this heading and authorized for fiscal year 2021, prior to the due date for such fees, and that amounts of such fees assessed for fiscal year 2021 for which the Secretary accepts payment in fiscal year 2020 shall not be included in amounts under this heading: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) \$1,088,881,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs, of which no less than \$15,000,000 shall be used for inspections of foreign seafood manufacturers and field examinations of imported seafood; (2) \$1,972,093,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) \$419,302,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$237,741,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$581,761,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$66,712,000 shall be for the National Center for Toxicological Research; (7) \$661,739,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) \$186,399,000 shall be for Rent and Related activities, of which \$53,913,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) \$239,717,000 shall be for payments to the General Services Administration for rent; and (10) \$318,097,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs, the Office of Foods

and Veterinary Medicine, the Office of Medical and Tobacco Products, the Office of Global and Regulatory Policy, the Office of Operations, the Office of the Chief Scientist, and central services for these offices: *Provided further*, That not to exceed \$25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: *Provided further*, That any transfer of funds pursuant to section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd(n)) shall only be from amounts made available under this heading for other activities: *Provided further*, That of the amounts that are made available under this heading for “other activities”, and that are not derived from user fees, \$1,500,000 shall be transferred to and merged with the appropriation for “Department of Health and Human Services—Office of Inspector General” for oversight of the programs and operations of the Food and Drug Administration and shall be in addition to funds otherwise made available for oversight of the Food and Drug Administration: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, priority review user fees authorized by 21 U.S.C. 360n and 360ff, food and feed recall fees, food reinspection fees, and voluntary qualified importer program fees authorized by 21 U.S.C. 379j–31, outsourcing facility fees authorized by 21 U.S.C. 379j–62, prescription drug wholesale distributor licensing and inspection fees authorized by 21 U.S.C. 353(e)(3), third-party logistics provider licensing and inspection fees authorized by 21 U.S.C. 360eee–3(c)(1), third-party auditor fees authorized by 21 U.S.C. 384d(c)(8), and medical countermeasure priority review voucher user fees authorized by 21 U.S.C. 360bbb–4a, and, contingent upon the enactment of the Over-the-Counter Monograph User Fee Act of 2019, fees relating to over-the-counter monograph drugs authorized by part 10 of subchapter C of Chapter VII of the Federal Food, Drug and Cosmetic Act shall be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, demolition, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$11,788,000, to remain available until expended.

FDA INNOVATION ACCOUNT, CURES ACT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes described under section 1002(b)(4) of the 21st Century Cures Act, in addition to amounts available for such purposes under the heading “Salaries and Expenses”, \$75,000,000, to remain available until expended: *Provided*, That amounts appropriated in this paragraph are appropriated pursuant to section 1002(b)(3) of the 21st Century Cures Act, are to be derived from amounts transferred under section 1002(b)(2)(A) of such Act, and may be transferred by the Commissioner of Food and Drugs to the appropriation for “Department

of Health and Human Services Food and Drug Administration Salaries and Expenses” solely for the purposes provided in such Act: *Provided further*, That upon a determination by the Commissioner that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the account: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by law.

Determination.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases), in the District of Columbia and elsewhere, \$284,000,000, including not to exceed \$3,000 for official reception and representation expenses, and not to exceed \$25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, of which not less than \$20,000,000 shall remain available until September 30, 2021, and of which not less than \$3,200,000 shall be for expenses of the Office of the Inspector General: *Provided*, That notwithstanding the limitations in 31 U.S.C. 1553, amounts provided under this heading are available for the liquidation of obligations equal to current year payments on leases entered into prior to the date of enactment of this Act: *Provided further*, That for the purpose of recording and liquidating any lease obligations that should have been recorded and liquidated against accounts closed pursuant to 31 U.S.C. 1552, and consistent with the preceding proviso, such amounts shall be transferred to and recorded in a no-year account in the Treasury, which has been established for the sole purpose of recording adjustments for and liquidating such unpaid obligations.

In addition, for move, replication, and related costs associated with replacement leases for the Commission’s facilities, not to exceed \$31,000,000, to remain available until expended.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$77,000,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships: *Provided further*, That the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress: *Provided further*, That the purposes of section 3.7(b)(2)(A)(i) of the Farm Credit Act of 1971 (12 U.S.C. 2128(b)(2)(A)(i)), the Farm Credit Administration may exempt, an amount in its sole discretion, from the application of the limitation provided in that clause of export loans described in the clause guaranteed or insured in a manner other than described in subclause (II) of the clause.

Notification.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

Determination. SEC. 701. The Secretary may use any appropriations made available to the Department of Agriculture in this Act to purchase new passenger motor vehicles, in addition to specific appropriations for this purpose, so long as the total number of vehicles purchased or leased in fiscal year 2020 does not exceed the number of vehicles owned or leased in fiscal year 2018: *Provided*, That, prior to purchasing additional motor vehicles, the Secretary must determine that such vehicles are necessary for transportation safety, to reduce operational costs, and for the protection of life, property, and public safety: *Provided further*, That the Secretary may not increase the Department of Agriculture's fleet above the 2018 level unless the Secretary notifies in writing, and receives approval from, the Committees on Appropriations of both Houses of Congress within 30 days of the notification.

Notifications. SEC. 702. Notwithstanding any other provision of this Act, the Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or any other available unobligated discretionary balances that are remaining available of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture, such transferred funds to remain available until expended: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without written notification to and prior approval of the Committees on Appropriations of both Houses of Congress as required by section 716 of this Act: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to initiate, plan, develop, implement, or make any changes to remove or relocate any systems, missions, or functions of the offices of the Chief Financial Officer or any personnel from the National Finance Center prior to written notification to and prior approval of the Committee on Appropriations of both Houses of Congress and in accordance with the requirements of section 716 of this Act: *Provided further*, That the Secretary of Agriculture and the offices of the Chief Financial Officer shall actively market to existing and new Departments and other government agencies National Finance Center shared services including, but not limited to, payroll, financial management, and human capital shared services and allow

the National Finance Center to perform technology upgrades: *Provided further*, That of annual income amounts in the Working Capital Fund of the Department of Agriculture attributable to the amounts in excess of the true costs of the shared services provided by the National Finance Center and budgeted for the National Finance Center, the Secretary shall reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement, delivery, and implementation of financial, administrative, and information technology services, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: *Provided further*, That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of both Houses of Congress: *Provided further*, That the limitations on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

Determination.

SEC. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 704. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

Contracts.

SEC. 705. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 706. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That, notwithstanding section 11319 of title 40, United States Code, none of the funds available to the Department of Agriculture for information technology shall be obligated for projects, contracts, or other agreements over \$25,000 prior to receipt of written approval by the Chief Information Officer: *Provided further*, That the Chief

Determination.

Notification.

Information Officer may authorize an agency to obligate funds without written approval from the Chief Information Officer for projects, contracts, or other agreements up to \$250,000 based upon the performance of an agency measured against the performance plan requirements described in the explanatory statement accompanying Public Law 113–235.

SEC. 707. Funds made available under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 708. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act of 1936, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313B(a) of such Act in the same manner as a borrower under such Act.

SEC. 709. (a) Except as otherwise specifically provided by law, not more than \$20,000,000 in unobligated balances from appropriations made available for salaries and expenses in this Act for the Farm Service Agency shall remain available through September 30, 2021, for information technology expenses.

(b) Except as otherwise specifically provided by law, not more than \$20,000,000 in unobligated balances from appropriations made available for salaries and expenses in this Act for the Rural Development mission area shall remain available through September 30, 2021, for information technology expenses.

SEC. 710. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 711. In the case of each program established or amended by the Agricultural Act of 2014 (Public Law 113–79) or by a successor to that Act, other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act, that is authorized or required to be carried out using funds of the Commodity Credit Corporation—

(1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 712. Of the funds made available by this Act, not more than \$2,900,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 713. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless

such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 714. Notwithstanding subsection (b) of section 14222 of Public Law 110–246 (7 U.S.C. 612c–6; in this section referred to as “section 14222”), none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a program under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c; in this section referred to as “section 32”) in excess of \$1,331,725,000 (exclusive of carryover appropriations from prior fiscal years), as follows: Child Nutrition Programs Entitlement Commodities—\$485,000,000; State Option Contracts—\$5,000,000; Removal of Defective Commodities—\$2,500,000; Administration of Section 32 Commodity Purchases—\$35,853,000: *Provided*, That of the total funds made available in the matter preceding this proviso that remain unobligated on October 1, 2020, such unobligated balances shall carryover into fiscal year 2021 and shall remain available until expended for any of the purposes of section 32, except that any such carryover funds used in accordance with clause (3) of section 32 may not exceed \$350,000,000 and may not be obligated until the Secretary of Agriculture provides written notification of the expenditures to the Committees on Appropriations of both Houses of Congress at least two weeks in advance: *Provided further*, That, with the exception of any available carryover funds authorized in any prior appropriations Act to be used for the purposes of clause (3) of section 32, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture to carry out clause (3) of section 32.

Notification.
Time period.

SEC. 715. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President’s budget submission to the Congress for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the budget unless such budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2021 appropriations Act.

SEC. 716. (a) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming, transfer of funds, or reimbursements as authorized by the Economy Act, or in the case of the Department of Agriculture, through use of the authority provided by section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89–106 (7 U.S.C. 2263), that—

Notifications.
Time periods.

- (1) creates new programs;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes offices, programs, or activities; or
- (6) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Secretary of Agriculture, the Chairman of the Commodity Futures Trading Commission, or the Secretary of Health and Human Services (as the case may be) notifies in writing and receives approval from the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming or use of the authorities referred to in subsection (a) involving funds in excess of \$500,000 or 10 percent, whichever is less, that—

- (1) augments existing programs, projects, or activities;
- (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or
- (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Secretary of Agriculture, the Chairman of the Commodity Futures Trading Commission, or the Secretary of Health and Human Services (as the case may be) notifies in writing and receives approval from the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming or transfer of such funds or the use of such authority.

(c) The Secretary of Agriculture, the Chairman of the Commodity Futures Trading Commission, or the Secretary of Health and Human Services shall notify in writing and receive approval from the Committees on Appropriations of both Houses of Congress before implementing any program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

(d) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for—

- (1) modifying major capital investments funding levels, including information technology systems, that involves increasing or decreasing funds in the current fiscal year for the individual investment in excess of \$500,000 or 10 percent of the total cost, whichever is less;
- (2) realigning or reorganizing new, current, or vacant positions or agency activities or functions to establish a center,

office, branch, or similar entity with five or more personnel;
or

(3) carrying out activities or functions that were not described in the budget request;

unless the agencies funded by this Act notify, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of using the funds for these purposes.

(e) As described in this section, no funds may be used for any activities unless the Secretary of Agriculture, the Chairman of the Commodity Futures Trading Commission, or the Secretary of Health and Human Services receives from the Committee on Appropriations of both Houses of Congress written or electronic mail confirmation of receipt of the notification as required in this section.

SEC. 717. Notwithstanding section 310B(g)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)), the Secretary may assess a one-time fee for any guaranteed business and industry loan in an amount that does not exceed 3 percent of the guaranteed principal portion of the loan.

Fees.

SEC. 718. None of the funds appropriated or otherwise made available to the Department of Agriculture, the Food and Drug Administration, the Commodity Futures Trading Commission, or the Farm Credit Administration shall be used to transmit or otherwise make available reports, questions, or responses to questions that are a result of information requested for the appropriations hearing process to any non-Department of Agriculture, non-Department of Health and Human Services, non-Commodity Futures Trading Commission, or non-Farm Credit Administration employee.

SEC. 719. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

News stories.
Notification.

SEC. 720. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 60 days in a fiscal year unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

Time period.
Reimbursement.

SEC. 721. For the purposes of determining eligibility or level of program assistance for Rural Development programs the Secretary shall not include incarcerated prison populations.

Determination.
Prisons and
prisoners.

SEC. 722. Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture, the Commissioner of the Food and Drug Administration, the Chairman of the Commodity Futures Trading Commission, and the Chairman of the Farm Credit Administration shall submit to the Committees on Appropriations of both Houses of Congress a detailed spending plan by program, project, and activity for all the funds made available under this Act including appropriated user fees, as defined in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Deadline.
Spending plan.

SEC. 723. Of the unobligated balances from amounts made available for the supplemental nutrition program as authorized

	by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$1,000,000,000 are hereby rescinded.
Loans.	SEC. 724. The Secretary shall continue an intermediary loan packaging program based on the pilot program in effect for fiscal year 2013 for packaging and reviewing section 502 single family direct loans. The Secretary shall continue agreements with current intermediary organizations and with additional qualified intermediary organizations. The Secretary shall work with these organizations to increase effectiveness of the section 502 single family direct loan program in rural communities and shall set aside and make available from the national reserve section 502 loans an amount necessary to support the work of such intermediaries and provide a priority for review of such loans.
Loans.	SEC. 725. For loans and loan guarantees that do not require budget authority and the program level has been established in this Act, the Secretary of Agriculture may increase the program level for such loans and loan guarantees by not more than 25 percent: <i>Provided</i> , That prior to the Secretary implementing such an increase, the Secretary notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 15 days in advance.
Notification. Time period.	
Notification. Approval.	SEC. 726. None of the credit card refunds or rebates transferred to the Working Capital Fund pursuant to section 729 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (7 U.S.C. 2235a; Public Law 107–76) shall be available for obligation without written notification to, and the prior approval of, the Committees on Appropriations of both Houses of Congress: <i>Provided</i> , That the refunds or rebates so transferred shall be available for obligation only for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services, including cloud adoption and migration, of primary benefit to the agencies of the Department of Agriculture.
Regulations.	SEC. 727. None of the funds made available by this Act may be used to implement, administer, or enforce the “variety” requirements of the final rule entitled “Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP)” published by the Department of Agriculture in the Federal Register on December 15, 2016 (81 Fed. Reg. 90675) until the Secretary of Agriculture amends the definition of the term “variety” as defined in section 278.1(b)(1)(ii)(C) of title 7, Code of Federal Regulations, and “variety” as applied in the definition of the term “staple food” as defined in section 271.2 of title 7, Code of Federal Regulations, to increase the number of items that qualify as acceptable varieties in each staple food category so that the total number of such items in each staple food category exceeds the number of such items in each staple food category included in the final rule as published on December 15, 2016: <i>Provided</i> , That until the Secretary promulgates such regulatory amendments, the Secretary shall apply the requirements regarding acceptable varieties and breadth of stock to Supplemental Nutrition Assistance Program retailers that were in effect on the day before the date of the enactment of the Agricultural Act of 2014 (Public Law 113–79).
Applicability. Effective date.	SEC. 728. In carrying out subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472), the Secretary of Agriculture shall have the same authority with respect to loans guaranteed

under such section and eligible lenders for such loans as the Secretary has under subsections (h) and (j) of section 538 of such Act (42 U.S.C. 1490p–2) with respect to loans guaranteed under such section 538 and eligible lenders for such loans.

SEC. 729. None of the funds made available by this Act may be used to propose, promulgate, or implement any rule, or take any other action with respect to, allowing or requiring information intended for a prescribing health care professional, in the case of a drug or biological product subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)), to be distributed to such professional electronically (in lieu of in paper form) unless and until a Federal law is enacted to allow or require such distribution.

Health and
health care.
Electronic
records.

SEC. 730. None of the funds made available by this or any other Act may be used to carry out the final rule promulgated by the Food and Drug Administration and put into effect November 16, 2015, in regards to the hazard analysis and risk-based preventive control requirements of the current good manufacturing practice, hazard analysis, and risk-based preventive controls for food for animals rule with respect to the regulation of the production, distribution, sale, or receipt of dried spent grain byproducts of the alcoholic beverage production process.

SEC. 731. Funds made available under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) may only be used to provide assistance to recipient nations if adequate monitoring and controls, as determined by the Administrator, are in place to ensure that emergency food aid is received by the intended beneficiaries in areas affected by food shortages and not diverted for unauthorized or inappropriate purposes.

Determination.

SEC. 732. There is hereby appropriated \$12,000,000, to remain available until expended, to carry out section 6407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a): *Provided*, That the Secretary may allow eligible entities, or comparable entities that provide energy efficiency services using their own billing mechanism to offer loans to customers in any part of their service territory and to offer loans to replace a manufactured housing unit with another manufactured housing unit, if replacement would be more cost effective in saving energy.

SEC. 733. (a) The Secretary of Agriculture shall—

(1) conduct audits in a manner that evaluates the following factors in the country or region being audited, as applicable—

Audits.

- (A) veterinary control and oversight;
- (B) disease history and vaccination practices;
- (C) livestock demographics and traceability;
- (D) epidemiological separation from potential sources of infection;
- (E) surveillance practices;
- (F) diagnostic laboratory capabilities; and
- (G) emergency preparedness and response; and

(2) promptly make publicly available the final reports of any audits or reviews conducted pursuant to subsection (1).

Public
information.
Reports.
Applicability.

(b) This section shall be applied in a manner consistent with United States obligations under its international trade agreements.

SEC. 734. No food that bears or contains partially hydrogenated oils (as defined in the order published by the Food and Drug Administration in the Federal Register on June 17, 2015 (80 Fed. Reg. 34650 et seq.)) shall be considered to be adulterated within

the meaning of subsection (a)(1) or (a)(2)(C)(i) of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)) because such food contains such partially hydrogenated oils until the applicable compliance dates specified by FDA in the Federal Register on May 21, 2018 (83 Fed. Reg. 23358 et seq.).

SEC. 735. None of the funds made available by this Act may be used to carry out any activities or incur any expense related to the issuance of licenses under section 3 of the Animal Welfare Act (7 U.S.C. 2133), or the renewal of such licenses, to class B dealers who sell dogs and cats for use in research, experiments, teaching, or testing.

Iron and steel
products.

SEC. 736. (a)(1) No Federal funds made available for this fiscal year for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926 et seq.) shall be used for a project for the construction, alteration, maintenance, or repair of a public water or wastewater system unless all of the iron and steel products used in the project are produced in the United States.

Definition.

(2) In this section, the term “iron and steel products” means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(b) Subsection (a) shall not apply in any case or category of cases in which the Secretary of Agriculture (in this section referred to as the “Secretary”) or the designee of the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

Public
information.
Records.
Time period.

(c) If the Secretary or the designee receives a request for a waiver under this section, the Secretary or the designee shall make available to the public on an informal basis a copy of the request and information available to the Secretary or the designee concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Secretary or the designee shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Department.

Web posting.

Applicability.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

(e) The Secretary may retain up to 0.25 percent of the funds appropriated in this Act for “Rural Utilities Service—Rural Water and Waste Disposal Program Account” for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

(f) Subsection (a) shall not apply with respect to a project for which the engineering plans and specifications include use of iron and steel products otherwise prohibited by such subsection

if the plans and specifications have received required approvals from State agencies prior to the date of enactment of this Act.

(g) For purposes of this section, the terms “United States” and “State” shall include each of the several States, the District of Columbia, and each federally recognized Indian tribe.

Definitions.

SEC. 737. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

Lobbying.

SEC. 738. None of the funds made available by this Act may be used to procure raw or processed poultry products imported into the United States from the People’s Republic of China for use in the school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the Child and Adult Care Food Program under section 17 of such Act (42 U.S.C. 1766), the Summer Food Service Program for Children under section 13 of such Act (42 U.S.C. 1761), or the school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

Poultry products.
China.

SEC. 739. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel—

(1) to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) to inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

(3) to implement or enforce section 352.19 of title 9, Code of Federal Regulations (or a successor regulation).

SEC. 740. Of the total amounts made available by this Act for direct loans and grants in section 732 and in the following headings: “Rural Housing Service—Rural Housing Insurance Fund Program Account”; “Rural Housing Service—Mutual and Self-Help Housing Grants”; “Rural Housing Service—Rural Housing Assistance Grants”; “Rural Housing Service—Rural Community Facilities Program Account”; “Rural Business-Cooperative Service—Rural Business Program Account”; “Rural Business-Cooperative Service—Rural Economic Development Loans Program Account”; “Rural Business-Cooperative Service—Rural Cooperative Development Grants”; “Rural Utilities Service—Rural Water and Waste Disposal Program Account”; “Rural Utilities Service—Rural Electrification and Telecommunications Loans Program Account”; and “Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program”, to the maximum extent feasible, at least 10 percent of the funds shall be allocated for assistance in persistent poverty counties under this section, including, notwithstanding any other provision regarding population limits, any county seat of such a persistent poverty county that has a population that does not exceed the authorized population limit by more than 10 percent: *Provided*, That for purposes of this section, the term “persistent poverty counties” means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses, and 2007–2011 American Community Survey 5-year average, or any territory or possession of the United States: *Provided further*, That with respect to specific activities for which program levels have been made available by this Act that are not supported by budget authority,

Definition.

Applicability.

the requirements of this section shall be applied to such program level.

China.
Poultry products.

SEC. 741. (a) No funds shall be used to finalize the proposed rule entitled “Eligibility of the People’s Republic of China (PRC) to Export to the United States Poultry Products from Birds Slaughtered in the PRC” published in the Federal Register by the Department of Agriculture on June 16, 2017 (82 Fed. Reg. 27625), unless the Secretary of Agriculture shall—

(1) ensure that the poultry slaughter inspection system for the PRC is equivalent to that of the United States;

(2) ensure that, before any poultry products can enter the United States from any such poultry plant, such poultry products comply with all other applicable requirements for poultry products in interstate commerce in the United States;

Reviews.
Audits.

(3) conduct periodic verification reviews and audits of any such plants in the PRC intending to export into the United States processed poultry products;

Inspections.

(4) conduct re-inspection of such poultry products at United States ports-of-entry to check the general condition of such products, for the proper certification and labeling of such products, and for any damage to such products that may have occurred during transportation; and

(5) ensure that shipments of any such poultry products selected to enter the United States are subject to additional re-inspection procedures at appropriate levels to verify that the products comply with relevant Federal regulations or standards, including examinations for product defects and laboratory analyses to detect harmful chemical residues or pathogen testing appropriate for the products involved.

Applicability.

(b) This section shall be applied in a manner consistent with obligations of the United States under any trade agreement to which the United States is a party.

SEC. 742. In addition to any other funds made available in this Act or any other Act, there is appropriated \$9,000,000 to carry out section 18(g)(8) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)), to remain available until expended.

SEC. 743. There is hereby appropriated \$5,000,000, to remain available until September 30, 2021, for the cost of loans and grants that is consistent with section 4206 of the Agricultural Act of 2014, for necessary expenses of the Secretary to support projects that provide access to healthy food in underserved areas, to create and preserve quality jobs, and to revitalize low-income communities.

SEC. 744. For an additional amount for “Animal and Plant Health Inspection Service—Salaries and Expenses”, \$8,500,000, to remain available until September 30, 2021, for one-time control and management and associated activities directly related to the multiple-agency response to citrus greening.

Human embryos.

SEC. 745. None of the funds made available by this Act may be used to notify a sponsor or otherwise acknowledge receipt of a submission for an exemption for investigational use of a drug or biological product under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or section 351(a)(3) of the Public Health Service Act (42 U.S.C. 262(a)(3)) in research in which a human embryo is intentionally created or modified to include a heritable genetic modification. Any such submission shall be deemed to have not been received by the Secretary, and the exemption may not go into effect.

SEC. 746. None of the funds made available by this or any other Act may be used to enforce the final rule promulgated by the Food and Drug Administration entitled “Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption,” and published on November 27, 2015, with respect to the regulation of entities that grow, harvest, pack, or hold wine grapes, hops, pulse crops, or almonds.

Regulations.

SEC. 747. For school year 2020–2021, only a school food authority that had a negative balance in the nonprofit school food service account as of December 31, 2019, shall be required to establish a price for paid lunches in accordance with Section 12(p) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(p).

Requirement.
School lunches.

SEC. 748. There is hereby appropriated \$5,000,000, to remain available until September 30, 2021, for a pilot program for the National Institute of Food and Agriculture to provide grants to nonprofit organizations for programs and services to establish and enhance farming and ranching opportunities for military veterans.

SEC. 749. For school years 2019–2020 and 2020–2021, none of the funds made available by this Act may be used to implement or enforce the matter following the first comma in the second sentence of footnote (c) of section 220.8(c) of title 7, Code of Federal Regulations, with respect to the substitution of vegetables for fruits under the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

School breakfast.

SEC. 750. None of the funds made available by this Act or any other Act may be used—

(1) in contravention of section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940), subtitle G of the Agricultural Marketing Act of 1946, or section 10114 of the Agriculture Improvement Act of 2018; or

(2) to prohibit the transportation, processing, sale, or use of hemp, or seeds of such plant, that is grown or cultivated in accordance with subsection section 7606 of the Agricultural Act of 2014 or Subtitle G of the Agricultural Marketing Act of 1946, within or outside the State in which the hemp is grown or cultivated.

Hemp and hemp
seeds.

SEC. 751. Out of amounts appropriated to the Food and Drug Administration under title VI, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall, not later than July 1, 2020, and following the review required under Executive Order No. 12866 (5 U.S.C. 601 note; relating to regulatory planning and review), issue advice revising the advice provided in the notice of availability entitled “Advice About Eating Fish, From the Environmental Protection Agency and Food and Drug Administration; Revised Fish Advice; Availability” (82 Fed. Reg. 6571 (January 19, 2017)), in a manner that is consistent with nutrition science recognized by the Food and Drug Administration on the net effects of seafood consumption.

Deadline.
Fish and fishing.

SEC. 752. In addition to any funds made available in this Act or any other Act, there is hereby appropriated \$6,000,000, to remain available until September 30, 2021, for grants from the National Institute of Food and Agriculture to the 1890 Institutions to support the Centers of Excellence.

SEC. 753. There is hereby appropriated \$1,000,000 for the Secretary of Agriculture to carry out a pilot program that assists rural hospitals to improve long-term operations and financial health

by providing technical assistance through analysis of current hospital management practices.

SEC. 754. There is hereby appropriated \$2,000,000, to remain available until expended, for grants under section 12502 of Public Law 115-334.

SEC. 755. There is hereby appropriated \$2,000,000 to carry out section 1621 of Public Law 110-246.

Deadline.
Regulations.
7 USC 6509 note.

SEC. 756. Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall issue a final rule based on the proposed rule entitled “National Organic Program; Origin of Livestock,” published in the *Federal Register* on April 28, 2015 (80 Fed. Reg. 23455): *Provided*, That the final rule shall incorporate public comments submitted in response to the proposed rule.

Public
information.

SEC. 757. There is hereby appropriated \$3,000,000, to remain available until September 30, 2021, to carry out section 4003(b) of Public Law 115-334 relating to demonstration projects for Tribal Organizations.

SEC. 758. There is hereby appropriated \$1,000,000 for the Secretary to carry out a pilot program that provides forestry inventory analysis, forest management and economic outcomes modelling for certain currently enrolled Conservation Reserve Program participants. The Secretary shall allow the Commodity Credit Corporation to enter into agreements with and provide grants to qualified non-profit organizations dedicated to conservation, forestry and wildlife habitats, that also have experience in conducting accurate forest inventory analysis through the use of advanced, cost-effective technology. The Secretary shall focus the analysis on lands enrolled for at least eight years and located in areas with a substantial concentration of acres enrolled under conservation practices devoted to multiple bottomland hardwood tree species including CP03, CP03A, CP11, CP22, CP31 and CP40.

Contracts.
Grants.
Non profit
organizations.

Analysis.
Time period.

SEC. 759. In addition to amounts otherwise made available by this Act and notwithstanding the last sentence of 16 U.S.C. 1310, there is appropriated \$4,000,000, to remain available until expended, to implement non-renewable agreements on eligible lands, including flooded agricultural lands, as determined by the Secretary, under the Water Bank Act (16 U.S.C. 1301-1311).

SEC. 760. The Secretary shall set aside for Rural Economic Area Partnership (REAP) Zones, until August 15, 2020, an amount of funds made available in title III under the headings of Rural Housing Insurance Fund Program Account, Mutual and Self-Help Housing Grants, Rural Housing Assistance Grants, Rural Community Facilities Program Account, Rural Business Program Account, Rural Development Loan Fund Program Account, and Rural Water and Waste Disposal Program Account, equal to the amount obligated in REAP Zones with respect to funds provided under such headings in the most recent fiscal year any such funds were obligated under such headings for REAP Zones.

SEC. 761. There is hereby appropriated \$1,000,000 to carry out section 3307 of Public Law 115-334.

Waiver authority.

SEC. 762. The Secretary of Agriculture may waive the matching funds requirement under Section 412(g) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632(g)).

SEC. 763. There is hereby appropriated \$5,000,000, to remain available until September 30, 2021, to carry out section 23 of

the Child Nutrition Act of 1966 (42 U.S.C. 1793), of which \$1,000,000 shall be for grants under such section to the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, and American Samoa.

SEC. 764. There is hereby appropriated \$1,000,000, to remain available until expended, for a pilot program for the Secretary to provide grants to qualified non-profit organizations and public housing authorities to provide technical assistance, including financial and legal services, to RHS multi-family housing borrowers to facilitate the acquisition of RHS multi-family housing properties in areas where the Secretary determines a risk of loss of affordable housing, by non-profit housing organizations and public housing authorities as authorized by law that commit to keep such properties in the RHS multi-family housing program for a period of time as determined by the Secretary.

Determinations.

SEC. 765. Section 2 of the Rural Electrification Act of 1936 (7 U.S.C. 902) is amended in subsection (a) by striking “made by the Secretary” and inserting “made or guaranteed by the Secretary”.

SEC. 766. The National Bio and Agro-Defense Facility shall be transferred without reimbursement from the Secretary of Homeland Security to the Secretary of Agriculture.

Administrative transfer.
6 USC 190 note.

SEC. 767. Any funds made available by this or any other Act that the Secretary withholds pursuant to section 1668(g)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(g)(2)), as amended, shall be available for grants for biotechnology risk assessment research: *Provided*, That the Secretary may transfer such funds to appropriations of the Department of Agriculture.

SEC. 768. There is hereby appropriated \$5,000,000 to carry out section 222 of Subtitle A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6923) as amended by section 12302 of Public Law 115–334.

Grants.
Research and development.

SEC. 769. There is hereby appropriated \$400,000 to carry out section 224 of Subtitle A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6924) as amended by section 12504 of Public Law 115–334.

SEC. 770. There is hereby appropriated \$1,000,000, to remain available until September 30, 2021, to carry out section 4208 of Public Law 115–334.

SEC. 771. There is hereby appropriated \$400,000 to carry out section 1672(g)(4)(B) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(g)(4)(B)) as amended by section 7209 of Public Law 115–334.

SEC. 772. There is hereby appropriated \$5,000,000 to carry out section 12301 of Public Law 115–334.

SEC. 773. There is hereby appropriated \$5,000,000 to carry out section 1450 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222e) as amended by section 7120 of Public Law 115–334.

SEC. 774. There is hereby appropriated \$1,000,000 to carry out section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) as amended by section 7208 of Public Law 115–334.

SEC. 775. In response to an eligible community where the drinking water supplies are inadequate due to a natural disaster,

Water.
Determination.
Time period.

as determined by the Secretary, including drought or severe weather, the Secretary may provide potable water through the Emergency Community Water Assistance Grant Program for an additional period of time not to exceed 120 days beyond the established period provided under the Program in order to protect public health.

SEC. 776. There is hereby appropriated \$6,000,000 for the purposes described in the paragraph entitled “Nutrition Assistance Program (NAP) Study” under the Supplemental Nutrition Assistance Program included in House Report 116–107, of which \$4,000,000 shall be for the Secretary to update the Feasibility Report, and of which \$2,000,000 shall be for Puerto Rico for technology requirements: *Provided*, That the reports detailed in House Report 116–107 shall be due not later than December 31, 2020.

Reports.

SEC. 777. There is hereby appropriated \$5,000,000 to remain available until September 30, 2021, to carry out section 4206 of Public Law 115–334.

SEC. 778. There is hereby appropriated \$20,000,000, to remain available until expended, to carry out section 12513 of Public Law 115–334: *Provided*, That the Secretary shall take measures to ensure an equal distribution of funds between the three regional innovation initiatives.

SEC. 779. There is hereby appropriated \$5,000,000, to remain available until September 30, 2021, to carry out section 2103 of Public Law 115–334.

SEC. 780. There is hereby appropriated \$20,000,000, for an additional amount for “Department of Health and Human Services—Food and Drug Administration—Buildings and Facilities” to remain available until expended and in addition to amounts otherwise made available for such purposes, for necessary expenses of plans, construction, repair, improvement, extension, alteration, demolition and purchase of fixed equipment or facilities of or used by FDA for seafood safety.

SEC. 781. There is hereby appropriated \$5,000,000 to remain available until September 30, 2021, to carry out section 6424 of Public Law 115–334.

SEC. 782. Of the unobligated balances from amounts made available to carry out section 749 of Division A of Public Law 115–31 and section 739 of Division A of Public Law 115–141, \$15,073,000 are rescinded.

SEC. 783. In addition to amounts otherwise made available by this or any other Act, there is hereby appropriated \$5,000,000, to remain available until expended, to the Secretary for a pilot program to provide grants to a regional consortium to fund technical assistance and construction of regional wastewater systems for historically impoverished communities that have had difficulty in installing traditional wastewater treatment systems due to soil conditions.

SEC. 784. Section 9(i)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2018(i)(2)) is amended by striking “for a period” and all that follows through “2018” and inserting “prior to December 31, 2020”.

Deadline.
Determination.
Vaping products.

Public
information.

SEC. 785. Not later than 60 days after enactment of this Act, the Commissioner of the Food and Drug Administration shall issue a request for information to determine the next steps that will address the recent pulmonary illnesses reported to be associated with the use of e-cigarettes and vaping products. As part of such

request for information, the Commissioner shall request public comment on product design and how to prevent consumers from modifying or adding any substances to these products that are not intended by the manufacturer: *Provided*, That the Food and Drug Administration shall provide an update to the Committee on Appropriations on a quarterly basis.

Updates.
Time period.

SEC. 786. (a) In the matter preceding the first proviso under the heading “Supplemental Nutrition Assistance Program” in the Consolidated Appropriations Act, 2018 (Public Law 115–141), strike “December 31, 2019” and insert “September 30, 2020”.

132 Stat. 374.

(b) In the matter preceding the first proviso under the heading “Supplemental Nutrition Assistance Program” in the Consolidated Appropriations Act, 2019 (Public Law 116–6), strike “December 31, 2020” and insert “September 30, 2021”.

Ante, p. 68.

SEC. 787. (a) There is hereby appropriated \$300,000,000, to remain available until expended, for an additional amount for section 779 of Public Law 115–141.

(b) Section 313(b) of the Rural Electrification Act of 1936, as amended (7 U.S.C. 940c(b)), shall be applied for fiscal year 2020 and each fiscal year thereafter until the specified funding has been expended as if the following were inserted after the final period in subsection (b)(2): “In addition, the Secretary shall use \$425,000,000 of funds available in this subaccount in fiscal year 2019 for an additional amount for the same purpose and under the same terms and conditions as funds appropriated by section 779 of Public Law 115–141 and shall use \$255,000,000 of funds available in this subaccount in fiscal year 2020 for an additional amount for the same purpose and under the same terms and conditions as funds appropriated by section 779 of Public Law 115–141: *Provided*, That any use of such funds shall be treated as a reprogramming of funds under section 716 of this Act.”.

Applicability.

(c) Section 762(b) of division B of Public Law 116–6 shall no longer apply.

SEC. 788. The Animal and Plant Health Inspection Service shall, notwithstanding any other provision of law:

7 USC 2146a.

(a) within 60 calendar days, restore on its website the searchable database and its contents that were available on January 30, 2017, and all content generated since that date; and

Deadline.
Website.

(b) hereafter, make publicly available via searchable database, in their entirety without redactions except signatures, the following records after enactment of this Act for a subsequent period of three years:

Public
information.
Time period.
Records.
Reports.

(1) all final Animal Welfare Act inspection reports, including all reports documenting all Animal Welfare Act non-compliances observed by USDA officials and all animal inventories;

(2) all final Animal Welfare Act and Horse Protection Act enforcement records;

(3) all reports or other materials documenting any non-compliances observed by USDA officials; and

(4) within six months of receipt by the agency, all final Animal Welfare Act research facility annual reports, including their attachments with appropriate redactions made for confidential business information that USDA could withhold under FOIA Exemption 4.

SEC. 789. Notwithstanding any other provision of law, no funds available to the Department of Agriculture may be used to move

Genetic
engineering.

any agency from the mission area in which it was located on August 1, 2018, to any other mission area or office within the Department in the absence of the enactment of specific legislation affirming such move.

SEC. 790. Notwithstanding any other provision of law, the acceptable market name of any engineered animal approved prior to the effective date of the National Bioengineered Food Disclosure Standard (February 19, 2019) shall include the words “genetically engineered” prior to the existing acceptable market name.

SEC. 791. (a) The remaining unobligated balances of funds made available under the heading “Department of Agriculture—Agricultural Programs—Processing, Research and Marketing—Office of the Secretary” in the Bipartisan Budget Act of 2018 (Public Law 115–123) are hereby rescinded: *Provided*, That the amounts rescinded pursuant to this subsection that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to that section of that Act.

(b) In addition to amounts otherwise made available by this Act for “Department of Agriculture—Agricultural Programs—Processing, Research and Marketing—Office of the Secretary”, there is appropriated for an additional amount for fiscal year 2020, to remain available until December 30, 2021, an amount equal to the unobligated balances rescinded pursuant to subsection (a), for the same purposes and under the same authorities and conditions as the funds made available under the heading “Department of Agriculture—Agricultural Programs—Processing, Research and Marketing—Office of the Secretary” in the Additional Supplemental Appropriations for Disaster Relief Act of 2019 (Public Law 116–20), as amended by this section: *Provided*, That, in addition to the purposes specified in the matter preceding the first proviso under the heading “Department of Agriculture—Agricultural Programs—Processing, Research and Marketing—Office of the Secretary” in the Additional Supplemental Appropriations for Disaster Relief Act of 2019 (Public Law 116–20), as amended by this section, such amounts shall also be available for quality losses of crops, drought, and excessive moisture: *Provided further*, That losses due to drought shall only be eligible under this subsection if any area within the county in which the loss occurs was rated by the U.S. Drought Monitor as having a D3 (Extreme Drought) or higher level of drought intensity during the applicable calendar years: *Provided further*, That the Secretary may use the amounts provided under this subsection, under the same authorities and conditions as the funds made available under the heading “Department of Agriculture—Agricultural Programs—Processing, Research and Marketing—Office of the Secretary” in the Bipartisan Budget Act of 2018 (Public Law 115–123), to continue to pay for losses due to Tropical Storm Cindy, and peaches and blueberries due to freeze in 2017 and blueberry productivity losses in 2018: *Provided further*, That the Secretary shall use the amounts provided under this subsection, under the same authorities and conditions as the funds made available under the heading “Department of Agriculture—Agricultural Programs—Processing, Research and Marketing—Office of the Secretary” in the Bipartisan Budget Act of 2018 (Public Law 115–123), to make payments for vine losses that were eligible for, but did not receive, payments under that heading in that

Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Title I of the Additional Supplemental Appropriations for Disaster Relief Act, 2019 (Public Law 116–20), as amended by section 116 of the Continuing Appropriations Act, 2020 (Public Law 116–59), is further amended in the first proviso under the heading “Department of Agriculture—Agricultural Programs—Processing, Research and Marketing—Office of the Secretary” by striking “may provide” and inserting “, in addition to the amount announced on November 8, 2019, shall provide not less than \$400,000,000 in” , and by adding the following before the final proviso under that heading: “*Provided further*, That the Secretary shall pay all sugar beet losses in 2018 and 2019 through cooperative processors (to be paid to producer members as determined by such processors) using the additional coverage level described in section 508(e)(2)(E) of the Federal Crop Insurance Act of 1938 (7 U.S.C. 1508(e)(2)(E)) for purposes of determining the Wildfire Hurricane Indemnity Program Plus factor (as defined in section 760.1502 of title 7, Code of Federal Regulations (or successor regulations))”: *Provided*, That amounts repurposed pursuant to this subsection that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Ante, p. 871.

Ante, p. 872.

(d) No later than December 31, 2020, the remaining unobligated balances of funds made available under the heading “Department of Agriculture—Agricultural Programs—Processing, Research and Marketing—Office of the Secretary” in the Additional Supplemental Appropriations for Disaster Relief Act of 2019 (Public Law 116–20) are hereby permanently rescinded, and an amount of additional new budget authority equivalent to the amount rescinded is hereby appropriated, to remain available until December 30, 2021, in addition to other funds as may be available for such purposes, for the same purposes and under the same authorities and conditions as the funds made available in subsection (b): *Provided*, That the amounts rescinded pursuant to this subsection that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to that section of that Act: *Provided further*, That the amount of additional new budget authority made available pursuant to this subsection is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.

SEC. 792. For an additional amount for “Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund” for purchase of vaccines, therapeutics, and diagnostics for the prevention and treatment of Ebola, \$535,000,000, to remain available until September 30, 2024: *Provided*, That products purchased with funds provided under this section may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the PHS Act: *Provided further*, That sections

319C–1(h)(3) and 319C–2(h) of the PHS Act shall not apply to funds provided under this section: *Provided further*, That funds provided under this section may be used for the purposes specified in this section or authorized under section 319F–4 of the PHS Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

This division may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2020”.

Energy and
Water
Development and
Related Agencies
Appropriations
Act, 2020.

DIVISION C—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2020

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

Studies.
Work plan.

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects, and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations, and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, \$151,000,000, to remain available until expended: *Provided*, That the Secretary shall initiate six new study starts during fiscal year 2020: *Provided further*, That the Secretary shall not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for

selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$2,681,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects, except for Chickamauga Lock, Tennessee River, Tennessee, which shall be 35 percent during the fiscal year covered by this Act, shall be derived from the Inland Waterways Trust Fund, except as otherwise specifically provided for in law: *Provided*, That the Secretary shall initiate six new construction starts during fiscal year 2020: *Provided further*, That for new construction projects, project cost sharing agreements shall be executed as soon as practicable but no later than December 31, 2020: *Provided further*, That no allocation for a new start shall be considered final and no work allowance shall be made until the Secretary provides to the Committees on Appropriations of both Houses of Congress an out-year funding scenario demonstrating the affordability of the selected new starts and the impacts on other projects: *Provided further*, That the Secretary may not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

Contracts.
Deadline.

Funding
scenario.

Work plan.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$375,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$3,790,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such

Time period.
Determination.

sums as become available from fees collected under section 217 of Public Law 104-303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That 1 percent of the total amount of funds provided for each of the programs, projects, or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$210,000,000, to remain available until September 30, 2021.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$200,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, \$35,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, \$203,000,000, to remain available until September 30, 2021, of which not to exceed \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in this title shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), \$5,000,000, to remain available until September 30, 2021: *Provided*, That not more than 75 percent of such amount may be obligated or expended until the Assistant Secretary submits to the Committees on Appropriations of both Houses of Congress the report required under section 101(d) of this Act and a work plan that allocates at least 95 percent of the additional funding provided under each heading in this title, as designated under such heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), to specific programs, projects, or activities.

Reports.
Work plan.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2020, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates or initiates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;
- (4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;
- (5) augments or reduces existing programs, projects, or activities in excess of the amounts contained in paragraphs (6) through (10), unless prior approval is received from the Committees on Appropriations of both Houses of Congress;
- (6) INVESTIGATIONS.—For a base level over \$100,000, reprogramming of 25 percent of the base amount up to a limit of \$150,000 per project, study or activity is allowed: *Provided*, That for a base level less than \$100,000, the reprogramming limit is \$25,000: *Provided further*, That up to \$25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;
- (7) CONSTRUCTION.—For a base level over \$2,000,000, reprogramming of 15 percent of the base amount up to a limit of \$3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than \$2,000,000, the reprogramming limit is \$300,000: *Provided further*, That up to \$3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further*, That up to \$300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;
- (8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted for the Corps to be able to respond

Notification.	to emergencies: <i>Provided</i> , That the Chief of Engineers shall notify the Committees on Appropriations of both Houses of Congress of these emergency actions as soon thereafter as practicable: <i>Provided further</i> , That for a base level over \$1,000,000, reprogramming of 15 percent of the base amount up to a limit of \$5,000,000 per project, study, or activity is allowed: <i>Provided further</i> , That for a base level less than \$1,000,000, the reprogramming limit is \$150,000: <i>Provided further</i> , That \$150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;
Guidelines. Applicability.	(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The reprogramming guidelines in paragraphs (6), (7), and (8) shall apply to the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account, respectively; and (10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted. (b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than \$50,000 be submitted to the Committees on Appropriations of both Houses of Congress. (c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.
Reports.	(d) Not later than 60 days after the date of enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations of both Houses of Congress to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year which shall include: (1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if applicable, and the fiscal year enacted level; and (2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and (3) An identification of items of special congressional interest.
Determination.	SEC. 102. The Secretary shall allocate funds made available in this Act solely in accordance with the provisions of this Act and the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), including the determination and designation of new starts. SEC. 103. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101. SEC. 104. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to \$5,400,000 of funds provided in this title under the heading "Operation and Maintenance" to mitigate for fisheries lost due to Corps of Engineers projects. SEC. 105. None of the funds in this Act shall be used for an open lake placement alternative for dredged material, after evaluating the least costly, environmentally acceptable manner for

the disposal or management of dredged material originating from Lake Erie or tributaries thereto, unless it is approved under a State water quality certification pursuant to section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341): *Provided*, That until an open lake placement alternative for dredged material is approved under a State water quality certification, the Corps of Engineers shall continue upland placement of such dredged material consistent with the requirements of section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

SEC. 106. None of the funds made available by this Act or any other Act may be used to reorganize or to transfer the Civil Works functions or authority of the Corps of Engineers or the Secretary of the Army to another department or agency.

SEC. 107. Additional funding provided in this Act shall be allocated only to projects determined to be eligible by the Chief of Engineers.

SEC. 108. None of the funds made available by this Act may be used to carry out any water supply reallocation study under the Wolf Creek Dam, Lake Cumberland, Kentucky, project authorized under the Act of July 24, 1946 (60 Stat. 636, ch. 595).

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$20,000,000, to remain available until expended, of which \$1,800,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: *Provided*, That of the amount provided under this heading, \$1,500,000 shall be available until September 30, 2021, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior: *Provided further*, That for fiscal year 2020, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and

other agreements with, State and local governments, federally recognized Indian tribes, and others, \$1,512,151,000, to remain available until expended, of which \$69,932,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$5,023,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That \$10,000,000 shall be available for transfer into the Blackfeet Water Settlement Implementation Fund established by section 3717 of Public Law 114–322: *Provided further*, That the unobligated balances in “Water and Related Resources” for the Blackfeet Water Rights Settlement Act may be transferred to the Blackfeet Water Settlement Implementation Fund account: *Provided further*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That within available funds, \$250,000 shall be for grants and financial assistance for educational activities: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided further*, That of the amounts made available under this heading, \$4,000,000 shall be for one payment for deferred construction funding to the Navajo Nation to fulfill the construction obligations described in section 15(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585), as amended by the Colorado Ute Settlement Act Amendments of 2000 (Public Law 106–554), and to complete the commissioning and title transfer of the Navajo Nation Municipal Pipeline: *Provided further*, That in accordance with section 4009(c) of Public Law 114–322, and as recommended by the Secretary in a letter dated February 13, 2019, funding provided for such purpose in fiscal year 2018 shall be made available to the Expanding Recycled Water Delivery Project (VenturaWaterPure), the Pure Water Monterey Groundwater Replenishment Project, the Groundwater Reliability Improvement Program (GRIP) Recycled Water Project, the North Valley Regional Recycled Water Program, the South Sacramento County Agriculture and Habitat Lands Recycled Water Program, and the Central Coast Blue project: *Provided further*, That in accordance with section 4007 of Public Law 114–322, and as recommended by the Secretary in a letter dated February 13, 2019, funding provided for such purpose in fiscal years 2017 and 2018 shall be made available to the Cle Elum Pool Raise, the Boise River Basin Feasibility Study, the Del Puerto Water District, the Los Vaqueros Reservoir Phase 2 Expansion Project, the North-of-the Delta Off stream Storage (Sites Reservoir Project), and the Friant-Kern Canal Capacity Correction Resulting Subsidence: *Provided further*, That in accordance with section 4009(a) of Public Law 114–322, and as recommended by the Secretary in a letter dated February 13, 2019,

funding provided for such purpose in fiscal years 2017 and 2018 shall be made available to the Doheny Ocean Desalination Project, the Kay Bailey Hutchison Desalination Plant, the North Pleasant Valley Desalter Facility, and the Mission Basin Groundwater Purification Facility Well Expansion and Brine Minimization.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$54,849,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$33,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2021, \$60,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous or subsequent appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2020, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;
 (2) eliminates a program, project, or activity;
 (3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of both Houses of Congress:

(A) 15 percent for any program, project or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or

(B) \$400,000 for any program, project or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of both Houses of Congress; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of both Houses of Congress.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

Definition.

(c) For purposes of this section, the term “transfer” means any movement of funds into or out of a program, project, or activity.

Reports.
Time period.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of both Houses of Congress detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

California.
Plan.
Water.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality

standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program—Alternative Repayment Plan” and the “SJVDP—Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Section 9504(e) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364(e)) is amended by striking “\$480,000,000” and inserting “\$530,000,000”.

SEC. 204. Title I of Public Law 108–361 (the CALFED Bay-Delta Authorization Act) (118 Stat. 1681), as amended by section 4007(k) of Public Law 114–322, is amended by striking “2019” each place it appears and inserting “2020”.

43 USC 390b
note.

SEC. 205. Section 9106(g)(2) of Public Law 111–11 (Omnibus Public Land Management Act of 2009) is amended by striking “2019” and inserting “2020”.

123 Stat. 1309.

SEC. 206. The Claims Resolution Act of 2010 (Public Law 111–291) is amended—

(1) in section 309(d), by striking “2021” each place it appears and inserting “2023”; and

124 Stat. 3088.

(2) in section 311(h), by striking “2021” and inserting “2023”.

124 Stat. 3092.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$2,848,000,000, to remain available until expended: *Provided*, That of such amount, \$165,000,000 shall be available until September 30, 2021, for program direction: *Provided further*, That of the unobligated balances from prior year appropriations available under this heading, \$58,000,000 is hereby rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent

Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY RESPONSE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy sector cybersecurity, energy security, and emergency response activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$156,000,000, to remain available until expended: *Provided*, That of such amount, \$13,000,000 shall be available until September 30, 2021, for program direction.

ELECTRICITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$190,000,000, to remain available until expended: *Provided*, That of such amount, \$18,000,000 shall be available until September 30, 2021, for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,493,408,000, to remain available until expended: *Provided*, That of such amount, \$80,000,000 shall be available until September 30, 2021, for program direction.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For Department of Energy expenses necessary in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$750,000,000, to remain available until expended: *Provided*, That of such amount \$61,500,000 shall be available until September 30, 2021, for program direction.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For Department of Energy expenses necessary to carry out naval petroleum and oil shale reserve activities, \$14,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For Department of Energy expenses necessary for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6203 et seq.), \$195,000,000, to remain available until expended: *Provided*, That, as authorized by section 404 of the Bipartisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C. 6239 note), the Secretary of Energy shall draw down and sell not to exceed \$450,000,000 of crude oil from the Strategic Petroleum Reserve in fiscal year 2020: *Provided further*, That the proceeds from such drawdown and sale shall be deposited into the “Energy Security and Infrastructure Modernization Fund” during fiscal year 2020: *Provided further*, That such amounts shall be made available and shall remain available until expended for necessary expenses to carry out the Life Extension II project for the Strategic Petroleum Reserve.

42 USC 6241
note.

42 USC 6241
note.

42 USC 6241
note.

SPR PETROLEUM ACCOUNT

For the acquisition, transportation, and injection of petroleum products, and for other necessary expenses pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6203 et seq.), sections 403 and 404 of the Bipartisan Budget Act of 2015 (42 U.S.C. 6241, 6239 note), and section 5010 of the 21st Century Cures Act (Public Law 114–255), \$10,000,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For Department of Energy expenses necessary for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6203 et seq.), \$10,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For Department of Energy expenses necessary in carrying out the activities of the Energy Information Administration, \$126,800,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant

or facility acquisition, construction, or expansion, \$319,200,000, to remain available until expended: *Provided*, That \$200,000 of the funds provided are for community support.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING
FUND

For Department of Energy expenses necessary in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, \$881,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended, of which \$5,250,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 33 passenger motor vehicles including one bus, \$7,000,000,000, to remain available until expended: *Provided*, That of such amount, \$186,300,000 shall be available until September 30, 2021, for program direction.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For Department of Energy expenses necessary in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), \$425,000,000, to remain available until expended: *Provided*, That of such amount, \$35,000,000 shall be available until September 30, 2021, for program direction.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided*, That for necessary administrative expenses of the Title 17 Innovative Technology Loan Guarantee Program, as authorized, \$32,000,000 is appropriated, to remain available until September 30, 2021: *Provided further*, That up to \$32,000,000 of fees collected in fiscal year 2020 pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections under this heading and used for necessary administrative expenses in this appropriation and shall remain available until September 30, 2021: *Provided further*, That to the extent that fees collected in fiscal year 2020 exceed \$32,000,000, those excess amounts shall be credited as offsetting collections under this heading and available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further*, That the sum herein appropriated from the general fund shall be reduced (1) as such fees are received

during fiscal year 2020 (estimated at \$3,000,000) and (2) to the extent that any remaining general fund appropriations can be derived from fees collected in previous fiscal years that are not otherwise appropriated, so as to result in a final fiscal year 2020 appropriation from the general fund estimated at \$0: *Provided further*, That the Department of Energy shall not subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 or subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10, Code of Federal Regulations.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN
PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, \$5,000,000, to remain available until September 30, 2021.

TRIBAL ENERGY LOAN GUARANTEE PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Tribal Energy Loan Guarantee Program, \$2,000,000, to remain available until September 30, 2021.

OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS

For necessary expenses for Indian Energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), \$22,000,000, to remain available until expended: *Provided*, That, of the amount appropriated under this heading, \$5,000,000 shall be available until September 30, 2021, for program direction.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), \$254,378,000, to remain available until September 30, 2021, including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$30,000, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$93,378,000 in fiscal year 2020 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2020 appropriation from the general fund estimated at not more than \$161,000,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$54,215,000, to remain available until September 30, 2021.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulance for replacement only, \$12,457,097,000, to remain available until expended: *Provided*, That of such amount, \$107,660,000 shall be available until September 30, 2021, for program direction.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed two aircraft, \$2,164,400,000, to remain available until expended.

NAVAL REACTORS

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$1,648,396,000, to remain available until expended, of which, \$88,500,000 shall be transferred to “Department of Energy—Energy Programs—Nuclear Energy”, for the Advanced Test Reactor: *Provided*, That of such amount, \$50,500,000 shall be available until September 30, 2021, for program direction.

FEDERAL SALARIES AND EXPENSES

For expenses necessary for Federal Salaries and Expenses in the National Nuclear Security Administration, \$434,699,000, to remain available until September 30, 2021, including official reception and representation expenses not to exceed \$17,000.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$6,255,000,000, to remain available until expended: *Provided*, That of such amount, \$281,119,000 shall be available until September 30, 2021, for program direction.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than one passenger motor vehicle, \$906,000,000, to remain available until expended: *Provided*, That of such amount, \$328,917,000 shall be available until September 30, 2021, for program direction.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Steigerwald Floodplain Restoration Project and, in addition, for official reception and representation expenses in an amount not to exceed \$5,000: *Provided*, That during fiscal year 2020, no new direct loan obligations may be made: *Provided further*, Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454 are authorized and approved, without fiscal year limitation, for the cost of current and future year purchases or payments of emissions expenses associated with Bonneville Power Administration power and transmission operations in states with clean energy programs: *Provided further*, This expenditure authorization is limited solely to Bonneville Power Administration's voluntary purchase or payments made in conjunction with state clean energy programs and is not a broader waiver of Bonneville Power Administration's sovereign immunity.

16 USC 838i
note.

16 USC 838i
note.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$6,597,000, including

official reception and representation expenses in an amount not to exceed \$1,500, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to \$6,597,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2020 appropriation estimated at not more than \$0: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$56,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER
ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$47,775,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$37,375,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2020 appropriation estimated at not more than \$10,400,000: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$43,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE,
WESTERN AREA POWER ADMINISTRATION

(INCLUDING RESCISSION OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, \$262,959,000, including official reception and representation expenses in an amount not to exceed \$1,500, to remain available until expended, of which \$262,959,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to \$173,587,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2020 appropriation estimated at not more than \$89,372,000, of which \$89,372,000 is derived from the Reclamation Fund: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$227,000,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses): *Provided further*, That of the unobligated balances from prior year appropriations available under this heading, \$176,000 is hereby permanently cancelled.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$3,160,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to \$2,932,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2020 appropriation estimated at not more than \$228,000: *Provided further*, That for purposes of this appropriation, annual

expenses means expenditures that are generally recovered in the same year that they are incurred: *Provided further*, That for fiscal year 2020, the Administrator of the Western Area Power Administration may accept up to \$1,187,000 in funds contributed by United States power customers of the Falcon and Amistad Dams for deposit into the Falcon and Amistad Operating and Maintenance Fund, and such funds shall be available for the purpose for which contributed in like manner as if said sums had been specifically appropriated for such purpose: *Provided further*, That any such funds shall be available without further appropriation and without fiscal year limitation for use by the Commissioner of the United States Section of the International Boundary and Water Commission for the sole purpose of operating, maintaining, repairing, rehabilitating, replacing, or upgrading the hydroelectric facilities at these Dams in accordance with agreements reached between the Administrator, Commissioner, and the power customers.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, official reception and representation expenses not to exceed \$3,000, and the hire of passenger motor vehicles, \$382,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$382,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2020 shall be retained and used for expenses necessary in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2020 so as to result in a final fiscal year 2020 appropriation from the general fund estimated at not more than \$0.

42 USC 7171
note.

42 USC 7171
note.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

Notification.
Time period.

(b)(1) Unless the Secretary of Energy notifies the Committees on Appropriations of both Houses of Congress at least 3 full business days in advance, none of the funds made available in this title may be used to—

Grants.

(A) make a grant allocation or discretionary grant award totaling \$1,000,000 or more;

Contracts.

(B) make a discretionary contract award or Other Transaction Agreement totaling \$1,000,000 or more, including a contract covered by the Federal Acquisition Regulation;

(C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B); or

(D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

(2) The Secretary of Energy shall submit to the Committees on Appropriations of both Houses of Congress within 15 days of the conclusion of each quarter a report detailing each grant allocation or discretionary grant award totaling less than \$1,000,000 provided during the previous quarter.

Reports.
Time period.

(3) The notification required by paragraph (1) and the report required by paragraph (2) shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, the account and program, project, or activity from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

(c) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading “Department of Energy—Energy Programs”, enter into a multiyear contract, award a multiyear grant, or enter into a multiyear cooperative agreement unless—

Contracts.
Grants.

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government’s obligation on the availability of future year budget authority and the Secretary notifies the Committees on Appropriations of both Houses of Congress at least 3 days in advance.

Notification.
Time period.

(d) Except as provided in subsections (e), (f), and (g), the amounts made available by this title shall be expended as authorized by law for the programs, projects, and activities specified in the “Final Bill” column in the “Department of Energy” table included under the heading “Title III—Department of Energy” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(e) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify, and obtain the prior approval of, the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program, project, or activity funding level to increase or decrease by more than \$5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

Notification.
Time period.

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

Waiver authority.	(g)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.
Notification. Deadline.	(2) The Secretary of Energy shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.
	(h) The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.
	SEC. 302. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2020 until the enactment of the Intelligence Authorization Act for fiscal year 2020.
Oversight. Compliance.	SEC. 303. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Enterprise Assessments to ensure the project is in compliance with nuclear safety requirements.
Cost estimate.	SEC. 304. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds \$100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.
Contracts. Russia.	SEC. 305. (a) None of the funds made available in this or any prior Act under the heading “Defense Nuclear Nonproliferation” may be made available to enter into new contracts with, or new agreements for Federal assistance to, the Russian Federation.
Waiver authority. Determination.	(b) The Secretary of Energy may waive the prohibition in subsection (a) if the Secretary determines that such activity is in the national security interests of the United States. This waiver authority may not be delegated.
Effective date. Reports.	(c) A waiver under subsection (b) shall not be effective until 15 days after the date on which the Secretary submits to the Committees on Appropriations of both Houses of Congress, in classified form if necessary, a report on the justification for the waiver.
Determination. President.	SEC. 306. Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), upon a determination by the President in this fiscal year that a regional supply shortage of refined petroleum product of significant scope and duration exists, that a severe increase in the price of refined petroleum product will likely result from such shortage, and that a draw down and sale of refined petroleum product would assist directly and significantly in reducing the adverse impact of such shortage, the Secretary of Energy may draw down and sell refined petroleum product from the Strategic Petroleum Reserve. Proceeds from a sale under

this section shall be deposited into the SPR Petroleum Account established in section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247), and such amounts shall be available for obligation, without fiscal year limitation, consistent with that section.

SEC. 307. Of the offsetting collections, including unobligated balances of such collections, in the “Department of Energy—Power Marketing Administration—Colorado River Basins Power Marketing Fund, Western Area Power Administration”, \$21,400,000 shall be transferred to the “Department of Interior—Bureau of Reclamation—Upper Colorado River Basin Fund” for the Bureau of Reclamation to carry out environmental stewardship and endangered species recovery efforts.

SEC. 308. (a) Of the unobligated balances available from amounts appropriated in prior Acts under the heading “Title III—Department of Energy—Energy Programs”, \$12,723,000 is hereby rescinded.

(b) No amounts may be rescinded under (a) from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 309. Beginning in fiscal year 2021 and for each fiscal year thereafter, fees collected pursuant to subsection (b)(1) of section 6939f of title 42, United States Code, shall be deposited in “Department of Energy—Energy Programs—Non-Defense Environmental Cleanup” as discretionary offsetting collections.

Effective dates.
Fees.
42 USC 6939f
note.

SEC. 310. During fiscal year 2020 and each fiscal year thereafter, notwithstanding any provision of title 5, United States Code, relating to classification or rates of pay, the Southeastern Power Administration shall pay any power system dispatcher employed by the Administration a rate of basic pay and premium pay based on those prevailing for similar occupations in the electric power industry. Basic pay and premium pay may not be paid under this section to any individual during a calendar year so as to result in a total rate in excess of the rate of basic pay for level V of the Executive Schedule (section 5316 of such title).

16 USC 825s–8.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$175,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic

Energy Act of 1954, as amended by Public Law 100–456, section 1441, \$31,000,000, to remain available until September 30, 2021.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For expenses necessary for the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382F(d), 382M, and 382N of said Act, \$30,000,000, to remain available until expended.

DENALI COMMISSION

For expenses necessary for the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, \$15,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities: *Provided further*, That notwithstanding any other provision of law regarding payment of a non-Federal share in connection with a grant-in-aid program, amounts under this heading shall be available for the payment of such a non-Federal share for programs undertaken to carry out the purposes of the Commission.

NORTHERN BORDER REGIONAL COMMISSION

For expenses necessary for the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$25,000,000, to remain available until expended: *Provided*, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For expenses necessary for the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$250,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, \$842,236,000, including official representation expenses not to exceed \$25,000, to remain available until expended: *Provided*, That of the amount appropriated herein,

not more than \$9,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, to remain available until September 30, 2021, of which, notwithstanding section 201(a)(2)(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure shall only be approved by a majority vote of the Commission: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$717,125,000 in fiscal year 2020 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That of the amounts appropriated under this heading, not less than \$15,478,000 shall be for activities related to the development of regulatory infrastructure for advanced nuclear technologies, and \$14,500,000 shall be for international activities, except that the amounts provided under this proviso shall not be derived from fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2020 so as to result in a final fiscal year 2020 appropriation estimated at not more than \$125,111,000: *Provided further*, That of the amounts appropriated under this heading, \$10,500,000 shall be for university research and development in areas relevant to the Commission's mission, and \$5,500,000 shall be for a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$13,314,000, to remain available until September 30, 2021: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$10,929,000 in fiscal year 2020 shall be retained and be available until September 30, 2021, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2020 so as to result in a final fiscal year 2020 appropriation estimated at not more than \$2,385,000: *Provided further*, That of the amounts appropriated under this heading, \$1,171,000 shall be for Inspector General services for the Defense Nuclear Facilities Safety Board, which shall not be available from fee revenues.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For expenses necessary for the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, \$3,600,000, to be derived from the Nuclear Waste Fund, to remain available until September 30, 2021.

GENERAL PROVISIONS—INDEPENDENT AGENCIES

Compliance.	SEC. 401. The Nuclear Regulatory Commission shall comply with the July 5, 2011, version of Chapter VI of its Internal Commission Procedures when responding to Congressional requests for information, consistent with Department of Justice guidance for all federal agencies.
Notification. Time period.	SEC. 402. (a) The amounts made available by this title for the Nuclear Regulatory Commission may be reprogrammed for any program, project, or activity, and the Commission shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program funding level to increase or decrease by more than \$500,000 or 10 percent, whichever is less, during the time period covered by this Act.
Waiver authority.	(b)(1) The Nuclear Regulatory Commission may waive the notification requirement in subsection (a) if compliance with such requirement would pose a substantial risk to human health, the environment, welfare, or national security.
Notification. Deadline.	(2) The Nuclear Regulatory Commission shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver and shall provide a detailed report to the Committees of such waiver and changes to funding levels to programs, projects, or activities.
Reports.	(c) Except as provided in subsections (a), (b), and (d), the amounts made available by this title for “Nuclear Regulatory Commission—Salaries and Expenses” shall be expended as directed in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).
	(d) None of the funds provided for the Nuclear Regulatory Commission shall be available for obligation or expenditure through a reprogramming of funds that increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act.
Reports.	(e) The Commission shall provide a monthly report to the Committees on Appropriations of both Houses of Congress, which includes the following for each program, project, or activity, including any prior year appropriations— <ol style="list-style-type: none"> (1) total budget authority; (2) total unobligated balances; and (3) total unliquidated obligations.

TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Lobbying.	SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.
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SEC. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of both Houses of Congress a semi-annual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority.

Reports.
Time periods.

SEC. 503. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations).

SEC. 504. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

Pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

This division may be cited as the “Energy and Water Development and Related Agencies Appropriations Act, 2020”.

Department of
the Interior,
Environment,
and Related
Agencies
Appropriations
Act, 2020.

DIVISION D—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020

TITLE I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(INCLUDING RESCISSION OF FUNDS)

Wild horses and
burros.
Time period.
Plan.

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to section 1010(a) of Public Law 96–487 (16 U.S.C. 3150(a)), \$1,237,015,000, to remain available until September 30, 2021; of which \$115,000,000 for annual and deferred maintenance and \$101,555,000 for the wild horse and burro program, as authorized by Public Law 92–195 (16 U.S.C. 1331 et sec.), shall remain available until expended: *Provided*, That of the funds made available for the wild horse and burro program, \$21,000,000 shall not be available for obligation until 60 days after submission to the Congress of the detailed plan described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That amounts in the fee account of the BLM Permit Processing Improvement Fund may be used for any bureau-related expenses associated with the processing of oil and gas applications for permits to drill and related use of authorizations.

In addition, \$40,196,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from mining claim maintenance fees and location fees that are hereby authorized for fiscal year 2020, so as to result in a final appropriation estimated at not more than \$1,237,015,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

Of the unobligated balances from amounts made available under this heading in fiscal year 2017 or before, \$19,000,000 is permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION

(INCLUDING RESCISSION OF FUNDS)

Of the unobligated balances from amounts made available under this heading \$5,400,000 is permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

LAND ACQUISITION

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94-579, including administrative expenses and acquisition of lands or waters, or interests therein, \$32,300,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

Of the unobligated balances from amounts made available for Land Acquisition and derived from the Land and Water Conservation Fund, \$2,367,000 is hereby permanently rescinded from projects with cost savings or failed or partially failed projects: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; \$112,094,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (43 U.S.C. 2605).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315b, 315m) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant

to law, but not less than \$10,000,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

43 USC 1735
note.

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579 (43 U.S.C. 1701 et seq.), and under section 28 of the Mineral Leasing Act (30 U.S.C. 185), to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

43 USC 1735
note.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of Public Law 94–579 (43 U.S.C. 1737), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act (43 U.S.C. 1721(b)), to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, including with States. Appropriations for the Bureau shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$10,000: *Provided*, That notwithstanding Public Law 90–620 (44 U.S.C. 501), the Bureau may, under cooperative

cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, \$1,364,289,000, to remain available until September 30, 2021: *Provided*, That not to exceed \$20,318,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)): *Provided further*, That of the amounts made available under this heading for central office operations, \$1,000,000 shall not be available for obligation until the Landscape Conservation Cooperatives report is received by the Committees on Appropriations of the House of Representatives and the Senate in accordance with the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Reports.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fish and wildlife resources, and the acquisition of lands and interests therein; \$29,704,000, to remain available until expended.

LAND ACQUISITION

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary to carry out chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$70,715,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, not more than \$10,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004, including not to exceed \$320,000 for administrative expenses: *Provided*, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

Of the unobligated balances from amounts made available for the Fish and Wildlife Service and derived from the Land and

Water Conservation Fund, \$3,628,000 is hereby permanently rescinded from projects with cost savings or failed or partially failed projects: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535), \$54,502,000, to remain available until expended, of which \$23,702,000 is to be derived from the Cooperative Endangered Species Conservation Fund; and of which \$30,800,000 is to be derived from the Land and Water Conservation Fund.

Of the unobligated balances made available from the Cooperative Endangered Species Conservation Fund, \$18,771,000 is permanently rescinded from projects or from other grant programs with an unobligated carry over balance: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$13,228,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.), \$46,000,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.), \$4,910,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201 et seq.), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261 et seq.), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301 et seq.), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601 et seq.), \$15,000,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes

under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$67,571,000, to remain available until expended: *Provided*, That of the amount provided herein, \$5,209,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That \$7,362,000 is for a competitive grant program to implement approved plans for States, territories, and other jurisdictions and at the discretion of affected States, the regional Associations of fish and wildlife agencies, not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting \$12,571,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 65 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That any amount apportioned in 2020 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2021, shall be reapportioned, together with funds appropriated in 2022, in the manner provided herein.

Apportionment.
District of
Columbia.
Territories.

Apportionment.

Adjustment.

Reapportionment.

ADMINISTRATIVE PROVISIONS

The United States Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with

management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding 31 U.S.C. 3302, all fees collected for non-toxic shot review and approval shall be deposited under the heading “United States Fish and Wildlife Service—Resource Management” and shall be available to the Secretary, without further appropriation, to be used for expenses of processing of such non-toxic shot type or coating applications and revising regulations as necessary, and shall remain available until expended.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service and for the general administration of the National Park Service, \$2,576,992,000, of which \$10,282,000 for planning and interagency coordination in support of Everglades restoration and \$135,950,000 for maintenance, repair, or rehabilitation projects for constructed assets and \$153,575,000 for cyclic maintenance projects for constructed assets and cultural resources and \$5,000,000 for uses authorized by section 101122 of title 54, United States Code shall remain available until September 30, 2021: *Provided*, That funds appropriated under this heading in this Act are available for the purposes of section 5 of Public Law 95–348: *Provided further*, That notwithstanding section 9(a) of the United States Semiquincentennial Commission Act of 2016 (Public Law 114–196; 130 Stat. 691), \$3,300,000 of the funds made available under this heading shall be provided to the organization selected under section 9(b) of that Act for expenditure by the United States Semiquincentennial Commission in accordance with that Act: *Provided further*, That notwithstanding section 9 of the 400 Years of African-American History Commission Act (36 U.S.C. note prec. 101; Public Law 115–102), \$3,300,000 of the funds provided under this heading shall be made available for the purposes specified by that Act: *Provided further*, That sections (7)(b) and (8) of that Act shall be amended by striking “July 1, 2020” and inserting “July 1, 2021”.

36 USC note
prec. 101.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, \$71,166,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the National Historic Preservation Act (division A of subtitle III of title 54, United States

Code), \$118,660,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2021, of which \$16,000,000 shall be for Save America's Treasures grants for preservation of national significant sites, structures and artifacts as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 3089): *Provided*, That an individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant: *Provided further*, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations: *Provided further*, That of the funds provided for the Historic Preservation Fund, \$750,000 is for competitive grants for the survey and nomination of properties to the National Register of Historic Places and as National Historic Landmarks associated with communities currently under-represented, as determined by the Secretary, \$18,750,000 is for competitive grants to preserve the sites and stories of the Civil Rights movement, \$10,000,000 is for grants to Historically Black Colleges and Universities, and \$7,500,000 is for competitive grants for the restoration of historic properties of national, State and local significance listed on or eligible for inclusion on the National Register of Historic Places, to be made without imposing the usage or direct grant restrictions of section 101(e)(3) (54 U.S.C. 302904) of the National Historical Preservation Act: *Provided further*, That such competitive grants shall be made without imposing the matching requirements in section 302902(b)(3) of title 54, United States Code, to States and Indian tribes as defined in chapter 3003 of such title, Native Hawaiian organizations, local governments, including Certified Local Governments, and non-profit organizations.

Consultation.

Determination.

CONSTRUCTION

For construction, improvements, repair, or replacement of physical facilities, and compliance and planning for programs and areas administered by the National Park Service, \$389,345,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, for any project initially funded in fiscal year 2020 with a future phase indicated in the National Park Service 5-Year Line Item Construction Plan, a single procurement may be issued which includes the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause availability of funds found at 48 CFR 52.232–18: *Provided further*, That National Park Service Donations, Park Concessions Franchise Fees, and Recreation Fees may be made available for the cost of adjustments and changes within the original scope of effort for projects funded by the National Park Service Construction appropriation: *Provided further*, That the Secretary of the Interior shall consult with the Committees on Appropriations, in accordance with current reprogramming thresholds, prior to making any charges authorized by this section.

Consultation.

LAND ACQUISITION AND STATE ASSISTANCE

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary to carry out chapter 2003 of title 54, United States Code, including administrative expenses, and for

acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$208,400,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$140,000,000 is for the State assistance program and of which \$13,000,000 shall be for the American Battlefield Protection Program grants as authorized by chapter 3081 of title 54, United States Code.

Of the unobligated balances from amounts made available for the National Park Service and derived from the Land and Water Conservation Fund, \$2,279,000 is hereby permanently rescinded from projects or from other grant programs with an unobligated carry over balance: *Provided*, That no amounts may be rescinded from amounts that were designed by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

CENTENNIAL CHALLENGE

For expenses necessary to carry out the provisions of section 101701 of title 54, United States Code, relating to challenge cost share agreements, \$15,000,000, to remain available until expended, for Centennial Challenge projects and programs: *Provided*, That not less than 50 percent of the total cost of each project or program shall be derived from non-Federal sources in the form of donated cash, assets, or a pledge of donation guaranteed by an irrevocable letter of credit.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 101917(c)(2) of title 54, United States Code, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefitting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 203. Transfers may include a reasonable amount for FHWA administrative support costs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; \$1,270,957,000, to remain available until September 30, 2021; of which \$84,337,000 shall remain available until expended for satellite operations; and of which \$76,164,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed \$100,000 in cost: *Provided*, That none of the funds provided for the ecosystem research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

43 USC 50.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations, observation wells, and seismic equipment; expenses of the United States National Committee for Geological Sciences; and payment of compensation and expenses of persons employed by the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in section 6302 of title 31, United States Code: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 6101, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

BUREAU OF OCEAN ENERGY MANAGEMENT

OCEAN ENERGY MANAGEMENT

For expenses necessary for granting and administering leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf and approving operations related thereto, as authorized by law; for environmental studies, as authorized by law; for implementing other laws and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, \$191,611,000, of which \$131,611,000 is to remain available until September 30, 2021, and of which \$60,000,000 is to remain available until expended: *Provided*, That this total appropriation shall be reduced by amounts collected by the Secretary and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Ocean Energy Management pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: *Provided further*, That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2020 appropriation estimated at not more than \$131,611,000: *Provided further*, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary for the regulation of operations related to leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf, as authorized by law; for enforcing and implementing laws and regulations as authorized by law and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, \$149,333,000, of which \$123,333,000 is to remain available until September 30, 2021, and of which \$26,000,000 is to remain available until expended: *Provided*, That this total appropriation shall be reduced by amounts collected by the Secretary and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Safety and Environmental Enforcement pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: *Provided further*, That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2020 appropriation estimated at not more than \$123,333,000: *Provided further*, That of the unobligated balances from amounts made available under this heading \$4,788,000 is permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement

pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount, \$43,479,000, to remain available until expended, to be reduced by amounts collected by the Secretary and credited to this appropriation, which shall be derived from non-refundable inspection fees collected in fiscal year 2020, as provided in this Act: *Provided*, That to the extent that amounts realized from such inspection fees exceed \$43,479,000, the amounts realized in excess of \$43,479,000 shall be credited to this appropriation and remain available until expended: *Provided further*, That for fiscal year 2020, not less than 50 percent of the inspection fees expended by the Bureau of Safety and Environmental Enforcement will be used to fund personnel and mission-related costs to expand capacity and expedite the orderly development, subject to environmental safeguards, of the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), including the review of applications for permits to drill.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$14,899,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, \$117,768,000, to remain available until September 30, 2021: *Provided*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

30 USC 1211
note.

In addition, for costs to review, administer, and enforce permits issued by the Office pursuant to section 507 of Public Law 95–87 (30 U.S.C. 1257), \$40,000, to remain available until expended: *Provided*, That fees assessed and collected by the Office pursuant to such section 507 shall be credited to this account as discretionary offsetting collections, to remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as collections are received during the fiscal year, so as to result in a fiscal year 2020 appropriation estimated at not more than \$117,768,000.

30 USC 1257
note.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, \$24,713,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That

Contracts.
Debt collection.

funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

In addition, \$115,000,000, to remain available until expended, for grants to States and federally recognized Indian Tribes for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such additional amount shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)): *Provided further*, That of such additional amount, \$75,000,000 shall be distributed in equal amounts to the 3 Appalachian States with the greatest amount of unfunded needs to meet the priorities described in paragraphs (1) and (2) of such section, \$30,000,000 shall be distributed in equal amounts to the 3 Appalachian States with the subsequent greatest amount of unfunded needs to meet such priorities, and \$10,000,000 shall be for grants to federally recognized Indian Tribes without regard to their status as certified or uncertified under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)), for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) and shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977: *Provided further*, That such additional amount shall be allocated to States and Indian Tribes within 60 days after the date of enactment of this Act.

Deadline.

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 5301 et seq.), \$1,577,110,000, to remain available until September 30, 2021, except as otherwise provided herein; of which not to exceed \$8,500 may be for official reception and representation expenses; of which not to exceed \$74,734,000 shall be for welfare assistance payments: *Provided*, That in cases of designated Federal disasters, the Secretary may exceed such cap for welfare payments from the amounts provided herein, to provide for disaster relief to Indian communities affected

by the disaster: *Provided further*, That federally recognized Indian tribes and tribal organizations of federally recognized Indian tribes may use their tribal priority allocations for unmet welfare assistance costs: *Provided further*, That not to exceed \$57,424,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, land records improvement, and the Navajo-Hopi Settlement Program: *Provided further*, That any forestry funds allocated to a federally recognized tribe which remain unobligated as of September 30, 2021, may be transferred during fiscal year 2022 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2022: *Provided further*, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel: *Provided further*, That the Bureau of Indian Affairs may accept transfers of funds from United States Customs and Border Protection to supplement any other funding available for reconstruction or repair of roads owned by the Bureau of Indian Affairs as identified on the National Tribal Transportation Facility Inventory, 23 U.S.C. 202(b)(1).

Expiration date.

CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Bureau of Indian Affairs and the Bureau of Indian Education for fiscal year 2020, such sums as may be necessary, which shall be available for obligation through September 30, 2021: *Provided*, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

CONSTRUCTION

(INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483; \$128,591,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That any funds provided for the Safety of Dams program pursuant to the Act of November 2, 1921 (25 U.S.C. 13), shall be made available on a nonreimbursable basis: *Provided further*, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation: *Provided further*, That of the funds made available under this heading, \$10,000,000 shall be derived from the Indian Irrigation Fund established by section 3211 of the WIIN Act (Public Law 114–322; 130 Stat. 1749).

Of the unobligated balances made available for the “Construction, Resources Management” account, \$2,000,000 is permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS
PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99-264, 100-580, 101-618, 111-11, 111-291, and 114-322, and for implementation of other land and water rights settlements, \$45,644,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, \$11,779,000, of which \$1,590,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed \$183,476,740.

BUREAU OF INDIAN EDUCATION

OPERATION OF INDIAN EDUCATION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary for the operation of Indian education programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 5301 et seq.), the Education Amendments of 1978 (25 U.S.C. 2001-2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), \$943,077,000, to remain available until September 30, 2021, except as otherwise provided herein: *Provided*, That Federally recognized Indian tribes and tribal organizations of Federally recognized Indian tribes may use their tribal priority allocations for unmet welfare assistance costs: *Provided further*, That not to exceed \$702,837,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2020, and shall remain available until September 30, 2021: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.) and section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008), not to exceed \$83,407,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with grants approved prior to July 1, 2020: *Provided further*, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

EDUCATION CONSTRUCTION

For construction, repair, improvement, and maintenance of buildings, utilities, and other facilities necessary for the operation of Indian education programs, including architectural and engineering services by contract; acquisition of lands, and interests in lands; \$248,257,000 to remain available until expended: *Provided*, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, not later than 18 months after the date of the enactment of this Act, any Public Law 100–297 (25 U.S.C. 2501, et seq.) grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction.

Deadline.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

The Bureau of Indian Affairs and the Bureau of Indian Education may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, either directly or in cooperation with States and other organizations.

Notwithstanding Public Law 87–279 (25 U.S.C. 15), the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs or the Bureau of Indian Education for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs or the Bureau of Indian Education under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs or the Bureau of Indian Education, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Education, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

No funds available to the Bureau of Indian Education shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau of Indian Education school system as of October 1, 1995, except that the Secretary of the Interior may waive this prohibition to support expansion of up to one additional grade when the Secretary determines such waiver is needed to support accomplishment of the mission of the Bureau of Indian Education, or more than one grade to expand

Waiver authority.
Determination.

Charter schools.
Reimbursement.

the elementary grade structure for Bureau-funded schools with a K–2 grade structure on October 1, 1996. Appropriations made available in this or any prior Act for schools funded by the Bureau shall be available, in accordance with the Bureau’s funding formula, only to the schools in the Bureau school system as of September 1, 1996, and to any school or school program that was reinstated in fiscal year 2012. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school’s operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

Waiver authority.
Compliance.

Funds available under this Act may not be used to establish satellite locations of schools in the Bureau school system as of September 1, 1996, except that the Secretary may waive this prohibition in order for an Indian tribe to provide language and cultural immersion educational programs for non-public schools located within the jurisdictional area of the tribal government which exclusively serve tribal members, do not include grades beyond those currently served at the existing Bureau-funded school, provide an educational environment with educator presence and academic facilities comparable to the Bureau-funded school, comply with all applicable Tribal, Federal, or State health and safety standards, and the Americans with Disabilities Act, and demonstrate the benefits of establishing operations at a satellite location in lieu of incurring extraordinary costs, such as for transportation or other impacts to students such as those caused by busing students extended distances: *Provided*, That no funds available under this Act may be used to fund operations, maintenance, rehabilitation, construction or other facilities-related costs for such assets that are not owned by the Bureau: *Provided further*, That the term “satellite school” means a school location physically separated from the existing Bureau school by more than 50 miles but that forms part of the existing school in all other respects.

Definition.

Funds made available for Tribal Priority Allocations within Operation of Indian Programs and Operation of Indian Education Programs may be used to execute requested adjustments in tribal priority allocations initiated by an Indian Tribe.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

DEPARTMENTAL OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for management of the Department of the Interior and for grants and cooperative agreements, as authorized by law, \$131,832,000, to remain available until September 30, 2021; of which no less than \$1,000,000 shall be for the hiring of additional personnel to assist the Department with its compliance responsibilities under 5 U.S.C. 552; of which not to exceed \$15,000 may be for official reception and representation expenses; and of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines; and of which \$10,000,000 for the Appraisal and Valuation Services Office is to be derived from the Land and Water Conservation Fund and shall remain available until expended; and of which \$11,061,000 for Indian land, mineral, and resource valuation activities shall remain available until expended: *Provided*, That funds for Indian land, mineral, and resource valuation activities may, as needed, be transferred to and merged with the Bureau of Indian Affairs “Operation of Indian Programs” and Bureau of Indian Education “Operation of Indian Education Programs” accounts and the Office of the Special Trustee for American Indians “Federal Trust Programs” account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2020, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.), shall remain available until expended by the contractor or grantee.

ADMINISTRATIVE PROVISIONS

For fiscal year 2020, up to \$400,000 of the payments authorized by chapter 69 of title 31, United States Code, may be retained for administrative expenses of the Payments in Lieu of Taxes Program: *Provided*, That the amounts provided under this Act specifically for the Payments in Lieu of Taxes program are the only amounts available for payments authorized under chapter 69 of title 31, United States Code: *Provided further*, That in the event the sums appropriated for any fiscal year for payments pursuant to this chapter are insufficient to make the full payments authorized by that chapter to all units of local government, then the payment to each local government shall be made proportionally: *Provided further*, That the Secretary may make adjustments to payment to individual units of local government to correct for prior overpayments or underpayments: *Provided further*, That no payment shall be made pursuant to that chapter to otherwise eligible units of local government if the computed amount of the payment is less than \$100.

31 USC 6903
note.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

48 USC 1469b.

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior and other jurisdictions identified in section 104(e) of Public Law 108–188, \$102,881,000, of which: (1) \$93,390,000 shall remain available until expended for territorial assistance, including general technical assistance, maintenance assistance, disaster assistance, coral reef initiative and natural resources activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands, as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands, as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) \$9,491,000 shall be available until September 30, 2021, for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee’s commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non–Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, \$8,463,000, to remain available until expended, as provided for in sections 221(a)(2) and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188: *Provided*, That of the funds appropriated under this heading, \$5,000,000 is for deposit into the Compact Trust Fund of the Republic of the Marshall Islands as compensation authorized by Public Law 108–188 for adverse financial and economic impacts.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108-188 and Public Law 104-134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$66,816,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$55,986,000, to remain available until September 30, 2021.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$111,540,000, to remain available until expended, of which not to exceed \$19,016,000 from this or any other Act, may be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, “Operation of Indian Programs” and Bureau of Indian Education, “Operation of Indian Education Programs” accounts; the Office of the Solicitor, “Salaries and Expenses” account; and the Office of the Secretary, “Departmental Operations” account: *Provided further*, That funds made available through contracts or grants obligated

Account
statement.
Records.

Records.
Determination.

during fiscal year 2020, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 15 months and has a balance of \$15 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed \$50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose: *Provided further*, That the Secretary shall not be required to reconcile Special Deposit Accounts with a balance of less than \$500 unless the Office of the Special Trustee receives proof of ownership from a Special Deposit Accounts claimant: *Provided further*, That notwithstanding section 102 of the American Indian Trust Fund Management Reform Act of 1994 (Public Law 103–412) or any other provision of law, the Secretary may aggregate the trust accounts of individuals whose whereabouts are unknown for a continuous period of at least five years and shall not be required to generate periodic statements of performance for the individual accounts: *Provided further*, That with respect to the eighth proviso, the Secretary shall continue to maintain sufficient records to determine the balance of the individual accounts, including any accrued interest and income, and such funds shall remain available to the individual account holders.

Of the unobligated balances from amounts made available for the Office of the Special Trustee for American Indians, \$3,000,000 is permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, fire suppression operations, fire science and research, emergency rehabilitation, fuels management activities, and rural fire assistance by the Department of the Interior, \$952,338,000, to remain available until expended, of which not to exceed \$18,427,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That of the funds provided \$194,000,000 is for fuels management activities: *Provided further*, That of the funds provided \$20,470,000 is for burned area rehabilitation: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may

be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for fuels management activities, and for training and monitoring associated with such fuels management activities on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of fuels management activities, may obtain maximum practicable competition among: (1) local private, non-profit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or nonprofit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this heading may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$50,000,000 between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: *Provided further*, That funds appropriated under this heading shall be available for assistance to or through the Department of State in connection with forest and rangeland research, technical information, and assistance in foreign countries, and, with the concurrence of the Secretary of State, shall be available to support forestry, wildland fire management, and related natural resource activities outside the United States and its territories and possessions, including technical assistance,

Contracts.
Grants.

Cost sharing.

Guidance.

Reimbursement.

education and training, and cooperation with United States and international organizations: *Provided further*, That of the funds provided under this heading \$383,657,000 is provided to meet the terms of section 251(b)(2)(F)(ii)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

WILDFIRE SUPPRESSION OPERATIONS RESERVE FUND

(INCLUDING TRANSFERS OF FUNDS)

Notification.
Time period.

In addition to the amounts provided under the heading “Department of the Interior—Department-Wide Programs—Wildland Fire Management” for wildfire suppression operations, \$300,000,000, to remain available until transferred, is additional new budget authority as specified for purposes of section 251(b)(2)(F) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That such amounts may be transferred to and merged with amounts made available under the headings “Department of Agriculture—Forest Service—Wildland Fire Management” and “Department of the Interior—Department-Wide Programs—Wildland Fire Management” for wildfire suppression operations in the fiscal year in which such amounts are transferred: *Provided further*, That amounts may be transferred to the “Wildland Fire Management” accounts in the Department of Agriculture or the Department of the Interior only upon the notification of the House and Senate Committees on Appropriations that all wildfire suppression operations funds appropriated under that heading in this and prior appropriations Acts to the agency to which the funds will be transferred will be obligated within 30 days: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided by law.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), \$10,010,000, to remain available until expended.

For an additional amount for a competitive grant program to fund radium decontamination and remediation at any land-grant university that has been subjected to such contamination as a result of actions of the former United States Bureau of Mines, \$12,000,000.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment, restoration activities, and onshore oil spill preparedness by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and 54 U.S.C. 100721 et seq., \$7,767,000, to remain available until expended.

WORKING CAPITAL FUND

For the operation and maintenance of a departmental financial and business management system, information technology improvements of general benefit to the Department, cybersecurity, and the consolidation of facilities and operations throughout the Department, \$55,735,000, to remain available until expended: *Provided*, That none of the funds appropriated in this Act or any other Act may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93–638: *Provided further*, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in section 3306(a) of title 40, United States Code) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: *Provided further*, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center: *Provided further*, That the Secretary may enter into grants and cooperative agreements to support the Office of Natural Resource Revenue’s collection and disbursement of royalties, fees, and other mineral revenue proceeds, as authorized by law.

Grants.
Contracts.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, aircraft which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

OFFICE OF NATURAL RESOURCES REVENUE

For necessary expenses for management of the collection and disbursement of royalties, fees, and other mineral revenue proceeds, and for grants and cooperative agreements, as authorized by law, \$147,330,000, to remain available until September 30, 2021; of which \$50,651,000 shall remain available until expended for the purpose of mineral revenue management activities: *Provided*, That notwithstanding any other provision of law, \$15,000 shall be available for refunds of overpayments in connection with certain Indian leases in which the Secretary concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible.

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills or releases of hazardous substances into the environment; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 417(b) of Public Law 106-224 (7 U.S.C. 7717(b)); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, with such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for “wildland fire suppression” shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

Reimbursement.

Determination.
Time period.

Reimbursement.

AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by section 3109 of title 5, United States Code, when authorized by the Secretary, in total amount not to exceed \$500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

AUTHORIZED USE OF FUNDS, INDIAN TRUST MANAGEMENT

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Bureau of Indian Education, and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose. The Secretary shall notify the House and Senate Committees on Appropriations within 60 days of the expenditure or transfer of any funds under this section, including the amount expended or transferred and how the funds will be used.

Notification.
Deadline.

REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN AFFAIRS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2020. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 106. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and

New York.
New Jersey.
Contracts.

enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 107. (a) In fiscal year 2020, the Secretary shall collect a nonrefundable inspection fee, which shall be deposited in the “Offshore Safety and Environmental Enforcement” account, from the designated operator for facilities subject to inspection under 43 U.S.C. 1348(c).

(b) Annual fees shall be collected for facilities that are above the waterline, excluding drilling rigs, and are in place at the start of the fiscal year. Fees for fiscal year 2020 shall be—

(1) \$10,500 for facilities with no wells, but with processing equipment or gathering lines;

(2) \$17,000 for facilities with 1 to 10 wells, with any combination of active or inactive wells; and

(3) \$31,500 for facilities with more than 10 wells, with any combination of active or inactive wells.

(c) Fees for drilling rigs shall be assessed for all inspections completed in fiscal year 2020. Fees for fiscal year 2020 shall be—

(1) \$30,500 per inspection for rigs operating in water depths of 500 feet or more; and

(2) \$16,700 per inspection for rigs operating in water depths of less than 500 feet.

(d) Fees for inspection of well operations conducted via non-rig units as outlined in title 30 CFR 250 subparts D, E, F, and Q shall be assessed for all inspections completed in fiscal year 2020. Fees for fiscal year 2020 shall be—

(1) \$13,260 per inspection for non-rig units operating in water depths of 2,500 feet or more;

(2) \$11,530 per inspection for non-rig units operating in water depths between 500 and 2,499 feet; and

(3) \$4,470 per inspection for non-rig units operating in water depths of less than 500 feet.

(e) The Secretary shall bill designated operators under subsection (b) quarterly, with payment required within 30 days of billing. The Secretary shall bill designated operators under subsection (c) within 30 days of the end of the month in which the inspection occurred, with payment required within 30 days of billing. The Secretary shall bill designated operators under subsection (d) with payment required by the end of the following quarter.

Time periods.
Deadlines.

CONTRACTS AND AGREEMENTS FOR WILD HORSE AND BURRO HOLDING FACILITIES

16 USC 1336
note.

SEC. 108. Notwithstanding any other provision of this Act, the Secretary of the Interior may enter into multiyear cooperative agreements with nonprofit organizations and other appropriate entities, and may enter into multiyear contracts in accordance with the provisions of section 3903 of title 41, United States Code (except that the 5-year term restriction in subsection (a) shall not apply), for the long-term care and maintenance of excess wild free roaming horses and burros by such organizations or entities on private land. Such cooperative agreements and contracts may not exceed 10 years, subject to renewal at the discretion of the Secretary.

Time period.

MASS MARKING OF SALMONIDS

SEC. 109. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

CONTRACTS AND AGREEMENTS WITH INDIAN AFFAIRS

SEC. 110. Notwithstanding any other provision of law, during fiscal year 2020, in carrying out work involving cooperation with State, local, and tribal governments or any political subdivision thereof, Indian Affairs may record obligations against accounts receivable from any such entities, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year.

DEPARTMENT OF THE INTERIOR EXPERIENCED SERVICES PROGRAM

SEC. 111. (a) Notwithstanding any other provision of law relating to Federal grants and cooperative agreements, the Secretary of the Interior is authorized to make grants to, or enter into cooperative agreements with, private nonprofit organizations designated by the Secretary of Labor under title V of the Older Americans Act of 1965 to utilize the talents of older Americans in programs authorized by other provisions of law administered by the Secretary and consistent with such provisions of law.

Grants.
Contracts.

(b) Prior to awarding any grant or agreement under subsection (a), the Secretary shall ensure that the agreement would not—

(1) result in the displacement of individuals currently employed by the Department, including partial displacement through reduction of non-overtime hours, wages, or employment benefits;

(2) result in the use of an individual under the Department of the Interior Experienced Services Program for a job or function in a case in which a Federal employee is in a layoff status from the same or substantially equivalent job within the Department; or

(3) affect existing contracts for services.

OBLIGATION OF FUNDS

SEC. 112. Amounts appropriated by this Act to the Department of the Interior shall be available for obligation and expenditure not later than 60 days after the date of enactment of this Act.

Deadline.

EXTENSION OF AUTHORITIES

SEC. 113. (a) Section 512 of title V of division J of Public Law 108–447 is amended by striking “on the date that is 15 years after the date that funds are first made available for this title.” and inserting “after September 30, 2022.”

54 USC 320101
note.

(b) Section 608 of title VI of division J of Public Law 108–447 is amended by striking “the expiration of the 15-year period

54 USC 320101
note.

beginning on the date that funds are first made available for this title.” and inserting “September 30, 2022.”.

54 USC 320101
note.

(c) Section 109 of title I of Public Law 103–449, as amended by Public Law 111–11, title VIII section 8201(c), is further amended by striking “\$15,000,000” and inserting “\$17,000,000”.

54 USC 320101
note.

(d) Section 608(a) of division II of Public Law 104–333, as amended by Public Law 110–229 section 461, is further amended by striking “\$15,000,000” and inserting “\$17,000,000”.

54 USC 320101
note.

(e) Section 810(a)(1) of title VIII of division B of appendix D of Public Law 106–554, as amended by Public Law 115–31, division G, title I section 115(b), is further amended by striking “\$12,000,000” and inserting “\$14,000,000”.

SEPARATION OF ACCOUNTS

Transfer
authority.

SEC. 114. The Secretary of the Interior, in order to implement an orderly transition to separate accounts of the Bureau of Indian Affairs and the Bureau of Indian Education, may transfer funds among and between the successor offices and bureaus affected by the reorganization only in conformance with the reprogramming guidelines described in this Act.

PAYMENTS IN LIEU OF TAXES (PILT)

Applicability.
31 USC 6906
note.

SEC. 115. Section 6906 of title 31, United States Code, shall be applied by substituting “fiscal year 2020” for “fiscal year 2019”.

SAGE-GROUSE

SEC. 116. None of the funds made available by this or any other Act may be used by the Secretary of the Interior to write or issue pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533)—

(1) a proposed rule for greater sage-grouse (*Centrocercus urophasianus*);

(2) a proposed rule for the Columbia basin distinct population segment of greater sage-grouse.

DISCLOSURE OF DEPARTURE OR ALTERNATE PROCEDURE APPROVAL

Deadlines.
Public
information.
Web posting.

SEC. 117. (a) Subject to subsection (b), beginning no later than 180 days after the enactment of this Act, in any case in which the Bureau of Safety and Environmental Enforcement or the Bureau of Ocean Energy Management prescribes or approves any departure or use of alternate procedure or equipment, in regards to a plan or permit, under 30 C.F.R. § 585.103, 30 C.F.R. § 550.141; 30 C.F.R. § 550.142; 30 C.F.R. § 250.141, or 30 C.F.R. § 250.142, the head of such bureau shall post a description of such departure or alternate procedure or equipment use approval on such bureau’s publicly available website not more than 15 business days after such issuance.

(b) The head of each bureau may exclude confidential business information.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, \$716,449,000, to remain available until September 30, 2021: *Provided*, That of the funds included under this heading, \$6,000,000 shall be for Research: National Priorities as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; implementation of a coal combustion residual permit program under section 2301 of the Water and Waste Act of 2016; and not to exceed \$31,000 for official reception and representation expenses, \$2,663,356,000, to remain available until September 30, 2021: *Provided*, That of the funds included under this heading, \$17,700,000 shall be for Environmental Protection: National Priorities as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That of the funds included under this heading, \$510,276,000 shall be for Geographic Programs specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

In addition, \$5,000,000 to remain available until expended, for necessary expenses of activities described in section 26(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2625(b)(1)): *Provided*, That fees collected pursuant to that section of that Act and deposited in the “TSCA Service Fee Fund” as discretionary offsetting receipts in fiscal year 2020 shall be retained and used for necessary salaries and expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated in this paragraph from the general fund for fiscal year 2020 shall be reduced by the amount of discretionary offsetting receipts received during fiscal year 2020, so as to result in a final fiscal year 2020 appropriation from the general fund estimated at not more than \$0: *Provided further*, That to the extent that amounts realized from such receipts exceed \$5,000,000, those amount in excess of \$5,000,000 shall be deposited in the “TSCA Service Fee Fund” as discretionary offsetting receipts in fiscal year 2020, shall be retained and used for necessary salaries and expenses in this

account, and shall remain available until expended: *Provided further*, That of the funds included in the first paragraph under this heading, the Chemical Risk Review and Reduction program project shall be allocated for this fiscal year, excluding the amount of any fees appropriated, not less than the amount of appropriations for that program project for fiscal year 2014.

HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM FUND

For necessary expenses to carry out section 3024 of the Solid Waste Disposal Act (42 U.S.C. 6939g), including the development, operation, maintenance, and upgrading of the hazardous waste electronic manifest system established by such section, \$8,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections under such section 3024 are received during fiscal year 2020, which shall remain available until expended and be used for necessary expenses in this appropriation, so as to result in a final fiscal year 2020 appropriation from the general fund estimated at not more than \$0: *Provided further*, That to the extent such offsetting collections received in fiscal year 2020 exceed \$8,000,000, those excess amounts shall remain available until expended and be used for necessary expenses in this appropriation.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$41,489,000, to remain available until September 30, 2021.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$33,598,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and hire, maintenance, and operation of aircraft, \$1,184,755,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2019, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$1,184,755,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, \$11,586,000 shall be paid to the “Office of Inspector General” appropriation to remain available until September 30, 2021, and \$30,747,000 shall be paid to the “Science and Technology” appropriation to remain available until September 30, 2021.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, \$91,941,000, to remain available until expended, of which \$66,572,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act; \$25,369,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code: *Provided*, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

INLAND OIL SPILL PROGRAMS

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, including hire, maintenance, and operation of aircraft, \$19,581,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$4,246,232,000, to remain available until expended, of which—

(1) \$1,638,826,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act; and of which \$1,126,088,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act: *Provided*, That for fiscal year 2020, to the extent there are sufficient eligible project applications and projects are consistent with State Intended Use Plans, not less than 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: *Provided further*, That for fiscal year 2020, funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants may, at the discretion of each State, be used for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: *Provided further*, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2020 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible

Territories.
District of
Columbia.

purposes of the fund, including administration: *Provided further*, That for fiscal year 2020, notwithstanding the provisions of subsections (g)(1), (h), and (l) of section 201 of the Federal Water Pollution Control Act, grants made under title II of such Act for American Samoa, Guam, the commonwealth of the Northern Marianas, the United States Virgin Islands, and the District of Columbia may also be made for the purpose of providing assistance: (1) solely for facility plans, design activities, or plans, specifications, and estimates for any proposed project for the construction of treatment works; and (2) for the construction, repair, or replacement of privately owned treatment works serving one or more principal residences or small commercial establishments: *Provided further*, That for fiscal year 2020, notwithstanding the provisions of such subsections (g)(1), (h), and (l) of section 201 and section 518(c) of the Federal Water Pollution Control Act, funds reserved by the Administrator for grants under section 518(c) of the Federal Water Pollution Control Act may also be used to provide assistance: (1) solely for facility plans, design activities, or plans, specifications, and estimates for any proposed project for the construction of treatment works; and (2) for the construction, repair, or replacement of privately owned treatment works serving one or more principal residences or small commercial establishments: *Provided further*, That for fiscal year 2020, notwithstanding any provision of the Federal Water Pollution Control Act and regulations issued pursuant thereof, up to a total of \$2,000,000 of the funds reserved by the Administrator for grants under section 518(c) of such Act may also be used for grants for training, technical assistance, and educational programs relating to the operation and management of the treatment works specified in section 518(c) of such Act: *Provided further*, That for fiscal year 2020, funds reserved under section 518(c) of such Act shall be available for grants only to Indian tribes, as defined in section 518(h) of such Act and former Indian reservations in Oklahoma (as determined by the Secretary of the Interior) and Native Villages as defined in Public Law 92–203: *Provided further*, That for fiscal year 2020, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, up to a total of 2 percent of the funds appropriated, or \$30,000,000, whichever is greater, and notwithstanding the limitation on amounts in section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated, or \$20,000,000, whichever is greater, for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: *Provided further*, That for fiscal year 2020, notwithstanding the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.5 percent of the aggregate funds appropriated for the Clean Water State Revolving Fund program under the Act less any sums reserved under section 518(c) of the Act, may be reserved by the Administrator for grants made under title II of the Federal Water Pollution Control Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: *Provided further*, That for fiscal year 2020, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act,

Territories.

up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: *Provided further*, That 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and 14 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be so used by the State only where such funds are provided as initial financing for an eligible recipient or to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after the date of enactment of this Act, or where such debt was incurred prior to the date of enactment of this Act if the State, with concurrence from the Administrator, determines that such funds could be used to help address a threat to public health from heightened exposure to lead in drinking water or if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 14 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;

Determination.

(2) \$25,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission: *Provided*, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure;

Consultation.

(3) \$29,186,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: *Provided*, That of these funds: (A) the State of Alaska shall provide a match of 25 percent; (B) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (C) the State of Alaska shall make awards consistent with the State-wide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal

Alaska.

Definition.

Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities;

(4) \$89,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including grants, interagency agreements, and associated program support costs: *Provided*, That at least 10 percent shall be allocated for assistance in persistent poverty counties: *Provided further*, That for purposes of this section, the term “persistent poverty counties” means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates, or any territory or possession of the United States;

(5) \$87,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005;

(6) \$56,306,000 shall be for targeted airshed grants in accordance with the terms and conditions in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(7) \$4,000,000 shall be to carry out the water quality program authorized in section 5004(d) of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322);

(8) \$25,408,000 shall be for grants under subsections (a) through (j) of section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a);

(9) \$26,000,000 shall be for grants under section 1464(d) of the Safe Drinking Water Act (42 U.S.C. 300j–24(d));

(10) \$19,511,000 shall be for grants under section 1459B of the Safe Drinking Water Act (42 U.S.C. 300j–19b);

(11) \$3,000,000 shall be for grants under section 1459A(l) of the Safe Drinking Water Act (42 U.S.C. 300j–19a(l));

(12) \$12,000,000 shall be for grants under section 104(b)(8) of the Federal Water Pollution Control Act (33 U.S.C. 1254(b)(8));

(13) \$28,000,000 shall be for grants under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301);

(14) \$1,000,000 shall be for grants under section 4304(b) of the America’s Water Infrastructure Act of 2018 (Public Law 115–270); and

(15) \$1,075,907,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which: \$46,190,000 shall be for carrying out section 128 of CERCLA; \$9,332,000 shall be for Environmental Information Exchange Network grants, including associated program support costs; \$1,449,000 shall be for grants to States under section 2007(f)(2) of the Solid

Waste Disposal Act, which shall be in addition to funds appropriated under the heading “Leaking Underground Storage Tank Trust Fund Program” to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act; \$17,848,000 of the funds available for grants under section 106 of the Federal Water Pollution Control Act shall be for State participation in national- and State-level statistical surveys of water resources and enhancements to State monitoring programs; \$13,000,000 shall be for multipurpose grants, including interagency agreements.

WATER INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM
ACCOUNT

For the cost of direct loans and for the cost of guaranteed loans, as authorized by the Water Infrastructure Finance and Innovation Act of 2014, \$55,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans, including capitalized interest, and total loan principal, including capitalized interest, any part of which is to be guaranteed, not to exceed \$11,500,000,000: *Provided further*, That of the funds made available under this heading, \$5,000,000 shall be used solely for the cost of direct loans and for the cost of guaranteed loans for projects described in section 5026(9) of the Water Infrastructure Finance and Innovation Act of 2014 to State infrastructure financing authorities, as authorized by section 5033(e) of such Act: *Provided further*, That the Administrator, together with the Director of the Office of Management and Budget and the Secretary of the Treasury, shall jointly develop criteria for project eligibility for direct loans and loan guarantees authorized by the Water Infrastructure Finance and Innovation Act of 2014 that limit Federal participation in a project consistent with the requirements for the budgetary treatment provided for in section 504 of the Federal Credit Reform Act of 1990 and based on the recommendations contained in the 1967 Report of the President’s Commission on Budget Concepts; and the Administrator, the Director, and the Secretary, shall, not later than 120 days after the date of enactment of this Act, publish such criteria in the Federal Register: *Provided further*, That, in developing the criteria to be used, the Administrator, the Director, and the Secretary, shall consult with the Director of the Congressional Budget Office: *Provided further*, That the requirements of section 553 of title 5, United States Code, shall not apply to the development and publication of such criteria: *Provided further*, That the use of direct loans or loan guarantee authority under this heading for direct loans or commitments to guarantee loans for any project shall be in accordance with the criteria published pursuant to this Act: *Provided further*, That the Administrator, the Director, and the Secretary, shall also certify, and publish such certification in the Federal Register, that the criteria is compliant with this paragraph, at the same time the Administrator, the Director, and the Secretary, publish the criteria in the Federal Register: *Provided further*, That the Administrator may not issue a Notice of Funding Availability for applications

Criteria.
Deadline.
Federal Register,
publication.

Consultation.

Certification.
Federal Register,
publication.

Certification.

Certification. for credit assistance under the Water Infrastructure Finance and Innovation Act Program in fiscal year 2020 until the criteria have been developed and published pursuant to the fourth proviso and certified pursuant to the previous proviso: *Provided further*, That none of the direct loans or loan guarantee authority made available under this heading shall be available for any project unless the Administrator and the Director of the Office of Management and Budget have certified in advance in writing that the direct loan or loan guarantee, as applicable, and the project comply with the criteria developed and published pursuant to this Act: *Provided further*, That the criteria developed and published pursuant to this Act shall not apply to the use of direct loans or loan guarantee authority provided by prior appropriations Acts: *Provided further*, That not later than 15 days after the date upon which criteria have been published pursuant to the fourth proviso, the Administrator shall report to the Committees on Appropriations of the House of Representatives and Senate, the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate on any statutory improvements to the Water Infrastructure Finance and Innovation Act of 2014 or to the Water Infrastructure Finance and Innovation Act Program Account's appropriations language that would further align such Act and such language with the budgetary treatment and recommendations referred to in the fourth proviso: *Provided further*, That, for the purposes of carrying out the Congressional Budget Act of 1974, the Director of the Congressional Budget Office may request, and the Administrator shall promptly provide, documentation and information relating to a project identified in a Letter of Interest submitted to the Administrator pursuant to a Notice of Funding Availability for applications for credit assistance under the Water Infrastructure Finance and Innovation Act Program, including with respect to a project that was initiated or completed before the date of enactment of this Act.

Reports.

In addition, fees authorized to be collected pursuant to sections 5029 and 5030 of the Water Infrastructure Finance and Innovation Act of 2014 shall be deposited in this account, to remain available until expended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, notwithstanding section 5033 of the Water Infrastructure Finance and Innovation Act of 2014, \$5,000,000, to remain available until September 30, 2021.

ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFERS OF FUNDS)

For fiscal year 2020, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member tribes, to assist the Administrator in implementing Federal environmental programs for Indian tribes required or authorized by law, except that no such cooperative

agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 116–8, the Pesticide Registration Improvement Extension Act of 2018.

Fees.

Notwithstanding section 33(d)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136w–8(d)(2)), the Administrator of the Environmental Protection Agency may assess fees under section 33 of FIFRA (7 U.S.C. 136w–8) for fiscal year 2020.

Fees.

The Administrator is authorized to transfer up to \$320,000,000 of the funds appropriated for the Great Lakes Restoration Initiative under the heading “Environmental Programs and Management” to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

The Science and Technology, Environmental Programs and Management, Office of Inspector General, Hazardous Substance Superfund, and Leaking Underground Storage Tank Trust Fund Program Accounts, are available for the construction, alteration, repair, rehabilitation, and renovation of facilities, provided that the cost does not exceed \$150,000 per project.

For fiscal year 2020, and notwithstanding section 518(f) of the Federal Water Pollution Control Act (33 U.S.C. 1377(f)), the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of the Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act.

Grants.

The Administrator is authorized to use the amounts appropriated under the heading “Environmental Programs and Management” for fiscal year 2020 to provide grants to implement the Southeastern New England Watershed Restoration Program.

Grants.

Notwithstanding the limitations on amounts in section 320(i)(2)(B) of the Federal Water Pollution Control Act, not less than \$1,350,000 of the funds made available under this title for the National Estuary Program shall be for making competitive awards described in section 320(g)(4).

The fourth paragraph under heading “Administrative Provisions” in title II of Public Law 109–54 is amended by striking “2020” and inserting “2025”.

119 Stat. 531;
128 Stat. 2427.

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND
ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, \$875,000: *Provided*, That funds made available by this Act to any agency in the Natural Resources and Environment mission area for salaries and expenses are available to fund up to one administrative support staff for the office.

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$305,000,000, to remain available through September 30, 2023: *Provided*, That of the funds provided, \$77,000,000 is for the forest inventory and analysis program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, and conducting an international program as authorized, \$346,990,000, to remain available through September 30, 2023, as authorized by law; of which \$63,990,000 is to be derived from the Land and Water Conservation Fund to be used for the Forest Legacy Program, to remain available until expended.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for hazardous fuels management on or adjacent to such lands, \$1,957,510,000, to remain available through September 30, 2023: *Provided*, That of the funds provided, \$40,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f): *Provided further*, That of the funds provided, \$373,000,000 shall be for forest products: *Provided further*, That of the funds provided, \$445,310,000 shall be for hazardous fuels management activities, of which not to exceed \$15,000,000 may be used to make grants, using any authorities available to the Forest Service under the “State and Private Forestry” appropriation, for the purpose of creating incentives for increased use of biomass from National Forest System lands: *Provided further*, That \$20,000,000 may be used by the Secretary

of Agriculture to enter into procurement contracts or cooperative agreements or to issue grants for hazardous fuels management activities, and for training or monitoring associated with such hazardous fuels management activities on Federal land, or on non-Federal land if the Secretary determines such activities benefit resources on Federal land: *Provided further*, That funds made available to implement the Community Forestry Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities made available to the Forest Service under the “State and Private Forestry” appropriations: *Provided further*, That notwithstanding section 33 of the Bankhead Jones Farm Tenant Act (7 U.S.C. 1012), the Secretary of Agriculture, in calculating a fee for grazing on a National Grassland, may provide a credit of up to 50 percent of the calculated fee to a Grazing Association or direct permittee for a conservation practice approved by the Secretary in advance of the fiscal year in which the cost of the conservation practice is incurred. And, that the amount credited shall remain available to the Grazing Association or the direct permittee, as appropriate, in the fiscal year in which the credit is made and each fiscal year thereafter for use on the project for conservation practices approved by the Secretary.

43 USC 1751
note.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, \$455,000,000, to remain available through September 30, 2023, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, reconstruction, decommissioning of roads that are no longer needed, including unauthorized roads that are not part of the transportation system, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 2020 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

LAND ACQUISITION

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary to carry out the provisions of chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$78,898,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

Of the unobligated balances from amounts made available for Forest Service and derived from the Land and Water Conservation Fund, \$2,000,000 is hereby permanently rescinded from projects with cost savings or failed projects or partially failed that had funds returned: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget

or the Balanced Budget and Emergency Deficit Control Act of 1985.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California; and the Ozark-St. Francis and Ouachita National Forests, Arkansas; as authorized by law, \$700,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967 (16 U.S.C. 484a), to remain available through September 30, 2023, (16 U.S.C. 516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and Public Law 78–310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, to remain available through September 30, 2023, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$45,000, to remain available through September 30, 2023, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), \$2,500,000, to remain available through September 30, 2023.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency wildland fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, \$2,350,620,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are

available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That any unobligated funds appropriated in a previous fiscal year for hazardous fuels management may be transferred to the “National Forest System” account: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That funds provided shall be available for support to Federal emergency response: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That of the funds provided under this heading, \$1,011,000,000 shall be available for wildfire suppression operations, and is provided to the meet the terms of section 251(b)(2)(F)(ii)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Reimbursement.

Cost sharing.

WILDFIRE SUPPRESSION OPERATIONS RESERVE FUND

(INCLUDING TRANSFERS OF FUNDS)

In addition to the amounts provided under the heading “Department of Agriculture—Forest Service—Wildland Fire Management” for wildfire suppression operations, \$1,950,000,000, to remain available until transferred, is additional new budget authority as specified for purposes of section 251(b)(2)(F) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That such amounts may be transferred to and merged with amounts made available under the headings “Department of the Interior—Department-Wide Programs—Wildland Fire Management” and “Department of Agriculture—Forest Service—Wildland Fire Management” for wildfire suppression operations in the fiscal year in which such amounts are transferred: *Provided further*, That amounts may be transferred to the “Wildland Fire Management” accounts in the Department of the Interior or the Department of Agriculture only upon the notification of the House and Senate Committees on Appropriations that all wildfire suppression operations funds appropriated under that heading in this and prior appropriations Acts to the agency to which the funds will be transferred will be obligated within 30 days: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided by law.

Notification.
Deadline.

COMMUNICATIONS SITE ADMINISTRATION

Amounts collected in this fiscal year pursuant to section 8705(f)(2) of the Agriculture Improvement Act of 2018 (Public Law 115–334), as amended by this Act, shall be deposited in the special account established by section 8705(f)(1) of such Act, shall be available to cover the costs described in subsection (c)(3) of such section of such Act, and shall remain available until expended: *Provided*, That such amounts shall be transferred to the “National Forest System” account.

ADMINISTRATIVE PROVISIONS—FOREST SERVICE

(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Notification.
Time period.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon the Secretary's notification of the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the heading "Wildland Fire Management" will be obligated within 30 days: *Provided*, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Not more than \$50,000,000 of funds appropriated to the Forest Service shall be available for expenditure or transfer to the Department of the Interior for wildland fire management, hazardous fuels management, and State fire assistance when such transfers would facilitate and expedite wildland fire management programs and projects.

Notification.

Notwithstanding any other provision of this Act, the Forest Service may transfer unobligated balances of discretionary funds appropriated to the Forest Service by this Act to or within the National Forest System Account, or reprogram funds to be used for the purposes of hazardous fuels management and urgent rehabilitation of burned-over National Forest System lands and water, such transferred funds shall remain available through September 30, 2023: *Provided*, That none of the funds transferred pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That this section does not apply to funds derived from the Land and Water Conservation Fund.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities

outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with U.S., private, and international organizations. The Forest Service, acting for the International Program, may sign direct funding agreements with foreign governments and institutions as well as other domestic agencies (including the U.S. Agency for International Development, the Department of State, and the Millennium Challenge Corporation), U.S. private sector firms, institutions and organizations to provide technical assistance and training programs overseas on forestry and rangeland management.

Funds appropriated to the Forest Service shall be available for expenditure or transfer to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands.

Wild horses and burros.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–171 (7 U.S.C. 8316(b)).

16 USC 556i.

Not more than \$82,000,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than \$14,500,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain information technology services, including telecommunications and system modifications or enhancements, from the Working Capital Fund of the Department of Agriculture.

Of the funds available to the Forest Service, up to \$5,000,000 shall be available for priority projects within the scope of the approved budget, which shall be carried out by the Youth Conservation Corps and shall be carried out under the authority of the Public Lands Corps Act of 1993 (16 U.S.C. 1721 et seq.).

Of the funds available to the Forest Service, \$4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to \$3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than \$300,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match funds made available by the Forest Service on at least a one-for-one basis: *Provided further*, That the Foundation may transfer Federal funds to a Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Pursuant to section 2(b)(2) of Public Law 98-244, up to \$3,000,000 of the funds available to the Forest Service may be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-663.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older Americans Act of 1965 (42 U.S.C. 3056(c)(2)).

The Forest Service shall not assess funds for the purpose of performing fire, administrative, and other facilities maintenance and decommissioning.

Notwithstanding any other provision of law, of any appropriations or funds available to the Forest Service, not to exceed \$500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar matters unrelated to civil litigation. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the sums requested for transfer.

An eligible individual who is employed in any project funded under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Reports.

Notwithstanding any other provision of this Act, through the Office of Budget and Program Analysis, the Forest Service shall report no later than 30 business days following the close of each fiscal quarter all current and prior year unobligated balances, by fiscal year, budget line item and account, to the House and Senate Committees on Appropriations.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the

Indian Health Service, \$4,315,205,000 to remain available until September 30, 2021, except as otherwise provided herein, together with payments received during the fiscal year pursuant to sections 231(b) and 233 of the Public Health Service Act (42 U.S.C. 238(b) and 238b), for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That \$2,000,000 shall be available for grants or contracts with public or private institutions to provide alcohol or drug treatment services to Indians, including alcohol detoxification services: *Provided further*, That \$964,819,000 for Purchased/Referred Care, including \$53,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: *Provided further*, That of the funds provided, up to \$40,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That of the funds provided, \$125,000,000 shall remain available until expended to supplement funds available for operational costs at tribal clinics operated under an Indian Self-Determination and Education Assistance Act compact or contract where health care is delivered in space acquired through a full service lease, which is not eligible for maintenance and improvement and equipment funds from the Indian Health Service, and \$58,000,000 shall be for costs related to or resulting from accreditation emergencies, including supplementing activities funded under the heading “Indian Health Facilities,” of which up to \$4,000,000 may be used to supplement amounts otherwise available for Purchased/Referred Care: *Provided further*, That the amounts collected by the Federal Government as authorized by sections 104 and 108 of the Indian Health Care Improvement Act (25 U.S.C. 1613a and 1616a) during the preceding fiscal year for breach of contracts shall be deposited in the Fund authorized by section 108A of that Act (25 U.S.C. 1616a–1) and shall remain available until expended and, notwithstanding section 108A(c) of that Act (25 U.S.C. 1616a–1(c)), funds shall be available to make new awards under the loan repayment and scholarship programs under sections 104 and 108 of that Act (25 U.S.C. 1613a and 1616a): *Provided further*, That the amounts made available within this account for the Substance Abuse and Suicide Prevention Program, for Opioid Prevention, Treatment and Recovery Services, for the Domestic Violence Prevention Program, for the Zero Suicide Initiative, for the housing subsidy authority for civilian employees, for Aftercare Pilot Programs at Youth Regional Treatment Centers, for transformation and modernization costs of the Indian Health Service Electronic Health Record system, for national quality and oversight activities, to improve collections from public and private insurance at Indian Health Service and tribally operated facilities, and for accreditation emergencies shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: *Provided further*, That funds provided in this Act may be used for annual contracts and grants that fall within 2 fiscal years, provided the total obligation is recorded in the year the funds are appropriated: *Provided*

Allocations.

Time period.
Records.

further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: *Provided further*, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service, and from tribes and tribal organizations operating health facilities pursuant to Public Law 93-638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.): *Provided further*, That of the funds provided, \$72,280,000 is for the Indian Health Care Improvement Fund and may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: *Provided further*, That none of the funds appropriated by this Act to the Indian Health Service for the Electronic Health Record system shall be available for obligation or expenditure for the selection or implementation of a new Information Technology infrastructure system, unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 90 days in advance of such obligation.

Reports.

Consultation.
Time period.

CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Indian Health Service for fiscal year 2020, such sums as may be necessary: *Provided*, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$911,889,000 to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes

may be used to purchase land on which such facilities will be located: *Provided further*, That not to exceed \$500,000 may be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed \$2,700,000 from this account and the “Indian Health Services” account may be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed \$500,000 may be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary of Health and Human Services; uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process: *Provided further*, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized

Assessments.

Regulations. Budget request.	by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: <i>Provided further</i> , That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: <i>Provided further</i> , That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended: <i>Provided further</i> , That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead costs associated with the provision of goods, services, or technical assistance: <i>Provided further</i> , That the Indian Health Service may provide to civilian medical personnel serving in hospitals operated by the Indian Health Service housing allowances equivalent to those that would be provided to members of the Commissioned Corps of the United States Public Health Service serving in similar positions at such hospitals: <i>Provided further</i> , That the appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.
Reimbursement.	
Reimbursements.	
Notification.	

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(a)) and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, \$81,000,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and section 3019 of the Solid Waste Disposal Act, \$76,691,000: *Provided*,

That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited healthcare providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2020, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$2,994,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

Appointment.
President.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$12,000,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

Career positions.

5 USC app. 8G
note.

5 USC app. 8G
note.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, \$7,500,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to section 11 of Public Law 93–531 (88 Stat. 1716).

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by part A of title XV of Public Law 99–498 (20 U.S.C. 4411 et seq.), \$10,458,000, which shall become available on July 1, 2020, and shall remain available until September 30, 2021.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, \$793,658,000, to remain available until September 30, 2021, except as otherwise provided herein; of which not to exceed \$6,908,000 for the instrumentation program, collections acquisition, exhibition re-installation, and the repatriation of skeletal remains program shall remain available until expended; and including such funds as may be necessary to support American overseas research centers: *Provided*, That funds appropriated herein are available for advance

payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to be available as trust funds for expenses associated with the purchase of a portion of the building at 600 Maryland Avenue, S.W., Washington, D.C. to the extent that Federally supported activities will be housed there: *Provided further*, That the use of such amounts in the general trust funds of the Institution for such purpose shall not be construed as Federal debt service for, a Federal guarantee of, a transfer of risk to, or an obligation of the Federal Government: *Provided further*, That no appropriated funds may be used directly to service debt which is incurred to finance the costs of acquiring a portion of the building at 600 Maryland Avenue, S.W., Washington, D.C., or of planning, designing, and constructing improvements to such building: *Provided further*, That any agreement entered into by the Smithsonian Institution for the sale of its ownership interest, or any portion thereof, in such building so acquired may not take effect until the expiration of a 30 day period which begins on the date on which the Secretary submits to the Committees on Appropriations of the House of Representatives and Senate, the Committees on House Administration and Transportation and Infrastructure of the House of Representatives, and the Committee on Rules and Administration of the Senate a report, as outlined in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), on the intended sale.

District of
Columbia.

District of
Columbia.

Effective date.
Time period.
Reports.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, \$253,700,000, to remain available until expended, of which not to exceed \$10,000 shall be for services as authorized by 5 U.S.C. 3109.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration,

improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$147,022,000, to remain available until September 30, 2021, of which not to exceed \$3,660,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, for operating lease agreements of no more than 10 years, with no extensions or renewals beyond the 10 years, that address space needs created by the ongoing renovations in the Master Facilities Plan, as authorized, \$26,203,000, to remain available until expended: *Provided*, That of this amount, \$1,000,000 shall be available for design of an off-site art storage facility in partnership with the Smithsonian Institution: *Provided further*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$25,690,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$17,800,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$14,000,000, to remain available until September 30, 2021.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, \$162,250,000 shall

be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, \$162,250,000 to remain available until expended, of which \$147,750,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and \$14,500,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act, including \$12,500,000 for the purposes of section 7(h): *Provided*, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, devises of money, and other property accepted by the chairman or by grantees of the National Endowment for the Humanities under the provisions of sections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants of up to \$10,000, if in the aggregate the amount of such grants does not exceed 5 percent of the sums appropriated for grantmaking purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses of the Commission of Fine Arts under chapter 91 of title 40, United States Code, \$3,240,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: *Provided further*, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design

of the Nation’s Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study, or education: *Provided further*, That one-tenth of one percent of the funds provided under this heading may be used for official reception and representation expenses.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), \$5,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665), \$7,378,000.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Capital Planning Commission under chapter 87 of title 40, United States Code, including services as authorized by 5 U.S.C. 3109, \$8,124,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), \$60,388,000, of which \$715,000 shall remain available until September 30, 2022, for the Museum’s equipment replacement program; and of which \$2,000,000 for the Museum’s repair and rehabilitation program and \$1,264,000 for the Museum’s outreach initiatives program shall remain available until expended.

PRESIDIO TRUST

The Presidio Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), in an amount not to exceed \$10,000,000.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Dwight D. Eisenhower Memorial Commission, \$1,800,000, to remain available until expended.

WOMEN’S SUFFRAGE CENTENNIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Women’s Suffrage Centennial Commission, as authorized by the Women’s Suffrage Centennial Commission Act (section 431(a)(3) of division G of Public Law 115–31), \$1,000,000, to remain available until expended.

WORLD WAR I CENTENNIAL COMMISSION

SALARIES AND EXPENSES

Notwithstanding section 9 of the World War I Centennial Commission Act, as authorized by the World War I Centennial Commission Act (Public Law 112–272) and the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), for necessary expenses of the World War I Centennial Commission, \$7,000,000, to remain available until September 30, 2021: *Provided*, That in addition to the authority provided by section 6(g) of such Act, the World War I Commission may accept money, in-kind personnel services, contractual support, or any appropriate support from any executive branch agency for activities of the Commission.

ALYCE SPOTTED BEAR AND WALTER SOBOLEFF COMMISSION ON
NATIVE CHILDREN

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Alyce Spotted Bear and Walter Soboleff Commission on Native Children (referred to in this paragraph as the “Commission”), \$500,000, to remain available until September 30, 2021: *Provided*, That amounts made available to the Commission under the heading “Department of the Interior—Departmental Operations—Office of the Secretary—Departmental Operations” in division E of the Consolidated Appropriations Act, 2019 (Public Law 116–6) may be transferred to or merged with such amounts: *Provided further*, That in addition to the authority provided by section 3(g)(5) and 3(h) of Public Law 114–244, the Commission may hereafter accept in-kind personnel services, contractual support, or any appropriate support from any executive branch agency for activities of the Commission.

TITLE IV

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

RESTRICTION ON USE OF FUNDS

SEC. 401. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

Lobbying.

OBLIGATION OF APPROPRIATIONS

SEC. 402. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

Budget
estimates.

SEC. 403. The amount and basis of estimated overhead charges, deductions, reserves or holdbacks, including working capital fund and cost pool charges, from programs, projects, activities and subactivities to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional, or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations of the House of Representatives and the Senate. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

MINING APPLICATIONS

Patents and
trademarks.

SEC. 404. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

Determination.

(b) EXCEPTIONS.—Subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims, sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2021, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Director of the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

CONTRACT SUPPORT COSTS, PRIOR YEAR LIMITATION

SEC. 405. Sections 405 and 406 of division F of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235) shall continue in effect in fiscal year 2020. Extension.

CONTRACT SUPPORT COSTS, FISCAL YEAR 2020 LIMITATION

SEC. 406. Amounts provided by this Act for fiscal year 2020 under the headings “Department of Health and Human Services, Indian Health Service, Contract Support Costs” and “Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Contract Support Costs” are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements for fiscal year 2020 with the Bureau of Indian Affairs, Bureau of Indian Education, and the Indian Health Service: *Provided*, That such amounts provided by this Act are not available for payment of claims for contract support costs for prior years, or for repayments of payments for settlements or judgments awarding contract support costs for prior years.

FOREST MANAGEMENT PLANS

SEC. 407. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis. 16 USC 1604 note.

PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 408. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

LIMITATION ON TAKINGS

SEC. 409. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the

Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

PROHIBITION ON NO-BID CONTRACTS

SEC. 410. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41, United States Code, or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless—

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes;

(2) such contract is authorized by the Indian Self-Determination and Education Assistance Act (Public Law 93–638, 25 U.S.C. 450 et seq.) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of enactment of this Act.

POSTING OF REPORTS

Web posting.
Public
information.
Determination.

SEC. 411. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

Time period.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES

SEC. 412. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

Procedures.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs or projects.

NATIONAL ENDOWMENT FOR THE ARTS PROGRAM PRIORITIES

SEC. 413. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

Definitions.

(1) The term “underserved population” means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

Reports.

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

STATUS OF BALANCES OF APPROPRIATIONS

SEC. 414. The Department of the Interior, the Environmental Protection Agency, the Forest Service, and the Indian Health Service shall provide the Committees on Appropriations of the House of Representatives and Senate quarterly reports on the status of balances of appropriations including all uncommitted, committed, and unobligated funds in each program and activity within 60 days of enactment of this Act.

Reports.

ALYCE SPOTTED BEAR AND WALTER SOBOLEFF COMMISSION ON
NATIVE CHILDREN

130 Stat. 981. SEC. 415. Section 3(a) of the Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act (Public Law 114–244) is amended by striking “in the Office of Tribal Justice of the Department of Justice.”.

FOREST SERVICE COMMUNICATIONS SITE ADMINISTRATION

43 USC 1761a. SEC. 416. Subsection (f) of section 8705 of the Agriculture Improvement Act of 2018 (Public Law 115–334) is amended by striking paragraph (2) and inserting the following:

“(2) REQUIREMENTS FOR FEES COLLECTED.—Fees collected by the Forest Service under subsection (c)(3) shall be—

“(A) collected only to the extent provided in advance in appropriations Acts;

“(B) based on the costs described in subsection (c)(3); and

“(C) competitively neutral, technology neutral, and non-discriminatory with respect to other users of the communications site.”.

EXTENSION OF GRAZING PERMITS

SEC. 417. The terms and conditions of section 325 of Public Law 108–108 (117 Stat. 1307), regarding grazing permits issued by the Forest Service on any lands not subject to administration under section 402 of the Federal Lands Policy and Management Act (43 U.S.C. 1752), shall remain in effect for fiscal year 2020.

FUNDING PROHIBITION

Pornography. SEC. 418. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

HUMANE TRANSFER AND TREATMENT OF ANIMALS

Wild horses and burros. SEC. 419. (a) Notwithstanding any other provision of law, the Secretary of the Interior, with respect to land administered by the Bureau of Land Management, or the Secretary of Agriculture, with respect to land administered by the Forest Service (referred to in this section as the “Secretary concerned”), may transfer excess wild horses and burros that have been removed from land administered by the Secretary concerned to other Federal, State, and local government agencies for use as work animals.

(b) The Secretary concerned may make a transfer under subsection (a) immediately on the request of a Federal, State, or local government agency.

(c) An excess wild horse or burro transferred under subsection (a) shall lose status as a wild free-roaming horse or burro (as defined in section 2 of Public Law 92–195 (commonly known as the “Wild Free-Roaming Horses and Burros Act”) (16 U.S.C. 1332)).

(d) A Federal, State, or local government agency receiving an excess wild horse or burro pursuant to subsection (a) shall not—

(1) destroy the horse or burro in a manner that results in the destruction of the horse or burro into a commercial product;

(2) sell or otherwise transfer the horse or burro in a manner that results in the destruction of the horse or burro for processing into a commercial product; or

(3) euthanize the horse or burro, except on the recommendation of a licensed veterinarian in a case of severe injury, illness, or advanced age.

(e) Amounts appropriated by this Act shall not be available for—

(1) the destruction of any healthy, unadopted, and wild horse or burro under the jurisdiction of the Secretary concerned (including a contractor); or

(2) the sale of a wild horse or burro that results in the destruction of the wild horse or burro for processing into a commercial product.

FOREST SERVICE FACILITY REALIGNMENT AND ENHANCEMENT AUTHORIZATION EXTENSION

SEC. 420. Section 503(f) of Public Law 109–54 (16 U.S.C. 580d note) shall be applied by substituting “September 30, 2020” for “September 30, 2019”.

Applicability.
6 USC 580d note.

USE OF AMERICAN IRON AND STEEL

SEC. 421. (a)(1) None of the funds made available by a State water pollution control revolving fund as authorized by section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) shall be used for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used in the project are produced in the United States.

(2) In this section, the term “iron and steel” products means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

Definition.

(b) Subsection (a) shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency (in this section referred to as the “Administrator”) finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the Administrator receives a request for a waiver under this section, the Administrator shall make available to the public on an informal basis a copy of the request and information available to the Administrator concerning the request, and shall allow for

Public
information.
Records.
Time period.

- Web posting. informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Environmental Protection Agency.
- Applicability. (d) This section shall be applied in a manner consistent with United States obligations under international agreements.
- (e) The Administrator may retain up to 0.25 percent of the funds appropriated in this Act for the Clean and Drinking Water State Revolving Funds for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

RESCISSION OF FUNDS

SEC. 422. Any amounts made available for fiscal year 2020 pursuant to section 8705(f)(2) of Public Law 115–334 as amended by this Act, are hereby rescinded.

JOHN F. KENNEDY CENTER REAUTHORIZATION

SEC. 423. Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended by striking subsections (a) and (b) and inserting the following:

“(a) MAINTENANCE, REPAIR, AND SECURITY.—There is authorized to be appropriated to the Board to carry out section 4(a)(1)(H), \$25,690,000 for fiscal year 2020.

“(b) CAPITAL PROJECTS.—There is authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1), \$17,800,000 for fiscal year 2020.”.

LOCAL COOPERATOR TRAINING AGREEMENTS AND TRANSFERS OF EXCESS EQUIPMENT AND SUPPLIES FOR WILDFIRES

- Grants. SEC. 424. The Secretary of the Interior is authorized to enter into grants and cooperative agreements with volunteer fire departments, rural fire departments, rangeland fire protection associations, and similar organizations to provide for wildland fire training and equipment, including supplies and communication devices. Notwithstanding 121(c) of title 40, United States Code, or section 521 of title 40, United States Code, the Secretary is further authorized to transfer title to excess Department of the Interior firefighting equipment no longer needed to carry out the functions of the Department’s wildland fire management program to such organizations.

RECREATION FEES

- Applicability. SEC. 425. Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809) shall be applied by substituting “October 1, 2021” for “September 30, 2019”.
- 16 USC 6809 note.

REPROGRAMMING GUIDELINES

- Advance approval. SEC. 426. None of the funds made available in this Act, in this and prior fiscal years, may be reprogrammed without the

advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

PROJECT INFORMATION

SEC. 427. (a) Within 60 days of the submission of the fiscal year 2021 budget or by April 1, 2020, whichever comes first, the Secretary of the Interior and the Secretary of Agriculture shall submit to the Committees on Appropriations of the House of Representatives and the Senate prioritized and detailed lists of Federal land acquisition projects, and Forest Legacy projects, that have been identified by each land management Agency.

Deadline.
Lists.

(b) The Federal land acquisition project lists required by each Agency in subsection (a) shall include individual projects for the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, and the U.S. Forest Service, and shall total for each agency no less than 150 percent of the amount enacted for that agency for the previous fiscal year.

LOCAL CONTRACTORS

SEC. 428. Section 412 of Division E of Public Law 112–74 shall be applied by substituting “fiscal year 2020” for “fiscal year 2019”.

Applicability.

SHASTA-TRINITY MARINA FEE AUTHORITY AUTHORIZATION EXTENSION

SEC. 429. Section 422 of division F of Public Law 110–161 (121 Stat 1844), as amended, shall be applied by substituting “fiscal year 2020” for “fiscal year 2019”.

Applicability.

INTERPRETIVE ASSOCIATION AUTHORIZATION EXTENSION

SEC. 430. Section 426 of division G of Public Law 113–76 (16 U.S.C. 565a–1 note) shall be applied by substituting “September 30, 2020” for “September 30, 2019”.

16 USC 565a–1
note.

PUERTO RICO SCHOOLING AUTHORIZATION EXTENSION

SEC. 431. The authority provided by the 19th unnumbered paragraph under heading “Administrative Provisions, Forest Service” in title III of Public Law 109–54, as amended, shall be applied by substituting “fiscal year 2020” for “fiscal year 2019”.

Applicability.

FOREST BOTANICAL PRODUCTS FEE COLLECTION AUTHORIZATION
EXTENSION

SEC. 432. Section 339 of the Department of the Interior and Related Agencies Appropriations Act, 2000 (as enacted into law by Public Law 106–113; 16 U.S.C. 528 note), as amended by section 335(6) of Public Law 108–108 and section 432 of Public Law 113–76, shall be applied by substituting “fiscal year 2020” for “fiscal year 2019”.

Applicability.
16 USC 528 note.

ALASKA NATIVE REGIONAL HEALTH ENTITIES AUTHORIZATION
EXTENSION

Applicability. SEC. 433. Section 424(a) of the Consolidated Appropriations Act, 2014 (Public Law 113–76), as amended by section 428 of the Consolidated Appropriations Act, 2018 (Public Law 115–141), shall be applied by substituting “October 1, 2020” for “October 1, 2019”.

CHESAPEAKE BAY INITIATIVE

Applicability. SEC. 434. Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (Public Law 105–312; 54 U.S.C. 320101 note) shall be applied by substituting “fiscal year 2020” for “fiscal year 2019”.

FOREST SERVICE BUDGET RESTRUCTURE

Deadlines.
16 USC 579e. SEC. 435. (a) The Secretary of Agriculture shall establish the “Forest Service Operations” account not later than October 1, 2020, for the necessary expenses of the Forest Service: (1) for the base salary and expenses of employees in the Chief’s Office, the Work Environment and Performance Office, the Business Operations Deputy Area, and the Chief Financial Officer’s Office to carry out administrative and general management support functions; (2) for the costs of facility maintenance, repairs, and leases for buildings and sites; (3) for the costs of utility and communication expenses, business services, and information technology, including cybersecurity requirements; and (4) for such other administrative support function expenses necessary for the operation of the Forest Service.

(b) Subsequent to the establishment of the account under subsection (a), the Secretary of Agriculture may execute appropriations of the Department for fiscal year 2021 as provided pursuant to such subsection, including any continuing appropriations made available for fiscal year 2021 before enactment of a regular appropriations Act.

Notification. (c) Notwithstanding any other provision of law, the Secretary of Agriculture may transfer any unobligated balances made available to the Forest Service by this or prior appropriations Acts to the account established under subsection (a) to carry out such subsection, and shall notify the Committees on Appropriations of the Senate and the House of Representatives within 5 days of such transfer: *Provided*, That no amounts may be transferred from amounts that were made available for wildfire suppression operations pursuant to section 251(b)(2)(F) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Transfer authority.
Reports. (d)(1) Not later than November 1, 2020, the Secretary of Agriculture shall establish the preliminary baseline for application of transfer authorities and submit the report specified in paragraph (2) to the Committees on Appropriations for the Senate and the House of Representatives.

(2) The report required in this subsection shall include—
(A) a delineation of the amount and account of each transfer made pursuant to subsection (b) or (c);
(B) a table for each appropriation with a separate column to display the fiscal year 2020 enacted levels, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and adjustments made pursuant

to the transfer authority in subsection (b) or (c), and the resulting fiscal year level;

(C) a delineation in the table for each appropriation, adjusted as described in paragraph (2), both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(D) an identification of funds directed for a specific activity.

TIMBER SALE REQUIREMENTS

SEC. 436. No timber sale in Alaska’s Region 10 shall be advertised if the indicated rate is deficit (defined as the value of the timber is not sufficient to cover all logging and stumpage costs and provide a normal profit and risk allowance under the Forest Service’s appraisal process) when appraised using a residual value appraisal. The western red cedar timber from those sales which is surplus to the needs of the domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

Alaska.

PROHIBITION ON USE OF FUNDS

SEC. 437. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 438. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

FUNDING PROHIBITION

SEC. 439. None of the funds made available by this or any other Act may be used to regulate the lead content of ammunition, ammunition components, or fishing tackle under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or any other law.

POLICIES RELATING TO BIOMASS ENERGY

SEC. 440. To support the key role that forests in the United States can play in addressing the energy needs of the United States, the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency shall, consistent with their missions, jointly—

- (1) ensure that Federal policy relating to forest bioenergy—
 - (A) is consistent across all Federal departments and agencies; and
 - (B) recognizes the full benefits of the use of forest biomass for energy, conservation, and responsible forest management; and
- (2) establish clear and simple policies for the use of forest biomass as an energy solution, including policies that—
 - (A) reflect the carbon-neutrality of forest bioenergy and recognize biomass as a renewable energy source, provided the use of forest biomass for energy production does not cause conversion of forests to non-forest use;
 - (B) encourage private investment throughout the forest biomass supply chain, including in—
 - (i) working forests;
 - (ii) harvesting operations;
 - (iii) forest improvement operations;
 - (iv) forest bioenergy production;
 - (v) wood products manufacturing; or
 - (vi) paper manufacturing;
 - (C) encourage forest management to improve forest health; and
 - (D) recognize State initiatives to produce and use forest biomass.

SMALL REMOTE INCINERATORS

Regulations.
Alaska.

SEC. 441. None of the funds made available in this Act may be used to implement or enforce the regulation issued on March 21, 2011 at 40 CFR part 60 subparts CCCC and DDDD with respect to units in the State of Alaska that are defined as “small, remote incinerator” units in those regulations and, until a subsequent regulation is issued, the Administrator shall implement the law and regulations in effect prior to such date.

CHACO CANYON

SEC. 442. None of the funds made available by this Act may be used to accept a nomination for oil and gas leasing under 43 CFR 3120.3 et seq, or to offer for oil and gas leasing, any Federal lands within the withdrawal area identified on the map of the Chaco Culture National Historical Park prepared by the Bureau of Land Management and dated April 2, 2019, prior to the completion of the cultural resources investigation identified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

DAVID R. OBEY NORTHERN GREAT LAKES VISITOR CENTER

Wisconsin.

SEC. 443. (a) DESIGNATION.—The Northern Great Lakes Visitor Center located in Ashland, Wisconsin, the title to which is owned by the Forest Service, shall be known and designated as the “David R. Obey Northern Great Lakes Visitor Center”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “David R. Obey Northern Great Lakes Visitor Center”.

This division may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2020”.

**DIVISION E—LEGISLATIVE BRANCH APPROPRIATIONS
ACT, 2020**

Legislative
Branch
Appropriations
Act, 2020.
2 USC 60a note.

TITLE I

LEGISLATIVE BRANCH

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, \$18,760; the President Pro Tempore of the Senate, \$37,520; Majority Leader of the Senate, \$39,920; Minority Leader of the Senate, \$39,920; Majority Whip of the Senate, \$9,980; Minority Whip of the Senate, \$9,980; President Pro Tempore Emeritus, \$15,000; Chairmen of the Majority and Minority Conference Committees, \$4,690 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, \$4,690 for each Chairman; in all, \$189,840.

For representation allowances of the Majority and Minority Leaders of the Senate, \$14,070 for each such Leader; in all, \$28,140.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, \$216,321,170, which shall be paid from this appropriation as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, \$2,533,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, \$759,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore Emeritus, \$326,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, \$5,506,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, \$3,525,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, \$15,793,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman

of each such committee, \$1,738,000 for each such committee; in all, \$3,476,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY
AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$862,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, \$1,776,000 for each such committee; in all, \$3,552,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, \$510,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, \$26,818,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, \$85,867,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,940,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, \$64,854,170.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$6,397,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, \$1,197,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SER-
GEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRE-
TARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, \$7,110; Sergeant at Arms and Doorkeeper of the Senate, \$7,110; Secretary for the Majority of the Senate, \$7,110; Secretary for the Minority of the Senate, \$7,110; in all, \$28,440.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, \$133,265,000, of which \$26,650,000 shall remain available until September 30, 2022.

U.S. SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, \$508,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, \$14,536,000 of which \$11,436,000 shall remain available until September 30, 2024 and of which \$3,100,000 shall remain available until expended.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$128,753,000, which shall remain available until September 30, 2024.

MISCELLANEOUS ITEMS

For miscellaneous items, \$18,871,410 which shall remain available until September 30, 2022.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, \$449,000,000 of which \$20,128,950 shall remain available until September 30, 2022 and of which \$6,000,000 shall be allocated solely for the purpose of providing financial compensation to Senate interns.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, \$300,000.

ADMINISTRATIVE PROVISION

REQUIRING AMOUNTS REMAINING IN SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT

SEC. 101. Notwithstanding any other provision of law, any amounts appropriated under this Act under the heading "SENATE" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT" shall be available for obligation only during the fiscal

year or fiscal years for which such amounts are made available. Any unexpended balances under such allowances remaining after the end of the period of availability shall be returned to the Treasury in accordance with the undesignated paragraph under the center heading “GENERAL PROVISION” under chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 4107) and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, \$1,370,725,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, \$28,884,000, including: Office of the Speaker, \$8,295,000, including \$25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, \$2,947,000, including \$10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, \$8,295,000, including \$10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, \$2,448,000, including \$5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, \$2,219,000, including \$5,000 for official expenses of the Minority Whip; Republican Conference, \$2,340,000; Democratic Caucus, \$2,340,000: *Provided*, That such amount for salaries and expenses shall remain available from January 3, 2020 until January 2, 2021.

MEMBERS’ REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS’ CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members’ representational allowances, including Members’ clerk hire, official expenses, and official mail, \$615,000,000.

ALLOWANCE FOR COMPENSATION OF INTERNS IN MEMBER OFFICES

For the allowance established under section 120 of the Legislative Branch Appropriations Act, 2019 (2 U.S.C. 5322a) for the compensation of interns who serve in the offices of Members of the House of Representatives, \$11,025,000, to remain available through December 31, 2020: *Provided*, That notwithstanding section 120(b) of such Act, an office of a Member of the House of Representatives may use not more than \$25,000 of the allowance available under this heading during calendar year 2020.

ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE LEADERSHIP
OFFICES

For the allowance established under section 113 of this Act for the compensation of interns who serve in House leadership offices, \$365,000, to remain available through December 31, 2020: *Provided*, That of the amount provided under this heading, \$200,000 shall be available for the compensation of interns who serve in House leadership offices of the majority, to be allocated among such offices by the Speaker of the House of Representatives, and \$165,000 shall be available for the compensation of interns who serve in House leadership offices of the minority, to be allocated among such offices by the Minority Floor Leader.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, \$135,359,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2020, except that \$2,850,000 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, \$24,269,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2020.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, \$231,903,000, including: for salaries and expenses of the Office of the Clerk, including the positions of the Chaplain and the Historian, and including not more than \$25,000 for official representation and reception expenses, of which not more than \$20,000 is for the Family Room and not more than \$2,000 is for the Office of the Chaplain, \$30,766,000, of which \$1,500,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages and the Office of Emergency Management, and including not more than \$3,000 for official representation and reception expenses, \$20,225,000, of which \$10,267,000 shall remain available until expended; for salaries and expenses of the Office of the Chief Administrative Officer including not more than \$3,000 for official representation and reception expenses, \$153,550,000, of which \$11,639,000 shall remain available until expended; for salaries and expenses of the Office of Diversity and Inclusion, \$1,000,000; for salaries and expenses of the Office of the Whistleblower Ombudsman, \$750,000; for salaries and expenses of the Office of the Inspector General, \$5,019,000; for

salaries and expenses of the Office of General Counsel, \$1,751,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, \$2,000 for preparing the Digest of Rules, and not more than \$1,000 for official representation and reception expenses, \$2,088,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, \$3,419,000; for salaries and expenses of the Office of the Legislative Counsel of the House, \$11,937,000; for salaries and expenses of the Office of Interparliamentary Affairs, \$814,000; for other authorized employees, \$584,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, \$323,920,000, including: supplies, materials, administrative costs and Federal tort claims, \$1,526,000; official mail for committees, leadership offices, and administrative offices of the House, \$190,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, \$294,377,000, to remain available until March 31, 2021; salaries and expenses for Business Continuity and Disaster Recovery, \$17,668,000, of which \$5,000,000 shall remain available until expended; transition activities for new members and staff, \$4,489,000, to remain available until expended; Wounded Warrior Program and the Congressional Gold Star Family Fellowship Program, \$3,000,000, to remain available until expended; Office of Congressional Ethics, \$1,670,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, \$1,000,000.

ADMINISTRATIVE PROVISIONS

REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT

SEC. 110. (a) Notwithstanding any other provision of law, any amounts appropriated under this Act for “HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES” shall be available only for fiscal year 2020. Any amount remaining after all payments are made under such allowances for fiscal year 2020 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

Regulations.

(b) The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

Definition.

(c) As used in this section, the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

LIMITATION ON AMOUNT AVAILABLE TO LEASE VEHICLES

SEC. 111. None of the funds made available in this Act may be used by the Chief Administrative Officer of the House of Representatives to make any payments from any Members' Representational Allowance for the leasing of a vehicle, excluding mobile district offices, in an aggregate amount that exceeds \$1,000 for the vehicle in any month.

ALLOWANCE FOR COMPENSATION OF INTERNS IN MEMBER OFFICES

SEC. 112. (a) Section 120(f) of the Legislative Branch Appropriations Act, 2019 (2 U.S.C. 5322a(f)) is amended by striking the period at the end and inserting the following: “, and such sums as may be necessary for fiscal year 2020 and each succeeding fiscal year.”.

(b) Section 101(c)(2) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 5507(c)(2)) is amended by striking “and ‘Office of the Attending Physician’.” and inserting “‘Office of the Attending Physician’, and ‘Allowance for Compensation of Interns in Member Offices’.”.

(c) The amendments made by this section shall take effect as if included in the enactment of section 120 of the Legislative Branch Appropriations Act, 2019 (2 U.S.C. 5322a).

2 USC 5322a
note.

ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE LEADERSHIP OFFICES

SEC. 113. (a) There is established for the House of Representatives an allowance which shall be available for the compensation of interns who serve in House leadership offices.

2 USC 5106.

(b) Section 104(b) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 5321(b)) shall apply with respect to an intern who is compensated under the allowance under this section in the same manner as such section applies with respect to an intern who is compensated under the Members' Representational Allowance.

Applicability.

(c) In this section—

Definitions.

(1) the term “House leadership office” means, with respect to a fiscal year, any office for which the appropriation for salaries and expenses of the office for the fiscal year is provided under the heading “House Leadership Offices” in the Act making appropriations for the Legislative Branch for the fiscal year; and

(2) term “intern”, with respect to a House leadership office, has the meaning given such term with respect to a Member of the House of Representatives in section 104(c)(2) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 5321(c)(2)).

(d) There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2020 and each succeeding fiscal year.

(e) Section 101(c)(2) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 5507(c)(2)), as amended by section 112(b), is further amended by striking “, and ‘Allowance for Compensation of Interns in Member Offices’.” and inserting “, ‘Allowance for Compensation of Interns in Member Offices’, and ‘Allowance for Compensation of Interns in House Leadership Offices’.”.

Applicability.

(f) This section and the amendments made by this section shall apply with respect to fiscal year 2020 and each succeeding fiscal year.

CYBERSECURITY ASSISTANCE FOR HOUSE OF REPRESENTATIVES

SEC. 114. The head of any Federal entity that provides assistance to the House of Representatives in the House's efforts to deter, prevent, mitigate, or remediate cybersecurity risks to, and incidents involving, the information systems of the House shall take all necessary steps to ensure the constitutional integrity of the separate branches of the government at all stages of providing the assistance, including applying minimization procedures to limit the spread or sharing of privileged House and Member information.

RESCISSIONS OF FUNDS

SEC. 115. (a) Of the unobligated balances available from prior appropriations Acts from the revolving fund established under House Resolution 94, Ninety-Eighth Congress, agreed to February 8, 1983, as enacted into permanent law by section 110 of the Congressional Operations Appropriations Act, 1984 (2 U.S.C. 4917), \$1,000,000 is hereby rescinded.

(b) Of the unobligated balances available from prior appropriations Acts from the revolving fund established in the item relating to "Stationery" under the heading "House of Representatives, Contingent Expenses of the House" in the first section of the Legislative Branch Appropriation Act, 1948 (2 U.S.C. 5534), \$4,000,000 is hereby rescinded.

USE OF AVAILABLE BALANCES OF EXPIRED APPROPRIATIONS

(INCLUDING TRANSFER OF FUNDS)

2 USC 5512.

SEC. 116. (a) Subject to section 119 of the Legislative Branch Appropriations Act, 2018 (2 U.S.C. 5511), available balances of expired appropriations for the House of Representatives shall be available to the House of Representatives—

(1) for the payment of a death gratuity which is specifically appropriated by law and which is made in connection with the death of an employee of the House of Representatives, without regard to the fiscal year in which the payment is made; and

(2) for deposit into the account established under section 109 of the Legislative Branch Appropriations Act, 1998 (2 U.S.C. 5508) for making payments of the House of Representatives to the Employees' Compensation Fund under section 8147 of title 5, United States Code, and for reimbursing the Secretary of Labor for any amounts paid with respect to unemployment compensation payments for former employees of the House.

Applicability.

(b) This section shall apply with respect to funds appropriated or otherwise made available in fiscal year 2020 and each succeeding fiscal year.

REDUCTION IN AMOUNT OF TUITION CHARGED FOR CHILDREN OF
EMPLOYEES OF HOUSE CHILD CARE CENTER

SEC. 117. (a) Section 312(d) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062(d)) is amended by adding at the end the following new paragraph:

“(4) In the case of a child of an employee of the center who is furnished care at the center, the Chief Administrative Officer shall reduce the amount of tuition otherwise charged with respect to such child during a month by the greater of—

“(A) 50 percent; or

“(B) such percentage as may be necessary to ensure that the total amount of tuition paid by the employee with respect to all children of the employee who are furnished care at the center during the month does not exceed \$1,000.”.

(b) Section 312(d)(2) of such Act (2 U.S.C. 2062(d)(2)) is amended by inserting after “similar benefits and programs” the following: “(including the subsidies provided on behalf of employees of the center as a result of reductions in the amount of tuition otherwise charged with respect to children of such employees under paragraph (4))”.

(c) The amendments made by this section shall apply with respect to fiscal year 2020 and each succeeding fiscal year.

Applicability.
2 USC 2062 note.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$4,203,000, to be disbursed by the Secretary of the Senate.

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES OF
2021

For salaries and expenses associated with conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 2021, in accordance with such program as may be adopted by the joint congressional committee authorized to conduct the inaugural ceremonies of 2021, \$1,500,000 to be disbursed by the Secretary of the Senate and to remain available until September 30, 2021: *Provided*, That funds made available under this heading shall be available for payment, on a direct or reimbursable basis, whether incurred on, before, or after, October 1, 2020: *Provided further*, That the compensation of any employee of the Committee on Rules and Administration of the Senate who has been designated to perform service with respect to the inaugural ceremonies of 2021 shall continue to be paid by the Committee on Rules and Administration, but the account from which such staff member is paid may be reimbursed for the services of the staff member out of funds made available under this heading: *Provided further*, That there are authorized to be paid from the appropriations account for “Expenses of Inquiries and Investigations” of the Senate such sums as may be necessary, without

fiscal year limitation, for agency contributions related to the compensation of employees of the joint congressional committee.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$11,563,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including:

(1) an allowance of \$2,175 per month to the Attending Physician;

(2) an allowance of \$1,300 per month to the Senior Medical Officer;

(3) an allowance of \$725 per month each to three medical officers while on duty in the Office of the Attending Physician;

(4) an allowance of \$725 per month to 2 assistants and \$580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and

Reimbursement.

(5) \$2,800,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$3,868,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, \$1,509,000, to be disbursed by the Secretary of the Senate.

CAPITOL POLICE

SALARIES

Notification.

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, \$379,062,000 of which overtime shall not exceed \$47,048,000 unless the Committee on Appropriations of the House and Senate are notified, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training,

medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than \$5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, \$85,279,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2020 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISION

SEC. 120. Section 908(c) of the Emergency Supplemental Act, 2002 (2 U.S.C. 1926(c)), is amended by striking “\$40,000” and inserting “\$60,000”.

OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

SALARIES AND EXPENSES

For salaries and expenses necessary for the operation of the Office of Congressional Workplace Rights, \$6,333,000, of which \$1,000,000 shall remain available until September 30, 2021, and of which not more than \$1,000 may be expended on the certification of the Executive Director in connection with official representation and reception expenses.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than \$6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$54,941,000: *Provided*, That the Director shall use not less than \$500,000 of the amount made available under this heading for (1) improving technical systems, processes, and models for the purpose of improving the transparency of estimates of budgetary effects to Members of Congress, employees of Members of Congress, and the public, and (2) to increase the availability of models, economic assumptions, and data for Members of Congress, employees of Members of Congress, and the public.

ARCHITECT OF THE CAPITOL

CAPITAL CONSTRUCTION AND OPERATIONS

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for all necessary expenses for surveys and studies, construction, operation, and general and administrative support in connection with facilities and activities

under the care of the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than \$5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, \$120,000,000.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, \$68,878,000, of which \$40,899,000 shall remain available until September 30, 2024.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$15,024,000, of which \$3,000,000 shall remain available until September 30, 2024.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, \$88,424,000, of which \$23,100,000 shall remain available until September 30, 2024.

HOUSE OFFICE BUILDINGS

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses for the maintenance, care and operation of the House office buildings, \$153,273,000, of which \$30,300,000 shall remain available until September 30, 2024, and of which \$62,000,000 shall remain available until expended for the restoration and renovation of the Cannon House Office Building: *Provided*, That of the amount made available under this heading, \$8,000,000 shall be derived by transfer from the House Office Building Fund established under section 176(d) of the Continuing Appropriations Act, 2017, as added by section 101(3) of the Further Continuing Appropriation Act, 2017 (Public Law 114–254; 2 U.S.C. 2001 note).

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Publishing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary

Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$98,957,000, of which \$15,300,000 shall remain available until September 30, 2024: *Provided*, That not more than \$10,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2020.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, \$55,746,000, of which \$25,200,000 shall remain available until September 30, 2024.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computing Facility, and Architect of the Capitol security operations, \$55,216,000, of which \$28,000,000 shall remain available until September 30, 2024.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$16,094,000, of which \$4,000,000 shall remain available until September 30, 2024: *Provided*, That, of the amount made available under this heading, the Architect of the Capitol may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect of the Capitol or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, \$24,321,000.

ADMINISTRATIVE PROVISION

NO BONUSES FOR CONTRACTORS BEHIND SCHEDULE OR OVER BUDGET

SEC. 130. None of the funds made available in this Act for the Architect of the Capitol may be used to make incentive or award payments to contractors for work on contracts or programs for which the contractor is behind schedule or over budget, unless the Architect of the Capitol, or agency-employed designee, determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program.

Determination.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

Certification.

For all necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; information technology services provided centrally; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$504,164,000, of which not more than \$6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2020, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$6,000,000: *Provided further*, That of the total amount appropriated, not more than \$18,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses, including for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, \$9,110,000 shall remain available until expended for the digital collections and educational curricula program: *Provided further*, That of the total amount appropriated, \$1,350,000 shall remain available until expended for upgrade of the Legislative Branch Financial Management System: *Provided further*, That of the total amount appropriated, \$250,000 shall remain available until expended for the Surplus Books Program to promote the program and facilitate a greater number of donations to eligible entities across the United States: *Provided further*, That of the total amount appropriated, \$3,587,000 shall remain available until expended for the Veterans History Project to continue digitization efforts of already collected materials, reach a greater number of veterans to record their stories, and promote public access to the Project: *Provided further*, That of the total amount appropriated, \$10,000,000 shall remain available until expended for the development of the Library's Visitor Experience project, and may be obligated and expended only upon approval by the Subcommittee on the Legislative Branch of the Committee on Appropriations of the House of Representatives and by the Subcommittee on the Legislative Branch of the Committee on Appropriations of the Senate.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For all necessary expenses of the Copyright Office, \$91,840,000, of which not more than \$43,221,000, to remain available until

expended, shall be derived from collections credited to this appropriation during fiscal year 2020 under sections 708(d) and 1316 of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than \$6,482,000 shall be derived from collections during fiscal year 2020 under sections 111(d)(2), 119(b)(3), 803(e), and 1005 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$49,703,000: *Provided further*, That of the funds provided under this heading, not less than \$17,100,000 is for modernization initiatives, of which \$10,000,000 shall remain available until September 30, 2021: *Provided further*, That not more than \$100,000 of the amount appropriated is available for the maintenance of an “International Copyright Institute” in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than \$6,500 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That, notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For all necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$120,495,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That this prohibition does not apply to publication of non-confidential Congressional Research Service (CRS) products: *Provided further*, That a non-confidential CRS product includes any written product containing research or analysis that is currently available for general congressional access on the CRS Congressional Intranet, or that would be made available on the CRS Congressional Intranet in the normal course of business and does not include material prepared in response to Congressional requests for confidential analysis or research.

NATIONAL LIBRARY SERVICE FOR THE BLIND AND PRINT DISABLED

SALARIES AND EXPENSES

For all necessary expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), \$58,563,000: *Provided*, That of the total amount appropriated, \$650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISION

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 140. (a) IN GENERAL.—For fiscal year 2020, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed \$231,975,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

GOVERNMENT PUBLISHING OFFICE

CONGRESSIONAL PUBLISHING

(INCLUDING TRANSFER OF FUNDS)

Time periods.

Deadline.
Time periods.

For authorized publishing of congressional information and the distribution of congressional information in any format; publishing of Government publications authorized by law to be distributed to Members of Congress; and publishing, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$79,000,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That unobligated or unexpended balances of expired discretionary funds made available under this heading in this Act for this fiscal year may be transferred to, and merged with, funds under the heading “Government Publishing Office Business Operations Revolving Fund” no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated, to be available for carrying out the purposes of this heading, subject to the approval of the Committee on Appropriations of the House

of Representatives and the Senate: *Provided further*, That notwithstanding sections 901, 902, and 906 of title 44, United States Code, this appropriation may be used to prepare indexes to the Congressional Record on only a monthly and session basis.

PUBLIC INFORMATION PROGRAMS OF THE SUPERINTENDENT OF
DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the public information programs of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications in any format, and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$31,296,000: *Provided*, That amounts of not more than \$2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2018 and 2019 to depository and other designated libraries: *Provided further*, That unobligated or unexpended balances of expired discretionary funds made available under this heading in this Act for this fiscal year may be transferred to, and merged with, funds under the heading “Government Publishing Office Business Operations Revolving Fund” no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated, to be available for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate.

Deadline.
Time period.

GOVERNMENT PUBLISHING OFFICE BUSINESS OPERATIONS
REVOLVING FUND

For payment to the Government Publishing Office Business Operations Revolving Fund, \$6,704,000, to remain available until expended, for information technology development and facilities repair: *Provided*, That the Government Publishing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Publishing Office Business Operations Revolving Fund: *Provided further*, That not more than \$7,500 may be expended on the certification of the Director of the Government Publishing Office in connection with official representation and reception expenses: *Provided further*, That the Business Operations Revolving Fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Director of the Government Publishing Office shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the Business Operations Revolving Fund shall be available for temporary or intermittent services under section

Certification.

3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That activities financed through the Business Operations Revolving Fund may provide information in any format: *Provided further*, That the Business Operations Revolving Fund and the funds provided under the heading “Public Information Programs of the Superintendent of Documents” may not be used for contracted security services at Government Publishing Office’s passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than \$12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, \$630,000,000: *Provided*, That, in addition, \$24,800,000 of payments received under sections 782, 791, 3521, and 9105 of title 31, United States Code, shall be available without fiscal year limitation: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum’s costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), \$5,900,000: *Provided*, That funds made available to support Russian participants shall only be used for those engaging in free market development, humanitarian activities, and civic engagement, and shall not be used for officials of the central government of Russia.

Russia.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING
AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), \$430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2020 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

Contracts.
Public
information.

COSTS OF LBFMC

SEC. 205. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating

legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$2,000.

LIMITATION ON TRANSFERS

SEC. 206. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 207. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate, unless through regulations as authorized by section 402(b)(8) of the Capitol Visitor Center Act of 2008 (2 U.S.C. 2242(b)(8)).

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

LIMITATION ON TELECOMMUNICATIONS EQUIPMENT PROCUREMENT

Huawei
Technologies
Company.
ZTE Corporation.
Reviews.

SEC. 208. (a) None of the funds appropriated or otherwise made available under this Act may be used to acquire telecommunications equipment produced by Huawei Technologies Company, ZTE Corporation or a high-impact or moderate-impact information system, as defined for security categorization in the National Institute of Standards and Technology's (NIST) Federal Information Processing Standard Publication 199, "Standards for Security Categorization of Federal Information and Information Systems" unless the agency, office, or other entity acquiring the equipment or system has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST to inform acquisition decisions for high-impact and moderate-impact information systems within the Federal Government;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the Federal Bureau of Investigation and other appropriate agencies; and

Consultation.
Assessment.
Cyber threats.
Country listing.

(3) in consultation with the Federal Bureau of Investigation or other appropriate Federal entity, conducted an assessment of any risk of cyber-espionage or sabotage associated with the acquisition of such system, including any risk associated with such system being produced, manufactured, or assembled by one or more entities identified by the United States Government as posing a cyber threat, including but not limited to, those that may be owned, directed, or subsidized by the People's

Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, or the Russian Federation.

(b) None of the funds appropriated or otherwise made available under this Act may be used to acquire a high-impact or moderate impact information system reviewed and assessed under subsection (a) unless the head of the assessing entity described in subsection (a) has—

Determination.

(1) developed, in consultation with NIST and supply chain risk management experts, a mitigation strategy for any identified risks;

(2) determined, in consultation with NIST and the Federal Bureau of Investigation, that the acquisition of such system is in the vital national security interest of the United States; and

(3) reported that determination to the Committees on Appropriations of the House of Representatives and the Senate in a manner that identifies the system intended for acquisition and a detailed description of the mitigation strategies identified in paragraph (1), provided that such report may include a classified annex as necessary.

PROHIBITION ON CERTAIN OPERATIONAL EXPENSES

SEC. 209. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

Pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities or other official government activities.

PLASTIC WASTE REDUCTION

SEC. 210. All agencies and offices funded by this division that contract with a food service provider or providers shall confer and coordinate with such food service provider or providers, in consultation with disability advocacy groups, to eliminate or reduce plastic waste, including waste from plastic straws, explore the use of biodegradable items, and increase recycling and composting opportunities.

Coordination.
Consultation.

ADJUSTMENT TO NORMAL COST PERCENTAGE RATES

SEC. 211. Section 8423(a)(1)(B)(i) of title 5, United States Code, is amended by inserting “(including a separate normal-cost percentage for Congressional employees that are members of the Capitol Police covered under subsection (d) of section 8412 and subsection (c) of section 8425)” after “Congressional employees”.

CONGRESSIONAL STAFF COMPENSATION

SEC. 212. (a) SENATE.—

(1) CHANGE IN MAXIMUM RATES.—

(A) IN GENERAL.—Section 105 of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 4575) is amended—

(i) in subsection (d)(2), in the second sentence, by striking “or in excess” and all that follows through “per annum.” and inserting “or in excess of \$173,900.”;

(ii) in subsection (e)(3)(B), by striking “in excess of” and all that follows and inserting “in excess of \$173,900.”; and

(iii) in subsection (f), in the first sentence, by striking “or in excess” and all that follows through “unless expressly” and inserting “or in excess of \$173,900, unless expressly”.

2 USC 4575a.

(B) AUTHORITY FOR STATUTORY EMPLOYEES.—

(i) FIXED SALARY POSITIONS.—For any position for which the Secretary of the Senate disburses the pay for the position and for which the specific amount of the rate of pay for the particular position is fixed by statute on the day before the effective date of the amendments made by this section, on and after such effective date the amount of the rate of pay for such position shall be fixed by the President pro tempore in an amount not to exceed the maximum rate of pay in effect under section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 4575(f)).

(ii) POSITIONS WITH MAXIMUMS.—For any position for which the Secretary of the Senate disburses the pay for the position and for which the maximum rate of pay for the particular position is fixed by statute on the day before the effective date of the amendments made by this section, on and after such effective date the maximum rate of pay for such position shall be fixed by the President pro tempore, which shall not exceed the maximum rate of pay in effect under section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 4575(f)).

(2) ADJUSTMENTS.—

(A) IN GENERAL.—Section 4 of the Federal Pay Comparability Act of 1970 (2 U.S.C. 4571) is amended—

(i) in subsection (a)—

(I) in paragraph (1)—

(aa) in subparagraph (A), by striking “or” at the end; and

(bb) by striking subparagraph (B) and inserting the following:

“(B) in the case of such personnel appointed to positions for which the rates of pay for the particular positions were fixed by or pursuant to law at specific rates on the day before the effective date of the amendments made by section 212 of the Legislative Branch Appropriations Act, 2020, adjust such rates; and

“(C) in the case of such personnel appointed to positions for which the maximum rates of pay for the particular positions were fixed by or pursuant to law on the day before such effective date, adjust such maximum rates; and”;

(II) in the matter following paragraph (2)—

(aa) by striking “and with such exceptions as may be necessary to provide for appropriate pay relationships between positions”; and

(bb) by striking “to restore” and all that follows through “between positions.” and inserting “to maintain the pay relationships that existed on the effective date of the amendments made by section 212 of the Legislative Branch Appropriations Act, 2020 between the maximum rate of pay for Senate personnel and Senators.”; and

(ii) in subsection (d), by striking “to restore” and all that follows and inserting “to maintain the pay relationships that existed on the effective date of the amendments made by section 212 of the Legislative Branch Appropriations Act, 2020 between the maximum rate of pay for Senate personnel and Senators.”.

(B) OTHER ADJUSTMENTS.—Section 315(a) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 4573(a)) is amended by striking “to the extent necessary to maintain” and all that follows and inserting “(including such personnel appointed to positions for which the specific amount of the rate of pay for the particular position is fixed by statute on the day before the effective date of the amendments made by section 212 of the Legislative Branch Appropriations Act, 2020 and such personnel appointed to positions for which the maximum rates of pay for the particular positions were fixed by or pursuant to law on the day before such effective date) to the extent necessary to maintain the pay relationships that existed on such effective date between the maximum rate of pay for Senate personnel and Senators.”.

(3) CONFORMING AMENDMENTS.—

(A) Section 105 of the Legislative Branch Appropriation Act, 1976 (Public Law 94–59; 89 Stat. 275) is repealed.

(B) Section 201(a)(5)(A) of the Congressional Budget Act of 1974 (2 U.S.C. 601(a)(5)(A)) is amended by striking “the lower of—” and all that follows and inserting “the maximum rate of pay in effect under section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 4575(f)).”.

(C) Section 302(a)(2)(B) of the Congressional Accountability Act of 1995 (2 U.S.C. 1382(a)(2)(B)) is amended by striking “the lesser of—” and all that follows and inserting “the maximum rate of pay in effect under section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 4575(f)).”.

(D) The first section of the Act entitled “An Act to fix the annual rates of pay for the Architect of the Capitol and the Assistant Architect of the Capitol” (2 U.S.C. 1802) is amended to read as follows:

“SECTION 1. COMPENSATION.

“The compensation of the Architect of the Capitol shall be at an annual rate which is equal to the maximum rate of pay in effect under section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 4575(f)).”.

(E) Subsection (c) of the first section of the Act entitled “An Act to establish by law the position of Chief of the Capitol Police, and for other purposes” (2 U.S.C. 1902)

Repeal.

2 USC
61h–61h–2, 61j,
273, 274 note,
4575 note,
6151 and note,
6531 and note,
6534–6537 and
note, 6591.

is amended by striking “the lower of” and all that follows and inserting “the maximum rate of pay in effect under section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 4575(f)).”.

(F) Senate Resolution 89, 100th Congress, agreed to January 28, 1987, as enacted into law by section 9 of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 6133), is amended in subsection (a) of the first section by striking “by the appropriate Leader” and all that follows and inserting “by the appropriate Leader.”.

Repeal.

(G) Section 2(a) of the Legislative Branch Appropriations Act, 1988 (as enacted into law by section 101(i) of Public Law 100–202 (101 Stat. 1329–290)) (2 U.S.C. 6651) is repealed.

Repeal.
2 USC 273, 6531,
6591.

(H) Section 203(g) of the Federal Legislative Salary Act of 1964 (Public Law 88–426; 78 Stat. 415) is repealed.

(I) Section 701 of the Ethics in Government Act of 1978 (2 U.S.C. 288) is amended—

(i) by striking paragraph (4) of subsection (a); and

(ii) in subsection (b)(1), by striking the second sentence.

(b) HOUSE OF REPRESENTATIVES.—

(1) ADJUSTMENTS BY SPEAKER OF THE HOUSE.—Section 311(d) of the Legislative Branch Appropriations Act, 1988 (as enacted into law by section 101(i) of Public Law 100–202 (101 Stat. 1329–290)) (2 U.S.C. 4532) is amended—

(A) in paragraph (1)—

(i) by striking “and” at the end of subparagraph

(A);

(ii) by striking the period at the end of subparagraph (B) and inserting “; and”; and

(iii) by adding at the end the following new subparagraph:

“(C) the maintenance of the pay relationship described in paragraph (3).”;

(B) by redesignating paragraph (3) as paragraph (4);

and

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

“(3) The pay relationship described in this paragraph is the relationship in existence as of the effective date of the amendments made by section 212 of the Legislative Branch Appropriations Act, 2020 between—

“(A) an annual rate of pay of \$173,900; and

“(B) the annual rate of pay of a Member of the House of Representatives who is not the Speaker, Majority Leader, or Minority Leader of the House.”.

(2) PAY ADJUSTMENTS BY CHIEF ADMINISTRATIVE OFFICER.—Section 4(e) of the Federal Pay Comparability Act of 1970 (2 U.S.C. 4531(e)) is amended to read as follows:

“(e) No rate of pay for any position shall be adjusted under this section to an amount in excess of the rate of pay in effect for such position under an order issued by the Speaker of the House of Representatives pursuant to the authority of section 311(d) of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 4532).”.

(3) CERTAIN POSITIONS OF THE HOUSE OF REPRESENTATIVES.—

(A) LEGISLATIVE COUNSEL.—Section 523 of the Legislative Reorganization Act of 1970 (2 U.S.C. 282b) is amended—

(i) in subsection (a), by striking “equal to the rate of basic pay” and all that follows and inserting “equal to the greater of \$173,900 or the rate of pay in effect for such position under an order issued by the Speaker of the House of Representatives pursuant to the authority of section 311(d) of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 4532).”; and

(ii) in subsection (b), by striking “in excess of the rate of basic pay” and all that follows and inserting “in excess of the applicable rate of pay in effect under an order issued by the Speaker of the House of Representatives pursuant to the authority of section 311(d) of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 4532).”.

(B) LAW REVISION COUNSEL.—Section 205(f) of House Resolution 988, 93rd Congress, agreed to October 8, 1974, as enacted into law by the matter under the heading “ADMINISTRATIVE PROVISIONS” under the heading “HOUSE OF REPRESENTATIVES” under chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 285e), is amended by striking “Law Revision Counsel shall be paid” and all that follows and inserting “Law Revision Counsel shall be paid at a per annum gross rate determined by the Speaker not to exceed the greater of \$173,900 or the rate of pay in effect for such position under an order issued by the Speaker pursuant to the authority of section 311(d) of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 4532); and members of the staff of the Office other than the Law Revision Counsel shall be paid at per annum gross rates fixed by the Law Revision Counsel with the approval of the Speaker or in accordance with policies approved by the Speaker, but not in excess of the applicable rate of pay in effect under an order issued by the Speaker pursuant to the authority of such section.”.

(C) PARLIAMENTARIAN.—Section 4 of House Resolution 502, 95th Congress, agreed to April 20, 1977, as enacted into law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 287c), is amended—

(i) in subsection (a), by striking “but not in excess” and all that follows and inserting “but not in excess of the greater of \$173,900 or the rate of pay in effect for such position under an order issued by the Speaker of the House of Representatives pursuant to the authority of section 311(d) of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 4532).”; and

(ii) in subsection (b), by striking “, but not in excess of the rate of basic pay set forth in subsection (a)” and inserting “but not in excess of the applicable rate of pay in effect under an order issued by the Speaker of the House of Representatives pursuant to the authority of section 311(d) of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 4532)”.

(D) CHAPLAIN.—Section 3 of House Resolution 661, 95th Congress, agreed to July 29, 1977, as enacted into

law by section 111 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 5521), is amended by striking section 3 and inserting the following:

“SEC. 3. The maximum per year gross rate of compensation of the Chaplain of the House of Representatives shall not exceed the greater of \$173,900 or the rate of pay in effect for such position under an order issued by the Speaker of the House of Representatives pursuant to the authority of section 311(d) of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 4532).”.

(E) CERTAIN LEADERSHIP EMPLOYEES.—Subsection (b) of the first section of House Resolution 393, 95th Congress, agreed to March 31, 1977, as enacted into law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 5141(b)), is amended by striking “The annual rate” and all that follows through “United States Code,” and inserting the following: “The maximum annual rate of compensation for any individual employed under subsection (a) shall not exceed the greater of \$173,900 or the applicable rate of pay in effect under an order issued by the Speaker of the House of Representatives pursuant to the authority of section 311(d) of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 4532).”.

(4) CHIEF OF STAFF OF JOINT COMMITTEE ON TAXATION.—Section 214(e) of the Postal Revenue and Federal Salary Act of 1967 (2 U.S.C. 4302) is amended by striking “The per annum rate of compensation” and all that follows through the period at the end and inserting the following: “The maximum annual rate of compensation of the Chief of Staff of the Joint Committee on Taxation shall not exceed the greater of \$173,900 or the rate of pay in effect for such position under an order issued by the Speaker of the House of Representatives pursuant to the authority of section 311(d) of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 4532).”.

2 USC 282b note.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the later of—

- (1) the first day of the first applicable pay period beginning on or after January 1, 2020; or
- (2) the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

This division may be cited as the “Legislative Branch Appropriations Act, 2020”.

Military
Construction,
Veterans Affairs,
and Related
Agencies
Appropriations
Act, 2020.

DIVISION F—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the

functions of the Commander in Chief, \$1,178,499,000, to remain available until September 30, 2024: *Provided*, That, of this amount, not to exceed \$136,099,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.
Notification.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$2,449,632,000, to remain available until September 30, 2024: *Provided*, That, of this amount, not to exceed \$178,715,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.
Notification.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,687,230,000, to remain available until September 30, 2024: *Provided*, That, of this amount, not to exceed \$153,148,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.
Notification.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$2,362,529,000, to remain available until September 30, 2024: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That, of the amount, not to exceed \$298,655,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations

Determination.
Notification.

are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

Determination.
Notification.

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$210,819,000, to remain available until September 30, 2024: *Provided*, That, of the amount, not to exceed \$20,469,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

Determination.
Notification.

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$164,471,000, to remain available until September 30, 2024: *Provided*, That, of the amount, not to exceed \$17,000,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY RESERVE

Determination.
Notification.

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$60,928,000, to remain available until September 30, 2024: *Provided*, That, of the amount, not to exceed \$6,000,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY RESERVE

Determination.
Notification.

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$54,955,000, to remain available until September 30, 2024: *Provided*, That, of the amount, not to exceed \$4,780,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless

the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$59,750,000, to remain available until September 30, 2024: *Provided*, That, of the amount, not to exceed \$4,604,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.
Notification.

NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$172,005,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account, established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$398,526,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$141,372,000, to remain available until September 30, 2024.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$357,907,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition,

expansion, extension, and alteration, as authorized by law, \$47,661,000, to remain available until September 30, 2024.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND
MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$317,870,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$103,631,000, to remain available until September 30, 2024.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$295,016,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$57,000,000.

DEPARTMENT OF DEFENSE

FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, \$3,045,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

DEPARTMENT OF DEFENSE

MILITARY UNACCOMPANIED HOUSING IMPROVEMENT FUND

For the Department of Defense Military Unaccompanied Housing Improvement Fund, \$500,000, to remain available until expended, for unaccompanied housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military unaccompanied housing and supporting facilities.

ADMINISTRATIVE PROVISIONS

Contracts.

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific

approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense. Certification.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest. Determinations.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress. Notification.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement. Steel.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress. Notification.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms. Japan.
Contracts.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract Kwajalein Atoll.
Contracts.

awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

Notification.
Military exercise.
Deadline.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 115. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 116. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

Deadlines.
Notification.
Determination.

SEC. 117. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in “Family Housing” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in “Military Construction” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving

military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the Department of Defense Base Closure Account to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 119. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

10 USC 2821
note.

Deadlines.
Notification.

Reports.

SEC. 120. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 121. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation “Foreign Currency Fluctuations, Construction, Defense”, to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

Time period.
Determination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be

transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of March 2011, as in effect on the date of enactment of this Act.

SEC. 123. None of the funds made available in this title may be obligated or expended for planning and design and construction of projects at Arlington National Cemetery.

SEC. 124. For an additional amount for the accounts and in the amounts specified, to remain available until September 30, 2024:

“Military Construction, Army”, \$79,500,000;
 “Military Construction, Navy and Marine Corps”,
 \$374,529,000;
 “Military Construction, Air Force”, \$288,200,000;
 “Military Construction, Army National Guard”,
 \$155,000,000;
 “Military Construction, Air National Guard”, \$57,000,000;
 “Military Construction, Air Force Reserve”, \$24,800,000;
 and
 “Military Construction, Defense-Wide”, \$66,880,000:

Provided, That such funds may only be obligated to carry out construction projects identified in the respective military department’s unfunded priority list for fiscal year 2020 submitted to Congress: *Provided further*, That such projects are subject to authorization prior to obligation and expenditure of funds to carry out construction: *Provided further*, That not later than 30 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

Deadline.
Expenditure
plan.

(RESCISSIONS OF FUNDS)

SEC. 125. Of the unobligated balances available to the Department of Defense from prior appropriation Acts, the following funds are hereby rescinded from the following accounts in the amounts specified:

“Military Construction, Defense-Wide”, \$45,055,000; and
 “NATO Security Investment Program”, \$25,000,000:

Provided, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Definition.

SEC. 126. For the purposes of this Act, the term “congressional defense committees” means the Committees on Armed Services of the House of Representatives and the Senate, the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the Senate, and the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the House of Representatives.

SEC. 127. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba.

SEC. 128. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to consolidate or relocate any element of a United States Air Force Rapid Engineer Deployable Heavy Operational Repair Squadron Engineer (RED HORSE) outside of the United States until the Secretary of the Air Force: (1) completes an analysis and comparison of the cost and infrastructure investment required to consolidate or relocate a RED HORSE squadron outside of the United States versus within the United States; (2) provides to the Committees on Appropriations of both Houses of Congress (“the Committees”) a report detailing the findings of the cost analysis; and (3) certifies in writing to the Committees that the preferred site for the consolidation or relocation yields the greatest savings for the Air Force: *Provided*, That the term “United States” in this section does not include any territory or possession of the United States.

Analysis.
Reports.
Certification.

SEC. 129. All amounts appropriated to the “Department of Defense—Military Construction, Army”, “Department of Defense—Military Construction, Navy and Marine Corps”, “Department of Defense—Military Construction, Air Force”, and “Department of Defense—Military Construction, Defense-Wide” accounts pursuant to the authorization of appropriations in a National Defense Authorization Act specified for fiscal year 2020 in the funding table in section 4601 of that Act shall be immediately available and allotted to contract for the full scope of authorized projects.

Definition.

SEC. 130. For an additional amount for the accounts and in the amounts specified for planning and design, for improving military installation resilience, to remain available until September 30, 2024:

“Military Construction, Army”, \$20,000,000;

“Military Construction, Navy and Marine Corps”,
\$35,000,000; and

“Military Construction, Air Force”, \$20,000,000:

Provided, That not later than 60 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section: *Provided further*, That the Secretary of the military department concerned may not obligate or expend any funds prior to approval by the Committees on Appropriations of both Houses of Congress of the expenditure plan required by this section.

Deadline.
Expenditure
plan.

SEC. 131. For an additional amount for the accounts and in the amounts specified, to remain available until September 30, 2021:

“Family Housing Operation and Maintenance, Army”,
\$50,000,000;

“Family Housing Operation and Maintenance, Navy and
Marine Corps”, \$59,600,000; and

“Family Housing Operation and Maintenance, Air Force”,
\$31,200,000.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, \$1,439,931,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2019; and, \$118,246,975,000 shall become available on October 1, 2020: *Provided*, That not to exceed \$18,147,000 of the amount made available for fiscal year 2021 under this heading shall be reimbursed to "General Operating Expenses, Veterans Benefits Administration", and "Information Technology Systems" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and Pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical Care Collections Fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

Reimbursement.

Reimbursement.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of title 38, United States Code, \$12,578,965,000, to remain available until expended and to become available on October 1, 2020: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21 of title 38, United States Code, \$17,620,000, which shall be in addition to funds previously appropriated under this

heading that became available on October 1, 2019, to remain available until expended; and, in addition, \$129,224,000, shall become available on October 1, 2020, and shall remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, during fiscal year 2020, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$200,377,391.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$57,729, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$2,008,232.

In addition, for administrative expenses necessary to carry out the direct loan program, \$401,880, which may be paid to the appropriation for “General Operating Expenses, Veterans Benefits Administration”.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$1,186,000.

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, \$3,125,000,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That, of the funds made available under this heading, not to exceed 10 percent shall remain available until September 30, 2021.

Determination.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bioengineering services, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note), monthly assistance allowances authorized by section 322(d) of title 38, United States Code, grants authorized by section 521A of title 38, United States Code, and administrative expenses necessary to carry out sections 322(d) and 521A of title 38, United States Code, and hospital care and medical services authorized by section 1787 of title 38, United States Code; \$56,158,015,000, plus reimbursements, shall become available on October 1, 2020, and shall remain available until September 30, 2021: *Provided*, That, of the amount made available on October 1, 2020, under this heading, \$1,500,000,000 shall remain available until September 30, 2022: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading for medical supplies and equipment are available for the acquisition of prosthetics designed specifically for female veterans: *Provided further*, That of the amount that became available on October 1, 2019, under this heading, not less than \$585,000,000 shall be for gender-specific care for women.

Priorities.

Priorities.

Drugs and drug
abuse.
Requirements.

MEDICAL COMMUNITY CARE

For necessary expenses for furnishing health care to individuals pursuant to chapter 17 of title 38, United States Code, at non-Department facilities, \$4,521,400,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2019; and, in addition, \$17,131,179,000, plus reimbursements, shall become available on October 1, 2020, and shall remain available until September 30, 2021: *Provided*, That, of the amount made available on October 1, 2020, under

this heading, \$2,000,000,000 shall remain available until September 30, 2022: *Provided further*, That \$615,000,000 of the additional amounts provided for fiscal year 2020 under this heading in this Act shall be derived by transfer from the Veterans Choice Fund pursuant to the authority in section 802(c)(4) of the Veterans Access, Choice, and Accountability Act of 2014, as amended (38 U.S.C. 1701 note), from prior year unobligated balances in that Fund that were provided by section 510 of the VA MISSION Act of 2018 (Public Law 115–182).

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), \$98,800,000 which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2019; and, in addition, \$7,914,191,000, plus reimbursements, shall become available on October 1, 2020, and shall remain available until September 30, 2021: *Provided*, That, of the amount made available on October 1, 2020, under this heading, \$150,000,000 shall remain available until September 30, 2022.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services; \$6,433,265,000, plus reimbursements, shall become available on October 1, 2020, and shall remain available until September 30, 2021: *Provided*, That, of the amount made available on October 1, 2020, under this heading, \$250,000,000 shall remain available until September 30, 2022.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, \$800,000,000, plus reimbursements, shall remain available until September 30, 2021: *Provided*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading are available for prosthetic research specifically for female veterans, and for toxic exposure research.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, \$329,000,000, of which not to exceed 10 percent shall remain available until September 30, 2021.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, \$355,911,000, of which not to exceed 10 percent shall remain available until September 30, 2021: *Provided*, That funds provided under this heading may be transferred to “General Operating Expenses, Veterans Benefits Administration”.

BOARD OF VETERANS APPEALS

For necessary operating expenses of the Board of Veterans Appeals, \$182,000,000, of which not to exceed 10 percent shall remain available until September 30, 2021.

INFORMATION TECHNOLOGY SYSTEMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, \$4,371,615,000, plus reimbursements: *Provided*, That \$1,204,238,000 shall be for pay and associated costs, of which not to exceed 3 percent shall remain available until September 30, 2021: *Provided further*, That \$2,739,597,000 shall be for operations and maintenance, of which not to exceed 5 percent shall remain available until September 30, 2021: *Provided further*, That \$427,780,000 shall be for information technology systems development, and shall remain available until September 30, 2021: *Provided further*, That amounts made available for salaries and expenses, operations and maintenance, and information technology

systems development may be transferred among the three sub-accounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That amounts made available for the “Information Technology Systems” account for development may be transferred among projects or to newly defined projects: *Provided further*, That no project may be increased or decreased by more than \$1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: *Provided further*, That the funds made available under this heading for information technology systems development shall be for the projects, and in the amounts, specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Time period.

VETERANS ELECTRONIC HEALTH RECORD

For activities related to implementation, preparation, development, interface, management, rollout, and maintenance of a Veterans Electronic Health Record system, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, and salaries and expenses of employees hired under titles 5 and 38, United States Code, \$1,500,000,000, to remain available until September 30, 2022: *Provided*, That the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress quarterly reports detailing obligations, expenditures, and deployment implementation by facility: *Provided further*, That the funds provided in this account shall only be available to the Office of the Deputy Secretary, to be administered by that Office: *Provided further*, That none of the funds made available under this heading may be obligated in a manner inconsistent with deployment schedules provided to the Committees on Appropriations unless the Secretary of Veterans Affairs provides notification to the Committees on Appropriations of such change and an approval is issued.

Reports.

Notification.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$210,000,000, of which not to exceed 10 percent shall remain available until September 30, 2021.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition,

Notification.	where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, \$1,235,200,000, of which \$1,036,600,000 shall remain available until September 30, 2024, and of which \$198,600,000 shall remain available until expended, of which \$35,000,000 shall be available for seismic improvement projects and seismic program management activities, including for projects that would otherwise be funded by the Construction, Minor Projects, Medical Facilities or National Cemetery Administration accounts: <i>Provided</i> , That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and funds provided for the purchase, security, and maintenance of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project that has not been notified to Congress through the budgetary process or that has not been approved by the Congress through statute, joint resolution, or in the explanatory statement accompanying such Act and presented to the President at the time of enrollment: <i>Provided further</i> , That such sums as may be necessary shall be available to reimburse the “General Administration” account for payment of salaries and expenses of all Office of Construction and Facilities Management employees to support the full range of capital infrastructure services provided, including minor construction and leasing services: <i>Provided further</i> , That funds made available under this heading for fiscal year 2020, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2020; and (2) by the awarding of a construction contract by September 30, 2021: <i>Provided further</i> , That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: <i>Provided further</i> , That notwithstanding the requirements of section 8104(a) of title 38, United States Code, amounts made available under this heading for seismic improvement projects and seismic program management activities shall be available for the completion of both new and existing seismic projects of the Department.
Reimbursement.	
Contracts. Deadlines.	
Reports.	

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406

and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, \$398,800,000, to remain available until September 30, 2024, along with unobligated balances of previous “Construction, Minor Projects” appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF
STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, \$90,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal organizations in establishing, expanding, or improving veterans cemeteries as authorized by section 2408 of title 38, United States Code, \$45,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2020 for “Compensation and Pensions”, “Readjustment Benefits”, and “Veterans Insurance and Indemnities” may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

Time period.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2020, in this or any other Act, under the “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, and “Medical Facilities” accounts may be transferred among the accounts: *Provided*, That any transfers among the “Medical Services”, “Medical Community Care”, and “Medical Support and Compliance” accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both

Notification.

Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers among the “Medical Services”, “Medical Community Care”, and “Medical Support and Compliance” accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the “Medical Facilities” account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for “Construction, Major Projects”, and “Construction, Minor Projects”) shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the “Medical Services” account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for “Compensation and Pensions”, “Readjustment Benefits”, and “Veterans Insurance and Indemnities” shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2019.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from “Compensation and Pensions”.

(INCLUDING TRANSFER OF FUNDS)

Reimbursements.	SEC. 208. Notwithstanding any other provision of law, during fiscal year 2020, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans’ Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the “General Operating Expenses, Veterans Benefits Administration” and “Information Technology Systems” accounts for the cost of administration of the insurance programs financed through those accounts: <i>Provided</i> ,
Time period.	

That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2020 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2020 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

Determination.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management, the Office of Employment Discrimination Complaint Adjudication, and the Office of Diversity and Inclusion for all services provided at rates which will recover actual costs but not to exceed \$57,263,000 for the Office of Resolution Management, \$6,000,000 for the Office of Employment Discrimination Complaint Adjudication, and \$4,628,000 for the Office of Diversity and Inclusion: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the “General Administration” and “Information Technology Systems” accounts for use by the office that provided the service.

SEC. 211. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 212. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the “Construction, Major Projects” and “Construction, Minor Projects” accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums

as realized are in addition to the amount provided for in “Construction, Major Projects” and “Construction, Minor Projects”.

SEC. 213. Amounts made available under “Medical Services” are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 214. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to the “Medical Services” and “Medical Community Care” accounts to remain available until expended for the purposes of these accounts.

Alaska.

Requirement.
Compliance.

Definition.

SEC. 215. The Secretary of Veterans Affairs may enter into agreements with Federally Qualified Health Centers in the State of Alaska and Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, to provide healthcare, including behavioral health and dental care, to veterans in rural Alaska. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term “rural Alaska” shall mean those lands which are not within the boundaries of the municipality of Anchorage or the Fairbanks North Star Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 216. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the “Construction, Major Projects” and “Construction, Minor Projects” accounts, to remain available until expended for the purposes of these accounts.

Reports.

SEC. 217. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a report on the financial status of the Department of Veterans Affairs for the preceding quarter: *Provided*, That, at a minimum, the report shall include the direction contained in the paragraph entitled “Quarterly reporting”, under the heading “General Administration” in the joint explanatory statement accompanying Public Law 114-223.

(INCLUDING TRANSFER OF FUNDS)

SEC. 218. Amounts made available under the “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, “Medical Facilities”, “General Operating Expenses, Veterans Benefits Administration”, “Board of Veterans Appeals”, “General Administration”, and “National Cemetery Administration” accounts for fiscal year 2020 may be transferred to or from the “Information Technology Systems” account: *Provided*, That such transfers may not result in a more than 10 percent aggregate increase in the

total amount made available by this Act for the “Information Technology Systems” account: *Provided further*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 219. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2020 for “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, “Medical Facilities”, “Construction, Minor Projects”, and “Information Technology Systems”, up to \$314,409,000, plus reimbursements, may be transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress: *Provided further*, That section 220 of title II of division C of Public Law 115–244 is repealed.

Notification.

Repeal.
132 Stat. 2967.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Of the amounts appropriated to the Department of Veterans Affairs which become available on October 1, 2020, for “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, and “Medical Facilities”, up to \$322,931,000, plus reimbursements, may be transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

Notification.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense—

Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That, notwithstanding section 1704(b)(3) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), amounts transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund shall remain available until expended.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Of the amounts available in this title for “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, and “Medical Facilities”, a minimum of \$15,000,000 shall be transferred to the DOD–VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 223. None of the funds available to the Department of Veterans Affairs, in this or any other Act, may be used to replace the current system by which the Veterans Integrated Service Networks select and contract for diabetes monitoring supplies and equipment.

Notifications.
Deadlines.

Contracts.

SEC. 224. The Secretary of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in a major construction project that total at least \$5,000,000, or 5 percent of the programmed amount of the project, whichever is less: *Provided*, That such notification shall occur within 14 days of a contract identifying the programmed amount: *Provided further*, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

SEC. 225. None of the funds made available for “Construction, Major Projects” may be used for a project in excess of the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations unless the Secretary of Veterans Affairs receives approval from the Committees on Appropriations of both Houses of Congress.

Reports.
Data.

SEC. 226. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report containing performance measures and data from each Veterans Benefits Administration Regional Office: *Provided*, That, at a minimum, the report shall include the direction contained in the section entitled “Disability claims backlog”, under the heading “General Operating Expenses, Veterans Benefits Administration” in the joint explanatory statement accompanying Public Law 114–223: *Provided further*, That the report shall also include information on the number of appeals pending at the Veterans Benefits Administration as well as the Board of Veterans Appeals on a quarterly basis.

SEC. 227. The Secretary of Veterans Affairs shall provide written notification to the Committees on Appropriations of both Houses of Congress 15 days prior to organizational changes which result in the transfer of 25 or more full-time equivalents from one organizational unit of the Department of Veterans Affairs to another.

Notification.
Deadline.

SEC. 228. The Secretary of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed \$1,000,000.

Time period.
Notification.

(INCLUDING TRANSFER OF FUNDS)

SEC. 229. The Secretary of Veterans Affairs, upon determination that such action is necessary to address needs of the Veterans Health Administration, may transfer to the “Medical Services” account any discretionary appropriations made available for fiscal year 2020 in this title (except appropriations made to the “General Operating Expenses, Veterans Benefits Administration” account) or any discretionary unobligated balances within the Department of Veterans Affairs, including those appropriated for fiscal year 2020, that were provided in advance by appropriations Acts: *Provided*, That transfers shall be made only with the approval of the Office of Management and Budget: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority provided by law: *Provided further*, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such authority to transfer may not be used unless for higher priority items, based on emergent healthcare requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That, upon determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation and shall be available for the same purposes as originally appropriated: *Provided further*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

Determination.

Determination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 230. Amounts made available for the Department of Veterans Affairs for fiscal year 2020, under the “Board of Veterans Appeals” and the “General Operating Expenses, Veterans Benefits Administration” accounts may be transferred between such accounts: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

SEC. 231. The Secretary of Veterans Affairs may not reprogram funds among major construction projects or programs if such

instance of reprogramming will exceed \$7,000,000, unless such reprogramming is approved by the Committees on Appropriations of both Houses of Congress.

SEC. 232. (a) The Secretary of Veterans Affairs shall ensure that the toll-free suicide hotline under section 1720F(h) of title 38, United States Code—

(1) provides to individuals who contact the hotline immediate assistance from a trained professional; and

(2) adheres to all requirements of the American Association of Suicidology.

(b)(1) None of the funds made available by this Act may be used to enforce or otherwise carry out any Executive action that prohibits the Secretary of Veterans Affairs from appointing an individual to occupy a vacant civil service position, or establishing a new civil service position, at the Department of Veterans Affairs with respect to such a position relating to the hotline specified in subsection (a).

Definitions.

(2) In this subsection—

(A) the term “civil service” has the meaning given such term in section 2101(1) of title 5, United States Code; and

(B) the term “Executive action” includes—

(i) any Executive order, presidential memorandum, or other action by the President; and

(ii) any agency policy, order, or other directive.

Study.
Time period.
Analysis.
Data.

(c)(1) The Secretary of Veterans Affairs shall conduct a study on the effectiveness of the hotline specified in subsection (a) during the five-year period beginning on January 1, 2016, based on an analysis of national suicide data and data collected from such hotline.

Determinations.

(2) At a minimum, the study required by paragraph (1) shall—

(A) determine the number of veterans who contact the hotline specified in subsection (a) and who receive follow up services from the hotline or mental health services from the Department of Veterans Affairs thereafter;

(B) determine the number of veterans who contact the hotline who are not referred to, or do not continue receiving, mental health care who commit suicide; and

(C) determine the number of veterans described in subparagraph (A) who commit or attempt suicide.

Reports.
Realignment
plans.

SEC. 233. None of the funds in this or any other Act may be used to close Department of Veterans Affairs (VA) hospitals, domiciliaries, or clinics, conduct an environmental assessment, or to diminish healthcare services at existing Veterans Health Administration medical facilities as part of a planned realignment of VA services until the Secretary provides to the Committees on Appropriations of both Houses of Congress a report including the following elements—

Plan.

(1) a national realignment strategy that includes a detailed description of realignment plans within each Veterans Integrated Services Network (VISN), including an updated Long Range Capital Plan to implement realignment requirements;

(2) an explanation of the process by which those plans were developed and coordinated within each VISN;

Analysis.

(3) a cost versus benefit analysis of each planned realignment, including the cost of replacing Veterans Health Administration services with contract care or other outsourced services;

(4) an analysis of how any such planned realignment of services will impact access to care for veterans living in rural or highly rural areas, including travel distances and transportation costs to access a VA medical facility and availability of local specialty and primary care;

Analysis.

(5) an inventory of VA buildings with historic designation and the methodology used to determine the buildings' condition and utilization;

Records.

(6) a description of how any realignment will be consistent with requirements under the National Historic Preservation Act; and

(7) consideration given for reuse of historic buildings within newly identified realignment requirements: *Provided*, That, this provision shall not apply to capital projects in any VISN, which have been authorized or approved by Congress.

SEC. 234. Effective during the period beginning on October 1, 2018 and ending on January 1, 2024, none of the funds made available to the Secretary of Veterans Affairs by this or any other Act may be obligated or expended in contravention of the “Veterans Health Administration Clinical Preventive Services Guidance Statement on the Veterans Health Administration’s Screening for Breast Cancer Guidance” published on May 10, 2017, as issued by the Veterans Health Administration National Center for Health Promotion and Disease Prevention.

Effective date.
Time period.

SEC. 235. (a) Notwithstanding any other provision of law, the amounts appropriated or otherwise made available to the Department of Veterans Affairs for the “Medical Services” account may be used to provide—

(1) fertility counseling and treatment using assisted reproductive technology to a covered veteran or the spouse of a covered veteran; or

(2) adoption reimbursement to a covered veteran.

(b) In this section:

Definitions.

(1) The term “service-connected” has the meaning given such term in section 101 of title 38, United States Code.

(2) The term “covered veteran” means a veteran, as such term is defined in section 101 of title 38, United States Code, who has a service-connected disability that results in the inability of the veteran to procreate without the use of fertility treatment.

(3) The term “assisted reproductive technology” means benefits relating to reproductive assistance provided to a member of the Armed Forces who incurs a serious injury or illness on active duty pursuant to section 1074(c)(4)(A) of title 10, United States Code, as described in the memorandum on the subject of “Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members” issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the guidance issued to implement such policy, including any limitations on the amount of such benefits available to such a member except that—

(A) the time periods regarding embryo cryopreservation and storage set forth in part III(G) and in part IV(H) of such memorandum shall not apply; and

(B) such term includes embryo cryopreservation and storage without limitation on the duration of such cryopreservation and storage.

(4) The term “adoption reimbursement” means reimbursement for the adoption-related expenses for an adoption that is finalized after the date of the enactment of this Act under the same terms as apply under the adoption reimbursement program of the Department of Defense, as authorized in Department of Defense Instruction 1341.09, including the reimbursement limits and requirements set forth in such instruction.

(c) Amounts made available for the purposes specified in subsection (a) of this section are subject to the requirements for funds contained in section 508 of division H of the Consolidated Appropriations Act, 2018 (Public Law 115–141).

SEC. 236. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

SEC. 237. Section 842 of Public Law 109–115 shall not apply to conversion of an activity or function of the Veterans Health Administration, Veterans Benefits Administration, or National Cemetery Administration to contractor performance by a business concern that is at least 51 percent owned by one or more Indian tribes as defined in section 5304(e) of title 25, United States Code, or one or more Native Hawaiian Organizations as defined in section 637(a)(15) of title 15, United States Code.

SEC. 238. (a) Except as provided in subsection (b), the Secretary of Veterans Affairs, in consultation with the Secretary of Defense and the Secretary of Labor, shall discontinue using Social Security account numbers to identify individuals in all information systems of the Department of Veterans Affairs as follows:

(1) For all veterans submitting to the Secretary of Veterans Affairs new claims for benefits under laws administered by the Secretary, not later than 5 years after the date of the enactment of this Act.

(2) For all individuals not described in paragraph (1), not later than 8 years after the date of the enactment of this Act.

(b) The Secretary of Veterans Affairs may use a Social Security account number to identify an individual in an information system of the Department of Veterans Affairs if and only if the use of such number is required to obtain information the Secretary requires from an information system that is not under the jurisdiction of the Secretary.

SEC. 239. For funds provided to the Department of Veterans Affairs for each of fiscal year 2020 and 2021 for “Medical Services”, section 239 of Division A of Public Law 114–223 shall apply.

SEC. 240. None of the funds appropriated in this or prior appropriations Acts or otherwise made available to the Department of Veterans Affairs may be used to transfer any amounts from the Filipino Veterans Equity Compensation Fund to any other account within the Department of Veterans Affairs.

Consultation.
Deadlines.
38 USC note
prec. 5701.

Applicability.

SEC. 241. Of the funds provided to the Department of Veterans Affairs for each of fiscal year 2020 and fiscal year 2021 for “Medical Services”, funds may be used in each year to carry out and expand the child care program authorized by section 205 of Public Law 111–163, notwithstanding subsection (e) of such section.

SEC. 242. None of the funds appropriated or otherwise made available in this title may be used by the Secretary of Veterans Affairs to enter into an agreement related to resolving a dispute or claim with an individual that would restrict in any way the individual from speaking to members of Congress or their staff on any topic not otherwise prohibited from disclosure by Federal law or required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

SEC. 243. For funds provided to the Department of Veterans Affairs for each of fiscal year 2020 and 2021, section 258 of Division A of Public Law 114–223 shall apply. Applicability.

SEC. 244. (a) None of the funds appropriated or otherwise made available by this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency of the United States Government over which such Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede the access of such Inspector General to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to such Inspector General and expressly limits the right of access of such Inspector General. Records.

(b) A department or agency covered by this section shall provide its Inspector General access to all records, documents, and other materials in a timely manner.

(c) Each Inspector General covered by this section shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.). Compliance.

(d) Each Inspector General covered by this section shall report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives within 5 calendar days of any failure by any department or agency covered by this section to comply with this section. Reports.

SEC. 245. For funds provided to the Department of Veterans Affairs for each of fiscal year 2020 and 2021, section 248 of Division A of Public Law 114–223 shall apply. Applicability.

SEC. 246. (a) The Secretary of Veterans Affairs may use amounts appropriated or otherwise made available in this title to ensure that the ratio of veterans to full-time employment equivalents within any program of rehabilitation conducted under chapter 31 of title 38, United States Code, does not exceed 125 veterans to one full-time employment equivalent.

(b) Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the programs of rehabilitation conducted under chapter 31 of title 38, United States Code, including— Reports.

(1) an assessment of the veteran-to-staff ratio for each such program; and Assessment.

Recommendations.

(2) recommendations for such action as the Secretary considers necessary to reduce the veteran-to-staff ratio for each such program.

Notification.
Deadline.

SEC. 247. None of the funds made available in this Act may be used in a manner that would increase wait times for veterans who seek care at medical facilities of the Department of Veterans Affairs.

SEC. 248. None of the funds appropriated or otherwise made available by this Act to the Veterans Health Administration may be used in fiscal year 2020 to convert any program which received specific purpose funds in fiscal year 2019 to a general purpose funded program unless the Secretary of Veterans Affairs submits written notification of any such proposal to the Committees on Appropriations of both Houses of Congress at least thirty days prior to any such action and an approval is issued by the Committees.

Effective date.
38 USC 303 note.

SEC. 249. (a) None of the funds appropriated or otherwise made available by this Act may be used to conduct research commencing on or after October 1, 2019, that uses any canine, feline, or non-human primate unless the Secretary of Veterans Affairs approves such research specifically and in writing pursuant to subsection (b).

Effective date.
Determination.

(b)(1) The Secretary of Veterans Affairs may approve the conduct of research commencing on or after October 1, 2019, using canines, felines, or non-human primates if the Secretary determines that—

(A) the scientific objectives of the research can only be met by using such canines, felines, or non-human primates;

(B) such scientific objectives are directly related to an illness or injury that is combat-related; and

(C) the research is consistent with the revised Department of Veterans Affairs canine research policy document dated December 15, 2017, including any subsequent revisions to such document.

(2) The Secretary may not delegate the authority under this subsection.

Reports.

(c) If the Secretary approves any new research pursuant to subsection (b), not later than 30 days before the commencement of such research, the Secretary shall submit to the Committees on Appropriations of the Senate and House of Representatives a report describing—

(1) the nature of the research to be conducted using canines, felines, or non-human primates;

(2) the date on which the Secretary approved the research;

(3) the justification for the determination of the Secretary that the scientific objectives of such research could only be met using canines, felines, or non-human primates;

(4) the frequency and duration of such research; and

(5) the protocols in place to ensure the necessity, safety, and efficacy of the research; and

Reports.

(d) Not later than 180 days after the date of the enactment of this Act, and biannually thereafter, the Secretary shall submit to such Committees a report describing—

(1) any research being conducted by the Department of Veterans Affairs using canines, felines, or non-human primates as of the date of the submittal of the report;

(2) the circumstances under which such research was conducted using canines, felines, or non-human primates;

(3) the justification for using canines, felines, or non-human primates to conduct such research; and

(4) the protocols in place to ensure the necessity, safety, and efficacy of such research.

(e) Not later than December 31, 2020, the Secretary shall submit to such Committees a plan under which the Secretary will eliminate or reduce the research conducted using canines, felines, or non-human primates by not later than five years after the date of the enactment of this Act.

Deadlines.
Plan.

SEC. 250. None of the funds made available by this Act may be used by the Secretary of Veterans Affairs to close the community based outpatient clinic located in Bainbridge, New York, until the Secretary of Veterans Affairs submits to the Committees on Appropriations of the House of Representatives and the Senate a market area assessment.

New York.
Market
assessment.

SEC. 251. (a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a plan to reduce the chances that clinical mistakes by employees of the Department of Veterans Affairs will result in adverse events that require institutional or clinical disclosures and to prevent any unnecessary hardship for patients and families impacted by such adverse events.

Deadline.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) A description of a process for the timely identification of individuals impacted by disclosures described in subsection (a) and the process for contacting those individuals or their next of kin.

(2) A description of procedures for expediting any remedial or follow-up care required for those individuals.

(3) A detailed outline of proposed changes to the process of the Department for clinical quality checks and oversight.

(4) A communication plan to ensure all facilities of the Department are made aware of any requirements updated pursuant to the plan.

(5) A timeline detailing the implementation of the plan.

Timeline.

(6) An identification of the senior executive of the Department responsible for ensuring compliance with the plan.

(7) An identification of potential impacts of the plan on timely diagnoses for patients.

(8) An identification of the processes and procedures for employees of the Department to make leadership at the facility and the Department aware of adverse events that are concerning and that result in disclosures and to ensure that the medical impact on veterans of such disclosures is minimized.

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

(1) the Committee on Veterans’ Affairs and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate; and

(2) the Committee on Veterans’ Affairs and the Subcommittee on Military Construction, Veterans Affairs, and

Deadlines.
Time period.
Handbook.
Contracts.
38 USC 8110
note.

Related Agencies of the Committee on Appropriations of the House of Representatives.

SEC. 252. (a) Not later than 180 days after the date of the enactment of this Act, and not less frequently than once every five-year period thereafter, the Secretary of Veterans Affairs shall update the handbook of the Department of Veterans Affairs titled “Planning and Activating Community Based Outpatient Clinics”, or a successor handbook, to reflect current policies, best practices, and clarify the roles and responsibilities of the personnel of the Department involved in the leasing projects of the Department.

(b) The Secretary shall ensure that the handbook specified in subsection (a) defines “community based outpatient clinic” in the same manner as such term is defined in the Veterans Health Administration Site Tracking database (commonly known as “VAST”) as of the date of the enactment of this Act.

(c) The Secretary shall ensure that the Veterans Health Administration incorporates the best practices contained in the handbook specified in subsection (a) in conducting oversight of the medical centers of the Department of Veterans Affairs and the Veterans Integrated Service Network.

Guidance.

(d) Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide guidance and training to employees of the Veterans Health Administration for the use of the handbook specified in subsection (a). The Secretary shall update such guidance and training together with each update of such handbook.

Updates.

(RESCISSIONS OF FUNDS)

SEC. 253. Of the unobligated balances available to the Department of Veterans Affairs from prior appropriations Acts, the following funds are hereby rescinded from the following accounts in the amounts specified:

“Veterans Health Administration, Medical Services”, \$350,000,000;

“Veterans Health Administration, Medical Support and Compliance”, \$10,000,000;

“Veterans Health Administration, Medical and Prosthetic Research”, \$50,000,000;

“Veterans Health Administration, DOD-VA Health Care Sharing Incentive Fund”, \$15,949,000;

“National Cemetery Administration”, \$1,000,000;

“Departmental Administration, Board of Veterans Appeals”, \$8,000,000; and

“Departmental Administration, Veterans Electronic Health Record”, \$70,000,000:

Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 254. Section 252 of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018 (division J of Public Law 115–141; 132 Stat. 825; 38 U.S.C. 1701 note) is amended by striking “The Secretary may carry out a 2-year pilot program” and inserting “During the period preceding October 1, 2022, the Secretary of Veterans Affairs may carry out a 2-year pilot program”.

(RESCISSION OF FUNDS)

SEC. 255. The remaining unobligated balances in the “Department of Veterans Affairs—Departmental Administration—General Operating Expenses” account from the following funds appropriated in Public Law 107–38 are hereby rescinded: *Provided*, That the amounts rescinded pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of that Act:

(1) funds subject to subsequent enactment and transferred pursuant to chapter 13 of division B of Public Law 107–117; and

(2) funds made available and subsequently transferred pursuant to the first proviso under the heading “Executive Office of the President and Funds Appropriated to the President—Emergency Response Fund”.

SEC. 256. Amounts made available for the “Veterans Health Administration, Medical Community Care” account in this or any other Act for fiscal years 2020 and 2021 may be used for expenses that would otherwise be payable from the Veterans Choice Fund established by section 802 of the Veterans Access, Choice, and Accountability Act, as amended (38 U.S.C. 1701 note).

SEC. 257. Hereafter, the matter preceding the first proviso under the heading “Veterans Health Administration, Medical Services” in title II of division C of Public Law 115–244 shall be applied for the purpose of the appropriations under that heading that became available on October 1, 2019, by striking “aid to State homes as authorized by section 1741 of title 38, United States Code,”.

Applicability.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed \$15,000 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$84,100,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be

necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, \$35,400,000: *Provided*, That \$2,698,997 shall be available for the purpose of providing financial assistance as described and in accordance with the process and reporting procedures set forth under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed \$2,000 for official reception and representation expenses, \$80,800,000, of which not to exceed \$15,000,000 shall remain available until September 30, 2022. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the "Lease of Department of Defense Real Property for Defense Agencies" account.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$75,300,000, of which \$12,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi: *Provided*, That of the amounts made available under this heading from funds available in the Armed Forces Retirement Home Trust Fund, \$22,000,000 shall be paid from the general fund of the Treasury to the Trust Fund.

ADMINISTRATIVE PROVISION

SEC. 301. Amounts deposited into the special account established under 10 U.S.C. 4727 are appropriated and shall be available until expended to support activities at the Army National Military Cemeteries.

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for “Military Construction, Army”, \$111,968,000, to remain available until September 30, 2024, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, \$94,570,000, to remain available until September 30, 2024, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force” \$391,988,000, to remain available until September 30, 2024, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for “Military Construction, Defense-Wide”, \$46,000,000, to remain available until September 30, 2024, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION

SEC. 401. None of the funds appropriated for military construction projects outside the United States under this title may be obligated or expended for planning and design of any project associated with the European Deterrence Initiative until the Secretary of Defense develops and submits to the congressional defense committees, in a classified and unclassified format, a list of all of the military construction projects associated with the European Deterrence Initiative which the Secretary anticipates will be carried out during each of the fiscal years 2021 through 2025.

Lists.
Time period.

TITLE V

NATURAL DISASTER RELIEF

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

Form requests. For an additional amount for “Military Construction, Navy and Marine Corps”, \$3,477,000,000, to remain available until September 30, 2024, for necessary expenses related to the consequences of Hurricanes Michael and Florence and flooding and earthquakes occurring in fiscal year 2019: *Provided*, That none of the funds made available in this Act to the Navy and Marine Corps for such recovery efforts shall be available for obligation until the Committees on Appropriations of the House of Representatives and the Senate receive form 1391 for each specific request: *Provided further*, That, not later than 60 days after enactment of this Act, the Secretary of the Navy, or his designee, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading in this title: *Provided further*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Expenditure
plan.

MILITARY CONSTRUCTION, AIR FORCE

Form requests. For an additional amount for “Military Construction, Air Force”, \$2,605,200,000, to remain available until September 30, 2024, for necessary expenses related to the consequences of Hurricanes Michael and Florence and flooding and earthquakes occurring in fiscal year 2019: *Provided*, That none of the funds made available in this Act to the Air Force for such recovery efforts shall be available for obligation until the Committees on Appropriations of the House of Representatives and the Senate receive form 1391 for each specific request: *Provided further*, That, not later than 60 days after enactment of this Act, the Secretary of the Air Force, or his designee, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading in this title: *Provided further*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Expenditure
plan.

MILITARY CONSTRUCTION, DEFENSE-WIDE

Form requests. For an additional amount for “Military Construction, Defense-Wide”, \$77,175,000, to remain available until September 30, 2024, for necessary expenses related to the consequences of Hurricanes Michael and Florence and flooding and earthquakes occurring in fiscal year 2019: *Provided*, That none of the funds made available in this Act to the Department of Defense for such recovery efforts

shall be available for obligation until the Committees on Appropriations of the House of Representatives and the Senate receive form 1391 for each specific request: *Provided further*, That, not later than 60 days after enactment of this Act, the Secretary of Defense, or his designee, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading in this title: *Provided further*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Expenditure
plan.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for “Military Construction, Army National Guard”, \$66,000,000, to remain available until September 30, 2024, for necessary expenses related to the consequences of Hurricanes Michael and Florence and flooding, tornadoes, and earthquakes occurring in fiscal year 2019: *Provided*, That none of the funds made available in this Act to the Army National Guard for such recovery efforts shall be available for obligation until the Committees on Appropriations of the House of Representatives and the Senate receive form 1391 for each specific request: *Provided further*, That, not later than 60 days after enactment of this Act, the Director of the Army National Guard, or his designee, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading in this title: *Provided further*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Form requests.

Deadline.
Expenditure
plan.

MILITARY CONSTRUCTION, ARMY RESERVE

For an additional amount for “Military Construction, Army Reserve”, \$3,300,000, to remain available until September 30, 2024, for necessary expenses related to the consequences of Hurricanes Michael and Florence and flooding and earthquakes occurring in fiscal year 2019: *Provided*, That none of the funds made available in this Act to the Army Reserve for such recovery efforts shall be available for obligation until the Committees on Appropriations of the House of Representatives and the Senate receive form 1391 for each specific request: *Provided further*, That, not later than 60 days after enactment of this Act, the Secretary of the Army, or his designee, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading in this title: *Provided further*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Form requests.

Deadline.
Expenditure
plan.

ADMINISTRATIVE PROVISION

SEC. 501. Notwithstanding any other provision of law, funds made available under each heading in this title shall only be used for the purposes specifically described under that heading.

TITLE VI

GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 602. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 603. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of “E-Commerce” technologies and procedures in the conduct of their business practices and public service activities.

Reports.
Notifications.

SEC. 604. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 605. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 606. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

Public
information.
Web posting.
Reports.
Determination.

SEC. 607. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

Time period.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

Pornography.

SEC. 608. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 609. None of the funds made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 610. None of the funds made available in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989. Contracts.

SEC. 611. None of the funds made available by this Act may be used by the Department of Defense or the Department of Veterans Affairs to lease or purchase new light duty vehicles for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011. Contracts.

SEC. 612. Except as expressly provided otherwise, any reference to “this Act” contained in this division shall be treated as referring only to the provisions of this division. 1 USC 1 note.

SEC. 613. None of the funds made available by this Act may be used in contravention of section 101(e)(8) of title 10, United States Code.

SEC. 614. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantánamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense. Detainees.
Cuba.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

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

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

This division may be cited as the “Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2020”.

Department of
State, Foreign
Operations, and
Related
Programs
Appropriations
Act, 2020.

DIVISION G—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2020

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC PROGRAMS

Allocations.

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, \$9,125,687,000, of which \$754,468,000 may remain available until September 30, 2021, and of which up to \$4,095,899,000 may remain available until expended for Worldwide Security Protection: *Provided*, That of the amount made available under this heading for Worldwide Security Protection, \$2,626,122,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That funds made available under this heading shall be allocated in accordance with paragraphs (1) through (4) as follows:

(1) **HUMAN RESOURCES.**—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed \$700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 11; Chapter 36), \$2,896,063,000, of which up to \$509,782,000 is for Worldwide Security Protection.

(2) **OVERSEAS PROGRAMS.**—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, \$1,840,143,000.

(3) **DIPLOMATIC POLICY AND SUPPORT.**—For necessary expenses for the functional bureaus of the Department of State, including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation, and disarmament activities as authorized, \$780,057,000.

(4) **SECURITY PROGRAMS.**—For necessary expenses for security activities, \$3,609,424,000, of which up to \$3,586,117,000 is for Worldwide Security Protection.

(5) **FEES AND PAYMENTS COLLECTED.**—In addition to amounts otherwise made available under this heading—

(A) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(B) not to exceed \$15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

(6) TRANSFER OF FUNDS, REPROGRAMMING, AND OTHER MATTERS.—

(A) Notwithstanding any other provision of this Act, funds may be reprogrammed within and between paragraphs (1) through (4) under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed \$10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading “Emergencies in the Diplomatic and Consular Service”, to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to section 1108(g) of title 31, United States Code, for the field examination of programs and activities in the United States funded from any account contained in this title.

(7) CLARIFICATION.—References to the “Diplomatic and Consular Programs” account in any provision of law shall in this fiscal year, and each fiscal year thereafter, be construed to include the “Diplomatic Programs” account.

Time periods.
22 USC 2651
note.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, as authorized, \$139,500,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$90,829,000, of which \$13,624,000 may remain available until September 30, 2021: *Provided*, That funds appropriated under this heading are made available notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3929(a)(1)), as it relates to post inspections.

In addition, for the Special Inspector General for Afghanistan Reconstruction (SIGAR) for reconstruction oversight, \$54,900,000, to remain available until September 30, 2021, which is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That funds appropriated under this heading that are made available for the printing and reproduction costs of SIGAR shall not exceed amounts for such costs during fiscal year 2019.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For necessary expenses of educational and cultural exchange programs, as authorized, \$730,700,000, to remain available until expended, of which not less than \$272,000,000 shall be for the Fulbright Program and not less than \$111,860,000 shall be for Citizen Exchange Program: *Provided*, That fees or other payments received from, or in connection with, English teaching, educational advising and counseling programs, and exchange visitor programs

Fellowships and scholarships. Consultation.	as authorized may be credited to this account, to remain available until expended: <i>Provided further</i> , That a portion of the Fulbright awards from the Eurasia and Central Asia regions shall be designated as Edmund S. Muskie Fellowships, following consultation with the Committees on Appropriations: <i>Provided further</i> , That funds appropriated under this heading that are made available for the Benjamin Gilman International Scholarships Program shall also be made available for the John S. McCain Scholars Program, pursuant to section 7075 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6): <i>Provided further</i> , That funds appropriated under this heading shall be made available for a Civil Society Exchange Program, in accordance with the requirements specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and following consultation with the Committees on Appropriations: <i>Provided further</i> , That any substantive modifications from the prior fiscal year to programs funded by this Act under this heading shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.
Consultation.	
Consultation. Notification.	

REPRESENTATION EXPENSES

For representation expenses as authorized, \$7,212,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For necessary expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$30,890,000, to remain available until September 30, 2021.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292 et seq.), preserving, maintaining, repairing, and planning for real property that are owned or leased by the Department of State, and renovating, in addition to funds otherwise available, the Harry S Truman Building, \$769,800,000, to remain available until September 30, 2024, of which not to exceed \$25,000 may be used for overseas representation expenses as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies of the United States Government.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, \$1,205,649,000, to remain available until expended, of which \$424,087,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, as authorized, \$7,885,000, to remain available until expended, of which not to exceed \$1,000,000 may be transferred

to, and merged with, funds appropriated by this Act under the heading “Repatriation Loans Program Account”.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$1,300,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$5,563,619.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), \$31,963,000.

INTERNATIONAL CENTER, WASHINGTON, DISTRICT OF COLUMBIA

Not to exceed \$1,806,600 shall be derived from fees collected from other executive agencies for lease or use of facilities at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), and, in addition, as authorized by section 5 of such Act, \$743,000, to be derived from the reserve authorized by such section, to be used for the purposes set out in that section.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, \$158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions, or specific Acts of Congress, \$1,473,806,000, of which \$96,240,000, to remain available until September 30, 2021, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That the Secretary of State shall, at the time of the submission of the President’s budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further*, That any payment of arrearages under this heading shall be directed to activities

United Nations.
Notifications.
22 USC 269a
note.

Budget.

Deadline.

that are mutually agreed upon by the United States and the respective international organization and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$1,526,383,000, of which \$988,656,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That of the funds made available under this heading, up to \$1,069,315,000 may remain available until September 30, 2021: *Provided further*, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for such mission in the United Nations Security Council (or in an emergency as far in advance as is practicable), the Committees on Appropriations are notified of: (1) the estimated cost and duration of the mission, the objectives of the mission, the national interest that will be served, and the exit strategy; and (2) the sources of funds, including any reprogrammings or transfers, that will be used to pay the cost of the new or expanded mission, and the estimated cost in future fiscal years: *Provided further*, That none of the funds appropriated under this heading may be made available for obligation unless the Secretary of State certifies and reports to the Committees on Appropriations on a peacekeeping mission-by-mission basis that the United Nations is implementing effective policies and procedures to prevent United Nations employees, contractor personnel, and peacekeeping troops serving in such mission from trafficking in persons, exploiting victims of trafficking, or committing acts of sexual exploitation and abuse or other violations of human rights, and to hold accountable individuals who engage in such acts while participating in such mission, including prosecution in their home countries and making information about such prosecutions publicly available on the website of the United Nations: *Provided further*, That the Secretary of State shall work with the United Nations and foreign governments contributing peacekeeping troops to implement effective vetting procedures to ensure that such troops have not violated human rights: *Provided further*, That funds shall be available for peacekeeping expenses unless the Secretary of State determines that United States manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds appropriated or otherwise made available under this heading may be used for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national, unless

Deadline.
United Nations.
Notifications.

Certification.
Reports.
Human rights.
Public
information.
Web posting.

Procedures.
Human rights.

Determination.

President.
Recommendation.

the President’s military advisors have submitted to the President a recommendation that such involvement is in the national interest of the United States and the President has submitted to Congress such a recommendation: *Provided further*, That the Secretary of State shall work with the United Nations and members of the United Nations Security Council to evaluate and prioritize peace-keeping missions, and to consider a drawdown when mission goals have been substantially achieved: *Provided further*, That any payment of arrearages with funds appropriated by this Act shall be subject to the regular notification procedures of the Committees on Appropriations.

Evaluation.

Notification.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

22 USC 269a
note.INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES
AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation expenses; as follows:

Compliance.

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$48,170,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$36,900,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by the North American Free Trade Agreement Implementation Act (Public Law 103–182), \$15,008,000: *Provided*, That of the amount provided under this heading for the International Joint Commission, up to \$1,250,000 may remain available until September 30, 2021, and up to \$9,000 may be made available for representation expenses: *Provided further*, That of the amount provided under this heading for the International Boundary Commission, up to \$1,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$62,718,000: *Provided*, That the United States share of such expenses may be

advanced to the respective commissions pursuant to section 3324 of title 31, United States Code.

RELATED AGENCY

UNITED STATES AGENCY FOR GLOBAL MEDIA

INTERNATIONAL BROADCASTING OPERATIONS

Notification.
Deadline.
Determination.

Notification.

Consultation.
Notification.

Time period.
22 USC 6203
note.

For necessary expenses to enable the United States Agency for Global Media (USAGM), as authorized, to carry out international communication activities, and to make and supervise grants for radio, Internet, and television broadcasting to the Middle East, \$798,696,000: *Provided*, That in addition to amounts otherwise available for such purposes, up to \$40,708,000 of the amount appropriated under this heading may remain available until expended for satellite transmissions and Internet freedom programs, of which not less than \$20,000,000 shall be for Internet freedom programs: *Provided further*, That of the total amount appropriated under this heading, not to exceed \$35,000 may be used for representation expenses, of which \$10,000 may be used for such expenses within the United States as authorized, and not to exceed \$30,000 may be used for representation expenses of Radio Free Europe/Radio Liberty: *Provided further*, That the USAGM shall notify the Committees on Appropriations within 15 days of any determination by the USAGM that any of its broadcast entities, including its grantee organizations, provides an open platform for international terrorists or those who support international terrorism, or is in violation of the principles and standards set forth in subsections (a) and (b) of section 303 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202) or the entity's journalistic code of ethics: *Provided further*, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to \$5,000,000 in receipts from advertising and revenue from business ventures, up to \$500,000 in receipts from cooperating international organizations, and up to \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, shall remain available until expended for carrying out authorized purposes: *Provided further*, That significant modifications to USAGM broadcast hours previously justified to Congress, including changes to transmission platforms (shortwave, medium wave, satellite, Internet, and television), for all USAGM language services shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That up to \$7,000,000 from the USAGM Buying Power Maintenance account may be transferred to, and merged with, funds appropriated by this Act under the heading "International Broadcasting Operations", which shall remain available until expended: *Provided further*, That such transfer authority is in addition to any transfer authority otherwise available under any other provision of law and shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That any reference to the "Broadcasting Board of Governors" or "BBG", including in any account providing amounts to the Broadcasting Board of Governors, in any Act making appropriations for the Department of State, foreign operations, and related programs enacted before, on, or

after the date of the enactment of this Act shall for this fiscal year, and any fiscal year thereafter, be construed to mean the “United States Agency for Global Media” or “USAGM”, respectively.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, repair, preservation, and improvement of facilities for radio, television, and digital transmission and reception; the purchase, rent, and installation of necessary equipment for radio, television, and digital transmission and reception, including to Cuba, as authorized; and physical security worldwide, in addition to amounts otherwise available for such purposes, \$11,700,000, to remain available until expended, as authorized, of which not less than \$2,000,000 shall be made available for emergency repairs to USAGM transmitting stations.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), \$19,000,000, to remain available until expended: *Provided*, That funds appropriated under this heading shall be apportioned and obligated to the Foundation not later than 60 days after enactment of this Act.

Apportionment.
Deadline.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act (22 U.S.C. 4601 et seq.), \$45,000,000, to remain available until September 30, 2021, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, as authorized by section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (22 U.S.C. 2078), the total amount of the interest and earnings accruing to such Fund on or before September 30, 2020, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2020, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by section 5376 of title 5, United States Code; or for purposes which are not in accordance with section 200 of title 2 of the Code of Federal Regulations, including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2020, to remain available until expended.

EAST-WEST CENTER

Apportionment.
Deadline.

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$16,700,000: *Provided*, That funds appropriated under this heading shall be apportioned and obligated to the Center not later than 60 days after enactment of this Act.

NATIONAL ENDOWMENT FOR DEMOCRACY

Apportionment.
Deadline.

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act (22 U.S.C. 4412), \$300,000,000, to remain available until expended, of which \$195,840,000 shall be allocated in the traditional and customary manner, including for the core institutes, and \$104,160,000 shall be for democracy programs: *Provided*, That the requirements of section 7061(a) of this Act shall not apply to funds made available under this heading: *Provided further*, That funds appropriated under this heading shall be apportioned and obligated to the Endowment not later than 60 days after enactment of this Act.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE
ABROAD

SALARIES AND EXPENSES

Termination
date.
Notification.

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, \$675,000, as authorized by chapter 3123 of title 54, United States Code: *Provided*, That the Commission may procure temporary, intermittent, and other services notwithstanding paragraph (3) of section 312304(b) of such chapter: *Provided further*, That such authority shall terminate on October 1, 2020: *Provided further*, That the Commission shall notify the Committees on Appropriations prior to exercising such authority.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS
FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom (USCIRF), as authorized by title II of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 et seq.), \$4,500,000, to remain available until September 30,

2021, including not more than \$4,000 for representation expenses: *Provided*, That prior to the obligation of \$1,000,000 of the funds appropriated under this heading, the Commission shall consult with the appropriate congressional committees on the status of legislation to reauthorize the Commission, and such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

Consultation.
Notification.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304 (22 U.S.C. 3001 et seq.), \$2,579,000, including not more than \$4,000 for representation expenses, to remain available until September 30, 2021.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE’S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People’s Republic of China, as authorized by title III of the U.S.-China Relations Act of 2000 (22 U.S.C. 6911 et seq.), \$2,250,000, including not more than \$3,000 for representation expenses, to remain available until September 30, 2021.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, as authorized by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), \$3,500,000, including not more than \$4,000 for representation expenses, to remain available until September 30, 2021: *Provided*, That the authorities, requirements, limitations, and conditions contained in the second through sixth provisos under this heading in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall continue in effect during fiscal year 2020 and shall apply to funds appropriated under this heading.

Extension.
Applicability.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$1,377,246,000, of which

up to \$206,587,000 may remain available until September 30, 2021: *Provided*, That none of the funds appropriated under this heading and under the heading “Capital Investment Fund” in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development, unless the USAID Administrator has identified such proposed use of funds in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to “Operating Expenses” in accordance with the provisions of those sections: *Provided further*, That of the funds appropriated or made available under this heading, not to exceed \$250,000 may be available for representation and entertainment expenses, of which not to exceed \$5,000 may be available for entertainment expenses, and not to exceed \$100,500 shall be for official residence expenses, for USAID during the current fiscal year: *Provided further*, That the USAID Administrator shall consult with the Committees on Appropriations not later than 60 days after enactment of this Act on changes to the account structure as described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Contracts.
Reports.

Consultation.
Deadline.

Notification.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, \$210,300,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available subject to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$75,500,000, of which up to \$11,325,000 may remain available until September 30, 2021, for the Office of Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, as follows:

GLOBAL HEALTH PROGRAMS

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, \$3,162,450,000, to remain available until September 30, 2021, and which shall be apportioned directly to the United States Agency for International Development not later than 60 days after enactment of this Act: *Provided*, That this amount shall be made available for training, equipment, and technical assistance to build the capacity of public health institutions and organizations in developing countries, and for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; (6) disaster preparedness training for health crises; (7) programs to prevent, prepare for, and respond to, unanticipated and emerging global health threats; and (8) family planning/reproductive health: *Provided further*, That funds appropriated under this paragraph may be made available for a United States contribution to The GAVI Alliance: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be made not later than 6 months after the date of enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in

Apportionment.
Deadline.

President.
Determination.

Determination.
Deadline.

Time period. Determination. Requirements.	exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the USAID Administrator determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: <i>Provided further</i> , That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: <i>Provided further</i> , That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: <i>Provided further</i> , That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.
Reports.	
Grants. Compliance. Requirements.	
Apportionment. Deadline.	In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, \$5,930,000,000, to remain available until September 30, 2024, which shall be apportioned directly to the Department of State not later than 60 days after enactment of this Act: <i>Provided</i> , That funds appropriated under this paragraph may be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund): <i>Provided further</i> , That the amount of such contribution shall be \$1,560,000,000 and shall be for the first installment of the sixth replenishment: <i>Provided further</i> , That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2020 may be made available to USAID for technical assistance related to the activities of the Global Fund, subject to the regular
Notification.	

notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this paragraph, up to \$17,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, 214, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, \$3,400,000,000, to remain available until September 30, 2021: *Provided*, That funds made available under this heading shall be apportioned directly to the United States Agency for International Development not later than 60 days after enactment of this Act.

Apportionment.
Deadline.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, \$4,395,362,000, to remain available until expended, of which \$1,733,980,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That funds made available under this heading shall be apportioned to the United States Agency for International Development not later than 60 days after enactment of this Act.

Apportionment.
Deadline.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance administered by the Office of Transition Initiatives, United States Agency for International Development, pursuant to section 491 of the Foreign Assistance Act of 1961, and to support transition to democracy and long-term development of countries in crisis, \$92,043,000, to remain available until expended: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the USAID Administrator shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: *Provided further*, That if the Secretary of State determines that it is important to the national interest of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to \$15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

Reports.
Deadline.

Determination.

Consultation.

COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to support programs and activities

administered by the United States Agency for International Development to prevent or respond to emerging or unforeseen foreign challenges and complex crises overseas, \$30,000,000, to remain available until expended: *Provided*, That funds appropriated under this heading may be made available on such terms and conditions as are appropriate and necessary for the purposes of preventing or responding to such challenges and crises, except that no funds shall be made available for lethal assistance or to respond to natural disasters: *Provided further*, That funds appropriated under this heading may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act and section 620M of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated under this heading may be used for administrative expenses, in addition to funds otherwise available for such purposes, except that such expenses may not exceed 5 percent of the funds appropriated under this heading: *Provided further*, That funds appropriated under this heading shall be apportioned to USAID not later than 60 days after enactment of this Act: *Provided further*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be transmitted at least 5 days prior to the obligation of funds.

Apportionment.
Deadline.
Notifications.
Deadline.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$3,045,000,000, to remain available until September 30, 2021.

DEMOCRACY FUND

Apportionment.
Deadline.

Consultation.

Apportionment.
Deadline.

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, including to carry out the purposes of section 502(b)(3) and (5) of Public Law 98–164 (22 U.S.C. 4411), \$178,450,000, to remain available until September 30, 2021, which shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, and shall be apportioned to such Bureau not later than 60 days after enactment of this Act: *Provided*, That funds appropriated under this heading that are made available to the National Endowment for Democracy and its core institutes are in addition to amounts otherwise available by this Act for such purposes: *Provided further*, That the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, shall consult with the Committees on Appropriations prior to the initial obligation of funds appropriated under this paragraph.

For an additional amount for such purposes, \$95,250,000, to remain available until September 30, 2021, which shall be made available for the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development, and shall be apportioned to such Bureau not later than 60 days after enactment of this Act.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act (Public

Law 102–511), and the Support for Eastern European Democracy (SEED) Act of 1989 (Public Law 101–179), \$770,334,000, to remain available until September 30, 2021, which shall be available, notwithstanding any other provision of law, except section 7047 of this Act, for assistance and related programs for countries identified in section 3 of the FREEDOM Support Act (22 U.S.C. 5801) and section 3(c) of the SEED Act of 1989 (22 U.S.C. 5402), in addition to funds otherwise available for such purposes: *Provided*, That funds appropriated by this Act under the headings “Global Health Programs”, “Economic Support Fund”, and “International Narcotics Control and Law Enforcement” that are made available for assistance for such countries shall be administered in accordance with the responsibilities of the coordinator designated pursuant to section 102 of the FREEDOM Support Act and section 601 of the SEED Act of 1989: *Provided further*, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: *Provided further*, That funds appropriated under this heading may be made available for contributions to multilateral initiatives to counter hybrid threats: *Provided further*, That any notification of funds made available under this heading in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall include information (if known on the date of transmittal of such notification) on the use of notwithstanding authority: *Provided further*, That if subsequent to the notification of assistance it becomes necessary to rely on notwithstanding authority, the Committees on Appropriations should be informed at the earliest opportunity and to the extent practicable.

Consideration.

Notification.

Notification.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses not otherwise provided for, to enable the Secretary of State to carry out the provisions of section 2(a) and (b) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601), and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.); allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$3,432,000,000, to remain available until expended, of which: \$1,521,355,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985; not less than \$35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements; and \$5,000,000 shall be made available for refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE
FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C.

2601(c)), \$100,000, to remain available until expended: *Provided*, That amounts in excess of the limitation contained in paragraph (2) of such section shall be transferred to, and merged with, funds made available by this Act under the heading “Migration and Refugee Assistance”.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501 et seq.), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, \$410,500,000, of which \$6,330,000 is for the Office of Inspector General, to remain available until September 30, 2021: *Provided*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by section 16 of the Peace Corps Act (22 U.S.C. 2515), an amount not to exceed \$5,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: *Provided further*, That of the funds appropriated under this heading, not to exceed \$104,000 may be available for representation expenses, of which not to exceed \$4,000 may be made available for entertainment expenses: *Provided further*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That notwithstanding the previous proviso, section 614 of division E of Public Law 113–76 shall apply to funds appropriated under this heading.

Abortion.

Applicability.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.) (MCA), \$905,000,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to \$105,000,000 may be available for administrative expenses of the Millennium Challenge Corporation: *Provided further*, That section 605(e) of the MCA (22 U.S.C. 7704(e)) shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the MCA (22 U.S.C. 7708) only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further*, That no country should be eligible for a threshold program after such country has completed a country compact: *Provided further*, That of the funds appropriated under this heading, not to exceed \$100,000 may be available for representation and entertainment expenses, of which not to exceed \$5,000 may be available for entertainment expenses.

Applicability.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, \$37,500,000, to remain available until September 30, 2021: *Provided*, That of the funds appropriated under this heading, not to exceed \$2,000 may be available for representation expenses.

UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the African Development Foundation Act (title V of Public Law 96–533; 22 U.S.C. 290h et seq.), \$33,000,000, to remain available until September 30, 2021, of which not to exceed \$2,000 may be available for representation expenses: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the United States African Development Foundation (USADF): *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act (22 U.S.C. 290h–3(a)(2)), in exceptional circumstances the Board of Directors of the USADF may waive the \$250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to 10 percent if the increase is due solely to foreign currency fluctuation: *Provided further*, That the USADF shall submit a report to the appropriate congressional committees after each time such waiver authority is exercised: *Provided further*, That the USADF may make rent or lease payments in advance from appropriations available for such purpose for offices, buildings, grounds, and quarters in Africa as may be necessary to carry out its functions: *Provided further*, That the USADF may maintain bank accounts outside the United States Treasury and retain any interest earned on such accounts, in furtherance of the purposes of the African Development Foundation Act: *Provided further*, That the USADF may not withdraw any appropriation from the Treasury prior to the need of spending such funds for program purposes.

Waiver authority.

Reports.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, \$30,000,000, to remain available until expended, of which not more than \$6,000,000 may be used for administrative expenses: *Provided*, That amounts made available under this heading may be made available to contract for services as described in section 129(d)(3)(A) of the Foreign Assistance Act of 1961, without regard to the location in which such services are performed.

DEBT RESTRUCTURING

For the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as

President.
Determination.

the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to part V of the Foreign Assistance Act of 1961, \$15,000,000, to remain available until September 30, 2021.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

Notification. For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$1,391,000,000, to remain available until September 30, 2021: *Provided*, That the Department of State may use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing such property to a foreign country or international organization under chapter 8 of part I of such Act, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading, except that any funds made available notwithstanding such section shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading shall be made available to support training and technical assistance for foreign law enforcement, corrections, judges, and other judicial authorities, utilizing regional partners: *Provided further*, That funds made available under this heading that are transferred to another department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of \$5,000,000, and any agreement made pursuant to section 632(a) of such Act, shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

Notification.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, \$895,750,000, to remain available until September 30, 2021, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act (22 U.S.C. 5854), section 23 of the Arms Export Control Act (22 U.S.C. 2763), or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through non-governmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory

Commission, and for a voluntary contribution to the International Atomic Energy Agency (IAEA): *Provided*, That funds made available under this heading for the Nonproliferation and Disarmament Fund shall be made available, notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, to promote bilateral and multilateral activities relating to nonproliferation, disarmament, and weapons destruction, and shall remain available until expended: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: *Provided further*, That funds made available for conventional weapons destruction programs, including demining and related activities, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of such programs and activities, subject to the regular notification procedures of the Committees on Appropriations.

Consultation.
Notification.

Determination.
Israel.

Notification.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, \$457,348,000, of which \$325,213,000, to remain available until September 30, 2021, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That funds appropriated under this heading may be used, notwithstanding section 660 of the Foreign Assistance Act of 1961, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: *Provided further*, That of the funds appropriated under this heading, not less than \$31,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai and not less than \$71,000,000 shall be made available for the Global Peace Operations Initiative: *Provided further*, That funds appropriated under this heading may be made available to pay assessed expenses of international peacekeeping activities in Somalia under the same terms and conditions, as applicable, as funds appropriated by this Act under the heading “Contributions for International Peacekeeping Activities”: *Provided further*, That none of the funds appropriated under this heading shall be obligated except as provided through the regular notification procedures of the Committees on Appropriations.

Notification.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$112,925,000, of which up to \$11,000,000 may remain available until September 30, 2021 and may not be obligated until the Secretary of State submits to the Committees on Appropriations, following consultation with

Consultation.
Plan.

such Committees, a monitoring and evaluation plan for funds made available under this heading, as described under this heading in Senate Report 116–126: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That of the funds appropriated under this heading, not to exceed \$50,000 may be available for entertainment expenses.

FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act (22 U.S.C. 2763), \$6,156,924,000, of which \$511,909,000, to remain available until September 30, 2021, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: *Provided further*, That of the funds appropriated under this heading, not less than \$3,300,000,000 shall be available for grants only for Israel which shall be disbursed within 30 days of enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than \$805,300,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That funds appropriated or otherwise made available under this heading shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of section 1501(a) of title 31, United States Code.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurement has first signed an agreement with the United States Government specifying the conditions under which such procurement may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the “Foreign Military Sales Financing

Consultation.
Notification.
Contracts.

Grants.
Israel.
Disbursement.
Deadline.
Israel.

Contracts.

Notification.

Program” in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than \$70,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds made available under this heading for general costs of administering military assistance and sales, not to exceed \$4,000 may be available for entertainment expenses and not to exceed \$130,000 may be available for representation expenses: *Provided further*, That not more than \$1,082,200,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)(A)) may be obligated for expenses incurred by the Department of Defense during fiscal year 2020 pursuant to section 43(b) of the Arms Export Control Act (22 U.S.C. 2792(b)), except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

Notification.

Notification.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, \$390,500,000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund: *Provided further*, That not later than 60 days after enactment of this Act, such funds shall be made available for core contributions for each entity listed in the table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) unless otherwise provided for in this Act, or if the Secretary of State has justified the proposed uses of funds other than for core contributions following prior consultation with, and subject to the regular notification procedures of, the Committees on Appropriations.

Deadline.
Consultation.
Notification.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility by the Secretary of the Treasury, \$139,575,000, to remain available until, and to be fully disbursed not later than, September 30, 2021: *Provided*, That of such amount, \$136,563,000, which shall

Deadline.

Deadline.

remain available until September 30, 2020, is only available for the second installment of the seventh replenishment of the Global Environment Facility, and shall be obligated and disbursed not later than 90 days after enactment of this Act: *Provided further*, That the Secretary shall report to the Committees on Appropriations on the status of funds provided under this heading not less than quarterly until fully disbursed: *Provided further*, That in such report the Secretary shall provide a timeline for the obligation and disbursement of any funds that have not yet been obligated or disbursed.

Reports.
Time period.
Timeline.

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury for the United States share of the paid-in portion of the increases in capital stock, \$206,500,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed \$1,421,275,728.70.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$1,097,010,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For payment to the Asian Development Bank's Asian Development Fund by the Secretary of the Treasury, \$47,395,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, \$171,300,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, \$30,000,000, to remain available until, and to be fully disbursed no later than, September 30, 2021, for the second installment of the eleventh replenishment of the International Fund for Agricultural Development: *Provided*, That the Secretary of the Treasury shall report to the Committees on Appropriations on the status of such payment not less than quarterly until fully disbursed: *Provided further*, That in such report the Secretary shall provide a timeline for the obligation and disbursement of any funds that have not yet been obligated or disbursed.

Deadline.

Reports.
Time period.

Timeline.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$5,700,000, of which up to \$855,000 may remain available until September 30, 2021.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of enactment of this Act.

Contracts.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed \$30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed \$110,000,000, of which up to \$16,500,000 may remain available until September 30, 2021: *Provided*, That the Export-Import Bank (the Bank) may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That the Bank shall charge fees for necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Bank, repossession or sale of pledged collateral or other assets acquired by the Bank in satisfaction of moneys owed the Bank, or the investigation or appraisal of any property, or the evaluation of the legal, financial, or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, or systems infrastructure directly supporting transactions: *Provided further*, That in addition to other funds appropriated for administrative expenses, such fees shall be credited to this account for such purposes, to remain available until expended.

Fees.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945 (Public Law 79–173) and the Federal Credit Reform Act of 1990, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at \$0.

UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$2,000,000, to remain available until September 30, 2021.

CORPORATE CAPITAL ACCOUNT

The United States International Development Finance Corporation (the Corporation) is authorized to make such expenditures and commitments within the limits of funds and borrowing authority available to the Corporation, and in accordance with the law, and to make such expenditures and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs for the current fiscal year for the Corporation: *Provided*, That for necessary expenses of the activities described in subsections (b), (c), (e), (f), and (g) of section 1421 of the BUILD Act of 2018 (division F of Public Law 115–254) and for administrative expenses to carry out authorized activities and project-specific transaction costs described in section 1434(d) of such Act, \$299,000,000: *Provided further*, That of the amount provided—

(1) \$119,000,000 shall remain available until September 30, 2022, for administrative expenses to carry out authorized activities (including an amount for official reception and representation expenses which shall not exceed \$25,000) and project-specific transaction costs as described in section 1434(k) of such Act, of which \$1,000,000 shall remain available until September 30, 2024;

(2) \$150,000,000 shall remain available until September 30, 2022, for the activities described in section 1421(c) of such Act, except such amounts obligated in a fiscal year shall remain available for disbursement for the term of the underlying project: *Provided further*, That if the term of the project extends longer than 10 fiscal years, the Chief Executive Officer of the Corporation shall inform the appropriate congressional committees prior to the obligation or disbursement of funds, as applicable: *Provided further*, That amounts may only be obligated after the Chief Executive Officer of the Corporation submits to the appropriate congressional committees the guidelines and criteria required by paragraph (3) of such section; and

Time period.
Notification.

Guidelines.
Criteria.

(3) \$30,000,000 shall be paid to the “United States International Development Finance Corporation—Program Account” for programs authorized by subsections (b), (e), (f), and (g) of section 1421 of the BUILD Act of 2018 (division F of Public Law 115–254):

Provided further, That funds may only be obligated pursuant to section 1421(g) of the BUILD Act of 2018 subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations: *Provided further*, That in this fiscal year, and each fiscal year thereafter, the Corporation shall collect the amounts described in section 1434(h) of the BUILD Act of 2018: *Provided further*, That in fiscal year 2020 such collections shall be credited as offsetting collections to this appropriation: *Provided further*, That such collections collected in fiscal year 2020 in excess of \$299,000,000 shall be credited to this account and shall be available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further*, That in fiscal year 2020, if such collections are less than \$299,000,000, receipts collected pursuant to the BUILD Act of 2018 and the Federal Credit Reform Act of 1990, in an amount equal to such shortfall, shall be credited as offsetting collections to this appropriation: *Provided further*, That funds appropriated or otherwise made available under this heading may not be used to provide any type of assistance that is otherwise prohibited by any other provision of law or to provide assistance to any foreign country that is otherwise prohibited by any other provision of law: *Provided further*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by the offsetting collections described under this heading so as to result in a final fiscal year appropriation from the General Fund estimated at \$0.

Consultation.
Notification.

Collections.
22 USC 9634
note.

Reduction.

PROGRAM ACCOUNT

Amounts paid from “United States International Development Finance Corporation—Corporate Capital Account” (CCA) shall remain available until September 30, 2022: *Provided*, That up to \$80,000,000 of amounts paid to this account from CCA or transferred to this account pursuant to section 1434(j) of the BUILD Act of 2018 (division F of Public Law 115–254) shall be available for the costs of direct and guaranteed loans provided by the Corporation pursuant to section 1421(b) of such Act: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such amounts obligated in a fiscal year shall remain available for disbursement for the following 8 fiscal years: *Provided further*, That funds transferred to carry out the Foreign Assistance Act of 1961 pursuant to section 1434(j) of the BUILD Act of 2018 may remain available for obligation for 1 additional fiscal year: *Provided further*, That the total loan principal or guaranteed principal amount shall not exceed \$8,000,000,000.

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$79,500,000, to remain available until September 30, 2021, of which no more than \$19,000,000 may be used for administrative expenses: *Provided*,

That of the funds appropriated under this heading, not more than \$5,000 may be available for representation and entertainment expenses.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by section 3109 of such title and for hire of passenger transportation pursuant to section 1343(b) of title 31, United States Code.

UNOBLIGATED BALANCES REPORT

Time period.
Records.

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all funds received by such department or agency in fiscal year 2020 or any previous fiscal year, disaggregated by fiscal year: *Provided*, That the report required by this section shall be submitted not later than 30 days after the end of each fiscal quarter and should specify by account the amount of funds obligated pursuant to bilateral agreements which have not been further sub-obligated.

CONSULTING SERVICES

Contracts.

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

DIPLOMATIC FACILITIES

Consultation.
Determination.

SEC. 7004. (a) CAPITAL SECURITY COST SHARING EXCEPTION.—Notwithstanding paragraph (2) of section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act), as amended by section 111 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323), a project to construct a facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

(b) NEW DIPLOMATIC FACILITIES.—For the purposes of calculating the fiscal year 2020 costs of providing new United States diplomatic facilities in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director

of the Office of Management and Budget, shall determine the annual program level and agency shares in a manner that is proportional to the contribution of the Department of State for this purpose.

(c) CONSULTATION AND NOTIFICATION.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, which may be made available for the acquisition of property or award of construction contracts for overseas United States diplomatic facilities during fiscal year 2020, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That notifications pursuant to this subsection shall include the information enumerated under the heading “Embassy Security, Construction, and Maintenance” in House Report 116–78.

(d) INTERIM AND TEMPORARY FACILITIES ABROAD.—

(1) SECURITY VULNERABILITIES.—Funds appropriated by this Act under the heading “Embassy Security, Construction, and Maintenance” may be made available, following consultation with the appropriate congressional committees, to address security vulnerabilities at interim and temporary United States diplomatic facilities abroad, including physical security upgrades and local guard staffing, except that the amount of funds made available for such purposes from this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be a minimum of \$25,000,000.

Consultation.

(2) CONSULTATION.—Notwithstanding any other provision of law, the opening, closure, or any significant modification to an interim or temporary United States diplomatic facility shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations, except that such consultation and notification may be waived if there is a security risk to personnel.

Notification.
Waiver authority.

(e) SOFT TARGETS.—Of the funds appropriated by this Act under the heading “Embassy Security, Construction, and Maintenance”, not less than \$10,000,000 shall be made available for security upgrades to soft targets, including schools, recreational facilities, and residences used by United States diplomatic personnel and their dependents.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7006. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within

the United States not authorized before enactment of this Act by Congress: *Provided*, That up to \$25,000 may be made available to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 22 U.S.C. 2151a note).

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

Country listing.

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance, and guarantees of the Export-Import Bank or its agents.

COUPS D'ÉTAT

Certification.
Reports.

Notification.

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'état or decree or, after the date of enactment of this Act, a coup d'état or decree in which the military plays a decisive role: *Provided*, That assistance may be resumed to such government if the Secretary of State certifies and reports to the appropriate congressional committees that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisions shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER OF FUNDS AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND UNITED STATES AGENCY FOR GLOBAL MEDIA.—

(1) DEPARTMENT OF STATE.—

(A) IN GENERAL.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers, and no such transfer may be made to increase the appropriation under the heading “Representation Expenses”.

Determination.
Reports.
Consultation.
Notification.

(B) EMBASSY SECURITY.—Funds appropriated under the headings “Diplomatic Programs”, including for Worldwide Security Protection, “Embassy Security, Construction, and Maintenance”, and “Emergencies in the Diplomatic and Consular Service” in this Act may be transferred to, and merged with, funds appropriated under such headings if the Secretary of

State determines and reports to the Committees on Appropriations that to do so is necessary to implement the recommendations of the Benghazi Accountability Review Board, for emergency evacuations, or to prevent or respond to security situations and requirements, following consultation with, and subject to the regular notification procedures of, such Committees: *Provided*, That such transfer authority is in addition to any transfer authority otherwise available in this Act and under any other provision of law.

(2) UNITED STATES AGENCY FOR GLOBAL MEDIA.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Agency for Global Media under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(3) TREATMENT AS REPROGRAMMING.—Any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) LIMITATION ON TRANSFERS OF FUNDS BETWEEN AGENCIES.—

(1) IN GENERAL.—None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

(2) ALLOCATION AND TRANSFERS.—Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961, and section 1434(j) of the BUILD Act of 2018 (division F of Public Law 115–254).

(3) NOTIFICATION.—Any agreement entered into by the United States Agency for International Development or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of \$1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Global Health Programs”, “Development Assistance”, “Economic Support Fund”, and “Assistance for Europe, Eurasia and Central Asia” shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(c) UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION.—

(1) LIMITATION.—Amounts transferred pursuant to section 1434(j) of the BUILD Act of 2018 (division F of Public Law

Consultation.
Notification.

115–254) may only be transferred from funds made available under title III of this Act, and such amounts shall not exceed \$50,000,000: *Provided*, That any such transfers shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That the Secretary of State, the Administrator of the United States Agency for International Development, and the Chief Executive Officer of the United States International Development Finance Corporation (the Corporation), as appropriate, shall ensure that the programs funded by such transfers are coordinated with, and complement, foreign assistance programs implemented by the Department of State and USAID: *Provided further*, That no funds transferred pursuant to such authority may be used by the Corporation to post personnel abroad or for activities described in section 1421(c) of such Act.

(2) DEVELOPMENT CREDIT AUTHORITY ACCOUNT.—Funds transferred from the Development Credit Authority program account of the United States Agency for International Development to the Corporate Capital Account of the United States International Development Finance Corporation pursuant to section 1434(i) of the BUILD Act of 2018 (division F of Public Law 115–254) shall be transferred to, and merged with, such account, and may thereafter be deemed to meet any minimum funding requirements attributed for at the time of deposit into the Development Credit Authority program account.

President.
Deadline.
Consultation.
Policy
justification.

(d) TRANSFER OF FUNDS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriations account to which such funds were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS OF FUNDS.—Any agreement for the transfer or allocation of funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs entered into between the Department of State or USAID and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961, or any comparable provision of law, shall expressly provide that the Inspector General (IG) for the agency receiving the transfer or allocation of such funds, or other entity with audit responsibility if the receiving agency does not have an IG, shall perform periodic program and financial audits of the use of such funds and report to the Department of State or USAID, as appropriate, upon completion of such audits: *Provided*, That such audits shall be transmitted to the Committees on Appropriations by the Department of State or USAID, as appropriate: *Provided further*, That funds transferred under such authority may be made available for the cost of such audits.

(f) TRANSFER OF OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM FUNDS.—Funds appropriated by this Act under the headings “Peacekeeping Operations” and “Foreign Military Financing Program” that are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency

Deficit Control Act of 1985 may be transferred to, and merged with, such funds appropriated under such headings: *Provided*, That such transfer authority may only be exercised to address contingencies: *Provided further*, That such transfer authority is in addition to any transfer authority otherwise available under any other provision of law, including section 610 of the Foreign Assistance Act of 1961: *Provided further*, That such transfer authority shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Consultation.
Notification.

PROHIBITION AND LIMITATION ON CERTAIN EXPENSES

SEC. 7010. (a) FIRST-CLASS TRAVEL.—None of the funds made available by this Act may be used for first-class travel by employees of United States Government departments and agencies funded by this Act in contravention of section 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

(b) COMPUTER NETWORKS.—None of the funds made available by this Act for the operating expenses of any United States Government department or agency may be used to establish or maintain a computer network for use by such department or agency unless such network has filters designed to block access to sexually explicit websites: *Provided*, That nothing in this subsection shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency, or any other entity carrying out the following activities: criminal investigations, prosecutions, and adjudications; administrative discipline; and the monitoring of such websites undertaken as part of official business.

(c) PROHIBITION ON PROMOTION OF TOBACCO.—None of the funds made available by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

(d) EMAIL SERVERS OUTSIDE THE .GOV DOMAIN.—None of the funds appropriated by this Act under the headings “Diplomatic Programs” and “Capital Investment Fund” in title I, and “Operating Expenses” and “Capital Investment Fund” in title II that are made available to the Department of State and the United States Agency for International Development may be made available to support the use or establishment of email accounts or email servers created outside the .gov domain or not fitted for automated records management as part of a Federal government records management program in contravention of the Presidential and Federal Records Act Amendments of 2014 (Public Law 113–187).

(e) REPRESENTATION AND ENTERTAINMENT EXPENSES.—Each Federal department, agency, or entity funded in titles I or II of this Act, and the Department of the Treasury and independent agencies funded in titles III or VI of this Act, shall take steps to ensure that domestic and overseas representation and entertainment expenses further official agency business and United States foreign policy interests, and—

- (1) are primarily for fostering relations outside of the Executive Branch;
- (2) are principally for meals and events of a protocol nature;
- (3) are not for employee-only events; and

(4) do not include activities that are substantially of a recreational character.

(f) LIMITATIONS ON ENTERTAINMENT EXPENSES.—None of the funds appropriated or otherwise made available by this Act under the headings “International Military Education and Training” or “Foreign Military Financing Program” for Informational Program activities or under the headings “Global Health Programs”, “Development Assistance”, “Economic Support Fund”, and “Assistance for Europe, Eurasia and Central Asia” may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events, theatrical and musical productions, and amusement parks.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided by this Act: *Provided*, That funds appropriated for the purposes of chapters 1 and 8 of part I, section 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act (22 U.S.C. 2763), and funds made available for “United States International Development Finance Corporation” and under the heading “Assistance for Europe, Eurasia and Central Asia” shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially allocated or obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That the Secretary of State shall provide a report to the Committees on Appropriations not later than October 31, 2020, detailing by account and source year, the use of this authority during the previous fiscal year.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultation with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State and the Administrator of the United States Agency for International Development shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) NOTIFICATION AND REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2020 on funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs by a foreign government or entity against United States assistance programs, either directly or through grantees, contractors, and subcontractors, shall be withheld from obligation from funds appropriated for assistance for fiscal year 2021 and for prior fiscal years and allocated for the central government of such country or for the West Bank and Gaza program, as applicable, if, not later than September 30, 2021, such taxes have not been reimbursed: *Provided*, That the Secretary of State shall report to the Committees on Appropriations by such date on the foreign governments and entities that have not reimbursed such taxes, including any amount of funds withheld pursuant to this subsection.

Deadline.

Reports.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each foreign government or entity pursuant to subsection (b) shall be reprogrammed for assistance for countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes, and that can reasonably accommodate such assistance in a programmatically responsible manner.

(e) DETERMINATIONS.—

(1) IN GENERAL.—The provisions of this section shall not apply to any foreign government or entity that assesses such taxes if the Secretary of State reports to the Committees on Appropriations that—

Reports.

(A) such foreign government or entity has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) CONSULTATION.—The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any foreign government or entity.

Deadline.

(f) IMPLEMENTATION.—The Secretary of State shall issue and update rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

Regulations.
Guidance.

(g) DEFINITIONS.—As used in this section:

(1) BILATERAL AGREEMENT.—The term “bilateral agreement” refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

(2) TAXES AND TAXATION.—The term “taxes and taxation” shall include value added taxes and customs duties but shall not include individual income taxes assessed to local staff.

Consultation.

(h) REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the heads of other relevant agencies of the United States Government, shall submit a report to the Committees on Appropriations on the requirements contained under this section in House Report 116–78.

RESERVATIONS OF FUNDS

SEC. 7014. (a) REPROGRAMMING.—Funds appropriated under titles III through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

Notification.

Determination.
Reports.

(b) EXTENSION OF AVAILABILITY.—In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Department of State or the United States Agency for International Development that are specifically designated for particular programs or activities by this or any other Act may be extended for an additional fiscal year if the Secretary of State or the USAID Administrator, as appropriate, determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) OTHER ACTS.—Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

NOTIFICATION REQUIREMENTS

Deadlines.

SEC. 7015. (a) NOTIFICATION OF CHANGES IN PROGRAMS, PROJECTS, AND ACTIVITIES.—None of the funds made available in

titles I and II of this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs to the departments and agencies funded by this Act that remain available for obligation in fiscal year 2020, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the departments and agencies funded by this Act, shall be available for obligation to—

- (1) create new programs;
- (2) suspend or eliminate a program, project, or activity;
- (3) close, suspend, open, or reopen a mission or post;
- (4) create, close, reorganize, downsize, or rename bureaus, centers, or offices; or
- (5) contract out or privatize any functions or activities presently performed by Federal employees;

unless previously justified to the Committees on Appropriations or such Committees are notified 15 days in advance of such obligation.

(b) NOTIFICATION OF REPROGRAMMING OF FUNDS.—None of the funds provided under titles I and II of this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, to the departments and agencies funded under titles I and II of this Act that remain available for obligation in fiscal year 2020, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the department and agency funded under title I of this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less, that—

- (1) augments or changes existing programs, projects, or activities;
- (2) relocates an existing office or employees;
- (3) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or
- (4) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects, or activities as approved by Congress;

unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) NOTIFICATION REQUIREMENT.—None of the funds made available by this Act under the headings “Global Health Programs”, “Development Assistance”, “International Organizations and Programs”, “Trade and Development Agency”, “International Narcotics Control and Law Enforcement”, “Economic Support Fund”, “Democracy Fund”, “Assistance for Europe, Eurasia and Central Asia”, “Peacekeeping Operations”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, “Millennium Challenge Corporation”, “Foreign Military Financing Program”, “International Military Education and Training”, “United States International Development Finance Corporation”, and “Peace Corps”, shall be available for obligation for programs, projects, activities, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are notified 15 days in advance of such obligation:

President.

Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That requirements of this subsection or any similar provision of this or any other Act shall not apply to any reprogramming for a program, project, or activity for which funds are appropriated under titles III through VI of this Act of less than 10 percent of the amount previously justified to Congress for obligation for such program, project, or activity for the current fiscal year: *Provided further*, That any notification submitted pursuant to subsection (f) of this section shall include information (if known on the date of transmittal of such notification) on the use of notwithstanding authority.

(d) DEPARTMENT OF DEFENSE PROGRAMS AND FUNDING NOTIFICATIONS.—

Consultation.

(1) PROGRAMS.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to support or continue any program initially funded under any authority of title 10, United States Code, or any Act making or authorizing appropriations for the Department of Defense, unless the Secretary of State, in consultation with the Secretary of Defense and in accordance with the regular notification procedures of the Committees on Appropriations, submits a justification to such Committees that includes a description of, and the estimated costs associated with, the support or continuation of such program.

Notification.

(2) FUNDING.—Notwithstanding any other provision of law, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries and international organizations shall be subject to the regular notification procedures of the Committees on Appropriations.

(3) NOTIFICATION ON EXCESS DEFENSE ARTICLES.—Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at \$7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

(e) **WAIVER.**—The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Notifications.

Deadline.

Notification.

(f) **COUNTRY NOTIFICATION REQUIREMENTS.**—None of the funds appropriated under titles III through VI of this Act may be obligated or expended for assistance for Afghanistan, Bahrain, Burma, Cambodia, Colombia, Cuba, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iran, Iraq, Lebanon, Libya, Mexico, Nicaragua, Pakistan, Philippines, the Russian Federation, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Uzbekistan, Venezuela, Yemen, and Zimbabwe except as provided through the regular notification procedures of the Committees on Appropriations.

(g) **TRUST FUNDS.**—Funds appropriated or otherwise made available in title III of this Act and prior Acts making funds available for the Department of State, foreign operations, and related programs that are made available for a trust fund held by an international financial institution shall be subject to the regular notification procedures of the Committees on Appropriations and such notification shall include the information specified under this section in House Report 116–78.

Notification.

(h) **OTHER PROGRAM NOTIFICATION REQUIREMENT.**—

(1) **DIPLOMATIC PROGRAMS.**—Funds appropriated under title I of this Act under the heading “Diplomatic Programs” that are made available for lateral entry into the Foreign Service shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Consultation.

(2) **OTHER PROGRAMS.**—Funds appropriated by this Act that are made available for the following programs and activities shall be subject to the regular notification procedures of the Committees on Appropriations:

(A) the Global Engagement Center, except that the Secretary of State shall consult with the appropriate congressional committees prior to submitting such notification;

Consultation.

(B) the Power Africa initiative, or any successor program;

(C) community-based police assistance conducted pursuant to the authority of section 7035(a)(1) of this Act;

(D) the Relief and Recovery Fund and the Global Fragility Fund, if enacted into law;

(E) the Indo-Pacific Strategy and the Countering Chinese Influence Fund;

(F) the Global Security Contingency Fund;

(G) the Countering Russian Influence Fund;

(H) programs to end modern slavery; and

(I) the Women’s Global Development and Prosperity Fund.

(i) **WITHHOLDING OF FUNDS.**—Funds appropriated by this Act under titles III and IV that are withheld from obligation or otherwise not programmed as a result of application of a provision of law in this or any other Act shall, if reprogrammed, be subject to the regular notification procedures of the Committees on Appropriations.

Consultation.

(j) **FOREIGN ASSISTANCE REVIEW OR REALIGNMENT.**—Programmatic, funding, and organizational changes resulting from implementation of any foreign assistance review or realignment shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That such notifications may be submitted in classified form, if necessary.

DOCUMENT REQUESTS, RECORDS MANAGEMENT, AND RELATED CYBERSECURITY PROTECTIONS

SEC. 7016. (a) DOCUMENT REQUESTS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Department of State and the United States Agency for International Development.

(b) RECORDS MANAGEMENT AND RELATED CYBERSECURITY PROTECTIONS.—The Secretary of State and USAID Administrator shall—

Review.
Updates.
Compliance.

(1) regularly review and update the policies, directives, and oversight necessary to comply with Federal statutes, regulations, and presidential executive orders and memoranda concerning the preservation of all records made or received in the conduct of official business, including record emails, instant messaging, and other online tools;

(2) use funds appropriated by this Act under the headings “Diplomatic Programs” and “Capital Investment Fund” in title I, and “Operating Expenses” and “Capital Investment Fund” in title II, as appropriate, to improve Federal records management pursuant to the Federal Records Act (44 U.S.C. Chapters 21, 29, 31, and 33) and other applicable Federal records management statutes, regulations, or policies for the Department of State and USAID;

(3) direct departing employees, including senior officials, that all Federal records generated by such employees belong to the Federal Government;

(4) improve the response time for identifying and retrieving Federal records, including requests made pursuant to section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”); and

Implementation.
Recommendations.

(5) strengthen cybersecurity measures to mitigate vulnerabilities, including those resulting from the use of personal email accounts or servers outside the .gov domain, improve the process to identify and remove inactive user accounts, update and enforce guidance related to the control of national security information, and implement the recommendations of the applicable reports of the cognizant Office of Inspector General.

USE OF FUNDS IN CONTRAVENTION OF THIS ACT

SEC. 7017. If the President makes a determination not to comply with any provision of this Act on constitutional grounds, the head of the relevant Federal agency shall notify the Committees on Appropriations in writing within 5 days of such determination, the basis for such determination and any resulting changes to program or policy.

President.
Determination.
Notification.
Deadline.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY
STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

President.
Certification.

ALLOCATIONS AND REPORTS

SEC. 7019. (a) ALLOCATION TABLES.—Subject to subsection (b), funds appropriated by this Act under titles III through V shall be made available at not less than the amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such designated amounts for foreign countries and international organizations shall serve as the amounts for such countries and international organizations transmitted to Congress in the report required by section 653(a) of the Foreign Assistance Act of 1961, and shall be made available for such foreign countries and international organizations notwithstanding the date of the transmission of such report.

(b) AUTHORIZED DEVIATIONS BELOW MINIMUM LEVELS.—Unless otherwise provided for by this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as applicable, may deviate by not more than 10 percent below the minimum amounts specifically designated in the respective tables in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That deviations pursuant to this subsection shall be subject to prior consultation with the Committees on Appropriations.

Consultation.

(c) LIMITATION.—For specifically designated amounts that are included, pursuant to subsection (a), in the report required by

section 653(a) of the Foreign Assistance Act of 1961, deviations authorized by subsection (b) may only take place after submission of such report.

(d) EXCEPTIONS.—

(1) Subsections (a) and (b) shall not apply to—

(A) amounts designated for “International Military Education and Training” in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(B) funds for which the initial period of availability has expired; and

(C) amounts designated by this Act as minimum funding requirements.

(2) The authority in subsection (b) to deviate below amounts designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) shall not apply to the table included under the heading “Global Health Programs” in such statement.

Applicability.

(3) With respect to the amounts designated for “Global Programs” in the table under the heading “Economic Support Fund” included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), subsection (b) shall be applied by substituting “5 percent” for “10 percent”.

(e) REPORTS.—The Secretary of State, USAID Administrator, and other designated officials, as appropriate, shall submit the reports required, in the manner described, in House Report 116–78, Senate Report 116–126, and the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), unless directed otherwise in such explanatory statement.

(f) CLARIFICATION.—Funds appropriated by this Act and the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6) under the headings “International Disaster Assistance” and “Migration and Refugee Assistance” shall not be included for purposes of meeting amounts designated for countries in this Act or the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or such prior Act or accompanying joint explanatory statement, unless such headings are specifically designated as the source of funds.

MULTI-YEAR PLEDGES

SEC. 7020. None of the funds appropriated by this Act may be used to make any pledge for future year funding for any multilateral or bilateral program funded in titles III through VI of this Act unless such pledge meets the requirements enumerated under this section in House Report 116–78.

PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EXPORTS.—

Determination.

(1) PROHIBITION.—None of the funds appropriated or otherwise made available under titles III through VI of this Act

may be made available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 1754(c) of the Export Reform Control Act of 2018 (50 U.S.C. 4813(c)): *Provided*, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: *Provided further*, That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

Termination
date.

Applicability.

(2) DETERMINATION.—Assistance restricted by paragraph (1) or any other similar provision of law, may be furnished if the President determines that to do so is important to the national interest of the United States.

President.

(3) REPORT.—Whenever the President makes a determination pursuant to paragraph (2), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interest.

Reports.

(b) BILATERAL ASSISTANCE.—

(1) LIMITATIONS.—Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such title in prior Acts making appropriations for the Department of State, foreign operations, and related programs, shall not be made available to any foreign government which the President determines—

Determination.

(A) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism;

(B) otherwise supports international terrorism; or

(C) is controlled by an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) WAIVER.—The President may waive the application of paragraph (1) to a government if the President determines that national security or humanitarian reasons justify such waiver: *Provided*, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

President.
Determination.

Federal Register,
publication.
Deadline.
Notification.

AUTHORIZATION REQUIREMENTS

SEC. 7022. Funds appropriated by this Act, except funds appropriated under the heading “Trade and Development Agency”, may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7023. For the purpose of titles II through VI of this Act “program, project, and activity” shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the “Economic Support Fund”, “Assistance for Europe, Eurasia and Central Asia”, and “Foreign Military Financing Program” accounts, “program, project, and activity” shall also be considered to include country, regional, and central program level funding within each such account, and for the development assistance accounts of the United States Agency for International Development, “program, project, and activity” shall also be considered to include central, country, regional, and program level funding, either as—

- (1) justified to Congress; or
- (2) allocated by the Executive Branch in accordance with the report required by section 653(a) of the Foreign Assistance Act of 1961 or as modified pursuant to section 7019 of this Act.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION,
AND UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

Consultation.
Reports.

SEC. 7024. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act: *Provided*, That prior to conducting activities in a country for which assistance is prohibited, the agency shall consult with the Committees on Appropriations and report to such Committees within 15 days of taking such action.

COMMERCE, TRADE AND SURPLUS COMMODITIES

Notification.

SEC. 7025. (a) WORLD MARKETS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the United States International Development Finance Corporation shall be obligated or expended to finance any loan, any assistance, or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations: *Provided further*, That this subsection shall not prohibit—

- (1) activities in a country that is eligible for assistance from the International Development Association, is not eligible

for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(2) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

President.
Determination.

(b) EXPORTS.—None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States;

(2) research activities intended primarily to benefit United States producers;

(3) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(4) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

President.
Determination.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose any assistance by such institutions, using funds appropriated or made available by this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

22 USC 262h
note.

SEPARATE ACCOUNTS

SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

22 USC 2362
note.

(1) AGREEMENTS.—If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

Requirement.

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

Requirement.

(1) IN GENERAL.—If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

Deadline.
President.

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by such assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

Notification.

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of paragraph (1) only through

the regular notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 and from funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”: *Provided*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations pursuant to the regular notification procedures, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

President.
Notification.

Abortion.
Sterilization.

(b) PUBLIC LAW 480.—During fiscal year 2020, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Food for Peace Act (Public Law 83–480; 7 U.S.C. 1721 et seq.): *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

Notification.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

LOCAL COMPETITION

SEC. 7028. (a) REQUIREMENTS FOR EXCEPTIONS TO COMPETITION FOR LOCAL ENTITIES.—Funds appropriated by this Act that are made available to the United States Agency for International Development may only be made available for limited competitions through local entities if—

(1) prior to the determination to limit competition to local entities, USAID has—

(A) assessed the level of local capacity to effectively implement, manage, and account for programs included in such competition; and

(B) documented the written results of the assessment and decisions made; and

(2) prior to making an award after limiting competition to local entities—

Assessment.

(A) each successful local entity has been determined to be responsible in accordance with USAID guidelines; and

(B) effective monitoring and evaluation systems are in place to ensure that award funding is used for its intended purposes; and

(3) no level of acceptable fraud is assumed.

(b) EXTENSION OF PROCUREMENT AUTHORITY.—Section 7077 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall continue in effect during fiscal year 2020.

INTERNATIONAL FINANCIAL INSTITUTIONS

Public
information.

SEC. 7029. (a) EVALUATIONS AND REPORT.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice of the United States to encourage such institution to adopt and implement a publicly available policy, including the strategic use of peer reviews and external experts, to conduct independent, in-depth evaluations of the effectiveness of at least 25 percent of all loans, grants, programs, and significant analytical non-lending activities in advancing the institution’s goals of reducing poverty and promoting equitable economic growth, consistent with relevant safeguards, to ensure that decisions to support such loans, grants, programs, and activities are based on accurate data and objective analysis: *Provided*, That not later than 45 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on steps taken in fiscal year 2019 by the United States executive directors and the international financial institutions consistent with this subsection compared to the previous fiscal year.

(b) SAFEGUARDS.—

(1) STANDARD.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development and the International Development Association to use the voice and vote of the United States to oppose any loan, grant, policy, or strategy if such institution has adopted and is implementing any social or environmental safeguard relevant to such loan, grant, policy, or strategy that provides less protection than World Bank safeguards in effect on September 30, 2015.

(2) ACCOUNTABILITY, STANDARDS, AND BEST PRACTICES.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose loans or other financing for projects unless such projects—

(A) provide for accountability and transparency, including the collection, verification, and publication of beneficial ownership information related to extractive industries and on-site monitoring during the life of the project;

(B) will be developed and carried out in accordance with best practices regarding environmental conservation, cultural protection, and empowerment of local populations, including free, prior and informed consent of affected indigenous communities;

(C) do not provide incentives for, or facilitate, forced displacement; and

(D) do not partner with or otherwise involve enterprises owned or controlled by the armed forces.

(c) COMPENSATION.—None of the funds appropriated under title V of this Act may be made as payment to any international financial institution while the United States executive director to such institution is compensated by the institution at a rate which, together with whatever compensation such executive director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States executive director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) HUMAN RIGHTS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to promote human rights due diligence and risk management, as appropriate, in connection with any loan, grant, policy, or strategy of such institution in accordance with the requirements specified under this subsection in Senate Report 116–126: *Provided*, That prior to voting on any such loan, grant, policy, or strategy the executive director shall consult with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, if the executive director has reason to believe that such loan, grant, policy, or strategy could result in forced displacement or other violation of human rights.

Consultation.

(e) FRAUD AND CORRUPTION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice of the United States to include in loan, grant, and other financing agreements improvements in borrowing countries' financial management and judicial capacity to investigate, prosecute, and punish fraud and corruption.

(f) BENEFICIAL OWNERSHIP INFORMATION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice of the United States to encourage such institution to collect, verify, and publish, to the maximum extent practicable, beneficial ownership information (excluding proprietary information) for any corporation or limited liability company, other than a publicly listed company, that receives funds from any such financial institution: *Provided*, That not later than 45 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on steps taken in fiscal year 2019 by the United States executive directors and the international financial institutions consistent with this subsection compared to the previous fiscal year.

Reports.

(g) WHISTLEBLOWER PROTECTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice of the United States to encourage each such institution to effectively implement and enforce policies and procedures which meet or exceed best practices in the United States for the protection of whistleblowers from retaliation, including—

- (1) protection against retaliation for internal and lawful public disclosure;
- (2) legal burdens of proof;
- (3) statutes of limitation for reporting retaliation;
- (4) access to binding independent adjudicative bodies, including shared cost and selection external arbitration; and
- (5) results that eliminate the effects of proven retaliation, including provision for the restoration of prior employment.

INSECURE COMMUNICATIONS NETWORKS

SEC. 7030. Funds appropriated by this Act shall be made available for programs to—

- (1) advance the adoption of secure, next-generation communications networks and services, including 5G, and cybersecurity policies, in countries receiving assistance under this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs;
- China. (2) counter the establishment of insecure communications networks and services, including 5G, promoted by the People's Republic of China and other state-backed enterprises that are subject to undue or extrajudicial control by their country of origin; and
- (3) provide policy and technical training to information communication technology professionals in countries receiving assistance under this Act, as appropriate.

FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY

SEC. 7031. (a) LIMITATION ON DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

- (1) REQUIREMENTS.—Funds appropriated by this Act may be made available for direct government-to-government assistance only if the requirements included in section 7031(a)(1)(A) through (E) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6) are fully met.
- Applicability. (2) CONSULTATION AND NOTIFICATION.—In addition to the requirements in paragraph (1), funds may only be made available for direct government-to-government assistance subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That such notification shall contain an explanation of how the proposed activity meets the requirements of paragraph (1): *Provided further*, That the requirements of this paragraph shall only apply to direct government-to-government assistance in excess of \$10,000,000 and all funds available for cash transfer, budget support, and cash payments to individuals.
- Reports. (3) SUSPENSION OF ASSISTANCE.—The Administrator of the United States Agency for International Development or the Secretary of State, as appropriate, shall suspend any direct government-to-government assistance if the Administrator or the Secretary has credible information of material misuse of such assistance, unless the Administrator or the Secretary reports to the Committees on Appropriations that it is in the national interest of the United States to continue such assistance, including a justification, or that such misuse has been appropriately addressed.

(4) SUBMISSION OF INFORMATION.—The Secretary of State shall submit to the Committees on Appropriations, concurrent with the fiscal year 2021 congressional budget justification materials, amounts planned for assistance described in paragraph (1) by country, proposed funding amount, source of funds, and type of assistance.

(5) DEBT SERVICE PAYMENT PROHIBITION.—None of the funds made available by this Act may be used by the government of any foreign country for debt service payments owed by any country to any international financial institution.

(b) NATIONAL BUDGET AND CONTRACT TRANSPARENCY.—

(1) MINIMUM REQUIREMENTS OF FISCAL TRANSPARENCY.—The Secretary of State shall continue to update and strengthen the “minimum requirements of fiscal transparency” for each government receiving assistance appropriated by this Act, as identified in the report required by section 7031(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

Updates.

(2) DETERMINATION AND REPORT.—For each government identified pursuant to paragraph (1), the Secretary of State, not later than 180 days after enactment of this Act, shall make or update any determination of “significant progress” or “no significant progress” in meeting the minimum requirements of fiscal transparency, and make such determinations publicly available in an annual “Fiscal Transparency Report” to be posted on the Department of State website: *Provided*, That such report shall include the elements included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Public
information.
Web posting.

(3) ASSISTANCE.—Not less than \$5,000,000 of the funds appropriated by this Act under the heading “Economic Support Fund” shall be made available for programs and activities to assist governments identified pursuant to paragraph (1) to improve budget transparency and to support civil society organizations in such countries that promote budget transparency: *Provided*, That such sums shall be in addition to funds otherwise available for such purposes: *Provided further*, That a description of the uses of such funds shall be included in the annual “Fiscal Transparency Report” required by paragraph (2).

(c) ANTI-KLEPTOCRACY AND HUMAN RIGHTS.—

8 USC 1182 note.

(1) INELIGIBILITY.—(A) Officials of foreign governments and their immediate family members about whom the Secretary of State has credible information have been involved, directly or indirectly, in significant corruption, including corruption related to the extraction of natural resources, or a gross violation of human rights shall be ineligible for entry into the United States.

(B) The Secretary shall also publicly or privately designate or identify the officials of foreign governments and their immediate family members about whom the Secretary has such credible information without regard to whether the individual has applied for a visa.

(2) EXCEPTION.—Individuals shall not be ineligible for entry into the United States pursuant to paragraph (1) if such entry

would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the United Nations Headquarters Agreement: *Provided*, That nothing in paragraph (1) shall be construed to derogate from United States Government obligations under applicable international agreements.

Determination.

(3) **WAIVER.**—The Secretary may waive the application of paragraph (1) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances which caused the individual to be ineligible have changed sufficiently.

Classified
information.
Corruption.
Human rights.
Time period.
Lists.

(4) **REPORT.**—Not later than 30 days after enactment of this Act, and every 90 days thereafter, the Secretary of State shall submit a report, including a classified annex if necessary, to the appropriate congressional committees and the Committees on the Judiciary describing the information related to corruption or violation of human rights concerning each of the individuals found ineligible in the previous 12 months pursuant to paragraph (1)(A) as well as the individuals who the Secretary designated or identified pursuant to paragraph (1)(B), or who would be ineligible but for the application of paragraph (2), a list of any waivers provided under paragraph (3), and the justification for each waiver.

(5) **POSTING OF REPORT.**—Any unclassified portion of the report required under paragraph (4) shall be posted on the Department of State website.

(6) **CLARIFICATION.**—For purposes of paragraphs (1), (4), and (5), the records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall not be considered confidential.

(d) **EXTRACTION OF NATURAL RESOURCES.**—

(1) **ASSISTANCE.**—Funds appropriated by this Act shall be made available to promote and support transparency and accountability of expenditures and revenues related to the extraction of natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative, implementing and enforcing section 8204 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2052) and the amendments made by such section, and to prevent the sale of conflict diamonds, and provide technical assistance to promote independent audit mechanisms and support civil society participation in natural resource management.

(2) **PUBLIC DISCLOSURE AND INDEPENDENT AUDITS.**—(A) The Secretary of the Treasury shall instruct the executive director of each international financial institution that it is the policy of the United States to use the voice and vote of the United States to oppose any assistance by such institutions (including any loan, credit, grant, or guarantee) to any country for the extraction and export of a natural resource if the government of such country has in place laws, regulations, or procedures to prevent or limit the public disclosure of company payments as required by United States law, and unless such government has adopted laws, regulations, or procedures in the sector in which assistance is being considered to meet the standards included under this section in the explanatory statement

described in section 4 (in the matter preceding division A of this consolidated Act).

(B) The requirements of subparagraph (A) shall not apply to assistance for the purpose of building the capacity of such government to meet the requirements of this subparagraph.

(e) FOREIGN ASSISTANCE WEBSITE.—Funds appropriated by this Act under titles I and II, and funds made available for any independent agency in title III, as appropriate, shall be made available to support the provision of additional information on United States Government foreign assistance on the Department of State foreign assistance website: *Provided*, That all Federal agencies funded under this Act shall provide such information on foreign assistance, upon request and in a timely manner, to the Department of State: *Provided further*, That not later than 60 days after enactment of this Act, the Secretary of State and USAID Administrator shall report to the Committees on Appropriations on the process and timeline required to consolidate data from USAID’s “Foreign Aid Explorer” and “ForeignAssistance.gov”, in accordance with the requirements specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Reports.

DEMOCRACY PROGRAMS

SEC. 7032. (a) FUNDING.—

(1) IN GENERAL.—Of the funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, “Democracy Fund”, “Assistance for Europe, Eurasia and Central Asia”, and “International Narcotics Control and Law Enforcement”, not less than \$2,400,000,000 shall be made available for democracy programs.

(2) PROGRAMS.—Of the funds made available for democracy programs under the headings “Economic Support Fund” and “Assistance for Europe, Eurasia and Central Asia” pursuant to paragraph (1), not less than \$102,040,000 shall be made available to the Bureau of Democracy, Human Rights, and Labor, Department of State, at not less than the amounts specified for certain countries and regional programs designated in the table under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(b) AUTHORITIES.—

(1) AVAILABILITY.—Funds made available by this Act for democracy programs pursuant to subsection (a) and under the heading “National Endowment for Democracy” may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy (NED), any regulation.

(2) BENEFICIARIES.—Funds made available by this Act for the NED are made available pursuant to the authority of the National Endowment for Democracy Act (title V of Public Law 98–164), including all decisions regarding the selection of beneficiaries.

(c) DEFINITION OF DEMOCRACY PROGRAMS.—For purposes of funds appropriated by this Act, the term “democracy programs” means programs that support good governance, credible and competitive elections, freedom of expression, association, assembly,

and religion, human rights, labor rights, independent media, and the rule of law, and that otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states and institutions that are responsive and accountable to citizens.

(d) PROGRAM PRIORITIZATION.—Funds made available pursuant to this section that are made available for programs to strengthen government institutions shall be prioritized for those institutions that demonstrate a commitment to democracy and the rule of law.

Reports.
Compliance.

(e) RESTRICTION ON PRIOR APPROVAL.—With respect to the provision of assistance for democracy programs in this Act, the organizations implementing such assistance, the specific nature of that assistance, and the participants in such programs shall not be subject to the prior approval by the government of any foreign country: *Provided*, That the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall report to the Committees on Appropriations, not later than 120 days after enactment of this Act, detailing steps taken by the Department of State and USAID to comply with the requirements of this subsection.

(f) CONTINUATION OF CURRENT PRACTICES.—The United States Agency for International Development shall continue to implement civil society and political competition and consensus building programs abroad with funds appropriated by this Act in a manner that recognizes the unique benefits of grants and cooperative agreements in implementing such programs.

(g) INFORMING THE NATIONAL ENDOWMENT FOR DEMOCRACY.—The Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, and the Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance, USAID, shall regularly inform the National Endowment for Democracy of democracy programs that are planned and supported by funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

(h) PROTECTION OF CIVIL SOCIETY ACTIVISTS AND JOURNALISTS.—Of the funds appropriated by this Act under the headings “Economic Support Fund” and “Democracy Fund”, not less than \$20,000,000 shall be made available to support and protect civil society activists and journalists who have been threatened, harassed, or attacked, including journalists affiliated with the United States Agency for Global Media, consistent with the action plan submitted pursuant to, and on the same terms and conditions of, section 7032(i) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018 (division K of Public Law 115–141).

(i) INTERNATIONAL FREEDOM OF EXPRESSION.—

(1) OPERATIONS.—Funds appropriated by this Act under the heading “Diplomatic Programs” shall be made available for the Bureau of Democracy, Human Rights, and Labor, Department of State, for the costs of administering programs designed to promote and defend freedom of expression and the independence of the media in countries where such freedom and independence are restricted or denied.

(2) ASSISTANCE.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$10,000,000 shall be made available for programs that promote

and defend freedom of expression and the independence of the media abroad: *Provided*, That such funds are in addition to funds otherwise made available by this Act for such purposes, and are intended to complement emergency and safety programs for civil society, including journalists and media outlets at risk: *Provided further*, That such funds shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Consultation.
Notification.

INTERNATIONAL RELIGIOUS FREEDOM

SEC. 7033. (a) INTERNATIONAL RELIGIOUS FREEDOM OFFICE.—Funds appropriated by this Act under the heading “Diplomatic Programs” shall be made available for the Office of International Religious Freedom, Department of State, including for support staff at not less than the amounts specified for such office in the table under such heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(b) ASSISTANCE.—Funds appropriated by this Act under the headings “Democracy Fund”, “Economic Support Fund”, and “International Broadcasting Operations” shall be made available for international religious freedom programs and funds appropriated by this Act under the headings “International Disaster Assistance” and “Migration and Refugee Assistance” shall be made available for humanitarian assistance for vulnerable and persecuted religious minorities: *Provided*, That funds made available by this Act under the headings “Economic Support Fund” and “Democracy Fund” pursuant to this section shall be the responsibility of the Ambassador-at-Large for International Religious Freedom, in consultation with other relevant United States Government officials, and shall be subject to prior consultation with the Committees on Appropriations.

Consultations.

(c) AUTHORITY.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading “Economic Support Fund” may be made available notwithstanding any other provision of law for assistance for ethnic and religious minorities in Iraq and Syria.

(d) DESIGNATION OF NON-STATE ACTORS.—Section 7033(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public 115–31) shall continue in effect during fiscal year 2020.

Extension.

SPECIAL PROVISIONS

SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in titles III and VI of this Act that are made available for victims of war, displaced children, displaced Burmese, and to combat trafficking in persons and assist victims of such trafficking, may be made available notwithstanding any other provision of law.

(b) FORENSIC ASSISTANCE.—

(1) Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$12,500,000 shall be made available for forensic anthropology assistance related to the exhumation and identification of victims of war crimes,

crimes against humanity, and genocide, which shall be administered by the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State: *Provided*, That such funds shall be in addition to funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs for assistance for countries.

(2) Of the funds appropriated by this Act under the heading “International Narcotics Control and Law Enforcement”, not less than \$8,000,000 shall be made available for DNA forensic technology programs to combat human trafficking in Central America and Mexico.

Recommendations.

(c) ATROCITIES PREVENTION.—Of the funds appropriated by this Act under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement”, not less than \$5,000,000 shall be made available for programs to prevent atrocities, including to implement recommendations of the Atrocities Prevention Board: *Provided*, That funds made available pursuant to this subsection are in addition to amounts otherwise made available for such purposes: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

(d) WORLD FOOD PROGRAMME.—Funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development, from this or any other Act, may be made available as a general contribution to the World Food Programme, notwithstanding any other provision of law.

(e) DIRECTIVES AND AUTHORITIES.—

(1) RESEARCH AND TRAINING.—Funds appropriated by this Act under the heading “Assistance for Europe, Eurasia and Central Asia” shall be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501 et seq.).

Notification.

(2) GENOCIDE VICTIMS MEMORIAL SITES.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Economic Support Fund” and “Assistance for Europe, Eurasia and Central Asia” may be made available as contributions to establish and maintain memorial sites of genocide, subject to the regular notification procedures of the Committees on Appropriations.

Consultation.
Notification.

(3) PRIVATE SECTOR PARTNERSHIPS.—Of the funds appropriated by this Act under the headings “Development Assistance” and “Economic Support Fund” that are made available for private sector partnerships, up to \$50,000,000 may remain available until September 30, 2022: *Provided*, That funds made available pursuant to this paragraph may only be made available following prior consultation with the appropriate congressional committees, and the regular notification procedures of the Committees on Appropriations.

(4) ADDITIONAL AUTHORITIES.—Of the amounts made available by title I of this Act under the heading “Diplomatic Programs”, up to \$500,000 may be made available for grants pursuant to section 504 of the Foreign Relations Authorization Act,

Fiscal Year 1979 (22 U.S.C. 2656d), including to facilitate collaboration with indigenous communities, and up to \$1,000,000 may be made available for grants to carry out the activities of the Cultural Antiquities Task Force.

(5) INNOVATION.—The USAID Administrator may use funds appropriated by this Act under title III to make innovation incentive awards in accordance with the terms and conditions of section 7034(e)(4) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6): *Provided*, That each individual award may not exceed \$100,000: *Provided further*, That no more than 15 such awards may be made during fiscal year 2020.

(6) EXCHANGE VISITOR PROGRAM.—None of the funds made available by this Act may be used to modify the Exchange Visitor Program administered by the Department of State to implement the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256; 22 U.S.C. 2451 et seq.), except through the formal rulemaking process pursuant to the Administrative Procedure Act (5 U.S.C. 551 et seq.) and notwithstanding the exceptions to such rulemaking process in such Act: *Provided*, That funds made available for such purpose shall only be made available after consultation with, and subject to the regular notification procedures of, the Committees on Appropriations, regarding how any proposed modification would affect the public diplomacy goals of, and the estimated economic impact on, the United States: *Provided further*, That such consultation shall take place not later than 30 days prior to the publication in the Federal Register of any regulatory action modifying the Exchange Visitor Program.

Consultation.
Notification.

Deadline.
Federal Register,
publication.

(f) PARTNER VETTING.—Prior to initiating a partner vetting program, or making significant changes to the scope of an existing partner vetting program, the Secretary of State and USAID Administrator, as appropriate, shall consult with the Committees on Appropriations: *Provided*, That the Secretary and the Administrator shall provide a direct vetting option for prime awardees in any partner vetting program initiated or significantly modified after the date of enactment of this Act, unless the Secretary of State or USAID Administrator, as applicable, informs the Committees on Appropriations on a case-by-case basis that a direct vetting option is not feasible for such program.

Consultation.

Notification.

(g) CONTINGENCIES.—During fiscal year 2020, the President may use up to \$125,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(h) INTERNATIONAL CHILD ABDUCTIONS.—The Secretary of State should withhold funds appropriated under title III of this Act for assistance for the central government of any country that is not taking appropriate steps to comply with the Convention on the Civil Aspects of International Child Abductions, done at the Hague on October 25, 1980: *Provided*, That the Secretary shall report to the Committees on Appropriations within 15 days of withholding funds under this subsection.

Compliance.

Reports.

(i) TRANSFER OF FUNDS FOR EXTRAORDINARY PROTECTION.—The Secretary of State may transfer to, and merge with, funds under the heading “Protection of Foreign Missions and Officials” unobligated balances of expired funds appropriated under the

Deadline.

heading “Diplomatic Programs” for fiscal year 2020, except for funds designated for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, at no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated: *Provided*, That not more than \$50,000,000 may be transferred.

Consultation.
Notification.

(j) **AUTHORITY.**—Funds made available by this Act under the heading “Economic Support Fund” to counter extremism may be made available notwithstanding any other provision of law restricting assistance to foreign countries, except sections 502B, 620A, and 620M of the Foreign Assistance Act of 1961: *Provided*, That the use of the authority of this subsection shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations.

Reports.
Criteria.

(k) **PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.**—The Secretary of State shall implement section 203(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457): *Provided*, That in addition to suspension on the basis of an unpaid default or final civil judgment directly or indirectly related to human trafficking against the employer or a family member assigned to an embassy, suspension on this basis should also apply to an employer or family member assigned to any diplomatic mission, or any international organization: *Provided further*, That the Secretary of State should assist in obtaining payment of final court judgments awarded to A–3 and G–5 visa holders, including encouraging the sending states to provide compensation directly to victims: *Provided further*, That the Secretary shall include in the Trafficking in Persons annual report a concise summary of each trafficking case involving an A–3 or G–5 visa holder that meets one or more of the following criteria: (1) a final court judgment (including a default judgment) issued against a current or former employee of such diplomatic mission or international organization; (2) the issuance of a T-visa to the victim; or (3) a request by the Department of State to the sending state that immunity of individual diplomats or family members be waived to permit criminal prosecution.

Applicability.
22 USC 214 note.

(1) **EXTENSION OF AUTHORITIES.**—

(1) **PASSPORT FEES.**—Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting “September 30, 2020” for “September 30, 2010”.

(2) **INCENTIVES FOR CRITICAL POSTS.**—The authority contained in section 1115(d) of the Supplemental Appropriations Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2020.

Applicability.
22 USC 2385
note.

(3) **USAID CIVIL SERVICE ANNUITANT WAIVER.**—Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting “September 30, 2020” for “October 1, 2010” in subparagraph (B).

(4) **OVERSEAS PAY COMPARABILITY AND LIMITATION.**—(A) Subject to the limitation described in subparagraph (B), the authority provided by section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2020.

(B) The authority described in subparagraph (A) may not be used to pay an eligible member of the Foreign Service (as defined in section 1113(b) of the Supplemental Appropriations Act, 2009 (Public Law 111–32)) a locality-based comparability payment (stated as a percentage) that exceeds two-thirds of the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code, if such member’s official duty station were in the District of Columbia.

(5) CATEGORICAL ELIGIBILITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(A) in section 599D (8 U.S.C. 1157 note)—

(i) in subsection (b)(3), by striking “and 2019” and inserting “2019, and 2020”; and

(ii) in subsection (e), by striking “2019” each place it appears and inserting “2020”; and

(B) in section 599E(b)(2) (8 U.S.C. 1255 note), by striking “2019” and inserting “2020”.

(6) INSPECTOR GENERAL ANNUITANT WAIVER.—The authorities provided in section 1015(b) of the Supplemental Appropriations Act, 2010 (Public Law 111–212) shall remain in effect through September 30, 2020, and may be used to facilitate the assignment of persons for oversight of programs in Syria, South Sudan, Yemen, Somalia, and Venezuela.

(7) ACCOUNTABILITY REVIEW BOARDS.—The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect for facilities in Afghanistan through September 30, 2020, except that the notification and reporting requirements contained in such section shall include the Committees on Appropriations.

Notification.
Reports.
22 USC 4831
note.

(8) SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION COMPETITIVE STATUS.—Notwithstanding any other provision of law, any employee of the Special Inspector General for Afghanistan Reconstruction (SIGAR) who completes at least 12 months of continuous service after enactment of this Act or who is employed on the date on which SIGAR terminates, whichever occurs first, shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications.

(9) TRANSFER OF BALANCES.—Section 7081(h) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31) shall continue in effect during fiscal year 2020.

Extension.
8 USC 1715 note.

(10) DEPARTMENT OF STATE INSPECTOR GENERAL WAIVER AUTHORITY.—The Inspector General of the Department of State may waive the provisions of subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) on a case-by-case basis for an annuitant reemployed by the Inspector General on a temporary basis, subject to the same constraints and in the same manner by which the Secretary of State may exercise such waiver authority pursuant to subsection (g) of such section.

Waiver authority.

(11) AFGHAN ALLIES.—Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended—

(A) in the heading, striking “2015, 2016, AND 2017” and inserting “2015 THROUGH 2020”;

(B) in the matter preceding clause (i), by striking “18,500” and inserting “22,500”; and

(C) in clauses (i) and (ii), by striking “December 31, 2020” and inserting “December 31, 2021”.

(m) MONITORING AND EVALUATION.—Funds appropriated by this Act that are made available for monitoring and evaluation of assistance under the headings “Development Assistance”, “International Disaster Assistance”, and “Migration and Refugee Assistance” shall, as appropriate, be made available for the regular collection of feedback obtained directly from beneficiaries on the quality and relevance of such assistance: *Provided*, That the Department of State and USAID shall establish, and post on their respective websites, updated procedures for implementing partners that receive funds under such headings for regularly collecting and responding to such feedback, including guidelines for the reporting on actions taken in response to the feedback received: *Provided further*, That the Department of State and USAID shall regularly conduct oversight to ensure that such feedback is regularly collected and used by implementing partners to maximize the cost-effectiveness and utility of such assistance.

(n) HIV/AIDS WORKING CAPITAL FUND.—Funds available in the HIV/AIDS Working Capital Fund established pursuant to section 525(b)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–447) may be made available for pharmaceuticals and other products for child survival, malaria, and tuberculosis to the same extent as HIV/AIDS pharmaceuticals and other products, subject to the terms and conditions in such section: *Provided*, That the authority in section 525(b)(5) of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 2005 (Public Law 108–447) shall be exercised by the Assistant Administrator for Global Health, USAID, with respect to funds deposited for such non-HIV/AIDS pharmaceuticals and other products, and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall include in the congressional budget justification an accounting of budgetary resources, disbursements, balances, and reimbursements related to such fund.

(o) LOANS, CONSULTATION, AND NOTIFICATION.—

(1) LOAN GUARANTEES.—Funds appropriated under the headings “Economic Support Fund” and “Assistance for Europe, Eurasia and Central Asia” by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of loan guarantees for Egypt, Jordan, Tunisia, and Ukraine, which are authorized to be provided: *Provided*, That amounts made available under this paragraph for the costs of such guarantees shall not be considered assistance for the purposes of provisions of law limiting assistance to a country.

(2) DESIGNATION REQUIREMENT.—Funds made available pursuant to paragraph (1) from prior Acts making appropriations for the Department of State, foreign operations, and

Web posting.
Procedures.
Guidelines.

Oversight.

Notification.

Records.

related programs that were previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of such Act.

(3) CONSULTATION AND NOTIFICATION.—Funds made available pursuant to the authorities of this subsection shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations.

(p) LOCAL WORKS.—

(1) FUNDING.—Of the funds appropriated by this Act under the headings “Development Assistance” and “Economic Support Fund”, not less than \$50,000,000 shall be made available for Local Works pursuant to section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), which may remain available until September 30, 2024.

(2) ELIGIBLE ENTITIES.—For the purposes of section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), “eligible entities” shall be defined as small local, international, and United States-based nongovernmental organizations, educational institutions, and other small entities that have received less than a total of \$5,000,000 from USAID over the previous 5 fiscal years: *Provided*, That departments or centers of such educational institutions may be considered individually in determining such eligibility.

Definition.
Time period.
22 USC 2152i
note.

(q) WESTERN HEMISPHERE DRUG POLICY COMMISSION.—Up to \$499,000 of the funds appropriated under the heading “Western Hemisphere Drug Policy Commission, Salaries and Expenses” of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6) shall remain available for obligation until September 30, 2021, notwithstanding the period of availability under such heading.

(r) DEFINITIONS.—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Unless otherwise defined in this Act, for purposes of this Act the term “appropriate congressional committees” means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) FUNDS APPROPRIATED BY THIS ACT AND PRIOR ACTS.—Unless otherwise defined in this Act, for purposes of this Act the term “funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs” means funds that remain available for obligation, and have not expired.

(3) INTERNATIONAL FINANCIAL INSTITUTIONS.—In this Act “international financial institutions” means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the International Fund for Agricultural Development, the Asian Development Fund, the Inter-American

22 USC 262h
note.

- Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, the African Development Fund, and the Multilateral Investment Guarantee Agency.
- Time periods. (4) SOUTHERN KORDOFAN.—Any reference to Southern Kordofan in this or any other Act making appropriations for the Department of State, foreign operations, and related programs shall for this fiscal year, and each fiscal year thereafter, be deemed to include portions of Western Kordofan that were previously part of Southern Kordofan prior to the 2013 division of Southern Kordofan.
- 22 USC 2152i note. (5) USAID.—In this Act, the term “USAID” means the United States Agency for International Development.
- (6) SPEND PLAN.—In this Act, the term “spend plan” means a plan for the uses of funds appropriated for a particular entity, country, program, purpose, or account and which shall include, at a minimum, a description of—
- (A) realistic and sustainable goals, criteria for measuring progress, and a timeline for achieving such goals;
 - (B) amounts and sources of funds by account;
 - (C) how such funds will complement other ongoing or planned programs; and
 - (D) implementing partners, to the maximum extent practicable.
- (7) SUCCESSOR OPERATING UNIT.—Any reference to a particular USAID operating unit or office in this or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be deemed to include any successor operating unit or office performing the same or similar functions.

LAW ENFORCEMENT AND SECURITY

SEC. 7035. (a) ASSISTANCE.—

- (1) COMMUNITY-BASED POLICE ASSISTANCE.—Funds made available under titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance, including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.
- Iraq. (2) COUNTERTERRORISM PARTNERSHIPS FUND.—Funds appropriated by this Act under the heading “Nonproliferation, Anti-terrorism, Demining and Related Programs” shall be made available for the Counterterrorism Partnerships Fund for programs in areas liberated from, under the influence of, or adversely affected by, the Islamic State of Iraq and Syria or other terrorist organizations: *Provided*, That such areas shall include the Kurdistan Region of Iraq: *Provided further*, That prior to the obligation of funds made available pursuant to this paragraph, the Secretary of State shall take all practicable

steps to ensure that mechanisms are in place for monitoring, oversight, and control of such funds: *Provided further*, That funds made available pursuant to this paragraph shall be subject to prior consultation with the appropriate congressional committees, and the regular notification procedures of the Committees on Appropriations.

Consultation.
Notification.

(3) COMBAT CASUALTY CARE.—(A) Consistent with the objectives of the Foreign Assistance Act of 1961 and the Arms Export Control Act, funds appropriated by this Act under the headings “Peacekeeping Operations” and “Foreign Military Financing Program” shall be made available for combat casualty training and equipment.

(B) The Secretary of State shall offer combat casualty care training and equipment as a component of any package of lethal assistance funded by this Act with funds appropriated under the headings “Peacekeeping Operations” and “Foreign Military Financing Program”: *Provided*, That the requirement of this subparagraph shall apply to a country in conflict, unless the Secretary determines that such country has in place, to the maximum extent practicable, functioning combat casualty care treatment and equipment that meets or exceeds the standards recommended by the Committee on Tactical Combat Casualty Care: *Provided further*, That any such training and equipment for combat casualty care shall be made available through an open and competitive process.

Applicability.

(4) TRAINING RELATED TO INTERNATIONAL HUMANITARIAN LAW.—The Secretary of State shall offer training related to the requirements of international humanitarian law as a component of any package of lethal assistance funded by this Act with funds appropriated under the headings “Peacekeeping Operations” and “Foreign Military Financing Program”: *Provided*, That the requirement of this paragraph shall not apply to a country that is a member of the North Atlantic Treaty Organization (NATO), is a major non-NATO ally designated by section 517(b) of the Foreign Assistance Act of 1961, or is complying with international humanitarian law: *Provided further*, That any such training shall be made available through an open and competitive process.

(5) SECURITY FORCE PROFESSIONALIZATION.—Funds appropriated by this Act under the headings “International Narcotics Control and Law Enforcement” and “Peacekeeping Operations” shall be made available to increase the capacity of foreign military and law enforcement personnel to operate in accordance with appropriate standards relating to human rights and the protection of civilians in the manner specified under this section in Senate Report 116–126, following consultation with the Committees on Appropriations: *Provided*, That funds made available pursuant to this paragraph shall be made available through an open and competitive process.

Consultation.

(6) GLOBAL SECURITY CONTINGENCY FUND.—Notwithstanding any other provision of this Act, up to \$7,500,000 from funds appropriated by this Act under the headings “Peacekeeping Operations” and “Foreign Military Financing Program” may be transferred to, and merged with, funds previously made available under the heading “Global Security Contingency Fund”, subject to the regular notification procedures of the Committees on Appropriations.

Notification.

Consultation.
Deadline.

(7) INTERNATIONAL PRISON CONDITIONS.—Of the funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, and “International Narcotics Control and Law Enforcement”, not less than \$7,500,000 shall be made available for assistance to eliminate inhumane conditions in foreign prisons and other detention facilities, notwithstanding section 660 of the Foreign Assistance Act of 1961: *Provided*, That the Secretary of State and the USAID Administrator shall consult with the Committees on Appropriations on the proposed uses of such funds prior to obligation and not later than 60 days after enactment of this Act: *Provided further*, That such funds shall be in addition to funds otherwise made available by this Act for such purpose.

(b) AUTHORITIES.—

(1) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

Extension.

(2) DISARMAMENT, DEMOBILIZATION, AND REINTEGRATION.—Section 7034(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2020.

(3) EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.—

(A) Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011) is amended by striking “of this section” and all that follows through the period at the end and inserting “of this section after September 30, 2021.”

(B) Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking “and 2020” and inserting “2020, and 2021”.

Notification.
President.
Determination.

(4) COMMERCIAL LEASING OF DEFENSE ARTICLES.—Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act (22 U.S.C. 2763) may be used to provide financing to Israel, Egypt, the North Atlantic Treaty Organization (NATO), and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

(5) SPECIAL DEFENSE ACQUISITION FUND.—Not to exceed \$900,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act (22 U.S.C. 2795(c)(2)) for the purposes of the Special Defense Acquisition Fund (the Fund), to remain available for obligation until September 30, 2022: *Provided*, That the provision of defense articles and defense services to foreign countries or international organizations from

the Fund shall be subject to the concurrence of the Secretary of State.

(6) PUBLIC DISCLOSURE.—For the purposes of funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for units of foreign security forces, the term “to the maximum extent practicable” in section 620M(d)(7) of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) means that the identity of such units shall be made publicly available unless the Secretary of State, on a case-by-case basis, determines and reports to the appropriate congressional committees that disclosure would endanger the safety of human sources or reveal sensitive intelligence sources and methods, or that non-disclosure is in the national security interest of the United States: *Provided*, That any such determination shall include a detailed justification, and may be submitted in classified form.

Definition.
Public
information.
Determination.
Reports.

(7) DUTY TO INFORM.—If assistance to a foreign security force is provided in a manner in which the recipient unit or units cannot be identified prior to the transfer of assistance, the Secretary of State shall provide a list of units prohibited from receiving such assistance pursuant to section 620M of the Foreign Assistance Act of 1961 to the recipient government.

Lists.

(c) LIMITATIONS.—

(1) CHILD SOLDIERS.—Funds appropriated by this Act should not be used to support any military training or operations that include child soldiers.

(2) LANDMINES AND CLUSTER MUNITIONS.—

(A) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the Secretary of State may prescribe.

(B) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(i) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments, and the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians; or

(ii) such assistance, license, sale, or transfer is for the purpose of demilitarizing or permanently disposing of such cluster munitions.

(3) CROWD CONTROL ITEMS.—Funds appropriated by this Act should not be used for tear gas, small arms, light weapons, ammunition, or other items for crowd control purposes for

Determination.

foreign security forces that use excessive force to repress peaceful expression, association, or assembly in countries that the Secretary of State determines are undemocratic or are undergoing democratic transitions.

(d) REPORTS.—

(1) SECURITY ASSISTANCE REPORT.—Not later than 120 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report on funds obligated and expended during fiscal year 2019, by country and purpose of assistance, under the headings “Peacekeeping Operations”, “International Military Education and Training”, and “Foreign Military Financing Program”.

Definition.

(2) ANNUAL FOREIGN MILITARY TRAINING REPORT.—For the purposes of implementing section 656 of the Foreign Assistance Act of 1961, the term “military training provided to foreign military personnel by the Department of Defense and the Department of State” shall be deemed to include all military training provided by foreign governments with funds appropriated to the Department of Defense or the Department of State, except for training provided by the government of a country designated by section 517(b) of such Act (22 U.S.C. 2321k(b)) as a major non-North Atlantic Treaty Organization ally.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7036. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

Determination.
Certification.

SEC. 7037. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided

to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel; and

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if the President determines that it is important to the national security interest of the United States to do so.

President.
Determination.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of this Act (“Limitation on Assistance for the Palestinian Authority”).

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2020, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to

Deadline.
Certification.
Procedures.
Records.
Review.

assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading “Economic Support Fund” for the West Bank and Gaza.

Terrorism.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity’s governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: *Provided*, That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

Termination.
Determination.

(c) PROHIBITION.—

(1) RECOGNITION OF ACTS OF TERRORISM.—None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for—

(A) the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism; and

(B) any educational institution located in the West Bank or Gaza that is named after an individual who the Secretary of State determines has committed an act of terrorism.

(2) SECURITY ASSISTANCE AND REPORTING REQUIREMENT.—Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations Acts, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) OVERSIGHT BY THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

Audits.
Contracts.
Grants.
Deadline.

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act, up to \$1,000,000 may be used by the Office of Inspector General of the United

States Agency for International Development for audits, investigations, and other activities in furtherance of the requirements of this subsection: *Provided*, That such funds are in addition to funds otherwise available for such purposes.

(e) COMPTROLLER GENERAL OF THE UNITED STATES AUDIT.— Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2020 under the heading “Economic Support Fund”, and such audit shall address—

Investigation.
Time period.

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and

Compliance.

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

Examination.

(f) NOTIFICATION PROCEDURES.—Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interest of the United States.

President.
Certification.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: *Provided*, That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

President.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll, and the Palestinian Authority is acting to counter incitement of violence against Israelis and is supporting

President.
Reports.

activities aimed at promoting peace, coexistence, and security cooperation with Israel.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or that results from an agreement with Hamas and over which Hamas exercises undue influence.

President.
Certification.
Reports.

(2) Notwithstanding the limitation of paragraph (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended.

President.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act of 1961, as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended: *Provided*, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

MIDDLE EAST AND NORTH AFRICA

SEC. 7041. (a) EGYPT.—

(1) CERTIFICATION AND REPORT.—Funds appropriated by this Act that are available for assistance for Egypt may be made available notwithstanding any other provision of law restricting assistance for Egypt, except for this subsection and section 620M of the Foreign Assistance Act of 1961, and may only be made available for assistance for the Government of Egypt if the Secretary of State certifies and reports to the Committees on Appropriations that such government is—

(A) sustaining the strategic relationship with the United States; and

(B) meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

(2) ECONOMIC SUPPORT FUND.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$125,000,000 shall be made available for assistance for Egypt, of which not less than \$40,000,000 should be made available for higher education programs, including not less

than \$15,000,000 for scholarships for Egyptian students with high financial need to attend not-for-profit institutions of higher education in Egypt that are currently accredited by a regional accrediting agency recognized by the United States Department of Education, or meets standards equivalent to those required for United States institutional accreditation by a regional accrediting agency recognized by such Department: *Provided*, That such funds shall be made available for democracy programs, and for development programs in the Sinai: *Provided further*, That such funds may not be made available for cash transfer assistance or budget support unless the Secretary of State certifies and reports to the appropriate congressional committees that the Government of Egypt is taking consistent and effective steps to stabilize the economy and implement market-based economic reforms.

Certification.
Reports.

(3) FOREIGN MILITARY FINANCING PROGRAM.—(A) Of the funds appropriated by this Act under the heading “Foreign Military Financing Program”, \$1,300,000,000, to remain available until September 30, 2021, should be made available for assistance for Egypt: *Provided*, That such funds may be transferred to an interest bearing account in the Federal Reserve Bank of New York, following consultation with the Committees on Appropriations, and the uses of any interest earned on such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That \$300,000,000 of such funds shall be withheld from obligation until the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Egypt is taking sustained and effective steps to—

Consultation.
Notification.

Certification.
Reports.
Human rights.

(i) strengthen the rule of law, democratic institutions, and human rights in Egypt, including to protect religious minorities and the rights of women, which are in addition to steps taken during the previous calendar year for such purposes;

(ii) implement reforms that protect freedoms of expression, association, and peaceful assembly, including the ability of civil society organizations, human rights defenders, and the media to function without interference;

(iii) release political prisoners and provide detainees with due process of law;

(iv) hold Egyptian security forces accountable, including officers credibly alleged to have violated human rights;

(v) investigate and prosecute cases of extrajudicial killings and forced disappearances; and

(vi) provide regular access for United States officials to monitor such assistance in areas where the assistance is used:

Provided further, That the certification requirement of this paragraph shall not apply to funds appropriated by this Act under such heading for counterterrorism, border security, and nonproliferation programs for Egypt.

(B) The Secretary of State may waive the certification requirement in subparagraph (A) if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national security interest of the United States, and submits a report to such Committees containing

Waiver authority.
Determination.
Reports.

a detailed justification for the use of such waiver and the reasons why any of the requirements of subparagraph (A) cannot be met: *Provided*, That the report required by this paragraph shall be submitted in unclassified form, but may be accompanied by a classified annex.

Assessment.
Time period.
April Corley.

(4) REPORT.—Not later than 30 days after enactment of this Act, and every 60 days thereafter, the Secretary of State shall submit a report to the appropriate congressional committees describing and assessing the actions taken by the Government of Egypt during the previous 60 days to fairly compensate April Corley for injuries and losses sustained as a result of the attack on her tour group by the Egyptian military on September 13, 2015, and progress in resolving her case: *Provided*, That if the Secretary reports that no progress has been made in the previous 60 days, the report shall include the reasons for the lack of progress.

(b) IRAN.—

(1) FUNDING.—Funds appropriated by this Act under the headings “Diplomatic Programs”, “Economic Support Fund”, and “Nonproliferation, Anti-terrorism, Demining and Related Programs” shall be made available for the programs and activities described under this section in House Report 116–78.

(2) REPORTS.—

(A) SEMI-ANNUAL REPORT.—The Secretary of State shall submit to the Committees on Appropriations the semi-annual report required by section 135(d)(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2160e(d)(4)), as added by section 2 of the Iran Nuclear Agreement Review Act of 2015 (Public Law 114–17).

Consultation.

(B) SANCTIONS REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report on—

- (i) the status of United States bilateral sanctions on Iran;
- (ii) the reimposition and renewed enforcement of secondary sanctions; and
- (iii) the impact such sanctions have had on Iran’s destabilizing activities throughout the Middle East.

(c) IRAQ.—

(1) PURPOSES.—Funds appropriated under titles III and IV of this Act shall be made available for assistance for Iraq for—

(A) bilateral economic assistance and international security assistance, including in the Kurdistan Region of Iraq and for the Marla Ruzicka Iraqi War Victims Fund;

(B) stabilization assistance, including in Anbar Province;

(C) humanitarian assistance, including in the Kurdistan Region of Iraq; and

(D) programs to protect and assist religious and ethnic minority populations in Iraq, including as described under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(2) UNITED STATES CONSULATE GENERAL BASRAH.—Any change in the status of operations at United States Consulate General Basrah, including the return of Consulate property located adjacent to the Basrah International Airport to the Government of Iraq, shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations. Consultation.
Notification.

(3) BASING RIGHTS AGREEMENT.—None of the funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

(d) JORDAN.—

(1) ASSISTANCE APPROPRIATED BY THIS ACT.—Of the funds appropriated by this Act under titles III and IV, not less than \$1,525,000,000 shall be made available for assistance for Jordan, of which: not less than \$1,082,400,000 shall be made available under the heading “Economic Support Fund”, of which not less than \$745,100,000 shall be made available for budget support for the Government of Jordan; and not less than \$425,000,000 shall be made available under the heading “Foreign Military Financing Program”.

(2) ASSISTANCE APPROPRIATED BY PRIOR ACTS.—Of the funds appropriated under the heading “Economic Support Fund” in prior Acts making appropriations for the Department of State, foreign operations, and related programs, not less than \$125,000,000 shall be made available for assistance for Jordan, of which \$100,000,000 shall be made available for budget support for the Government of Jordan and \$25,000,000 shall be made available for programs to increase electricity transmission to neighboring countries, including Iraq: *Provided*, That such funds are in addition to amounts otherwise made available for such purposes.

(e) LEBANON.—

(1) ASSISTANCE.—Funds appropriated under titles III and IV of this Act shall be made available for assistance for Lebanon: *Provided*, That such funds made available under the heading “Economic Support Fund” may be made available notwithstanding section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2346 note).

(2) SECURITY ASSISTANCE.—

(A) Funds appropriated by this Act under the headings “International Narcotics Control and Law Enforcement” and “Foreign Military Financing Program” that are made available for assistance for Lebanon may be made available for programs and equipment for the Lebanese Internal Security Forces (ISF) and the Lebanese Armed Forces (LAF) to address security and stability requirements in areas affected by conflict in Syria, following consultation with the appropriate congressional committees. Consultation.

(B) Funds appropriated by this Act under the heading “Foreign Military Financing Program” that are made available for assistance for Lebanon may only be made available for programs to—

	<p>(i) professionalize the LAF to mitigate internal and external threats from non-state actors, including Hizballah;</p> <p>(ii) strengthen border security and combat terrorism, including training and equipping the LAF to secure the borders of Lebanon and address security and stability requirements in areas affected by conflict in Syria, interdicting arms shipments, and preventing the use of Lebanon as a safe haven for terrorist groups; and</p> <p>(iii) implement United Nations Security Council Resolution 1701:</p>
Spend plan. Deadline.	<p><i>Provided</i>, That prior to obligating funds made available by this subparagraph for assistance for the LAF, the Secretary of State shall submit to the Committees on Appropriations a spend plan, including actions to be taken to ensure equipment provided to the LAF is used only for the intended purposes, except such plan may not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961, and shall be submitted not later than September 1, 2020: <i>Provided further</i>, That any notification submitted pursuant to such section shall include any funds specifically intended for lethal military equipment.</p>
Notification.	<p>(3) LIMITATION.—None of the funds appropriated by this Act may be made available for the ISF or the LAF if the ISF or the LAF is controlled by a foreign terrorist organization, as designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).</p>
	<p>(f) LIBYA.—</p> <p>(1) ASSISTANCE.—Funds appropriated under titles III and IV of this Act shall be made available for stabilization assistance for Libya, including support for a United Nations-facilitated political process and border security: <i>Provided</i>, That the limitation on the uses of funds for certain infrastructure projects in section 7041(f)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76) shall apply to such funds.</p>
Applicability.	
Reports.	<p>(2) CERTIFICATION.—Prior to the initial obligation of funds made available by this Act for assistance for Libya, the Secretary of State shall certify and report to the Committees on Appropriations that all practicable steps have been taken to ensure that mechanisms are in place for monitoring, oversight, and control of such funds.</p>
	<p>(g) MOROCCO.—</p> <p>(1) AVAILABILITY AND CONSULTATION REQUIREMENT.—Funds appropriated under title III of this Act shall be made available for assistance for the Western Sahara: <i>Provided</i>, That not later than 90 days after enactment of this Act and prior to the obligation of such funds, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall consult with the Committees on Appropriations on the proposed uses of such funds.</p>
Deadline.	<p>(2) FOREIGN MILITARY FINANCING PROGRAM.—Funds appropriated by this Act under the heading “Foreign Military Financing Program” that are available for assistance for</p>

Morocco may only be used for the purposes requested in the Congressional Budget Justification, Foreign Operations, Fiscal Year 2017.

(h) SAUDI ARABIA.—

(1) INTERNATIONAL MILITARY EDUCATION AND TRAINING.—None of the funds appropriated by this Act under the heading “International Military Education and Training” may be made available for assistance for the Government of Saudi Arabia.

(2) EXPORT-IMPORT BANK.—None of the funds appropriated or otherwise made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs should be obligated or expended by the Export-Import Bank of the United States to guarantee, insure, or extend (or participate in the extension of) credit in connection with the export of nuclear technology, equipment, fuel, materials, or other nuclear technology-related goods or services to Saudi Arabia unless the Government of Saudi Arabia—

(A) has in effect a nuclear cooperation agreement pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153);

(B) has committed to renounce uranium enrichment and reprocessing on its territory under that agreement; and

(C) has signed and implemented an Additional Protocol to its Comprehensive Safeguards Agreement with the International Atomic Energy Agency.

(i) SYRIA.—

(1) NON-LETHAL ASSISTANCE.—Of the funds appropriated by this Act under the headings “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, and “Peacekeeping Operations”, not less than \$40,000,000 shall be made available, notwithstanding any other provision of law, for non-lethal stabilization assistance for Syria, of which not less than \$7,000,000 shall be made available for emergency medical and rescue response and chemical weapons use investigations.

(2) LIMITATIONS.—Funds made available pursuant to paragraph (1) of this subsection—

(A) may not be made available for a project or activity that supports or otherwise legitimizes the Government of Iran, foreign terrorist organizations (as designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)), or a proxy of Iran in Syria;

(B) may not be made available for activities that further the strategic objectives of the Government of the Russian Federation that the Secretary of State determines may threaten or undermine United States national security interests; and

(C) should not be used in areas of Syria controlled by a government led by Bashar al-Assad or associated forces.

Russia.
Determination.

Bashar al-Assad.

(3) MONITORING AND OVERSIGHT.—Prior to the obligation of any funds appropriated by this Act and made available for assistance for Syria, the Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of such assistance inside Syria.

(4) CONSULTATION AND NOTIFICATION.—Funds made available pursuant to this subsection may only be made available following consultation with the appropriate congressional committees, and shall be subject to the regular notification procedures of the Committees on Appropriations.

(j) TUNISIA.—

(1) ASSISTANCE APPROPRIATED BY THIS ACT.—Of the funds appropriated under titles III and IV of this Act, not less than \$191,400,000 shall be made available for assistance for Tunisia.

(2) ASSISTANCE APPROPRIATED BY PRIOR ACTS.—Of the funds appropriated under the heading “Economic Support Fund” in prior Acts making appropriations for the Department of State, foreign operations, and related programs, not less than \$50,000,000 shall be made available for assistance for Tunisia: *Provided*, That such funds are in addition to amounts otherwise made available for such purposes.

(k) WEST BANK AND GAZA.—

(1) REPORT ON ASSISTANCE.—Prior to the initial obligation of funds made available by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall report to the Committees on Appropriations that the purpose of such assistance is to—

(A) advance Middle East peace;

(B) improve security in the region;

(C) continue support for transparent and accountable government institutions;

(D) promote a private sector economy; or

(E) address urgent humanitarian needs.

(2) LIMITATIONS.—

(A)(i) None of the funds appropriated under the heading “Economic Support Fund” in this Act may be made available for assistance for the Palestinian Authority, if after the date of enactment of this Act—

(I) the Palestinians obtain the same standing as member states or full membership as a state in the United Nations or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians; or

(II) the Palestinians initiate an International Criminal Court (ICC) judicially authorized investigation, or actively support such an investigation, that subjects Israeli nationals to an investigation for alleged crimes against Palestinians.

(ii) The Secretary of State may waive the restriction in clause (i) of this subparagraph resulting from the application of subclause (I) of such clause if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interest of the United States, and submits a report to such Committees detailing how the waiver and the continuation of assistance would assist in furthering Middle East peace.

(B)(i) The President may waive the provisions of section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204) if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the appropriate congressional committees

Waiver authority.
Certification.
Reports.

President.
Determination.

that the Palestinians have not, after the date of enactment of this Act—

(I) obtained in the United Nations or any specialized agency thereof the same standing as member states or full membership as a state outside an agreement negotiated between Israel and the Palestinians; and

(II) initiated or actively supported an ICC investigation against Israeli nationals for alleged crimes against Palestinians.

(ii) Not less than 90 days after the President is unable to make the certification pursuant to clause (i) of this subparagraph, the President may waive section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that the Palestinians have entered into direct and meaningful negotiations with Israel: *Provided*, That any waiver of the provisions of section 1003 of Public Law 100–204 under clause (i) of this subparagraph or under previous provisions of law must expire before the waiver under the preceding sentence may be exercised. Deadline.

(iii) Any waiver pursuant to this subparagraph shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act. Time period.

(3) REDUCTION.—The Secretary of State shall reduce the amount of assistance made available by this Act under the heading “Economic Support Fund” for the Palestinian Authority by an amount the Secretary determines is equivalent to the amount expended by the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations with such entities as payments for acts of terrorism by individuals who are imprisoned after being fairly tried and convicted for acts of terrorism and by individuals who died committing acts of terrorism during the previous calendar year: *Provided*, That the Secretary shall report to the Committees on Appropriations on the amount reduced for fiscal year 2020 prior to the obligation of funds for the Palestinian Authority. Determination.

(4) PRIVATE SECTOR PARTNERSHIP PROGRAMS.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for private sector partnership programs for the West Bank and Gaza if such funds are authorized: *Provided*, That funds made available pursuant to this paragraph shall be subject to prior consultation with the appropriate congressional committees, and the regular notification procedures of the Committees on Appropriations. Reports.

(5) SECURITY REPORT.—The reporting requirements in section 1404 of the Supplemental Appropriations Act, 2008 (Public Law 110–252) shall apply to funds made available by this Act, including a description of modifications, if any, to the security strategy of the Palestinian Authority. Consultation.
Notification.

(6) INCITEMENT REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit Applicability.

a report to the appropriate congressional committees detailing steps taken by the Palestinian Authority to counter incitement of violence against Israelis and to promote peace and coexistence with Israel.

(1) YEMEN.—Funds appropriated under title III of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be made available for stabilization assistance for Yemen.

AFRICA

Determination.
Reports.

SEC. 7042. (a) AFRICAN GREAT LAKES REGION ASSISTANCE RESTRICTION.—Funds appropriated by this Act under the heading “International Military Education and Training” for the central government of a country in the African Great Lakes region may be made available only for Expanded International Military Education and Training and professional military education until the Secretary of State determines and reports to the Committees on Appropriations that such government is not facilitating or otherwise participating in destabilizing activities in a neighboring country, including aiding and abetting armed groups.

Boko Haram.

(b) CAMEROON.—Funds appropriated under title IV of this Act that are made available for assistance for the armed forces of Cameroon, including the Rapid Intervention Battalion, may only be made available to counter regional terrorism, including Boko Haram and other Islamic State affiliates, participate in international peacekeeping operations, and for military education and maritime security programs.

(c) CENTRAL AFRICAN REPUBLIC.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$3,000,000 shall be made available for a contribution to the Special Criminal Court in Central African Republic.

(d) DEMOCRATIC REPUBLIC OF THE CONGO.—Funds appropriated by this Act under titles III and IV shall be made available for assistance for the Democratic Republic of the Congo for stabilization, global health, and bilateral economic assistance, including in areas affected by, and at risk from, the Ebola virus disease.

(e) LAKE CHAD BASIN COUNTRIES.—Funds appropriated under titles III and IV of this Act shall be made available, following consultation with the Committees on Appropriations, for assistance for Cameroon, Chad, Niger, and Nigeria for—

Boko Haram.

(1) democracy, development, and health programs;

(2) assistance for individuals targeted by foreign terrorist and other extremist organizations, including Boko Haram, consistent with the provisions of section 7059 of this Act;

(3) assistance for individuals displaced by violent conflict; and

(4) counterterrorism programs.

(f) MALAWI.—Of the funds appropriated by this Act under the heading “Development Assistance”, not less than \$60,000,000 shall be made available for assistance for Malawi, of which up to \$10,000,000 shall be made available for higher education programs.

(g) SAHEL STABILIZATION AND SECURITY.—Funds appropriated under titles III and IV of this Act shall be made available for stabilization, health, development, and security programs in the countries of the Sahel region.

(h) SOUTH SUDAN.—

(1) ASSISTANCE.—Of the funds appropriated under title III of this Act that are made available for assistance for South Sudan, not less than \$15,000,000 shall be made available for democracy programs and not less than \$8,000,000 shall be made available for conflict mitigation and reconciliation programs.

(2) LIMITATION ON ASSISTANCE FOR THE CENTRAL GOVERNMENT.—Funds appropriated by this Act that are made available for assistance for the central Government of South Sudan may only be made available, following consultation with the Committees on Appropriations, for—

Consultation.

(A) humanitarian assistance;

(B) health programs, including to prevent, detect, and respond to the Ebola virus disease;

(C) assistance to support South Sudan peace negotiations or to advance or implement a peace agreement; and

(D) assistance to support implementation of outstanding issues of the Comprehensive Peace Agreement and mutual arrangements related to such agreement:

Provided, That prior to the initial obligation of funds made available pursuant to subparagraphs (C) and (D), the Secretary of State shall consult with the Committees on Appropriations on the intended uses of such funds and steps taken by such government to advance or implement a peace agreement.

Consultation.

(i) SUDAN.—

(1) LIMITATIONS ON ASSISTANCE AND LOANS.—(A) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(B) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(2) EXCLUSIONS.—The limitations of paragraph (1) shall not apply to—

(A) humanitarian assistance;

(B) assistance for democracy, health, agriculture, economic growth, and education programs;

(C) assistance for the Darfur region, Southern Kordofan State, Blue Nile State, other marginalized areas and populations in Sudan, and Abyei; and

(D) assistance to support implementation of outstanding issues of the Comprehensive Peace Agreement, mutual arrangements related to post-referendum issues associated with such Agreement, or any other viable peace agreement in Sudan.

(3) CONSULTATION.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for any new program or activity in Sudan shall be subject to prior consultation with the appropriate congressional committees.

(j) ZIMBABWE.—

Certifications.
Reports.
22 USC 2151
note.

(1) INSTRUCTION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective institution of any loan or grant to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State certifies and reports to the Committees on Appropriations that the rule of law has been restored, including respect for ownership and title to property, and freedoms of expression, association, and assembly.

(2) LIMITATION.—None of the funds appropriated by this Act shall be made available for assistance for the central Government of Zimbabwe, except for health and education, unless the Secretary of State certifies and reports as required in paragraph (1).

EAST ASIA AND THE PACIFIC

SEC. 7043. (a) BURMA.—

Consultation.

(1) BILATERAL ECONOMIC ASSISTANCE.—(A) Of the funds appropriated under title III of this Act, not less than \$131,450,000 shall be made available for assistance for Burma: *Provided*, That such funds may be made available notwithstanding any other provision of law and following consultation with the appropriate congressional committees: *Provided further*, That such funds shall be made available for programs to promote ethnic and religious tolerance and to combat gender-based violence, including in Kachin, Karen, Rakhine, and Shan states: *Provided further*, That such funds may be made available for ethnic groups and civil society in Burma to help sustain ceasefire agreements and further prospects for reconciliation and peace, which may include support to representatives of ethnic armed groups for this purpose.

(B) Funds appropriated under title III of this Act for assistance for Burma shall be made available for community-based organizations operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in eastern Burma, in addition to assistance for Burmese refugees from funds appropriated by this Act under the heading “Migration and Refugee Assistance”: *Provided*, That such funds may be available for programs to support the return of Kachin, Karen, Rohingya, Shan, and other refugees and internally displaced persons to their locations of origin or preference in Burma only if such returns are voluntary and consistent with international law.

Reports.

(C) Funds appropriated under title III of this Act for assistance for Burma that are made available for assistance for the Government of Burma to support the implementation of Nationwide Ceasefire Agreement conferences, committees, and other procedures may only be made available if the Secretary of State reports to the Committees on Appropriations that such conferences, committees, and procedures are directed toward a sustainable peace and the Government of Burma is implementing its commitments under such Agreement.

(2) INTERNATIONAL SECURITY ASSISTANCE.—None of the funds appropriated by this Act under the headings “International Military Education and Training” and “Foreign Military Financing Program” may be made available for assistance for Burma: *Provided*, That the Department of State may continue consultations with the armed forces of Burma only on human rights and disaster response in a manner consistent with the prior fiscal year, and following consultation with the appropriate congressional committees.

Consultations.

(3) LIMITATIONS.—None of the funds appropriated under title III of this Act for assistance for Burma may be made available to any organization or entity controlled by the armed forces of Burma, or to any individual or organization that advocates violence against ethnic or religious groups or individuals in Burma, as determined by the Secretary of State for programs administered by the Department of State and USAID or the President of the National Endowment for Democracy (NED) for programs administered by NED.

(4) CONSULTATION.—Any new program or activity in Burma initiated in fiscal year 2020 shall be subject to prior consultation with the appropriate congressional committees.

(b) CAMBODIA.—

(1) ASSISTANCE.—Of the funds appropriated under title III of this Act, not less than \$82,505,000 shall be made available for assistance for Cambodia.

(2) CERTIFICATION AND EXCEPTIONS.—

(A) CERTIFICATION.—None of the funds appropriated by this Act that are made available for assistance for the Government of Cambodia may be obligated or expended unless the Secretary of State certifies and reports to the Committees on Appropriations that such Government is taking effective steps to—

Reports.

(i) strengthen regional security and stability, particularly regarding territorial disputes in the South China Sea and the enforcement of international sanctions with respect to North Korea;

(ii) assert its sovereignty against interference by the People’s Republic of China, including by verifiably maintaining the neutrality of Ream Naval Base, other military installations in Cambodia, and dual use facilities such as the Dara Sakor development project; and

(iii) respect the rights, freedoms, and responsibilities enshrined in the Constitution of the Kingdom of Cambodia as enacted in 1993.

(B) EXCEPTIONS.—The certification required by subparagraph (A) shall not apply to funds appropriated by this Act and made available for democracy, health, education, and environment programs, programs to strengthen the sovereignty of Cambodia, and programs to educate and inform the people of Cambodia of the influence efforts of the People’s Republic of China in Cambodia.

(3) USES OF FUNDS.—Funds appropriated under title III of this Act for assistance for Cambodia shall be made available for—

(A) research and education programs associated with the Khmer Rouge in Cambodia; and

(B) programs in the Khmer language to monitor, map, and publicize the efforts by the People’s Republic of China to expand its influence in Cambodia, including in Sihanoukville, Bavet, Poipet, Koh Kong, and areas bordering Vietnam.

(c) INDO-PACIFIC STRATEGY AND THE ASIA REASSURANCE INITIATIVE ACT OF 2018.—

(1) ASSISTANCE.—Of the funds appropriated under titles III and IV of this Act, not less than \$1,482,000,000 shall be made available to support the implementation of the Indo-Pacific Strategy and the Asia Reassurance Initiative Act of 2018 (Public Law 115–409).

Consultation.

(2) COUNTERING CHINESE INFLUENCE FUND.—Of the funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, and “Foreign Military Financing Program”, not less than \$300,000,000 shall be made available for a Countering Chinese Influence Fund to counter the influence of the People’s Republic of China globally, which shall be subject to prior consultation with the Committees on Appropriations: *Provided*, That such funds are in addition to amounts otherwise made available for such purposes: *Provided further*, That such funds appropriated under such headings may be transferred to, and merged with, funds appropriated under such headings: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by this Act or any other Act, and is subject to the regular notification procedures of the Committees on Appropriations.

Notification.

(3) RESTRICTION ON USES OF FUNDS.—None of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for any project or activity that directly supports or promotes—

(A) the Belt and Road Initiative or any dual-use infrastructure projects of the People’s Republic of China; and

Consultation.
Determination.

(B) the use of technology, including biotechnology, digital, telecommunications, and cyber, developed by the People’s Republic of China unless the Secretary of State, in consultation with the USAID Administrator and the Chief Executive Officer of the United States International Development Finance Corporation, as appropriate, determines that such use does not adversely impact the national security of the United States.

(d) LAOS.—Of the funds appropriated under title III of this Act, not less than \$34,280,000 shall be made available for assistance for Laos.

(e) NORTH KOREA.—

Determination.
Reports.

(1) CYBERSECURITY.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the central government of a country the Secretary of State determines and reports to the appropriate congressional committees engages in significant transactions contributing materially to the malicious cyber-intrusion capabilities of the Government of North Korea: *Provided*, That

Reports.

the Secretary of State shall submit the report required by section 209 of the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114–122; 22 U.S.C. 9229) to the Committees on Appropriations: *Provided further*, That the Secretary of State may waive the application of the restriction in this paragraph with respect to assistance for the central government of a country if the Secretary determines and reports to the appropriate congressional committees that to do so is important to the national security interest of the United States, including a description of such interest served.

Waiver authority.
Determination.
Reports.

(2) BROADCASTS.—Funds appropriated by this Act under the heading “International Broadcasting Operations” shall be made available to maintain broadcasting hours into North Korea at levels not less than the prior fiscal year.

(3) HUMAN RIGHTS PROMOTION AND LIMITATION ON USE OF FUNDS.—(A) Funds appropriated by this Act under the headings “Economic Support Fund” and “Democracy Fund” shall be made available for the promotion of human rights in North Korea: *Provided*, That the authority of section 7032(b)(1) of this Act shall apply to such funds.

Applicability.

(B) None of the funds made available by this Act under the heading “Economic Support Fund” may be made available for assistance for the Government of North Korea.

(f) PEOPLE’S REPUBLIC OF CHINA.—

(1) LIMITATION ON USE OF FUNDS.—None of the funds appropriated under the heading “Diplomatic Programs” in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People’s Republic of China (PRC) unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

Deadline.
Notification.

(2) PEOPLE’S LIBERATION ARMY.—The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People’s Liberation Army (PLA) of the PRC, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided*, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

Applicability.

(3) UNITED STATES-CHINA FRIENDSHIP VOLUNTEER PROGRAM.—Not later than 90 days after enactment of this Act and following consultation with the heads of other relevant Federal agencies, the Director of the Peace Corps shall submit a report to the appropriate congressional committees on the United States-China Friendship Volunteer Program, including a description of program coordination, implementation, and oversight, and the goals and objectives served: *Provided*, That the Director shall also consult with the Committees on Appropriations on such report.

Consultation.
Reports.

(4) HONG KONG.—

(A) DEMOCRACY PROGRAMS.—Of the funds appropriated by this Act under the heading “Democracy Fund” for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of

State, not less than \$1,500,000 shall be made available for democracy programs for Hong Kong, including legal and other support for democracy activists.

(B) REPORT.—Funds appropriated under title I of this Act shall be made available to prepare and submit to Congress the report required by section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731), which shall also include a description of—

(i) efforts by the Hong Kong authorities and the Government of the People's Republic of China to prevent free assembly and communications by the people of Hong Kong;

(ii) the technical surveillance equipment and methods used by the Hong Kong authorities and the Government of the People's Republic of China to monitor the movement and communications of the Hong Kong population;

(iii) the application of social and political control tools developed by the Government of the People's Republic of China and used by such Government and the Hong Kong authorities in Hong Kong;

(iv) the disinformation and political influence campaigns conducted by the Government of the People's Republic of China in Hong Kong and overseas with respect to the situation in Hong Kong; and

(v) the mission and activities of the People's Armed Police, the People's Liberation Army, the Ministries of Public Security and State Security in Beijing, the Government of the People's Republic of China, and other Chinese security forces in Hong Kong, including their respective roles in human rights abuses against the people of Hong Kong.

(g) PHILIPPINES.—None of the funds appropriated by this Act under the heading “International Narcotics Control and Law Enforcement” may be made available for counternarcotics assistance for the Philippines, except for drug demand reduction, maritime law enforcement, or transnational interdiction.

(h) TIBET.—

(1) FINANCING OF PROJECTS IN TIBET.—The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support financing of projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans, are based on a thorough needs-assessment, foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions, and are subject to effective monitoring.

(2) PROGRAMS FOR TIBETAN COMMUNITIES.—(A) Notwithstanding any other provision of law, of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$8,000,000 shall be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development, education, and environmental conservation in Tibetan communities

in the Tibet Autonomous Region and in other Tibetan communities in China.

(B) Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$6,000,000 shall be made available for programs to promote and preserve Tibetan culture and language in the refugee and diaspora Tibetan communities, development, and the resilience of Tibetan communities and the Central Tibetan Administration in India and Nepal, and to assist in the education and development of the next generation of Tibetan leaders from such communities: *Provided*, That such funds are in addition to amounts made available in subparagraph (A) for programs inside Tibet.

(C) Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$3,000,000 shall be made available for programs to strengthen the capacity of the Central Tibetan Administration: *Provided*, That such funds shall be administered by the United States Agency for International Development.

(i) VIETNAM.—Of the funds appropriated under titles III and IV of this Act, not less than \$159,634,000 shall be made available for assistance for Vietnam, of which not less than—

(1) \$13,000,000 shall be made available for health and disability programs in areas sprayed with Agent Orange and contaminated with dioxin, to assist individuals with severe upper or lower body mobility impairment or cognitive or developmental disabilities;

(2) \$20,000,000 shall be made available, notwithstanding any other provision of law, for activities related to the remediation of dioxin contaminated sites in Vietnam and may be made available for assistance for the Government of Vietnam, including the military, for such purposes; and

(3) \$1,500,000 shall be made available for a war legacy reconciliation program.

SOUTH AND CENTRAL ASIA

SEC. 7044. (a) AFGHANISTAN.—

(1) FUNDING AND LIMITATIONS.—Funds appropriated by this Act under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” that are made available for assistance for Afghanistan—

(A) shall be made available to implement the South Asia Strategy, the Revised Strategy for United States Engagement in Afghanistan, and the United States Agency for International Development Country Development Cooperation Strategy for Afghanistan;

(B) shall be made available to continue support for institutions of higher education in Kabul, Afghanistan that are accessible to both women and men in a coeducational environment, including for the costs for operations and security for such institutions;

(C) shall be made available for programs that protect and strengthen the rights of Afghan women and girls and promote the political and economic empowerment of women including their meaningful inclusion in political processes: *Provided*, That such assistance to promote the economic empowerment of women shall be made available as grants

Grants.

to Afghan organizations, to the maximum extent practicable; and

(D) may not be made available for any program, project, or activity pursuant to section 7044(a)(1)(C) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6).

(2) AFGHAN WOMEN.—

(A) IN GENERAL.—The Secretary of State shall promote the meaningful participation of Afghan women in ongoing peace and reconciliation processes in Afghanistan in a manner consistent with the Women, Peace, and Security Act of 2017 (Public Law 115–68), including advocacy for the inclusion of Afghan women leaders in ongoing and future dialogue and negotiations and efforts to ensure that any peace agreement reached with the Taliban protects the rights of women and girls and ensures their freedom of movement, rights to education and work, and access to healthcare and legal representation.

Reports.

(B) ASSISTANCE.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading “Economic Support Fund” shall be made available for an endowment pursuant to paragraph (3)(A)(iv) of this subsection for an institution of higher education in Kabul, Afghanistan that is accessible to both women and men in a coeducational environment: *Provided*, That such endowment shall be established in partnership with a United States-based American higher education institution that will serve on its board of trustees: *Provided further*, That prior to the obligation of funds for such an endowment, the Administrator of the United States Agency for International Development shall submit a report to the Committees on Appropriations describing the governance structure, including a proposed board of trustees, and financial safeguards, including regular audit and reporting requirements, in any endowment agreement: *Provided further*, That the USAID Administrator shall provide a report on the expenditure of funds generated from such an endowment to the Committees on Appropriations on an annual basis.

(3) AUTHORITIES.—

(A) Funds appropriated by this Act under titles III through VI that are made available for assistance for Afghanistan may be made available—

(i) notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961;

(ii) for reconciliation programs and disarmament, demobilization, and reintegration activities for former combatants who have renounced violence against the Government of Afghanistan, including in accordance with section 7046(a)(2)(B)(ii) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74);

(iii) for an endowment to empower women and girls; and

(iv) for an endowment for higher education.

(B) Section 7046(a)(2)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall apply to funds appropriated by this Act for assistance for Afghanistan.

Applicability.

(C) Of the funds appropriated by this Act under the heading “Diplomatic Programs”, up to \$3,000,000 may be transferred to any other appropriation of any department or agency of the United States Government, upon the concurrence of the head of such department or agency, to support operations in, and assistance for, Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided*, That any such transfer shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

(4) AGREEMENT AND CERTIFICATION.—Funds appropriated by this Act shall be made available for the following purposes—

(A) the submission to the appropriate congressional committees by the President of a copy of any agreement or arrangement between the Government of the United States and the Taliban relating to the United States presence in Afghanistan or Taliban commitments on the future of Afghanistan, which shall be submitted not later than 30 days after finalizing such an agreement or arrangement; and

President.
Records.
Deadline.

(B) the submission to the appropriate congressional committees of a joint certification by the Secretary of State and Secretary of Defense that such agreement or arrangement will further the objective of setting conditions for the long-term defeat of al Qaeda and Islamic State and will not make the United States more vulnerable to terrorist attacks originating from Afghanistan or supported by terrorist elements in Afghanistan.

(5) BASING RIGHTS AGREEMENT.—None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(b) BANGLADESH.—Of the funds appropriated under titles III and IV of this Act, not less than \$198,323,000 shall be made available for assistance for Bangladesh, of which—

(1) not less than \$23,500,000 shall be made available to address the needs of communities impacted by refugees from Burma;

(2) not less than \$10,000,000 shall be made available for programs to protect freedom of expression and due process of law; and

(3) not less than \$23,300,000 shall be made available for democracy programs, of which not less than \$2,000,000 shall be made available for such programs for the Rohingya community in Bangladesh.

(c) NEPAL.—

(1) ASSISTANCE.—Of the funds appropriated under titles III and IV of this Act, not less than \$130,265,000 shall be

made available for assistance for Nepal, including for earthquake recovery and reconstruction programs and democracy programs.

(2) FOREIGN MILITARY FINANCING PROGRAM.—Funds appropriated by this Act under the heading “Foreign Military Financing Program” shall only be made available for humanitarian and disaster relief and reconstruction activities in Nepal, and in support of international peacekeeping operations: *Provided*, That such funds may only be made available for any additional uses if the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Nepal is investigating and prosecuting violations of human rights and the laws of war, and the Nepal Army is cooperating fully with civilian judicial authorities in such cases.

(d) PAKISTAN.—

(1) TERMS AND CONDITIONS.—The terms and conditions of section 7044(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6) shall continue in effect during fiscal year 2020.

(2) ASSISTANCE.—Of the funds appropriated under title III of this Act that are made available for assistance for Pakistan, not less than \$15,000,000 shall be made available for democracy programs and not less than \$10,000,000 shall be made available for gender programs.

(e) SRI LANKA.—

(1) ASSISTANCE.—Funds appropriated under title III of this Act shall be made available for assistance for Sri Lanka for democracy and economic development programs, particularly in areas recovering from ethnic and religious conflict: *Provided*, That such funds shall be made available for programs to assist in the identification and resolution of cases of missing persons.

(2) CERTIFICATION.—Funds appropriated by this Act for assistance for the central Government of Sri Lanka, except for funds made available for humanitarian assistance, victims of trauma, and technical assistance to promote fiscal transparency and sovereignty, may be made available only if the Secretary of State certifies and reports to the Committees on Appropriations that such Government is taking effective and consistent steps to—

(A) respect and uphold the rights and freedoms of the people of Sri Lanka regardless of ethnicity and religious belief, including by investigating violations of human rights and holding perpetrators of such violations accountable;

(B) assert its sovereignty against interference by the People’s Republic of China; and

(C) promote reconciliation between ethnic and religious groups arising from past conflict in Sri Lanka, including by addressing land confiscation and ownership issues, resolving cases of missing persons, and reducing the presence of the armed forces in former conflict zones.

(3) INTERNATIONAL SECURITY ASSISTANCE.—Of the funds appropriated by this Act under the heading “Foreign Military Financing Program”, not to exceed \$500,000 may be made available for assistance for Sri Lanka: *Provided*, That such funds may be made available only for programs to support

Certification.
Reports.
Human rights.

Extension.

Reports.

Human rights.

humanitarian and disaster response preparedness and maritime security, including professionalization and training for the navy and coast guard: *Provided further*, That funds made available under the heading “Peacekeeping Operations” may only be made available subject to the regular notification procedures of the Committees on Appropriations.

Notification.

(f) REGIONAL PROGRAMS.—Funds appropriated by this Act shall be made available for assistance for Afghanistan, Pakistan, and other countries in South and Central Asia to significantly increase the recruitment, training, and retention of women in the judiciary, police, and other security forces, and to train judicial and security personnel in such countries to prevent and address gender-based violence, human trafficking, and other practices that disproportionately harm women and girls.

LATIN AMERICA AND THE CARIBBEAN

SEC. 7045. (a) CENTRAL AMERICA.—

(1) ASSISTANCE.—

(A) FISCAL YEAR 2020.—Of the funds appropriated by this Act under titles III and IV, not less than \$519,885,000 should be made available for assistance for Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama, including through the Central America Regional Security Initiative: *Provided*, That such assistance shall be prioritized for programs and activities that addresses the key factors that contribute to the migration of unaccompanied, undocumented minors to the United States and such funds shall be made available for global health, humanitarian, development, democracy, border security, and law enforcement programs for such countries, including for programs to reduce violence against women and girls and to combat corruption, and for support of commissions against corruption and impunity, as appropriate: *Provided further*, That not less than \$45,000,000 shall be for support of offices of Attorneys General and of other entities and activities to combat corruption and impunity in such countries.

Priority.

(B) FISCAL YEAR 2019.—Of the funds appropriated under titles III and IV of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6), not less than \$527,600,000 should be made available for assistance for Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama, including through the Central America Regional Security Initiative: *Provided*, That such funds shall be made available subject to the conditions in paragraph (2) of this subsection and notwithstanding paragraphs (1) and (2) of section 7045(a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6).

(2) NORTHERN TRIANGLE.—

(A) LIMITATION ON ASSISTANCE TO CERTAIN CENTRAL GOVERNMENTS.—Of the funds made available pursuant to paragraph (1) under the heading “Economic Support Fund” and under title IV of this Act that are made available for assistance for each of the central governments of El

Certification.
Reports.

Salvador, Guatemala, and Honduras, 50 percent may only be obligated after the Secretary of State certifies and reports to the appropriate congressional committees that such government is—

(i) combating corruption and impunity, including prosecuting corrupt government officials;

(ii) implementing reforms, policies, and programs to increase transparency and strengthen public institutions;

(iii) protecting the rights of civil society, opposition political parties, and the independence of the media;

(iv) providing effective and accountable law enforcement and security for its citizens, and upholding due process of law;

(v) implementing policies to reduce poverty and promote equitable economic growth and opportunity;

(vi) supporting the independence of the judiciary and of electoral institutions;

(vii) improving border security;

(viii) combating human smuggling and trafficking and countering the activities of criminal gangs, drug traffickers, and transnational criminal organizations; and

(ix) informing its citizens of the dangers of the journey to the southwest border of the United States.

(B) REPROGRAMMING.—If the Secretary is unable to make the certification required by subparagraph (A) for one or more of the governments, such assistance for such central government shall be reprogrammed for assistance for other countries in Latin America and the Caribbean, notwithstanding the minimum funding requirements of this subsection and of section 7019 of this Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations.

(C) EXCEPTIONS.—The limitation of subparagraph (A) shall not apply to funds appropriated by this Act that are made available for—

(i) the Mission to Support the Fight Against Corruption and Impunity in Honduras, the International Commission Against Impunity in El Salvador, and support of offices of Attorneys General and of other entities and activities related to combating corruption and impunity;

(ii) programs to combat gender-based violence;

(iii) humanitarian assistance; and

(iv) food security programs.

(b) COLOMBIA.—

(1) ASSISTANCE.—Of the funds appropriated by this Act under titles III and IV, not less than \$448,253,000 shall be made available for assistance for Colombia: *Provided*, That such funds shall be made available for the programs and activities described under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(2) WITHHOLDING OF FUNDS.—

Notification.

Certification.
Reports.

(A) COUNTERNARCOTICS.—Of the funds appropriated by this Act under the heading “International Narcotics Control and Law Enforcement” and made available for assistance for Colombia, 20 percent may be obligated only after the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Colombia is continuing to implement a national whole-of-government counternarcotics strategy intended to reduce by 50 percent cocaine production and coca cultivation levels in Colombia by 2023.

(B) HUMAN RIGHTS.—Of the funds appropriated by this Act under the heading “Foreign Military Financing Program” and made available for assistance for Colombia, 20 percent may be obligated only after the Secretary of State certifies and reports to the Committees on Appropriations that—

(i) the Special Jurisdiction for Peace and other judicial authorities are taking effective steps to hold accountable perpetrators of gross violations of human rights in a manner consistent with international law, including for command responsibility, and sentence them to deprivation of liberty;

(ii) the Government of Colombia is taking effective steps to prevent attacks against human rights defenders and other civil society activists, trade unionists, and journalists, and judicial authorities are prosecuting those responsible for such attacks; and

(iii) senior military officers responsible for ordering, committing, and covering up cases of false positives are being held accountable, including removal from active duty if found guilty through criminal or disciplinary proceedings.

(3) EXCEPTIONS.—The limitations of paragraph (2) shall not apply to funds made available for aviation instruction and maintenance, and maritime and riverine security programs.

(4) AUTHORITY.—Aircraft supported by funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs and made available for assistance for Colombia may be used to transport personnel and supplies involved in drug eradication and interdiction, including security for such activities, and to provide transport in support of alternative development programs and investigations by civilian judicial authorities.

(5) LIMITATION.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for Colombia may be made available for payment of reparations to conflict victims or compensation to demobilized combatants associated with a peace agreement between the Government of Colombia and illegal armed groups.

(c) HAITI.—

(1) CERTIFICATION.—Funds appropriated by this Act under the heading “Economic Support Fund” that are made available for assistance for Haiti may not be made available for assistance for the central Government of Haiti unless the Secretary of State certifies and reports to the Committees on Appropriations

Reports.

that such government is taking effective steps, which are steps taken since the certification and report submitted during the prior year, if applicable, to—

(A) strengthen the rule of law in Haiti, including by—
(i) selecting judges in a transparent manner based on merit;

(ii) reducing pre-trial detention;

(iii) respecting the independence of the judiciary; and

(iv) improving governance by implementing reforms to increase transparency and accountability, including through the penal and criminal codes;

(B) combat corruption, including by implementing the anti-corruption law enacted in 2014 and prosecuting corrupt officials;

(C) increase government revenues, including by implementing tax reforms, and increasing expenditures on public services; and

(D) resolve commercial disputes between United States entities and the Government of Haiti.

(2) HAITIAN COAST GUARD.—The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the Coast Guard.

(3) LIMITATION.—None of the funds made available by this Act may be used to provide assistance to the armed forces of Haiti.

(d) THE CARIBBEAN.—Of the funds appropriated by this Act under titles III and IV, not less than \$60,000,000 shall be made available for the Caribbean Basin Security Initiative.

(e) VENEZUELA.—

(1) Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$30,000,000 shall be made available for democracy programs for Venezuela.

(2) Funds appropriated under title III of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be made available for assistance for communities in countries supporting or otherwise impacted by refugees from Venezuela, including Colombia, Peru, Ecuador, Curacao, and Trinidad and Tobago: *Provided*, That such amounts are in addition to funds otherwise made available for assistance for such countries, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Consultation.
Notification.

EUROPE AND EURASIA

SEC. 7046. (a) ASSISTANCE.—

(1) GEORGIA.—Of the funds appropriated by this Act under titles III and IV, not less than \$132,025,000 shall be made available for assistance for Georgia.

(2) UKRAINE.—Of the funds appropriated by this Act under titles III and IV, not less than \$448,000,000 shall be made available for assistance for Ukraine.

(b) LIMITATION.—None of the funds appropriated by this Act may be made available for assistance for a government of an Independent State of the former Soviet Union if such government directs

any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That except as otherwise provided in section 7047(a) of this Act, funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: *Provided further*, That prior to executing the authority contained in the previous proviso, the Secretary of State shall consult with the Committees on Appropriations on how such assistance supports the national security interest of the United States.

President.
Determination.

Consultation.

(c) SECTION 907 OF THE FREEDOM SUPPORT ACT.—Section 907 of the FREEDOM Support Act (22 U.S.C. 5812 note) shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act (22 U.S.C. 5851 et seq.) and section 1424 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2333) or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961;

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the United States International Development Finance Corporation as authorized by the BUILD Act of 2018 (division F of Public Law 115–254);

(5) any financing provided under the Export-Import Bank Act of 1945 (Public Law 79–173); or

(6) humanitarian assistance.

(d) TURKEY.—None of the funds made available by this Act may be used to facilitate or support the sale of defense articles or defense services to the Turkish Presidential Protection Directorate (TPPD) under Chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) unless the Secretary of State determines and reports to the appropriate congressional committees that members of the TPPD that are named in the July 17, 2017, indictment by the Superior Court of the District of Columbia, and against whom there are pending charges, have returned to the United States to stand trial in connection with the offenses contained in such indictment or have otherwise been brought to justice: *Provided*, That the limitation in this paragraph shall not apply to the use of funds made available by this Act for border security purposes, for North Atlantic Treaty Organization or coalition operations, or to enhance the protection of United States officials and facilities in Turkey.

Determination.
Reports.

COUNTERING RUSSIAN INFLUENCE AND AGGRESSION

SEC. 7047. (a) LIMITATION.—None of the funds appropriated by this Act may be made available for assistance for the central Government of the Russian Federation.

(b) ANNEXATION OF CRIMEA.—

Determination.
Reports.

(1) PROHIBITION.—None of the funds appropriated by this Act may be made available for assistance for the central government of a country that the Secretary of State determines and reports to the Committees on Appropriations has taken affirmative steps intended to support or be supportive of the Russian Federation annexation of Crimea or other territory in Ukraine: *Provided*, That except as otherwise provided in subsection (a), the Secretary may waive the restriction on assistance required by this paragraph if the Secretary determines and reports to such Committees that to do so is in the national interest of the United States, and includes a justification for such interest.

Waiver authority.
Determination.
Reports.

(2) LIMITATION.—None of the funds appropriated by this Act may be made available for—

(A) the implementation of any action or policy that recognizes the sovereignty of the Russian Federation over Crimea or other territory in Ukraine;

(B) the facilitation, financing, or guarantee of United States Government investments in Crimea or other territory in Ukraine under the control of Russian-backed separatists, if such activity includes the participation of Russian Government officials, or other Russian owned or controlled financial entities; or

(C) assistance for Crimea or other territory in Ukraine under the control of Russian-backed separatists, if such assistance includes the participation of Russian Government officials, or other Russian owned or controlled financial entities.

(3) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive directors of each international financial institution to use the voice and vote of the United States to oppose any assistance by such institution (including any loan, credit, or guarantee) for any program that violates the sovereignty or territorial integrity of Ukraine.

Determination.
Reports.

(4) DURATION.—The requirements and limitations of this subsection shall cease to be in effect if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Ukraine has reestablished sovereignty over Crimea and other territory in Ukraine under the control of Russian-backed separatists.

(c) OCCUPATION OF THE GEORGIAN TERRITORIES OF ABKHAZIA AND TSKHINVALI REGION/SOUTH OSSETIA.—

Determination.
Reports.

(1) PROHIBITION.—None of the funds appropriated by this Act may be made available for assistance for the central government of a country that the Secretary of State determines and reports to the Committees on Appropriations has recognized the independence of, or has established diplomatic relations with, the Russian Federation occupied Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia: *Provided*, That the Secretary shall publish on the Department of State website a list of any such central governments in a timely manner: *Provided further*, That the Secretary may waive the restriction on assistance required by this paragraph if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national interest of the United States, and includes a justification for such interest.

Web posting.
Lists.

Waiver authority.
Determination.
Reports.

(2) LIMITATION.—None of the funds appropriated by this Act may be made available to support the Russian Federation occupation of the Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia.

(3) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive directors of each international financial institution to use the voice and vote of the United States to oppose any assistance by such institution (including any loan, credit, or guarantee) for any program that violates the sovereignty and territorial integrity of Georgia.

(d) COUNTERING RUSSIAN INFLUENCE FUND.—

(1) ASSISTANCE.—Of the funds appropriated by this Act under the headings “Assistance for Europe, Eurasia and Central Asia”, “International Narcotics Control and Law Enforcement”, “International Military Education and Training”, and “Foreign Military Financing Program”, not less than \$290,000,000 shall be made available to carry out the purposes of the Countering Russian Influence Fund, as authorized by section 254 of the Countering Russian Influence in Europe and Eurasia Act of 2017 (Public Law 115–44; 22 U.S.C. 9543) and notwithstanding the country limitation in subsection (b) of such section, and programs to enhance the capacity of law enforcement and security forces in countries in Europe, Eurasia, and Central Asia and strengthen security cooperation between such countries and the United States and the North Atlantic Treaty Organization, as appropriate.

(2) ECONOMICS AND TRADE.—Funds appropriated by this Act and made available for assistance for the Eastern Partnership countries shall be made available to advance the implementation of Association Agreements and trade agreements with the European Union, and to reduce their vulnerability to external economic and political pressure from the Russian Federation.

(e) DEMOCRACY PROGRAMS.—Funds appropriated by this Act shall be made available to support democracy programs in the Russian Federation and other countries in Europe, Eurasia, and Central Asia, including to promote Internet freedom: *Provided*, That not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees a comprehensive, multiyear strategy for the promotion of democracy in such countries.

Deadline.
Consultation.
Strategy.

UNITED NATIONS

SEC. 7048. (a) TRANSPARENCY AND ACCOUNTABILITY.—

(1) WITHHOLDING OF FUNDS.—Of the funds appropriated under the heading “Contributions to International Organizations” in title I and “International Organizations and Programs” in title V of this Act that are available for contributions to the United Nations (including the Department of Peacekeeping Operations), any United Nations agency, or the Organization of American States, 15 percent may not be obligated for such organization, department, or agency until the Secretary of State determines and reports to the Committees on Appropriations that the organization, department, or agency is—

Determination.
Reports.

Public
information.
Web posting.
Audits.

(A) posting on a publicly available website, consistent with privacy regulations and due process, regular financial and programmatic audits of such organization, department, or agency, and providing the United States Government with necessary access to such financial and performance audits;

(B) effectively implementing and enforcing policies and procedures which meet or exceed best practices in the United States for the protection of whistleblowers from retaliation, including—

(i) protection against retaliation for internal and lawful public disclosures;

(ii) legal burdens of proof;

(iii) statutes of limitation for reporting retaliation;

(iv) access to binding independent adjudicative bodies, including shared cost and selection external arbitration; and

(v) results that eliminate the effects of proven retaliation, including provision for the restoration of prior employment; and

(C) effectively implementing and enforcing policies and procedures on the appropriate use of travel funds, including restrictions on first class and business class travel.

Determination.
Reports.

(2) WAIVER.—The restrictions imposed by or pursuant to paragraph (1) may be waived on a case- by-case basis if the Secretary of State determines and reports to the Committees on Appropriations that such waiver is necessary to avert or respond to a humanitarian crisis.

Terrorism.

(b) RESTRICTIONS ON UNITED NATIONS DELEGATIONS AND ORGANIZATIONS.—

(1) RESTRICTIONS ON UNITED STATES DELEGATIONS.—None of the funds made available by this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such agency, body, or commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 1754(c) of the Export Reform Control Act of 2018 (50 U.S.C. 4813(c)), supports international terrorism.

(2) RESTRICTIONS ON CONTRIBUTIONS.—None of the funds made available by this Act may be used by the Secretary of State as a contribution to any organization, agency, commission, or program within the United Nations system if such organization, agency, commission, or program is chaired or presided over by a country the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, section 1754(c) of the Export Reform Control Act of 2018 (50 U.S.C. 4813(c)), or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

Determination.
Reports.

(3) WAIVER.—The Secretary of State may waive the restriction in this subsection if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national interest of the United States, including a description of the national interest served.

(c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—None of the funds appropriated by this Act may be made available in support of the United Nations Human Rights Council unless the Secretary of State determines and reports to the Committees on Appropriations that participation in the Council is important to the national interest of the United States and that such Council is taking significant steps to remove Israel as a permanent agenda item and ensure integrity in the election of members to such Council: *Provided*, That such report shall include a description of the national interest served and the steps taken to remove Israel as a permanent agenda item and ensure integrity in the election of members to such Council: *Provided further*, That the Secretary of State shall report to the Committees on Appropriations not later than September 30, 2020, on the resolutions considered in the United Nations Human Rights Council during the previous 12 months, and on steps taken to remove Israel as a permanent agenda item and ensure integrity in the election of members to such Council.

Determination.
Reports.

Time period.

(d) UNITED NATIONS RELIEF AND WORKS AGENCY.—Prior to the initial obligation of funds for the United Nations Relief and Works Agency (UNRWA), the Secretary of State shall report to the Committees on Appropriations, in writing, on whether UNRWA is—

Reports.

(1) utilizing Operations Support Officers in the West Bank, Gaza, and other fields of operation to inspect UNRWA installations and reporting any inappropriate use;

(2) acting promptly to address any staff or beneficiary violation of its own policies (including the policies on neutrality and impartiality of employees) and the legal requirements under section 301(c) of the Foreign Assistance Act of 1961;

(3) implementing procedures to maintain the neutrality of its facilities, including implementing a no-weapons policy, and conducting regular inspections of its installations, to ensure they are only used for humanitarian or other appropriate purposes;

(4) taking necessary and appropriate measures to ensure it is operating in compliance with the conditions of section 301(c) of the Foreign Assistance Act of 1961 and continuing regular reporting to the Department of State on actions it has taken to ensure conformance with such conditions;

(5) taking steps to ensure the content of all educational materials currently taught in UNRWA-administered schools and summer camps is consistent with the values of human rights, dignity, and tolerance and does not induce incitement;

(6) not engaging in operations with financial institutions or related entities in violation of relevant United States law, and is taking steps to improve the financial transparency of the organization; and

(7) in compliance with the United Nations Board of Auditors' biennial audit requirements and is implementing in a timely fashion the Board's recommendations.

Compliance.

(e) PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for

participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

(f) **REPORT.**—Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amount of funds available for obligation or expenditure in fiscal year 2020 for contributions to any organization, department, agency, or program within the United Nations system or any international program that are withheld from obligation or expenditure due to any provision of law: *Provided*, That the Secretary shall update such report each time additional funds are withheld by operation of any provision of law: *Provided further*, That the reprogramming of any withheld funds identified in such report, including updates thereof, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Updates.

Consultation.
Notification.

(g) **SEXUAL EXPLOITATION AND ABUSE IN PEACEKEEPING OPERATIONS.**—The Secretary of State should withhold assistance to any unit of the security forces of a foreign country if the Secretary has credible information that such unit has engaged in sexual exploitation or abuse, including while serving in a United Nations peacekeeping operation, until the Secretary determines that the government of such country is taking effective steps to hold the responsible members of such unit accountable and to prevent future incidents: *Provided*, That the Secretary shall promptly notify the government of each country subject to any withholding of assistance pursuant to this paragraph, and shall notify the appropriate congressional committees of such withholding not later than 10 days after a determination to withhold such assistance is made: *Provided further*, That the Secretary shall, to the maximum extent practicable, assist such government in bringing the responsible members of such unit to justice.

Notifications.
Deadline.
Determination.

Notification.

(h) **ADDITIONAL AVAILABILITY.**—Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated by this Act which are returned or not made available due to the implementation of subsection (a), the third proviso under the heading “Contributions for International Peacekeeping Activities” in title I of this Act, or section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)), shall remain available for obligation until September 30, 2021: *Provided*, That the requirement to withhold funds for programs in Burma under section 307(a) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated by this Act.

Consultations.
Determinations.
Reports.

(i) **NATIONAL SECURITY INTEREST WITHHOLDING.**—

(1) **WITHHOLDING.**—The Secretary of State shall withhold 5 percent of the funds appropriated by this Act under the heading “Contributions to International Organizations” for a specialized agency or other entity of the United Nations if the Secretary, in consultation with the United States Ambassador to the United Nations, determines and reports to the Committees on Appropriations that such agency or entity has taken an official action that is against the national security interest of the United States or an ally of the United States, including Israel.

(2) **RELEASE OF FUNDS.**—The Secretary of State, in consultation with the United States Ambassador to the United Nations, may release funds withheld pursuant to paragraph

(1) if the Secretary determines and reports to the Committees on Appropriations that such agency or entity is taking steps to address the action that resulted in the withholding of such funds.

(3) REPROGRAMMING.—Should the Secretary of State be unable to make a determination pursuant to paragraph (2) regarding the release of withheld funds, such funds may be reprogrammed for other purposes under the heading “Contributions to International Organizations”.

(4) WAIVER.—The Secretary of State, following consultation with the Committees on Appropriations, may waive the requirements of this subsection if the Secretary determines that to do so in the national interest.

WAR CRIMES TRIBUNALS

SEC. 7049. (a) If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

President.
Determination.

Notification.

(b) None of the funds appropriated by this Act may be made available for a United States contribution to the International Criminal Court: *Provided*, That funds may be made available for technical assistance, training, assistance for victims, protection of witnesses, and law enforcement support related to international investigations, apprehensions, prosecutions, and adjudications of genocide, crimes against humanity, and war crimes: *Provided further*, That the previous proviso shall not apply to investigations, apprehensions, or prosecutions of American service members and other United States citizens or nationals, or nationals of the North Atlantic Treaty Organization (NATO) or major non-NATO allies initially designated pursuant to section 517(b) of the Foreign Assistance Act of 1961.

GLOBAL INTERNET FREEDOM

SEC. 7050. (a) FUNDING.—Of the funds available for obligation during fiscal year 2020 under the headings “International Broadcasting Operations”, “Economic Support Fund”, “Democracy Fund”, and “Assistance for Europe, Eurasia and Central Asia”, not less than \$65,500,000 shall be made available for programs to promote Internet freedom globally: *Provided*, That such programs shall be prioritized for countries whose governments restrict freedom of expression on the Internet, and that are important to the national interest of the United States: *Provided further*, That funds made available pursuant to this section shall be matched, to the maximum

extent practicable, by sources other than the United States Government, including from the private sector.

(b) REQUIREMENTS.—

(1) DEPARTMENT OF STATE AND UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Funds appropriated by this Act under the headings “Economic Support Fund”, “Democracy Fund”, and “Assistance for Europe, Eurasia and Central Asia” that are made available pursuant to subsection (a) shall be—

(A) coordinated with other democracy programs funded by this Act under such headings, and shall be incorporated into country assistance and democracy promotion strategies, as appropriate;

(B) for programs to implement the May 2011, International Strategy for Cyberspace, the Department of State International Cyberspace Policy Strategy required by section 402 of the Cybersecurity Act of 2015 (division N of Public Law 114–113), and the comprehensive strategy to promote Internet freedom and access to information in Iran, as required by section 414 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8754);

(C) made available for programs that support the efforts of civil society to counter the development of repressive Internet-related laws and regulations, including countering threats to Internet freedom at international organizations; to combat violence against bloggers and other users; and to enhance digital security training and capacity building for democracy activists;

(D) made available for research of key threats to Internet freedom; the continued development of technologies that provide or enhance access to the Internet, including circumvention tools that bypass Internet blocking, filtering, and other censorship techniques used by authoritarian governments; and maintenance of the technological advantage of the United States Government over such censorship techniques: *Provided*, That the Secretary of State, in consultation with the Chief Executive Officer (CEO) of the United States Agency for Global Media (USAGM), shall coordinate any such research and development programs with other relevant United States Government departments and agencies in order to share information, technologies, and best practices, and to assess the effectiveness of such technologies; and

(E) made available only after the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, concurs that such funds are allocated consistent with—

(i) the strategies referenced in subparagraph (B) of this paragraph;

(ii) best practices regarding security for, and oversight of, Internet freedom programs; and

(iii) sufficient resources and support for the development and maintenance of anti-censorship technology and tools.

(2) UNITED STATES AGENCY FOR GLOBAL MEDIA.—Funds appropriated by this Act under the heading “International

Consultation.
Coordination.
Assessment.

Broadcasting Operations” that are made available pursuant to subsection (a) shall be—

(A) made available only for tools and techniques to securely develop and distribute USAGM digital content, facilitate audience access to such content on websites that are censored, coordinate the distribution of USAGM digital content to targeted regional audiences, and to promote and distribute such tools and techniques, including digital security techniques;

(B) coordinated with programs funded by this Act under the heading “International Broadcasting Operations”, and shall be incorporated into country broadcasting strategies, as appropriate;

(C) coordinated by the USAGM CEO to provide Internet circumvention tools and techniques for audiences in countries that are strategic priorities for the USAGM and in a manner consistent with the USAGM Internet freedom strategy; and

(D) made available for the research and development of new tools or techniques authorized in subparagraph (A) only after the USAGM CEO, in consultation with the Secretary of State and other relevant United States Government departments and agencies, evaluates the risks and benefits of such new tools or techniques, and establishes safeguards to minimize the use of such new tools or techniques for illicit purposes.

Consultation.
Evaluation.

(c) COORDINATION AND SPEND PLANS.—After consultation among the relevant agency heads to coordinate and de-conflict planned activities, but not later than 90 days after enactment of this Act, the Secretary of State and the USAGM CEO shall submit to the Committees on Appropriations spend plans for funds made available by this Act for programs to promote Internet freedom globally, which shall include a description of safeguards established by relevant agencies to ensure that such programs are not used for illicit purposes: *Provided*, That the Department of State spend plan shall include funding for all such programs for all relevant Department of State and the United States Agency for International Development offices and bureaus.

Consultation.
Deadline.

(d) SECURITY AUDITS.—Funds made available pursuant to this section to promote Internet freedom globally may only be made available to support technologies that undergo comprehensive security audits conducted by the Bureau of Democracy, Human Rights, and Labor, Department of State to ensure that such technology is secure and has not been compromised in a manner detrimental to the interest of the United States or to individuals and organizations benefiting from programs supported by such funds: *Provided*, That the security auditing procedures used by such Bureau shall be reviewed and updated periodically to reflect current industry security standards.

Review.
Updates.

(e) SURGE.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, up to \$2,500,000 may be made available to surge Internet freedom programs in closed societies if the Secretary of State determines and reports to the appropriate congressional committees that such use of funds is in the national interest: *Provided*, That such funds are in addition to amounts made available for such purposes: *Provided further*, That such funds may be transferred to, and merged with, funds appropriated

Determination.
Reports.

Consultation.
Notification.

by this Act under the heading “International Broadcasting Operations” following consultation with, and the regular notification procedures of, the Committees on Appropriations.

TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT
OR PUNISHMENT

SEC. 7051. (a) LIMITATION.—None of the funds made available by this Act may be used to support or justify the use of torture and other cruel, inhuman, or degrading treatment or punishment by any official or contract employee of the United States Government.

Consultation.

(b) ASSISTANCE.—Funds appropriated under titles III and IV of this Act shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961 and following consultation with the Committees on Appropriations, for assistance to eliminate torture and other cruel, inhuman, or degrading treatment or punishment by foreign police, military or other security forces in countries receiving assistance from funds appropriated by this Act.

AIRCRAFT TRANSFER, COORDINATION, AND USE

SEC. 7052. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Diplomatic Programs”, “International Narcotics Control and Law Enforcement”, “Andean Counterdrug Initiative”, and “Andean Counterdrug Programs” may be used for any other program and in any region.

Applicability.
Determination.
Reports.

(b) PROPERTY DISPOSAL.—The authority provided in subsection (a) shall apply only after the Secretary of State determines and reports to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: *Provided*, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Consultation.
Notification.

(c) AIRCRAFT COORDINATION.—

(1) AUTHORITY.—The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: *Provided*, That notwithstanding section 7063(b) of this Act, such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting Department of State and USAID programs and activities: *Provided further*, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis: *Provided further*, That funds received by the Department of State in connection with the use of aircraft owned, leased, or chartered by the Department of State may be credited to the Working Capital Fund of the Department and shall be available for expenses related to the purchase, lease, maintenance, chartering, or operation of such aircraft.

(2) SCOPE.—The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

Applicability.

(d) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act shall be borne by the recipient country.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN
GOVERNMENTS

SEC. 7053. The terms and conditions of section 7055 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall apply to this Act: *Provided*, That the date “September 30, 2009” in subsection (f)(2)(B) of such section shall be deemed to be “September 30, 2019”.

Applicability.

INTERNATIONAL MONETARY FUND

SEC. 7054. (a) EXTENSIONS.—The terms and conditions of sections 7086(b) (1) and (2) and 7090(a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall apply to this Act.

Applicability.

(b) REPAYMENT.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to seek to ensure that any loan will be repaid to the IMF before other private or multilateral creditors.

EXTRADITION

SEC. 7055. (a) LIMITATION.—None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings “International Disaster Assistance”, “Complex Crises Fund”, “International Narcotics Control and Law Enforcement”, “Migration and Refugee Assistance”, “United States Emergency Refugee and Migration Assistance Fund”, and “Non-proliferation, Anti-terrorism, Demining and Related Assistance”) for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

Notification.

(b) CLARIFICATION.—Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

Applicability.

(c) WAIVER.—The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interest of the United States.

Certification.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7056. None of the funds appropriated or otherwise made available under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers' rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act (19 U.S.C. 2467(4)(D) and (E)) should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture;

(3) any assistance to an entity outside the United States if such assistance is for the purpose of directly relocating or transferring jobs from the United States to other countries and adversely impacts the labor force in the United States; or

(4) for the enforcement of any rule, regulation, policy, or guidelines implemented pursuant to the Supplemental Guidelines for High Carbon Intensity Projects approved by the Export-Import Bank of the United States on December 12, 2013, when enforcement of such rule, regulation, policy, or guidelines would prohibit, or have the effect of prohibiting, any coal-fired or other power-generation project the purpose of which is to—

(A) provide affordable electricity in International Development Association (IDA)-eligible countries and IDA-blend countries; and

(B) increase exports of goods and services from the United States or prevent the loss of jobs from the United States.

UNITED NATIONS POPULATION FUND

SEC. 7057. (a) CONTRIBUTION.—Of the funds made available under the heading “International Organizations and Programs” in this Act for fiscal year 2020, \$32,500,000 shall be made available for the United Nations Population Fund (UNFPA).

Notification.

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the “Global Health Programs” account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may not be made available unless—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

GLOBAL HEALTH ACTIVITIES

SEC. 7058. (a) IN GENERAL.—Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for provisions under the heading “Global Health Programs” and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of the funds appropriated under title III of this Act, not less than \$575,000,000 should be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

(b) INFECTIOUS DISEASE OUTBREAKS.—

(1) EXTRAORDINARY MEASURES.—If the Secretary of State determines and reports to the Committees on Appropriations that an international infectious disease outbreak is sustained, severe, and is spreading internationally, or that it is in the national interest to respond to a Public Health Emergency of International Concern, funds appropriated by this Act under the headings “Global Health Programs”, “Development Assistance”, “International Disaster Assistance”, “Complex Crises Fund”, “Economic Support Fund”, “Democracy Fund”, “Assistance for Europe, Eurasia and Central Asia”, “Migration and Refugee Assistance”, and “Millennium Challenge Corporation” may be made available to combat such infectious disease or public health emergency, and may be transferred to, and merged with, funds appropriated under such headings for the purposes of this paragraph.

Determination.
Reports.

(2) EMERGENCY RESERVE FUND.—Up to \$10,000,000 of the funds made available under the heading “Global Health Programs” may be made available for the Emergency Reserve

Fund established pursuant to section 7058(c)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31): *Provided*, That such funds shall be made available under the same terms and conditions of such section.

(3) EBOLA VIRUS DISEASE.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading “International Disaster Assistance” that are made available to respond to the Ebola virus disease outbreak in the Democratic Republic of the Congo, including in countries affected by, or at risk of being affected by, such outbreak, shall be the responsibility of the Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance, USAID, or successor official responsible for USAID Ebola response.

(4) CONSULTATION AND NOTIFICATION.—Funds made available by this subsection shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations.

GENDER EQUALITY

SEC. 7059. (a) WOMEN’S EMPOWERMENT.—

(1) GENDER EQUALITY.—Funds appropriated by this Act shall be made available to promote gender equality in United States Government diplomatic and development efforts by raising the status, increasing the participation, and protecting the rights of women and girls worldwide.

Consultation.

(2) WOMEN’S ECONOMIC EMPOWERMENT.—Funds appropriated by this Act are available to implement the Women’s Entrepreneurship and Economic Empowerment Act of 2018 (Public Law 115–428): *Provided*, That the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, shall consult with the Committees on Appropriations on the implementation of such Act.

(3) WOMEN’S GLOBAL DEVELOPMENT AND PROSPERITY FUND.—Of the funds appropriated under title III of this Act, up to \$100,000,000 may be made available for the Women’s Global Development and Prosperity Fund.

(b) WOMEN’S LEADERSHIP.—Of the funds appropriated by title III of this Act, not less than \$50,000,000 shall be made available for programs specifically designed to increase leadership opportunities for women in countries where women and girls suffer discrimination due to law, policy, or practice, by strengthening protections for women’s political status, expanding women’s participation in political parties and elections, and increasing women’s opportunities for leadership positions in the public and private sectors at the local, provincial, and national levels.

(c) GENDER-BASED VIOLENCE.—

(1) Of the funds appropriated under titles III and IV of this Act, not less than \$165,000,000 shall be made available to implement a multi-year strategy to prevent and respond to gender-based violence in countries where it is common in conflict and non-conflict settings.

(2) Funds appropriated under titles III and IV of this Act that are available to train foreign police, judicial, and

military personnel, including for international peacekeeping operations, shall address, where appropriate, prevention and response to gender-based violence and trafficking in persons, and shall promote the integration of women into the police and other security forces.

(d) WOMEN, PEACE, AND SECURITY.—Funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, “Assistance for Europe, Eurasia and Central Asia”, and “International Narcotics Control and Law Enforcement” should be made available to support a multi-year strategy to expand, and improve coordination of, United States Government efforts to empower women as equal partners in conflict prevention, peace building, transitional processes, and reconstruction efforts in countries affected by conflict or in political transition, and to ensure the equitable provision of relief and recovery assistance to women and girls.

(e) WOMEN AND GIRLS AT RISK FROM EXTREMISM AND CONFLICT.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$15,000,000 shall be made available to support women and girls who are at risk from extremism and conflict, and for the activities described in section 7059(e)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018 (division K of Public Law 115–141): *Provided*, That such funds are in addition to amounts otherwise made available by this Act for such purposes, and shall be made available following consultation with, and the regular notification procedures of, the Committees on Appropriations.

Consultation.
Notification.

SECTOR ALLOCATIONS

SEC. 7060. (a) BASIC EDUCATION AND HIGHER EDUCATION.—

(1) BASIC EDUCATION.—(A) Of the funds appropriated under title III of this Act, not less than \$875,000,000 shall be made available for assistance for basic education, and such funds may be made available notwithstanding any other provision of law that restricts assistance to foreign countries: *Provided*, That such funds shall also be used for secondary education activities: *Provided further*, That the Administrator of the United States Agency for International Development, following consultation with the Committees on Appropriations, may reprogram such funds between countries: *Provided further*, That funds made available under the headings “Development Assistance” and “Economic Support Fund” for the support of non-state schools in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be subject to the regular notification procedures of the Committees on Appropriations.

Consultation.

Notification.

(B) Of the funds appropriated under title III of this Act for assistance for basic education programs, not less than \$125,000,000 shall be made available for contributions to multilateral partnerships that support education.

(2) HIGHER EDUCATION.—Of the funds appropriated by title III of this Act, not less than \$235,000,000 shall be made available for assistance for higher education: *Provided*, That such funds may be made available notwithstanding any other provision of law that restricts assistance to foreign countries, and shall be subject to the regular notification procedures of the

Notification.

Deadline. Consultation.	<p>Committees on Appropriations: <i>Provided further</i>, That of such amount, not less than \$35,000,000 shall be made available for new and ongoing partnerships between higher education institutions in the United States and developing countries focused on building the capacity of higher education institutions and systems in developing countries: <i>Provided further</i>, That not later than 45 days after enactment of this Act, the USAID Administrator shall consult with the Committees on Appropriations on the proposed uses of funds for such partnerships.</p> <p>(b) DEVELOPMENT PROGRAMS.—Of the funds appropriated by this Act under the heading “Development Assistance”, not less than \$17,000,000 shall be made available for cooperative development programs of USAID and not less than \$30,000,000 shall be made available for the American Schools and Hospitals Abroad program.</p>
Notification.	<p>(c) ENVIRONMENT PROGRAMS.—</p> <p>(1)(A) Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, except for the provisions of this subsection, to support environment programs.</p> <p>(B) Funds made available pursuant to this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.</p> <p>(2)(A) Of the funds appropriated under title III of this Act, not less than \$315,000,000 shall be made available for biodiversity conservation programs.</p> <p>(B) Not less than \$100,664,000 of the funds appropriated under titles III and IV of this Act shall be made available to combat the transnational threat of wildlife poaching and trafficking.</p>
Determination. Reports.	<p>(C) None of the funds appropriated under title IV of this Act may be made available for training or other assistance for any military unit or personnel that the Secretary of State determines has been credibly alleged to have participated in wildlife poaching or trafficking, unless the Secretary reports to the appropriate congressional committees that to do so is in the national security interest of the United States.</p> <p>(D) Funds appropriated by this Act for biodiversity programs shall not be used to support the expansion of industrial scale logging or any other industrial scale extractive activity into areas that were primary/intact tropical forests as of December 30, 2013, and the Secretary of the Treasury shall instruct the United States executive directors of each international financial institutions (IFI) to use the voice and vote of the United States to oppose any financing of any such activity.</p> <p>(3) The Secretary of the Treasury shall instruct the United States executive director of each IFI that it is the policy of the United States to use the voice and vote of the United States, in relation to any loan, grant, strategy, or policy of such institution, regarding the construction of any large dam consistent with the criteria set forth in Senate Report 114–79, while also considering whether the project involves important foreign policy objectives.</p>

(4) Of the funds appropriated under title III of this Act, not less than \$135,000,000 shall be made available for sustainable landscapes programs.

(5) Of the funds appropriated under title III of this Act, not less than \$177,000,000 shall be made available for adaptation programs.

(6) Of the funds appropriated under title III of this Act, not less than \$179,000,000 shall be made available for renewable energy programs.

(d) FOOD SECURITY AND AGRICULTURAL DEVELOPMENT.—Of the funds appropriated by title III of this Act, not less than \$1,005,600,000 shall be made available for food security and agricultural development programs to carry out the purposes of the Global Food Security Act of 2016 (Public Law 114–195): *Provided*, That funds may be made available for a contribution as authorized by section 3202 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by section 3310 of the Agriculture Improvement Act of 2018 (Public Law 115–334).

(e) MICRO, SMALL, AND MEDIUM-SIZED ENTERPRISES.—Of the funds appropriated by this Act, not less than \$265,000,000 shall be made available to support the development of, and access to financing for, micro, small, and medium-sized enterprises that benefit the poor, especially women.

(f) PROGRAMS TO COMBAT TRAFFICKING IN PERSONS.—Of the funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, “Assistance for Europe, Eurasia and Central Asia”, and “International Narcotics Control and Law Enforcement”, not less than \$67,000,000 shall be made available for activities to combat trafficking in persons internationally, of which not less than \$45,000,000 shall be from funds made available under the heading “International Narcotics Control and Law Enforcement”: *Provided*, That funds appropriated by this Act that are made available for programs to end modern slavery shall be in addition to funds made available by this subsection to combat trafficking in persons.

(g) RECONCILIATION PROGRAMS.—Of the funds appropriated by this Act under the heading “Development Assistance”, not less than \$30,000,000 shall be made available to support people-to-people reconciliation programs which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil strife and war, including between Israelis and Palestinians living in the West Bank and Gaza: *Provided*, That the USAID Administrator shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the uses of such funds, and such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That to the maximum extent practicable, such funds shall be matched by sources other than the United States Government: *Provided further*, That such funds shall be administered by the Office of Conflict Management and Mitigation, USAID.

Consultation.
Notification.

(h) WATER AND SANITATION.—Of the funds appropriated by this Act, not less than \$450,000,000 shall be made available for water supply and sanitation projects pursuant to section 136 of the Foreign Assistance Act of 1961, of which not less than \$225,000,000 shall be for programs in sub-Saharan Africa, and of which not less than \$15,000,000 shall be made available to

support initiatives by local communities in developing countries to build and maintain safe latrines.

BUDGET DOCUMENTS

Deadlines.

SEC. 7061. (a) OPERATING PLANS.—Not later than 45 days after enactment of this Act, each department, agency, or organization funded in titles I, II, and VI of this Act, and the Department of the Treasury and Independent Agencies funded in title III of this Act, including the Inter-American Foundation and the United States African Development Foundation, shall submit to the Committees on Appropriations an operating plan for funds appropriated to such department, agency, or organization in such titles of this Act, or funds otherwise available for obligation in fiscal year 2020, that provides details of the uses of such funds at the program, project, and activity level: *Provided*, That such plans shall include, as applicable, a comparison between the congressional budget justification funding levels, the most recent congressional directives or approved funding levels, and the funding levels proposed by the department or agency; and a clear, concise, and informative description/justification: *Provided further*, That operating plans that include changes in levels of funding for programs, projects, and activities specified in the congressional budget justification, in this Act, or amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), as applicable, shall be subject to the notification and re-programming requirements of section 7015 of this Act.

Notification.

(b) SPEND PLANS.—

(1) Not later than 90 days after enactment of this Act, the Secretary of State or Administrator of the United States Agency for International Development, as appropriate, shall submit to the Committees on Appropriations a spend plan for funds made available by this Act, for—

(A) assistance for Afghanistan, Iraq, Lebanon, Pakistan, Colombia, and countries in Central America;

(B) assistance made available pursuant to section 7047(d) of this Act to counter Russian influence and aggression, except that such plan shall be on a country-by-country basis;

(C) assistance made available pursuant to section 7059 of this Act;

(D) the Indo-Pacific Strategy;

(E) democracy programs, Power Africa, and sectors enumerated in subsections (a), (c), (d), (e), (f), (g) and (h) of section 7060 of this Act;

(F) funds provided under the heading “International Narcotics Control and Law Enforcement” for International Organized Crime and for Cybercrime and Intellectual Property Rights: *Provided*, That the spend plans shall include bilateral and global programs funded under such heading along with a brief description of the activities planned for each country; and

(G) the regional security initiatives described under this heading in Senate Report 116–126.

(2) Not later than 90 days after enactment of this Act, the Secretary of the Treasury shall submit to the Committees

on Appropriations a detailed spend plan for funds made available by this Act under the heading “Department of the Treasury, International Affairs Technical Assistance” in title III.

(c) SPENDING REPORT.—Not later than 45 days after enactment of this Act, the USAID Administrator shall submit to the Committees on Appropriations a detailed report on spending of funds made available during fiscal year 2019 under the heading “Development Credit Authority”.

(d) CLARIFICATION.—The spend plans referenced in subsection (b) shall not be considered as meeting the notification requirements in this Act or under section 634A of the Foreign Assistance Act of 1961.

(e) CONGRESSIONAL BUDGET JUSTIFICATION.—

(1) SUBMISSION.—The congressional budget justification for Department of State operations and foreign operations shall be provided to the Committees on Appropriations concurrent with the date of submission of the President’s budget for fiscal year 2021: *Provided*, That the appendices for such justification shall be provided to the Committees on Appropriations not later than 10 calendar days thereafter.

Appendices.

(2) MULTI-YEAR AVAILABILITY OF CERTAIN FUNDS.—The Secretary of State and the USAID Administrator shall include in the congressional budget justification a detailed justification for multi-year availability for any funds requested under the headings “Diplomatic Programs” and “Operating Expenses”.

REORGANIZATION

SEC. 7062. (a) OVERSIGHT.—

(1) PRIOR CONSULTATION AND NOTIFICATION.—Funds appropriated by this Act, prior Acts making appropriations for the Department of State, foreign operations, and related programs, or any other Act may not be used to implement a reorganization, redesign, or other plan described in paragraph (2) by the Department of State, the United States Agency for International Development, or any other Federal department, agency, or organization funded by this Act without prior consultation by the head of such department, agency, or organization with the appropriate congressional committees: *Provided*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That any such notification submitted to such Committees shall include a detailed justification for any proposed action, including the information specified under section 7073 of the joint explanatory statement accompanying the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6): *Provided further*, That congressional notifications submitted in prior fiscal years pursuant to similar provisions of law in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be deemed to meet the notification requirements of this section.

Notification.

(2) DESCRIPTION OF ACTIVITIES.—Pursuant to paragraph (1), a reorganization, redesign, or other plan shall include any action to—

(A) expand, eliminate, consolidate, or downsize covered departments, agencies, or organizations, including bureaus and offices within or between such departments, agencies, or organizations, including the transfer to other agencies of the authorities and responsibilities of such bureaus and offices;

(B) expand, eliminate, consolidate, or downsize the United States official presence overseas, including at bilateral, regional, and multilateral diplomatic facilities and other platforms; or

(C) expand or reduce the size of the permanent Civil Service, Foreign Service, eligible family member, and locally employed staff workforce of the Department of State and USAID from the levels specified in sections 7063(d)(1) and 7064(i)(1) of this Act.

(b) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

Reports.

(1) USAID REORGANIZATION.—Not later than 30 days after enactment of this Act, and quarterly thereafter until September 30, 2021, the USAID Administrator shall submit a report to the appropriate congressional committees on the status of USAID’s reorganization in the manner described in House Report 116–78.

(2) BUREAU OF POPULATION, REFUGEES, AND MIGRATION, DEPARTMENT OF STATE.—None of the funds appropriated by this Act, prior Acts making appropriations for the Department of State, foreign operations, and related programs, or any other Act may be used to downsize, downgrade, consolidate, close, move, or relocate the Bureau of Population, Refugees, and Migration, Department of State, or any activities of such Bureau, to another Federal agency.

(3) ADMINISTRATION OF FUNDS.—Funds made available by this Act—

(A) under the heading “Migration and Refugee Assistance” shall be administered by the Assistant Secretary for Population, Refugees, and Migration, Department of State, and this responsibility shall not be delegated; and

(B) that are made available for the Office of Global Women’s Issues shall be administered by the United States Ambassador-at-Large for Global Women’s Issues, Department of State, and this responsibility shall not be delegated.

DEPARTMENT OF STATE MANAGEMENT

Deadline.
Plan update.

SEC. 7063. (a) FINANCIAL SYSTEMS IMPROVEMENT.—Funds appropriated by this Act for the operations of the Department of State under the headings “Diplomatic Programs” and “Capital Investment Fund” shall be made available to implement the recommendations contained in the Foreign Assistance Data Review Findings Report (FADR) and the Office of Inspector General (OIG) report entitled “Department Financial Systems Are Insufficient to Track and Report on Foreign Assistance Funds”: *Provided*, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations an update to the plan required under section 7006 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31) for implementing the FADR and OIG recommendations: *Provided further*, That such

funds may not be obligated for enhancements to, or expansions of, the Budget System Modernization Financial System, Central Resource Management System, Joint Financial Management System, or Foreign Assistance Coordination and Tracking System until such updated plan is submitted to the Committees on Appropriations: *Provided further*, That such funds may not be obligated for new, or expansion of existing, ad hoc electronic systems to track commitments, obligations, or expenditures of funds unless the Secretary of State, following consultation with the Chief Information Officer of the Department of State, has reviewed and certified that such new system or expansion is consistent with the FADR and OIG recommendations.

Consultation.
Review.
Certification.

(b) WORKING CAPITAL FUND.—Funds appropriated by this Act or otherwise made available to the Department of State for payments to the Working Capital Fund may only be used for the service centers included in the Congressional Budget Justification, Department of State, Foreign Operations, and Related Programs, Fiscal Year 2020: *Provided*, That the amounts for such service centers shall be the amounts included in such budget justification, except as provided in section 7015(b) of this Act: *Provided further*, That Federal agency components shall be charged only for their direct usage of each Working Capital Fund service: *Provided further*, That prior to increasing the percentage charged to Department of State bureaus and offices for procurement-related activities, the Secretary of State shall include the proposed increase in the Department of State budget justification or, at least 60 days prior to the increase, provide the Committees on Appropriations a justification for such increase, including a detailed assessment of the cost and benefit of the services provided by the procurement fee: *Provided further*, That Federal agency components may only pay for Working Capital Fund services that are consistent with the purpose and authorities of such components: *Provided further*, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service.

Deadline.
Assessment.

(c) CERTIFICATION.—

(1) COMPLIANCE.—Not later than 45 days after the initial obligation of funds appropriated under titles III and IV of this Act that are made available to a Department of State bureau or office with responsibility for the management and oversight of such funds, the Secretary of State shall certify and report to the Committees on Appropriations, on an individual bureau or office basis, that such bureau or office is in compliance with Department and Federal financial and grants management policies, procedures, and regulations, as applicable.

Reports.

(2) CONSIDERATIONS.—When making a certification required by paragraph (1), the Secretary of State shall consider the capacity of a bureau or office to—

- (A) account for the obligated funds at the country and program level, as appropriate;
- (B) identify risks and develop mitigation and monitoring plans;
- (C) establish performance measures and indicators;
- (D) review activities and performance; and
- (E) assess final results and reconcile finances.

(3) PLAN.—If the Secretary of State is unable to make a certification required by paragraph (1), the Secretary shall

Timeline.

submit a plan and timeline detailing the steps to be taken to bring such bureau or office into compliance.

(d) PERSONNEL LEVELS.—

(1) Funds made available by this Act are made available to support the permanent Foreign Service and Civil Service staff levels of the Department of State at not less than the hiring targets established in the fiscal year 2019 operating plan.

Reports.

(2) Not later than 60 days after enactment of this Act, and every 60 days thereafter until September 30, 2021, the Secretary of State shall report to the appropriate congressional committees on the on-board personnel levels, hiring, and attrition of the Civil Service, Foreign Service, eligible family member, and locally employed staff workforce of the Department of State, on an operating unit-by-operating unit basis: *Provided*, That such report shall also include a hiring plan, including timelines, for maintaining the agency-wide, on-board Foreign Service and Civil Service at not less than the levels specified in paragraph (1).

Hiring plan.
Timelines.

Records.

(e) INFORMATION TECHNOLOGY PLATFORM.—

(1) None of the funds appropriated in title I of this Act under the heading “Administration of Foreign Affairs” may be made available for a new major information technology (IT) investment without the concurrence of the Chief Information Officer, Department of State.

Deadline.

(2) None of the funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be used by an agency to submit a project proposal to the Technology Modernization Board for funding from the Technology Modernization Fund unless, not later than 15 days in advance of submitting the project proposal to the Board, the head of the agency—

Notification.

(A) notifies the Committees on Appropriations of the proposed submission of the project proposal; and

(B) submits to the Committees on Appropriations a copy of the project proposal.

(3) None of the funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be used by an agency to carry out a project that is approved by the Board unless the head of the agency—

(A) submits to the Committees on Appropriations a copy of the approved project proposal, including the terms of reimbursement of funding received for the project; and

Reports.

(B) agrees to submit to the Committees on Appropriations a copy of each report relating to the project that the head of the agency submits to the Board.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT
MANAGEMENT

22 USC 3948
note.

SEC. 7064. (a) AUTHORITY.—Up to \$100,000,000 of the funds made available in title III of this Act pursuant to or to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used by the United States Agency for International Development to hire and employ

individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980 (22 U.S.C. 3948 and 3949).

(b) RESTRICTION.—The authority to hire individuals contained in subsection (a) shall expire on September 30, 2021.

Expiration date.
22 USC 3948
note.
22 USC 3948
note.

(c) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which the responsibilities of such individual primarily relate: *Provided*, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading “Operating Expenses”.

(d) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949), may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

22 USC 3948
note.

(e) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters, or man-made disasters subject to the regular notification procedures of the Committees on Appropriations.

(f) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Food for Peace Act (Public Law 83–480; 7 U.S.C. 1721 et seq.), may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 15 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out title II of the Food for Peace Act (Public Law 83–480; 7 U.S.C. 1721 et seq.), may be made available only for personal services contractors assigned to the Office of Food for Peace.

(g) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, USAID may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(h) SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.—Individuals hired pursuant to the authority provided by section 7059(o) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) may be assigned to or support programs in Afghanistan or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

(i) PERSONNEL LEVELS.—

(1) Funds made available by this Act under the heading “Operating Expenses” are made available to support 1,850 permanent Foreign Service Officers and 1,600 permanent Civil Service staff.

Reports.

(2) Not later than 60 days after enactment of this Act, and every 60 days thereafter until September 30, 2021, the USAID Administrator shall report to the appropriate congressional committees on the on-board personnel levels, hiring, and attrition of the Civil Service, Foreign Service, and foreign service national workforce of USAID, on an operating unit-by-operating unit basis: *Provided*, That such report shall also include a hiring plan, including timelines, for maintaining the agency-wide, on-board Foreign Service Officers and Civil Service staff at not less than the levels specified in paragraph (1).

Hiring plan.
Timelines.

STABILIZATION AND DEVELOPMENT IN REGIONS IMPACTED BY
EXTREMISM AND CONFLICT

SEC. 7065. (a) RELIEF AND RECOVERY FUND.—

(1) FUNDS AND TRANSFER AUTHORITY.—Of the funds appropriated by this Act under the headings “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, “Peacekeeping Operations”, and “Foreign Military Financing Program”, not less than \$200,000,000 shall be made available for the Relief and Recovery Fund for assistance for areas liberated or at risk from, or under the control of, the Islamic State of Iraq and Syria, other terrorist organizations, or violent extremist organizations, including for stabilization assistance for vulnerable ethnic and religious minority communities affected by conflict: *Provided*, That unless specifically designated in this Act or in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) for assistance for countries, such funds are in addition to amounts otherwise made available for such purposes: *Provided further*, That such funds appropriated under such headings may be transferred to, and merged with, funds appropriated under such headings: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by this Act or any other Act, and is subject to the regular notification procedures of the Committees on Appropriations.

Notification.

(2) TRANSITIONAL JUSTICE.—Of the funds appropriated by this Act under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” that are made available for the Relief and Recovery Fund, not less than \$10,000,000 shall be made available for programs to promote accountability for genocide, crimes against humanity, and war crimes, including in Iraq and Syria, which shall be in addition to any other funds made available by this Act for such purposes: *Provided*, That such programs shall include components to develop local investigative and judicial skills, and to collect and preserve evidence and maintain the chain of custody of evidence, including for use in prosecutions, and

may include the establishment of, and assistance for, transitional justice mechanisms: *Provided further*, That such funds shall be administered by the Special Coordinator for the Office of Global Criminal Justice, Department of State: *Provided further*, That funds made available by this paragraph shall be made available on an open and competitive basis.

(b) COUNTERING VIOLENT EXTREMISM IN ASIA.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$2,500,000 shall be made available for programs to counter violent extremism in Asia, including within the Buddhist community: *Provided*, That such funds are in addition to funds otherwise made available by this Act for such purposes.

(c) GLOBAL COMMUNITY ENGAGEMENT AND RESILIENCE FUND.—Of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading “Economic Support Fund”, \$5,000,000 shall be made available to the Global Community Engagement and Resilience Fund (GCERF), including as a contribution: *Provided*, That any such funds made available for the GCERF shall be made available on a cost-matching basis from sources other than the United States Government, to the maximum extent practicable, and shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

(d) GLOBAL CONCESSIONAL FINANCING FACILITY.—Of the funds appropriated by this Act under the heading “Economic Support Fund”, \$25,000,000 shall be made available for the Global Concessional Financing Facility of the World Bank to provide financing to support refugees and host communities: *Provided*, That such funds shall be in addition to funds allocated for bilateral assistance in the report required by section 653(a) of the Foreign Assistance Act of 1961, and may only be made available subject to prior to consultation with the Committees on Appropriations.

Consultation.

DISABILITY PROGRAMS

SEC. 7066. (a) ASSISTANCE.—Funds appropriated by this Act under the heading “Development Assistance” shall be made available for programs and activities administered by the United States Agency for International Development to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, and integration of individuals with disabilities, including for the cost of translation.

(b) MANAGEMENT, OVERSIGHT, AND TECHNICAL SUPPORT.—Of the funds made available pursuant to this section, 5 percent may be used by USAID for management, oversight, and technical support.

DEBT-FOR-DEVELOPMENT

SEC. 7067. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular

Notification.

notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

ENTERPRISE FUNDS

Deadline.
President.

SEC. 7068. (a) NOTIFICATION.—None of the funds made available under titles III through VI of this Act may be made available for Enterprise Funds unless the appropriate congressional committees are notified at least 15 days in advance.

(b) DISTRIBUTION OF ASSETS PLAN.—Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the appropriate congressional committees a plan for the distribution of the assets of the Enterprise Fund.

(c) TRANSITION OR OPERATING PLAN.—Prior to a transition to and operation of any private equity fund or other parallel investment fund under an existing Enterprise Fund, the President shall submit such transition or operating plan to the appropriate congressional committees.

RESCISSIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 7069. (a) ECONOMIC SUPPORT FUND.—

(1) Of the unobligated balances available under the Economic Support Fund, identified by Treasury Appropriation Fund Symbol 72 X 1037, \$32,000,000 are rescinded.

(2) Of the unobligated and unexpended balances available to the President for bilateral economic assistance under the heading “Economic Support Fund” from prior Acts making appropriations for the Department of State, foreign operations, and related programs, \$200,000,000 shall be deobligated, as appropriate, and shall be rescinded.

(3) For the purposes of this subsection, no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement or for Overseas Contingency Operations/Global War on Terrorism pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE.—Of the unobligated balances from amounts available under the heading “Embassy Security, Construction, and Maintenance” in title II of the Security Assistance Appropriations Act, 2017 (division B of Public Law 114–254), \$242,462,000 are rescinded: *Provided*, That such funds that were previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of such Act.

(c) COMPLEX CRISES FUND.—Of the unobligated balances from amounts made available under title VIII in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading “Complex Crises Fund”, \$40,000,000 are rescinded: *Provided*, That such funds that were previously designated by the Congress for Overseas Contingency

Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of such Act.

(d) EXPORT-IMPORT BANK OF THE UNITED STATES.—Of the unobligated balances available under the heading “Export and Investment Assistance, Export-Import Bank of the United States, Subsidy Appropriation” for tied-aid grants from prior Acts making appropriations for the Department of State, foreign operations, and related programs, \$64,282,000 are rescinded.

This division may be cited as the “Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020”.

DIVISION H—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$115,490,000, of which not to exceed \$3,100,000 shall be available for the immediate Office of the Secretary; not to exceed \$1,000,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$21,000,000 shall be available for the Office of the General Counsel; not to exceed \$10,500,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$15,000,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,650,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$29,244,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,142,000 shall be available for the Office of Public Affairs; not to exceed \$1,859,000 shall be available for the Office of the Executive Secretariat; not to exceed \$12,181,000 shall be available for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$16,814,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 7 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 7 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided

Transportation,
Housing and
Urban
Development,
and Related
Agencies
Appropriations
Act, 2020.
Department of
Transportation
Appropriations
Act, 2020.

Notice.
Funding
approval.
Allocation.

in this Act shall be available for the position of Assistant Secretary for Public Affairs.

RESEARCH AND TECHNOLOGY

For necessary expenses related to the Office of the Assistant Secretary for Research and Technology, \$21,000,000, of which \$14,218,000 shall remain available until expended for (1) \$5,000,000 for new competitive grants under section 5505 of title 49, United States Code, for Tier I University Transportation Centers, (2) \$1,000,000 for the establishment of an emergency planning transportation data initiative to conduct research and develop models for data integration of geo-located weather and roadways information for emergency and other severe weather conditions to improve public safety and emergency evacuation and response capabilities, (3) \$1,000,000 for the Secretary of Transportation to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a study through the Transportation Research Board on effective ways to measure the resilience of transportation systems and services to natural disasters, natural hazards, and other potential disruptions, and (4) \$5,000,000 for the establishment of a Highly Automated Systems Safety Center of Excellence as required in section 105 of this Act: *Provided*, That such amounts are in addition to amounts previously provided for Tier I University Transportation Centers: *Provided further*, That such amounts for additional Tier I University Transportation Centers under this heading are provided notwithstanding section 5505(c)(4)(A) of title 49, United States Code: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training: *Provided further*, That any reference in law, regulation, judicial proceedings, or elsewhere to the Research and Innovative Technology Administration shall continue to be deemed to be a reference to the Office of the Assistant Secretary for Research and Technology of the Department of Transportation.

Continuation.
49 USC 112 note.

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, \$1,000,000,000, to remain available through September 30, 2022: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, port authority, or a collaboration among such entities on a competitive basis for projects that will have a significant local or regional impact: *Provided further*, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; port infrastructure investments (including inland port infrastructure and land ports of entry); and projects investing in surface transportation facilities that are located on tribal land and for which title or maintenance responsibility is vested in the Federal Government: *Provided further*, That of the amount made available under this heading, the Secretary shall use an amount not less than \$15,000,000 for the planning, preparation or design of projects

Distribution.
Grants.

eligible for funding under this heading: *Provided further*, That grants awarded under the previous proviso shall not be subject to a minimum grant size: *Provided further*, That the Secretary may use up to 20 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, or sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: *Provided further*, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: *Provided further*, That a grant funded under this heading shall be not less than \$5,000,000 and not greater than \$25,000,000: *Provided further*, That not more than 10 percent of the funds made available under this heading may be awarded to projects in a single State: *Provided further*, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: *Provided further*, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: *Provided further*, That an award under this heading is an urban award if it is to a project located within or on the boundary of an Urbanized Area (UA), as designated by the U.S. Census Bureau, that had a population greater than 200,000 in the 2010 Census: *Provided further*, That for the purpose of determining if an award for planning, preparation or design is an urban award, the project location is the location of the project being planned, prepared or designed: *Provided further*, That each award under this heading that is not an urban award is a rural award: *Provided further*, That of the funds awarded under this heading, not more than 50 percent shall be awarded as urban awards and rural awards, respectively: *Provided further*, That for rural awards, the minimum grant size shall be \$1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: *Provided further*, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further*, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: *Provided further*, That the Secretary may retain up to \$25,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, and the Maritime Administration to fund the award and oversight of grants and credit assistance made under the National Infrastructure Investments program: *Provided further*, That none of the funds provided in the previous proviso may be used to hire additional personnel: *Provided further*, That the Secretary shall consider and award projects based solely on the selection criteria from the fiscal year 2017 Notice of Funding Opportunity: *Provided further*, That, notwithstanding the previous proviso, the Secretary shall not use the Federal share or an applicant's ability to generate non-Federal

Priority.

Urban and rural areas.

Compliance.

revenue as a selection criteria in awarding projects: *Provided further*, That the Secretary shall issue the Notice of Funding Opportunity no later than 60 days after enactment of this Act: *Provided further*, That such Notice of Funding Opportunity shall require application submissions 90 days after the publishing of such Notice: *Provided further*, That of the applications submitted under the previous two provisos, the Secretary shall make grants no later than 270 days after enactment of this Act in such amounts that the Secretary determines: *Provided further*, That such sums provided for national infrastructure investments for multimodal safety projects under title VIII of division F of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6; 127 Stat. 423) shall remain available through fiscal year 2024 for the liquidation of valid obligations of active grants awarded with this funding: *Provided further*, That the preceding proviso shall be applied as if it were in effect on September 30, 2019.

Notice.
Deadline.
Requirement.
Deadline.
Grants.
Deadline.
Determination.

Applicability.

NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU

For necessary expenses of the National Surface Transportation and Innovative Finance Bureau as authorized by 49 U.S.C. 116, \$5,000,000, to remain available until expended: *Provided*, That the Secretary shall notify the House and Senate Committees on Appropriations no less than 15 days prior to exercising the transfer authority granted under section 116(h) of title 49, United States Code.

Notification.
Deadline.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, \$2,000,000, to remain available through September 30, 2021.

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including necessary upgrades to wide area network and information technology infrastructure, improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, and implementation of enhanced security controls on network devices, \$15,000,000, to remain available through September 30, 2021.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,470,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, \$10,879,000, to remain available until expended: *Provided*, That of such amount, \$1,000,000 shall be for necessary expenses of the Interagency Infrastructure Permitting Improvement Center

(IIPIC): *Provided further*, That there may be transferred to this appropriation, to remain available until expended, amounts transferred from other Federal agencies for expenses incurred under this heading for IIPIC activities not related to transportation infrastructure: *Provided further*, That the tools and analysis developed by the IIPIC shall be available to other Federal agencies for the permitting and review of major infrastructure projects not related to transportation only to the extent that other Federal agencies provide funding to the Department as provided for under the previous proviso.

Analysis.
Review.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$319,793,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without majority approval of the Working Capital Fund Steering Committee and approval of the Secretary: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

Assessments.
Notification.

SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND OUTREACH

For necessary expenses for small and disadvantaged business utilization and outreach activities, \$4,646,000, to remain available until September 30, 2021: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation: *Provided further*, That appropriations made available under this heading shall be available for any purpose consistent with prior year appropriations that were made available under the heading “Minority Business Resource Center Program”.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, \$162,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under section 41732(b)(3) of title 49, United States Code: *Provided further*, That none of the funds in this Act or any other Act shall be used to enter into a new contract with a community located less than

Determination.

40 miles from the nearest small hub airport before the Secretary has negotiated with the community over a local cost share: *Provided further*, That amounts authorized to be distributed for the essential air service program under section 41742(b) of title 49, United States Code, shall be made available immediately from amounts otherwise provided to the Administrator of the Federal Aviation Administration: *Provided further*, That the Administrator may reimburse such amounts from fees credited to the account established under section 45303 of title 49, United States Code.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF
TRANSPORTATION

Assessments.
Contracts.

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

Web posting.
Records.

SEC. 102. The Secretary shall post on the Web site of the Department of Transportation a schedule of all meetings of the Council on Credit and Finance, including the agenda for each meeting, and require the Council on Credit and Finance to record the decisions and actions of each meeting.

Transit benefits.

SEC. 103. In addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide partial or full payments in advance and accept subsequent reimbursements from all Federal agencies from available funds for transit benefit distribution services that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order No. 13150 and section 3049 of Public Law 109–59: *Provided*, That the Department shall maintain a reasonable operating reserve in the Working Capital Fund, to be expended in advance to provide uninterrupted transit benefits to Government employees: *Provided further*, That such reserve will not exceed one month of benefits payable and may be used only for the purpose of providing for the continuation of transit benefits: *Provided further*, That the Working Capital Fund will be fully reimbursed by each customer agency from available funds for the actual cost of the transit benefit.

Reimbursement.

Deadline.

SEC. 104. No later than May 1, 2020, the Secretary shall announce the selection of all projects to receive awards for all competitive grants provided in Public Law 116–6 under the headings: “Federal Railroad Administration—Federal-State Partnership for State of Good Repair”, “Federal Railroad Administration—Consolidated Rail Infrastructure and Safety Improvements”, “Federal Railroad Administration—Restoration and Enhancement”, “Federal Railroad Administration—Magnetic Levitation Technology Deployment Program”, and “Maritime Administration—Port Infrastructure Development Program”.

Establishment.
49 USC 102 note.

SEC. 105. (a) The Secretary shall establish a Highly Automated Systems Safety Center of Excellence within the Department of Transportation, in order to have a Department of Transportation workforce capable of reviewing, assessing, and validating the safety of automated technologies.

(b) The Highly Automated Systems Safety Center of Excellence shall—

(1) serve as a central location within the Department of Transportation for expertise in automation and human factors, computer science, data analytics, machine learning, sensors, and other technologies involving automated systems;

(2) collaborate with and provide support on highly automated systems to all Operating Administrations of the Department of Transportation; and

(3) have a workforce composed of Department of Transportation employees, including direct hires or detailees from Operating Administrations of the Department of Transportation and other Federal agencies.

(c) Employees of the Highly Automated Systems Safety Center of Excellence, in conjunction with the relevant Operating Administrations of the Department of Transportation, shall review, assess, and validate highly automated systems to ensure their safety.

Review.
Assessment.

(d) The Highly Automated Systems Safety Center of Excellence shall not supersede laws or regulations granting certification authorities to Operating Administrations of the Department of Transportation.

(e) No later than 90 days after the date of enactment of this Act, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on staffing needs and the staffing plan for the Highly Automated Systems Safety Center of Excellence.

Reports.

SEC. 106. None of the funds made available by this Act shall be used to terminate the Intelligent Transportation System Program Advisory Committee established under section 5305(h) of SAFETEA-LU (23 U.S.C. 512 note; Public Law 109–59).

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, the lease or purchase of passenger motor vehicles for replacement only, \$10,630,000,000, to remain available until September 30, 2021, of which \$10,519,000,000 shall be derived from the Airport and Airway Trust Fund: *Provided*, That of the sums appropriated under this heading—

(1) not less than \$1,404,096,000 shall be available for aviation safety activities;

(2) \$7,970,734,000 shall be available for air traffic organization activities;

(3) \$26,040,000 shall be available for commercial space transportation activities;

(4) \$800,646,000 shall be available for finance and management activities;

(5) \$61,538,000 shall be available for NextGen and operations planning activities;

(6) \$118,642,000 shall be available for security and hazardous materials safety; and

(7) \$248,304,000 shall be available for staff offices:

Provided further, That not to exceed 5 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 5 percent: *Provided further*, That any transfer in excess of 5 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That not later than 60 days after the submission of the budget request, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 for each day after the date that is 60 days after the submission of the budget request that such report has not been submitted to the Congress: *Provided further*, That not later than 60 days after the submission of the budget request, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 per day for each day after the date that is 60 days after the submission of the budget request that such report has not been submitted to Congress: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation, as offsetting collections, funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than \$170,000,000 shall be used to fund direct operations of the current air traffic control towers in the contract tower program, including the contract tower cost share program, and any airport that is currently qualified or that will qualify for the program during the fiscal year: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That

Deadline.
Updates.
49 USC 44506
note.

Late penalties.
Deadline.

Reports.
49 USC 44502
note.

Late penalties.
Deadline.

Fees.

none of the funds appropriated or otherwise made available by this Act or any other Act may be used to eliminate the Contract Weather Observers program at any airport.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, \$3,045,000,000, of which \$515,000,000 shall remain available until September 30, 2021, \$2,409,473,000 shall remain available until September 30, 2022, and \$120,527,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: *Provided further*, That not later than 60 days after submission of the budget request, the Secretary of Transportation shall transmit to the Congress an investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2021 through 2025, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

Deadline.
Investment plan.
Time periods.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$192,665,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2022: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development: *Provided further*, That funds made available under this heading shall be used in accordance with the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That not to exceed 10 percent of any funding level specified under this heading in the explanatory statement described in section 4 (in the matter

preceding division A of this consolidated Act) may be transferred to any other funding level specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That no transfer may increase or decrease any funding level by more than 10 percent: *Provided further*, That any transfer in excess of 10 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$3,000,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,350,000,000 in fiscal year 2020, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding section 47109(a) of title 49, United States Code, the Government's share of allowable project costs under paragraph (2) for subgrants or paragraph (3) of that section shall be 95 percent for a project at other than a large or medium hub airport that is a successive phase of a multi-phased construction project for which the project sponsor received a grant in fiscal year 2011 for the construction project: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than \$116,500,000 shall be available for administration, not less than \$15,000,000 shall be available for the Airport Cooperative Research Program, not less than \$39,224,000 shall be available for Airport Technology Research, and \$10,000,000, to remain available until expended, shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program: *Provided further*, That in addition to airports eligible under section 41743 of title 49, United

States Code, such program may include the participation of an airport that serves a community or consortium that is not larger than a small hub airport, according to FAA hub classifications effective at the time the Office of the Secretary issues a request for proposals.

GRANTS-IN-AID FOR AIRPORTS

For an additional amount for “Grants-In-Aid for Airports”, to enable the Secretary of Transportation to make grants for projects as authorized by subchapter 1 of chapter 471 and subchapter 1 of chapter 475 of title 49, United States Code, \$400,000,000, to remain available through September 30, 2022: *Provided*, That amounts made available under this heading shall be derived from the general fund, and such funds shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471: *Provided further*, That the Secretary shall distribute funds provided under this heading as discretionary grants to airports: *Provided further*, That the amount made available under this heading shall not be subject to any limitation on obligations for the Grants-in-Aid for Airports program set forth in any Act: *Provided further*, That the Administrator of the Federal Aviation Administration may retain up to 0.5 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2020.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on “below-market” rates for these items or to grant assurances that require airport sponsors to provide land without cost to the Federal Aviation Administration for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303 and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee

unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 115. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

Approval.

SEC. 116. None of the funds in this Act may be obligated or expended for retention bonuses for an employee of the Federal Aviation Administration without the prior written approval of the Assistant Secretary for Administration of the Department of Transportation.

SEC. 117. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number from any display of the Federal Aviation Administration's Aircraft Situational Display to Industry data that is made available to the public, except data made available to a Government agency, for the noncommercial flights of that owner or operator.

SEC. 118. None of the funds in this Act shall be available for salaries and expenses of more than nine political and Presidential appointees in the Federal Aviation Administration.

SEC. 119. None of the funds made available under this Act may be used to increase fees pursuant to section 44721 of title 49, United States Code, until the Federal Aviation Administration provides to the House and Senate Committees on Appropriations a report that justifies all fees related to aeronautical navigation products and explains how such fees are consistent with Executive Order No. 13642.

Notification.
Deadline.

SEC. 119A. None of the funds in this Act may be used to close a regional operations center of the Federal Aviation Administration or reduce its services unless the Administrator notifies the House and Senate Committees on Appropriations not less than 90 full business days in advance.

SEC. 119B. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 119C. None of the funds provided under this Act may be used by the Administrator of the Federal Aviation Administration to withhold from consideration and approval any new application for participation in the Contract Tower Program, or for reevaluation of Cost-share Program participants as long as the Federal Aviation Administration has received an application from the airport, and as long as the Administrator determines such tower is eligible using the factors set forth in Federal Aviation Administration published establishment criteria.

SEC. 119D. None of the funds made available by this Act may be used to open, close, redesignate as a lesser office, or reorganize a regional office, the aeronautical center, or technical center unless the Administrator submits a request for the reprogramming of funds under section 405 of this Act.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

Not to exceed \$453,549,689, together with advances and reimbursements received by the Federal Highway Administration, shall be obligated for necessary expenses for administration and operation of the Federal Highway Administration. In addition, \$3,248,000 shall be transferred to the Appalachian Regional Commission in accordance with section 104(a) of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Funds available for the implementation or execution of Federal-aid highway and highway safety construction programs authorized under titles 23 and 49, United States Code, and the provisions of the Fixing America's Surface Transportation (FAST) Act (Public Law 114–94) shall not exceed total obligations of \$46,365,092,000 for fiscal year 2020: *Provided*, That the Secretary may collect and spend fees, as authorized by title 23, United States Code, to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

23 USC 104 note.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For the payment of obligations incurred in carrying out Federal-aid highway and highway safety construction programs authorized under title 23, United States Code, \$47,104,092,000 derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

HIGHWAY INFRASTRUCTURE PROGRAMS

There is hereby appropriated to the Secretary of Transportation \$2,166,140,392: *Provided*, That the funds made available under this heading shall be derived from the general fund, shall be in addition to any funds provided for fiscal year 2020 in this or any other Act for: (1) “Federal-aid Highways” under chapter 1 of title 23, United States Code; or (2) the Appalachian Development

Applicability. Highway System as authorized under section 1069(y) of Public Law 102–240, and shall not affect the distribution or amount of funds provided in any other Act: *Provided further*, That section 1101(b) of Public Law 114–94 shall apply to funds made available under this heading: *Provided further*, That of the funds made available under this heading—

(1) \$781,140,392 shall be for activities eligible under sections 133(b)(1) and 133(b)(4) of title 23, United States Code, and to provide necessary charging infrastructure along corridor-ready or corridor-pending alternative fuel corridors designated pursuant to section 151 of title 23, United States Code;

(2) \$1,150,000,000 shall be for a bridge replacement and rehabilitation program;

(3) \$100,000,000 shall be for necessary expenses for construction of the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240;

(4) \$3,500,000 shall be for activities eligible under the Puerto Rico Highway Program as described in section 165(b)(2)(C) of title 23, United States Code;

(5) \$1,500,000 shall be for activities eligible under the Territorial Highway Program, as described in section 165(c)(6) of title 23, United States Code;

(6) \$70,000,000 shall be for the nationally significant Federal lands and tribal projects program under section 1123 of the FAST Act;

(7) \$50,000,000 shall be for competitive grants for activities described in section 130(a) of title 23, United States Code;

(8) \$5,000,000 shall be for the Regional Infrastructure Accelerator Demonstration Program authorized under section 1441 of the FAST Act; and

(9) \$5,000,000 shall be for a National Road Network Pilot Program for the Federal Highway Administration to create a national level, geo-spatial dataset that uses data already collected under the Highway Performance Monitoring System:

Definition. *Provided further*, That for the purposes of funds made available under this heading for activities eligible under sections 133(b)(1) and 133(b)(4) of title 23, United States Code, and to provide necessary charging infrastructure along corridor-ready or corridor-pending alternative fuel corridors designated pursuant to section 151 of title 23, United States Code, the term “State” means any of the 50 States or the District of Columbia: *Provided further*, That the funds made available under this heading for activities eligible under sections 133(b)(1) and 133(b)(4) of title 23, United States Code, and to provide necessary charging infrastructure along corridor-ready or corridor-pending alternative fuel corridors designated pursuant to section 151 of title 23, United States Code, shall be suballocated in the manner described in section 133(d) of such title, except that the set-aside described in section 133(h) of such title shall not apply to funds made available under this heading: *Provided further*, That the funds made available under this heading for activities eligible under sections 133(b)(1) and 133(b)(4) of title 23, United States Code, and to provide necessary charging infrastructure along corridor-ready or corridor-pending alternative fuel corridors designated pursuant to section 151 of title 23, United States Code, shall be administered as if apportioned under chapter 1 of such title and shall remain available through

September 30, 2023: *Provided further*, That the funds made available under this heading for activities eligible under sections 133(b)(1) and 133(b)(4) of title 23, United States Code, and to provide necessary charging infrastructure along corridor-ready or corridor-pending alternative fuel corridors designated pursuant to section 151 of title 23, United States Code, shall be apportioned to the States in the same ratio as the obligation limitation for fiscal year 2020 is distributed among the States in section 120(a)(5) of this Act: *Provided further*, That, except as provided in the following proviso, the funds made available under this heading for activities eligible under the Puerto Rico Highway Program and activities eligible under the Territorial Highway Program shall be administered as if allocated under sections 165(b) and 165(c), respectively, of title 23, United States Code, and shall remain available through September 30, 2023: *Provided further*, That the funds made available under this heading for activities eligible under the Puerto Rico Highway Program shall not be subject to the requirements of sections 165(b)(2)(A) or 165(b)(2)(B) of such title: *Provided further*, That the funds made available under this heading for the nationally significant Federal lands and tribal projects program under section 1123 of the FAST Act shall remain available through September 30, 2023: *Provided further*, That for the purposes of funds made available under this heading for a bridge replacement and rehabilitation program, (1) the term “State” means any of the 50 States or the District of Columbia, and (2) the term “qualifying State” means any State in which the percentage of total deck area of bridges classified as in poor condition in such State is at least 5 percent: *Provided further*, That, of the funds made available under this heading for a bridge replacement and rehabilitation program, the Secretary shall reserve \$6,000,000 for each State that does not meet the definition of a qualifying State: *Provided further*, That, after making the reservations under the preceding proviso, the Secretary shall distribute the remaining funds made available under this heading for a bridge replacement and rehabilitation program to each qualifying State by the proportion that the percentage of total deck area of bridges classified as in poor condition in such qualifying State bears to the sum of the percentages of total deck area of bridges classified as in poor condition in all qualifying States: *Provided further*, That for the bridge replacement and rehabilitation program:

Apportionment.

Definition.

Distribution.

- (1) no qualifying State shall receive more than \$50,000,000;
- (2) each State shall receive an amount not less than \$6,000,000; and
- (3) after calculating the distribution of funds pursuant to the preceding proviso, any amount in excess of \$50,000,000 shall be redistributed equally among each State that does not meet the definition of a qualifying State:

Provided further, That the funds made available under this heading for a bridge replacement and rehabilitation program shall be used for highway bridge replacement or rehabilitation projects on public roads: *Provided further*, That for purposes of this heading for the bridge replacement and rehabilitation program, the Secretary shall calculate the percentages of total deck area of bridges (including the percentages of total deck area classified as in poor condition) based on the National Bridge Inventory as of December 31, 2018: *Provided further*, That the funds made available under this heading for a bridge replacement and rehabilitation program shall be

Definition.	administered as if apportioned under chapter 1 of title 23, United States Code, and shall remain available through September 30, 2023: <i>Provided further</i> , That the funds made available under this heading, in paragraph (7) in the third proviso, shall be available for projects eligible under section 130(a) of title 23, United States Code, for commuter authorities, as defined in section 24102(2) of title 49, United States Code, that experienced at least one accident investigated by the National Transportation Safety Board between January 1, 2008 and December 31, 2018 and for which the National Transportation Safety Board issued an accident report: <i>Provided further</i> , That the funds made available under this heading, in paragraph (7) of the third proviso, shall be administered as if apportioned under chapter 1 of title 23, United States Code: <i>Provided further</i> , That for the purposes of funds made available under this heading for construction of the Appalachian Development Highway System, the term “Appalachian State” means a State that contains 1 or more counties (including any political subdivision located within the area) in the Appalachian region as defined in section 14102(a) of title 40, United States Code: <i>Provided further</i> , That funds made available under this heading for construction of the Appalachian Development Highway System shall remain available until expended: <i>Provided further</i> , That a project carried out with funds made available under this heading for construction of the Appalachian Development Highway System shall be carried out in the same manner as a project under section 14501 of title 40, United States Code: <i>Provided further</i> , That subject to the following proviso, funds made available under this heading for construction of the Appalachian Development Highway System shall be apportioned to Appalachian States according to the percentages derived from the 2012 Appalachian Development Highway System Cost-to-Complete Estimate, adopted in Appalachian Regional Commission Resolution Number 736, and confirmed as each Appalachian State’s relative share of the estimated remaining need to complete the Appalachian Development Highway System, adjusted to exclude those corridors that such States have no current plans to complete, as reported in the 2013 Appalachian Development Highway System Completion Report: <i>Provided further</i> , That the Secretary shall adjust apportionments made under the preceding proviso so that no Appalachian State shall be apportioned an amount in excess of 30 percent of the amount made available for construction of the Appalachian Development Highway System under this heading: <i>Provided further</i> , That the Secretary shall consult with the Appalachian Regional Commission in making adjustments under the preceding two provisos: <i>Provided further</i> , That the Federal share of the costs for which an expenditure is made for construction of the Appalachian Development Highway System under this heading shall be up to 100 percent: <i>Provided further</i> , That amounts provided under this heading in paragraphs (7), (8), and (9) shall remain available until expended.
Apportionment.	
Apportionments.	
Consultation.	

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

23 USC 104 note.	SEC. 120. (a) For fiscal year 2020, the Secretary of Transportation shall— (1) not distribute from the obligation limitation for Federal-aid highways—
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(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

(B) amounts authorized for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under sections 202 or 204 of title 23, United States Code); and

(B) for which obligation limitation was provided in a previous fiscal year;

(3) determine the proportion that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (11) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(12) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under the Fixing America's Surface Transportation Act and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying—

(A) the proportion determined under paragraph (3); by

(B) the amounts authorized to be appropriated for each such program for such fiscal year; and

(5) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the National Highway Performance Program in section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(12) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for such fiscal year; bears to

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations under or for—

(1) section 125 of title 23, United States Code;

(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);

(7) section 157 of title 23, United States Code (as in effect on June 8, 1998);

(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years);

(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;

(10) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but only in an amount equal to \$639,000,000 for each of those fiscal years);

(11) section 1603 of SAFETEA-LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation; and

(12) section 119 of title 23, United States Code (but, for each of fiscal years 2013 through 2020, only in an amount equal to \$639,000,000).

Effective date.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year—

(1) revise a distribution of the obligation limitation made available under subsection (a) if an amount distributed cannot be obligated during that fiscal year; and

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of Public Law 112–141) and 104 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the obligation limitation for Federal-aid highways shall apply to

contract authority for transportation research programs carried out under—

- (A) chapter 5 of title 23, United States Code; and
- (B) title VI of the Fixing America’s Surface Transportation Act.

(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

- (A) remain available for a period of 4 fiscal years; and

- (B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

Deadline.

- (A) are authorized to be appropriated for such fiscal year for Federal-aid highway programs; and

- (B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for such fiscal year because of the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (a)(5).

(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to chapter 63 of title 49, United States Code, may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highway and highway safety construction programs.

SEC. 122. Not less than 15 days prior to waiving, under his or her statutory authority, any Buy America requirement for Federal-aid highways projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements.

Deadline.
Waiver authority.
Public
information.
Notice.
23 USC 313 note.
Reports.

SEC. 123. None of the funds provided in this Act to the Department of Transportation may be used to provide credit assistance unless not less than 3 days before any application approval to provide credit assistance under sections 603 and 604 of title 23, United States Code, the Secretary of Transportation provides notification in writing to the following committees: the House and Senate Committees on Appropriations; the Committee on Environment and Public Works and the Committee on Banking, Housing

Deadline.
Notification.

Notification.	and Urban Affairs of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: <i>Provided</i> , That such notification shall include, but not be limited to, the name of the project sponsor; a description of the project; whether credit assistance will be provided as a direct loan, loan guarantee, or line of credit; and the amount of credit assistance.
Deadline. Notification. Evaluation.	SEC. 124. None of the funds provided in this Act may be used to make a grant for a project under section 117 of title 23, United States Code, unless the Secretary, at least 60 days before making a grant under that section, provides written notification to the House and Senate Committees on Appropriations of the proposed grant, including an evaluation and justification for the project and the amount of the proposed grant award: <i>Provided</i> , That the written notification required in the previous proviso shall be made no later than 180 days after enactment of this Act.
Notification. Deadline.	SEC. 125. (a) A State or territory, as defined in section 165 of title 23, United States Code, may use for any project eligible under section 133(b) of title 23 or section 165 of title 23 and located within the boundary of the State or territory any earmarked amount, and any associated obligation limitation: <i>Provided</i> , That the Department of Transportation for the State or territory for which the earmarked amount was originally designated or directed notifies the Secretary of Transportation of its intent to use its authority under this section and submits a quarterly report to the Secretary identifying the projects to which the funding would be applied. Notwithstanding the original period of availability of funds to be obligated under this section, such funds and associated obligation limitation shall remain available for obligation for a period of 3 fiscal years after the fiscal year in which the Secretary of Transportation is notified. The Federal share of the cost of a project carried out with funds made available under this section shall be the same as associated with the earmark.
Notification. Reports. Time period.	
Definition.	(b) In this section, the term “earmarked amount” means— (1) congressionally directed spending, as defined in rule XLIV of the Standing Rules of the Senate, identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the current fiscal year, and administered by the Federal Highway Administration; or (2) a congressional earmark, as defined in rule XXI of the Rules of the House of Representatives, identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the current fiscal year, and administered by the Federal Highway Administration.
Time period. Applicability.	(c) The authority under subsection (a) may be exercised only for those projects or activities that have obligated less than 10 percent of the amount made available for obligation as of October 1 of the current fiscal year, and shall be applied to projects within the same general geographic area within 25 miles for which the funding was designated, except that a State or territory may apply such authority to unexpended balances of funds from projects or activities the State or territory certifies have been closed and for which payments have been made under a final voucher.
Reports.	(d) The Secretary shall submit consolidated reports of the information provided by the States and territories each quarter to the House and Senate Committees on Appropriations.

SEC. 126. The following are repealed:

Repeal.

(1) Section 352 of the National Highway System Designation Act of 1995 (Public Law 104–59, 109 Stat. 568).

109 Stat. 623.

(2) Section 324 of the Department of Transportation and Related Agencies Appropriations Act, 1986 (Public Law 99–190; 99 Stat. 1288).

(3) Section 325 of the Department of Transportation and Related Agencies Appropriations Act, 1996 (Public Law 104–50; 109 Stat. 456).

Notwithstanding any other provision of law, tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall be collected for any such vehicles exiting from such bridge in both Staten Island and Brooklyn.

Tolls.
New York.

SEC. 127. Section 125(d) of title 23, United States Code, is amended by striking paragraph (4).

SEC. 128. Until final guidance is published, the Administrator of the Federal Highway Administration shall make determinations on Buy America waivers for those waivers that were submitted before April 17, 2018, as if the notice of proposed rulemaking of that date was not in effect.

Determinations.
Waivers.
Notice.

SEC. 129. Section 1948 of SAFETEA–LU (Public Law 109–59; 119 Stat. 1514) is repealed.

Repeal.

SEC. 129A. Section 119(e)(5) of title 23, United States Code, is amended to read as follows:

“(5) REQUIREMENT FOR PLAN.—

“(A) IN GENERAL.—Notwithstanding section 120, each fiscal year, if the Secretary determines that a State has not developed and implemented a State asset management plan consistent with this section, the Federal share payable on account of any project or activity for which funds are obligated by the State in that fiscal year under this section shall be 65 percent.

Determination.

“(B) DETERMINATION.—The Secretary shall make the determination under subparagraph (A) for a fiscal year not later than the day before the beginning of such fiscal year.”.

Deadline.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31110 of title 49, United States Code, as amended by the Fixing America’s Surface Transportation Act, \$288,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That funds available for implementation, execution or administration of motor carrier safety operations and

programs authorized under title 49, United States Code, shall not exceed total obligations of \$288,000,000 for “Motor Carrier Safety Operations and Programs” for fiscal year 2020, of which \$9,073,000, to remain available for obligation until September 30, 2022, is for the research and technology program, and of which \$35,334,000, to remain available for obligation until September 30, 2022, is for information management.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out sections 31102, 31103, 31104, and 31313 of title 49, United States Code, as amended by the Fixing America’s Surface Transportation Act, \$391,135,561, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That funds available for the implementation or execution of motor carrier safety programs shall not exceed total obligations of \$391,135,561 in fiscal year 2020 for “Motor Carrier Safety Grants”: *Provided further*, That of the sums appropriated under this heading:

(1) \$308,700,000 shall be available for the motor carrier safety assistance program;

(2) \$33,200,000 shall be available for the commercial driver’s license program implementation program;

(3) \$45,900,000 shall be available for the high priority activities program, of which \$1,000,000 is to be made available from prior year unobligated contract authority provided for Motor Carrier Safety in the Transportation Equity Act for the 21st Century (Public Law 105–178), SAFETEA–LU (Public Law 109–59), or other appropriations or authorization Acts; and

(4) \$3,335,561 shall be made available for commercial motor vehicle operators grants, of which \$2,335,561 is to be made available from prior year unobligated contract authority provided for Motor Carrier Safety in the Transportation Equity Act for the 21st Century (Public Law 105–178), SAFETEA–LU (Public Law 109–59), or other appropriations or authorization Acts.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY
ADMINISTRATION

Notice.
Mail.

SEC. 130. The Federal Motor Carrier Safety Administration shall send notice of 49 CFR section 385.308 violations by certified mail, registered mail, or another manner of delivery, which records the receipt of the notice by the persons responsible for the violations.

SEC. 131. None of the funds appropriated or otherwise made available to the Department of Transportation by this Act or any other Act may be obligated or expended to implement, administer, or enforce the requirements of section 31137 of title 49, United States Code, or any regulation issued by the Secretary pursuant to such section, with respect to the use of electronic logging devices

by operators of commercial motor vehicles, as defined in section 31132(1) of such title, transporting livestock as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471) or insects.

SEC. 132. The Federal Motor Carrier Safety Administration shall update annual inspection regulations under Appendix G to subchapter B of chapter III of title 49, Code of Federal Regulations, as recommended by GAO–19–264.

Regulations.
49 USC 31142
note.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety authorized under chapter 301 and part C of subtitle VI of title 49, United States Code, \$194,000,000, of which \$40,000,000 shall remain available through September 30, 2021.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, including behavioral research on Automated Driving Systems and Advanced Driver Assistance Systems and improving consumer responses to safety recalls, section 4011 of the Fixing America's Surface Transportation Act (Public Law 114–94), and chapter 303 of title 49, United States Code, \$155,300,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2020, are in excess of \$155,300,000: *Provided further*, That of the sums appropriated under this heading—

(1) \$149,800,000 shall be for programs authorized under 23 U.S.C. 403, including behavioral research on Automated Driving Systems and Advanced Driver Assistance Systems and improving consumer responses to safety recalls, and section 4011 of the Fixing America's Surface Transportation Act (Public Law 114–94); and

(2) \$5,500,000 shall be for the National Driver Register authorized under chapter 303 of title 49, United States Code: *Provided further*, That within the \$155,300,000 obligation limitation for operations and research, \$20,000,000 shall remain available until September 30, 2021, and shall be in addition to the amount of any limitation imposed on obligations for future years: *Provided further*, That amounts for behavioral research on Automated Driving Systems and Advanced Driver Assistance Systems and improving consumer responses to safety recalls are in addition to any other funds provided for those purposes for fiscal year 2020 in this Act.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out provisions of 23 U.S.C. 402, 404, and 405, and section 4001(a)(6) of the Fixing America's Surface Transportation Act, to remain available until expended, \$623,017,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs for which the total obligations in fiscal year 2020 are in excess of \$623,017,000 for programs authorized under 23 U.S.C. 402, 404, and 405, and section 4001(a)(6) of the Fixing America's Surface Transportation Act: *Provided further*, That of the sums appropriated under this heading—

(1) \$279,800,000 shall be for “Highway Safety Programs” under 23 U.S.C. 402;

(2) \$285,900,000 shall be for “National Priority Safety Programs” under 23 U.S.C. 405;

(3) \$30,500,000 shall be for the “High Visibility Enforcement Program” under 23 U.S.C. 404; and

(4) \$26,817,000 shall be for “Administrative Expenses” under section 4001(a)(6) of the Fixing America's Surface Transportation Act:

Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed \$500,000 of the funds made available for “National Priority Safety Programs” under 23 U.S.C. 405 for “Impaired Driving Countermeasures” (as described in subsection (d) of that section) shall be available for technical assistance to the States: *Provided further*, That with respect to the “Transfers” provision under 23 U.S.C. 405(a)(8), any amounts transferred to increase the amounts made available under section 402 shall include the obligation authority for such amounts: *Provided further*, That the Administrator shall notify the House and Senate Committees on Appropriations of any exercise of the authority granted under the previous proviso or under 23 U.S.C. 405(a)(8) within 5 days.

Notification.
Deadline.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. An additional \$130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. In addition to the amounts made available under the heading, “Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)” for carrying out the provisions of section 403 of title 23, United States Code, \$17,000,000, to remain available until September 30, 2021, shall be made available to the National Highway Traffic Safety Administration from the general fund: *Provided*, That of the sums provided under this provision—

(1) not to exceed \$7,000,000 shall be available to provide funding for grants, pilot program activities, and innovative solutions to reduce impaired-driving fatalities in collaboration with eligible entities under section 403 of title 23, United States Code; and

(2) not to exceed \$10,000,000 shall be available to continue a high visibility enforcement paid-media campaign regarding highway-rail grade crossing safety in collaboration with the Federal Railroad Administration.

SEC. 143. None of the funds in this Act or any other Act shall be used to enforce the requirements of 23 U.S.C. 405(a)(9).

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$224,198,000, of which \$20,000,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$40,600,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue direct loans and loan guarantees pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, such authority shall exist as long as any such direct loan or loan guarantee is outstanding.

FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR

For necessary expenses related to Federal-State Partnership for State of Good Repair Grants as authorized by section 24911 of title 49, United States Code, \$200,000,000, to remain available until expended: *Provided*, That the Secretary may withhold up to one percent of the amount provided under this heading for the costs of award and project management oversight of grants carried out under section 24911 of title 49, United States Code: *Provided further*, That the Secretary shall issue the Notice of Funding Opportunity for funds provided under this heading consistent with section 24911 of title 49, United States Code, no later than 180 days after enactment of this Act: *Provided further*, That the Secretary shall review all applications received in response to the Notice of Funding Opportunity required in the previous proviso: *Provided further*, That the Secretary shall announce the selection of projects to receive awards for the funds described in

Notice.
Deadline.

Review.

Announcement.
Deadline.

For necessary expenses related to Restoration and Enhancement Grants, as authorized by section 24408 of title 49, United

States Code, \$2,000,000, to remain available until expended: *Provided*, That the Secretary may withhold up to one percent of the funds provided under this heading to fund the costs of award and project management and oversight.

NORTHEAST CORRIDOR GRANTS TO THE NATIONAL RAILROAD
PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the Northeast Corridor as authorized by section 11101(a) of the Fixing America's Surface Transportation Act (division A of Public Law 114–94), \$700,000,000, to remain available until expended: *Provided*, That the Secretary may retain up to one-half of 1 percent of the funds provided under both this heading and the “National Network Grants to the National Railroad Passenger Corporation” heading to fund the costs of project management and oversight of activities authorized by section 11101(c) of division A of Public Law 114–94: *Provided further*, That in addition to the project management oversight funds authorized under section 11101(c) of division A of Public Law 114–94, the Secretary may retain up to an additional \$5,000,000 of the funds provided under this heading to fund expenses associated with the Northeast Corridor Commission established under section 24905 of title 49, United States Code: *Provided further*, That of the amounts made available under this heading and the “National Network Grants to the National Railroad Passenger Corporation” heading, not less than \$50,000,000 shall be made available to bring Amtrak-served facilities and stations into compliance with the Americans with Disabilities Act: *Provided further*, That of the amounts made available under this heading and the “National Network Grants to the National Railroad Passenger Corporation” heading, \$100,000,000 shall be made available to fund the replacement of the single-level passenger cars used on Northeast Corridor, State Supported Corridor, and Long Distance routes.

NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD PASSENGER
CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the National Network as authorized by section 11101(b) of the Fixing America's Surface Transportation Act (division A of Public Law 114–94), \$1,300,000,000, to remain available until expended: *Provided*, That the Secretary may retain up to an additional \$2,000,000 of the funds provided under this heading to fund expenses associated with the State-Supported Route Committee established under section 24712 of title 49, United States Code: *Provided further*, That at least \$50,000,000 of the amount provided under this heading shall be available for the development, installation and operation of railroad safety technology, including the implementation of a positive train control system, on State-supported routes as defined under section 24102(13) of title 49, United States Code, on which positive train control systems are not required by law or regulation: *Provided further*, That none of the funds provided under this heading shall be used by Amtrak to give notice under subsection (a) or (b) of section 24706 of title 49, United States Code, with respect to long-distance routes (as

defined in section 24102 of title 49, United States Code) on which Amtrak is the sole operator on a host railroad’s line and a positive train control system is not required by law or regulation, or, except in an emergency or during maintenance or construction outages impacting such routes, to otherwise discontinue, reduce the frequency of, suspend, or substantially alter the route of rail service on any portion of such route operated in fiscal year 2018, including implementation of service permitted by section 24305(a)(3)(A) of title 49, United States Code, in lieu of rail service.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. None of the funds provided to the National Railroad Passenger Corporation may be used to fund any overtime costs in excess of \$35,000 for any individual employee: *Provided*, That the President of Amtrak may waive the cap set in the previous proviso for specific employees when the President of Amtrak determines such a cap poses a risk to the safety and operational efficiency of the system: *Provided further*, That the President of Amtrak shall report to the House and Senate Committees on Appropriations within 60 days of enactment of this Act, a summary of all overtime payments incurred by the Corporation for 2019 and the three prior calendar years: *Provided further*, That such summary shall include the total number of employees that received waivers and the total overtime payments the Corporation paid to those employees receiving waivers for each month for 2019 and for the three prior calendar years.

Waiver authority.

Reports.
Deadline.
Summary.
Time period.
Summary.

SEC. 151. None of the funds provided to the National Railroad Passenger Corporation under the headings “Northeast Corridor Grants to the National Railroad Passenger Corporation” and “National Network Grants to the National Railroad Passenger Corporation” may be used to reduce the total number of Amtrak Police Department uniformed officers patrolling on board passenger trains or at stations, facilities or rights-of-way below the staffing level on May 1, 2019.

SEC. 152. It is the sense of Congress that—

(1) long-distance passenger rail routes provide much-needed transportation access for 4,700,000 riders in 325 communities in 40 States and are particularly important in rural areas; and

(2) long-distance passenger rail routes and services should be sustained to ensure connectivity throughout the National Network (as defined in section 24102 of title 49, United States Code).

SEC. 153. None of the funds made available by this Act may be used by the National Railroad Passenger Corporation in contravention of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration’s programs authorized by chapter 53 of title 49, United States Code, \$117,000,000, of which \$15,000,000 shall remain available until September 30, 2021, and up to \$1,000,000 shall be available to carry out the provisions of section 5326 of

such title: *Provided*, That upon submission to the Congress of the fiscal year 2021 President’s budget, the Secretary of Transportation shall transmit to Congress the annual report on Capital Investment Grants, including proposed allocations for fiscal year 2021. Reports.

TRANSIT FORMULA GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the Federal Public Transportation Assistance Program in this account, and for payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by the Fixing America’s Surface Transportation Act, section 20005(b) of Public Law 112–141, and section 3006(b) of the Fixing America’s Surface Transportation Act, \$10,800,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by the Fixing America’s Surface Transportation Act, section 20005(b) of Public Law 112–141, and section 3006(b) of the Fixing America’s Surface Transportation Act, shall not exceed total obligations of \$10,150,348,462 in fiscal year 2020: *Provided further*, That the Federal share of the cost of activities carried out under 49 U.S.C. section 5312 shall not exceed 80 percent, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share: *Provided further*, That in addition to the amounts appropriated for purposes of 49 U.S.C. 5338(e), not less than 2 percent of the funds appropriated or available for the purposes of 49 U.S.C. 5338(f) shall be available for the purposes of 49 U.S.C. 5338(e).

TRANSIT INFRASTRUCTURE GRANTS

For an additional amount for buses and bus facilities grants under section 5339 of title 49, United States Code, low or no emission grants under section 5339(c) of such title, formula grants to rural areas under section 5311 of such title, high density state apportionments under section 5340(d) of such title, the demonstration and deployment of innovative mobility solutions as authorized under section 5312 of such title, bus testing facilities under sections 5312 and 5318 of such title, and for grants to areas of persistent poverty, \$510,000,000, to remain available until expended: *Provided*, That of the sums provided under this heading—

(1) \$338,000,000 shall be available for the buses and bus facilities competitive grants as authorized under section 5339 of such title, of which \$168,000,000 shall be available for the buses and bus facilities formula grants as authorized under section 5339(a) of such title, and \$170,000,000 shall be available for buses and bus facilities competitive grants as authorized under section 5339(b) of such title;

(2) \$75,000,000 shall be available for the low or no emission grants as authorized under section 5339(c) of such title: *Provided*, That the minimum grant award shall be not less than \$750,000;

(3) \$40,000,000 shall be available for formula grants for rural areas as authorized under section 5311 of such title;

(4) \$40,000,000 shall be available for the high density state apportionments as authorized under section 5340(d) of such title;

Contracts.

(5) Notwithstanding section 5318(a) of such title, \$3,000,000 shall be available for the operation and maintenance of bus testing facilities by institutions of higher education selected pursuant to section 5312(h): *Provided*, That the Secretary shall enter into a contract or cooperative agreement with, or make a grant to, each institution of higher education selected pursuant to section 5312(h) of such title, to operate and maintain a facility to conduct the testing of low or no emission vehicle new bus models using the standards established pursuant to section 5318(e)(2) of such title: *Provided further*, That the term “low or no emission vehicle” has the meaning given the term in section 5312(e)(6) of such title: *Provided further*, That the Secretary shall pay 80 percent of the cost of testing a low or no emission vehicle new bus model at each selected institution of higher education: *Provided further*, That the entity having the vehicle tested shall pay 20 percent of the cost of testing: *Provided further*, That a low or no emission vehicle new bus model tested that receives a passing aggregate test score in accordance with the standards established under section 5318(e)(2) of such title, shall be deemed to be in compliance with the requirements of section 5318(e) of such title;

Definition.

(6) \$5,500,000 shall be available for the demonstration and deployment of innovative mobility solutions as authorized under section 5312 of such title; and

(7) \$8,500,000 shall be available for competitive grants to eligible entities to assist areas of persistent poverty: *Provided*, That areas of persistent poverty means any county that has consistently had 20 percent or more of the population living in poverty over the 30 years preceding the date of enactment of this Act, as measured by the 1990 and 2000 decennial census and the most recent Small Area Income and Poverty Estimates, or any census tract with a poverty rate of at least 20 percent as measured by the 2013–2017 5-year data series available from the American Community Survey of the Census Bureau: *Provided further*, That grants shall be for planning, engineering, or development of technical, or financing plans for projects eligible under chapter 53 of title 49, United States Code: *Provided further*, That eligible entities are those defined as eligible recipients or subrecipients under sections 5307, 5310 or 5311 of title 49, United States Code, and are in areas of persistent poverty: *Provided further*, That the Federal Transit Administration should complete outreach to such counties and the departments of transportation within applicable States via personal contact, webinars, web materials and other appropriate methods determined by the Administrator: *Provided further*, That State departments of transportation may apply on behalf of eligible entities within their States: *Provided further*,

Grants.
Plans.

That the Federal Transit Administration should encourage grantees to work with non-profits or other entities of their choosing in order to develop planning, technical, engineering, or financing plans: *Provided further*, That the Federal Transit Administration should encourage grantees to partner with non-profits that can assist with making projects low or no emissions: *Provided further*, That projects funded under paragraph (7) of this heading shall be for not less than 90 percent of the net total project cost:

Provided further, That amounts made available by this heading shall be derived from the general fund: *Provided further*, That the amounts made available under this heading shall not be subject to any limitation on obligations for transit programs set forth in any Act.

TECHNICAL ASSISTANCE AND TRAINING

For necessary expenses to carry out 49 U.S.C. 5314, \$5,000,000, to remain available until September 30, 2021, of which not less than \$2,500,000 shall be for a cooperative agreement through which the Federal Transit Administration assists transit recipients with frontline workforce development and standards based training in maintenance and operations through an agreement with a national nonprofit organization with a demonstrated capacity to develop and provide such programs through labor management partnerships and apprenticeships: *Provided*, That the assistance provided under this heading does not duplicate the activities of 49 U.S.C. 5311(b) or 49 U.S.C. 5312.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out fixed guideway capital investment grants under section 5309 of title 49, United States Code, and section 3005(b) of the Fixing America's Surface Transportation Act, \$1,978,000,000, to remain available until September 30, 2023: *Provided*, That of the amounts made available under this heading, \$1,681,300,000 shall be allocated by December 31, 2021: *Provided further*, That of the amounts made available under this heading, \$1,458,000,000 shall be available for projects authorized under section 5309(d) of title 49, United States Code, \$300,000,000 shall be available for projects authorized under section 5309(e) of title 49, United States Code, \$100,000,000 shall be available for projects authorized under section 5309(h) of title 49, United States Code, and \$100,000,000 shall be available for projects authorized under section 3005(b) of the Fixing America's Surface Transportation Act: *Provided further*, That the Secretary shall continue to administer the capital investment grants program in accordance with the procedural and substantive requirements of section 5309 of title 49, United States Code, and of section 3005(b) of the Fixing America's Surface Transportation Act: *Provided further*, That projects that receive a grant agreement under the Expedited Project Delivery for Capital Investment Grants Pilot Program under section 3005(b) of the Fixing America's Surface Transportation Act shall be deemed eligible for funding provided for projects under section 5309 of title 49, United States Code, without further evaluation or rating under such section: *Provided further*, That such funding shall not exceed the Federal share under section 3005(b).

Continuation.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT
AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110–432, \$150,000,000, to remain available until expended: *Provided*, That the Secretary of Transportation shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: *Provided further*, That the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system before approving such grants: *Provided further*, That the Secretary, in order to ensure safety throughout the rail system, may waive the requirements of section 601(e)(1) of division B of Public Law 110–432.

Determination.

Waiver authority.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

Reports.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the heading “Fixed Guideway Capital Investment” of the Federal Transit Administration for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2023, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2019, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. No funds in this or any other Act shall be used to adjust apportionments or withhold funds from apportionments pursuant to 26 U.S.C. 9503(e)(4).

SEC. 164. An eligible recipient of a grant under section 5339(c) may submit an application in partnership with other entities, including a transit vehicle manufacturer, that intend to participate in the implementation of a project under section 5339(c) of title 49, United States Code, and a project awarded with such partnership shall be treated as satisfying the requirement for a competitive procurement under section 5325(a) of title 49, United States Code, for the named entity.

SEC. 165. None of the funds made available in this or any other Act shall be used to impede or hinder project advancement or approval for any project seeking a Federal contribution from the capital investment grant program of greater than 40 percent of project costs as authorized under 49 U.S.C. 5309.

SEC. 166. None of the funds made available under this Act may be used for the implementation or furtherance of new policies detailed in the “Dear Colleague” letter distributed by the Federal Transit Administration to capital investment grant program project sponsors on June 29, 2018.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses to conduct the operations, maintenance, and capital asset renewal activities on those portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, \$38,000,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662: *Provided*, That of the amounts made available under this heading, not less than \$16,000,000 shall be used on capital asset renewal activities.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$300,000,000, to remain available until expended.

OPERATIONS AND TRAINING

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of operations and training activities authorized by law, \$152,589,000: *Provided*, That of the sums appropriated under this heading—

(1) \$80,216,000 shall remain available until September 30, 2021 for the operations of the United States Merchant Marine Academy;

(2) \$5,225,000 shall remain available until expended for the maintenance and repair, and equipment at the United States Merchant Marine Academy;

(3) \$3,000,000 shall remain available until September 30, 2021 for the Maritime Environment and Technology Assistance program authorized under section 50307 of title 46, United States Code; and

(4) \$9,775,000, shall remain available until expended for the Short Sea Transportation Program (America's Marine Highways) to make grants for the purposes authorized under sections 55601(b)(1) and (3) of title 46, United States Code:

Provided further, That not later than 120 days after enactment of this Act, the Administrator of the Maritime Administration shall transmit to the House and Senate Committees on Appropriations the annual report on sexual assault and sexual harassment at the United States Merchant Marine Academy as required pursuant

Reports.
Sexual assault.

Grants.
Deadline.
Determination.

to section 3507 of Public Law 110–417: *Provided further*, That available balances under this heading for the Short Sea Transportation Program (America’s Marine Highways) from prior year recoveries shall be available to carry out activities authorized under sections 55601(b)(1) and (3) of title 46, United States Code: *Provided further*, That from funds provided under paragraphs (3) and (4) of the first proviso, the Secretary of Transportation shall make grants no later than 180 days after enactment of this Act in such amounts as the Secretary determines: *Provided further*, That any unobligated balances and obligated balances not yet expended from previous appropriations under this heading for programs and activities supporting State Maritime Academies shall be transferred to and merged with the appropriations for “Maritime Administration—State Maritime Academy Operations” and shall be made available for the same purposes as the appropriations for “Maritime Administration—State Maritime Academy Operations”.

STATE MARITIME ACADEMY OPERATIONS

For necessary expenses of operations, support and training activities for State Maritime Academies, \$342,280,000: *Provided*, That of the sums appropriated under this heading—

(1) \$30,080,000, to remain available until expended, shall be for maintenance, repair, life extension, marine insurance, and capacity improvement of National Defense Reserve Fleet training ships in support of State Maritime Academies, of which \$8,080,000, to remain available until expended, shall be for expenses related to training mariners for costs associated with training vessel sharing pursuant to 46 U.S.C. 51504(g)(3) for costs associated with mobilizing, operating and demobilizing the vessel, including travel costs for students, faculty and crew, the costs of the general agent, crew costs, fuel, insurance, operational fees, and vessel hire costs, as determined by the Secretary;

(2) \$300,000,000, to remain available until expended, shall be for the National Security Multi-Mission Vessel Program, including funds for construction, planning, administration, and design of school ships;

(3) \$2,400,000 shall remain available through September 30, 2021, for the Student Incentive Program;

(4) \$3,800,000 shall remain available until expended for training ship fuel assistance; and

(5) \$6,000,000 shall remain available until September 30, 2021, for direct payments for State Maritime Academies.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 54101 of title 46, United States Code, as amended by Public Law 113–281, \$20,000,000, to remain available until expended.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$5,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, \$3,000,000, which shall be transferred to and merged with the appropriations for “Operations and Training”, Maritime Administration.

PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

To make grants to improve port facilities as authorized under section 50302 of title 46, United States Code, \$225,000,000 to remain available until expended: *Provided*, That projects eligible for funding provided under this heading shall be projects for coastal seaports, inland river ports, or Great Lakes ports: *Provided further*, That of the amounts made available under this heading, no less than \$200,000,000 shall be for coastal seaports or Great Lakes ports: *Provided further*, That the Maritime Administration shall distribute funds provided under this heading as discretionary grants to port authorities or commissions or their subdivisions and agents under existing authority, as well as to a State or political subdivision of a State or local government, a tribal government, a public agency or publicly chartered authority established by one or more States, a special purpose district with a transportation function, a multistate or multijurisdictional group of entities, or a lead entity described above jointly with a private entity or group of private entities: *Provided further*, That projects eligible for funding provided under this heading shall be designed to improve the safety, efficiency, or reliability of the movement of goods into, out of, around, or within a port and located—

Distribution.
Grants.

(1) within the boundary of a port, or
(2) outside the boundary of a port, and directly related to port operations, or to an intermodal connection to a port: *Provided further*, That project awards eligible under this heading shall be only for—

- (1) port gate improvements;
- (2) road improvements both within and connecting to the port;
- (3) rail improvements both within and connecting to the port;
- (4) berth improvements (including docks, wharves, piers and dredging incidental to the improvement project);
- (5) fixed landside improvements in support of cargo operations (such as silos, elevators, conveyors, container terminals, Ro/Ro structures including parking garages necessary for intermodal freight transfer, warehouses including refrigerated facilities, lay-down areas, transit sheds, and other such facilities);
- (6) utilities necessary for safe operations (including lighting, stormwater, and other such improvements that are incidental to a larger infrastructure project); or
- (7) a combination of activities described above:

Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be up to 80 percent: *Provided further*, That for grants awarded under this heading, the minimum grant size shall be \$1,000,000: *Provided further*, That for grant awards less than \$10,000,000, the Secretary shall prioritize ports that handled less than 10,000,000 short tons

Priority.

in 2017, as identified by the U.S. Army Corps of Engineers: *Provided further*, That for grant awards less than \$10,000,000, the Secretary may increase the Federal share of costs above 80 percent: *Provided further*, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, in addition to any existing authority, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration: *Provided*, That payments received therefor shall be credited to the appropriation charged with the cost thereof and shall remain available until expended: *Provided further*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, \$24,215,000, of which \$1,500,000 shall remain available until September 30, 2022: *Provided*, That no later than 90 days after enactment of this Act, the Secretary of Transportation shall initiate a rulemaking on automatic and remote-controlled shut-off valves and hazardous liquid pipeline facilities leak detection systems as required under section 4 and section 8 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Public Law 112–90), respectively, and shall issue a final rule no later than one year after enactment of this Act.

Deadlines.
Regulations.
49 USC 60102
note.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$61,000,000, of which \$11,000,000 shall remain available until September 30, 2022: *Provided*, That up to \$800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$168,000,000, to remain available until September 30, 2022, of which \$23,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which \$137,000,000 shall be derived from the Pipeline Safety Fund; and of which \$8,000,000 shall be derived from fees collected under 49 U.S.C. 60302 and deposited in the Underground Natural Gas Storage Facility Safety Account for the purpose of carrying out 49 U.S.C. 60141: *Provided*, That not less than \$1,058,000 of the funds provided under this heading shall be for the One-Call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For expenses necessary to carry out the Emergency Preparedness Grants program, not more than \$28,318,000 shall remain available until September 30, 2022, from amounts made available by 49 U.S.C. 5116(h), and 5128(b) and (c): *Provided*, That notwithstanding 49 U.S.C. 5116(h)(4), not more than 4 percent of the amounts made available from this account shall be available to pay administrative costs: *Provided further*, That notwithstanding 49 U.S.C. 5128(b) and (c) and the current year obligation limitation, prior year recoveries recognized in the current year shall be available to develop a hazardous materials response training curriculum for emergency responders, including response activities for the transportation of crude oil, ethanol and other flammable liquids by rail, consistent with National Fire Protection Association standards, and to make such training available through an electronic format: *Provided further*, That the prior year recoveries made available under this heading shall also be available to carry out 49 U.S.C. 5116(a)(1)(C), 5116(h), 5116(i), and 5107(e).

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$94,600,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department of Transportation.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. (a) During the current fiscal year, applicable appropriations to the Department of Transportation shall be available

for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

(b) During the current fiscal year, applicable appropriations to the Department and its operating administrations shall be available for the purchase, maintenance, operation, and deployment of unmanned aircraft systems that advance the Department's, or its operating administrations', missions.

(c) Any unmanned aircraft system purchased or procured by the Department prior to the enactment of this Act shall be deemed authorized.

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 183. None of the funds in this Act shall be available for salaries and expenses of more than 125 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 184. Funds received by the Federal Highway Administration and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 185. (a) None of the funds provided in this Act to the Department of Transportation may be used to make a loan, loan guarantee, line of credit, or discretionary grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive any discretionary grant award, letter of intent, loan commitment, loan guarantee commitment, line of credit commitment, or full funding grant agreement is announced by the Department or its modal administrations: *Provided*, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

(b) In addition to the notification required in subsection (a), none of the funds made available in this Act to the Department of Transportation may be used to make a loan, loan guarantee, line of credit, cooperative agreement or discretionary grant unless

Notification.
Deadline.

Notification.

Loans.
Contracts.
Grants.
Lists.
Deadline.

the Secretary of Transportation provides the House and Senate Committees on Appropriations a comprehensive list of all such loans, loan guarantees, lines of credit, cooperative agreement or discretionary grants that will be announced not less than 3 full business days before such announcement: *Provided*, That the Department shall provide the list required in this subsection prior to the notification required in subsection (a): *Provided further*, That the requirement to provide a list in this subsection does not apply to any “quick release” of funds from the emergency relief program: *Provided further*, That no list shall involve funds that are not available for obligation.

SEC. 186. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 187. Amounts made available in this or any prior Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments: *Provided*, That amounts made available in this Act shall be available until expended; and

Reimbursement.

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002, as amended by the Improper Payments Elimination and Recovery Act of 2010 and Improper Payments Elimination and Recovery Improvement Act of 2012, and Fraud Reduction and Data Analytics Act of 2015: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

Payments.

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available: *Provided further*, That where specific project or accounting information associated with the improper payment or payments is not readily available, the Secretary may credit an appropriate account, which shall be available for the purposes and period associated with the account so credited; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to depositing such recovery in the Treasury, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term “improper payments” has the same meaning as that provided in section 2(e)(2) of Public Law 111–204.

Notification.

Definition.

SEC. 188. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and

Notice.

Senate Committees on Appropriations, transmission of said reprogramming notice shall be provided solely to the House and Senate Committees on Appropriations, and said reprogramming action shall be approved or denied solely by the House and Senate Committees on Appropriations: *Provided*, That the Secretary of Transportation may provide notice to other congressional committees of the action of the House and Senate Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

Notice.
Deadline.

SEC. 189. Funds appropriated in this Act to the modal administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the costs of goods and services that are purchased to provide a direct benefit to the applicable modal administration or administrations.

SEC. 190. The Secretary of Transportation is authorized to carry out a program that establishes uniform standards for developing and supporting agency transit pass and transit benefits authorized under section 7905 of title 5, United States Code, including distribution of transit benefits by various paper and electronic media.

Certification.

SEC. 191. The Department of Transportation may use funds provided by this Act, or any other Act, to assist a contract under title 49 U.S.C. or title 23 U.S.C. utilizing geographic, economic, or any other hiring preference not otherwise authorized by law, or to amend a rule, regulation, policy or other measure that forbids a recipient of a Federal Highway Administration or Federal Transit Administration grant from imposing such hiring preference on a contract or construction project with which the Department of Transportation is assisting, only if the grant recipient certifies the following:

(1) that except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;

(2) that the grant recipient will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and

(3) that any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

SEC. 192. Section 502(b)(3) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(b)(3)) is amended by striking “only during the 4-year period beginning on the date of enactment of the Passenger Rail Reform and Investment Act of 2015” and inserting “until September 30, 2020”.

Coordination.

SEC. 193. The Secretary of Transportation shall coordinate with the Secretary of Homeland Security to ensure that best practices for Industrial Control Systems Procurement are up-to-date and shall ensure that systems procured with funds provided under this title were procured using such practices.

This title may be cited as the “Department of Transportation Appropriations Act, 2020”.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

EXECUTIVE OFFICES

For necessary salaries and expenses for Executive Offices, which shall be comprised of the offices of the Secretary, Deputy Secretary, Adjudicatory Services, Congressional and Intergovernmental Relations, Public Affairs, Small and Disadvantaged Business Utilization, and the Center for Faith-Based and Neighborhood Partnerships, \$14,217,000, to remain available until September 30, 2021: *Provided*, That not to exceed \$25,000 of the amount made available under this heading shall be available to the Secretary for official reception and representation expenses as the Secretary may determine.

ADMINISTRATIVE SUPPORT OFFICES

For necessary salaries and expenses for Administrative Support Offices, \$563,378,000, to remain available until September 30, 2021: *Provided*, That of the sums appropriated under this heading—

- (1) \$73,562,000 shall be available for the Office of the Chief Financial Officer;
- (2) \$103,916,000 shall be available for the Office of the General Counsel, of which not less than \$18,700,000 shall be for the Departmental Enforcement Center;
- (3) \$206,849,000 shall be available for the Office of Administration;
- (4) \$39,827,000 shall be available for the Office of the Chief Human Capital Officer;
- (5) \$57,861,000 shall be available for the Office of Field Policy and Management;
- (6) \$19,445,000 shall be available for the Office of the Chief Procurement Officer;
- (7) \$4,242,000 shall be available for the Office of Departmental Equal Employment Opportunity; and
- (8) \$57,676,000 shall be available for the Office of the Chief Information Officer:

Provided further, That funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that directly support program activities funded in this title: *Provided further*, That the Secretary shall provide the House and Senate Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide in electronic form all signed reports required by Congress: *Provided*

Department of
Housing and
Urban
Development
Appropriations
Act, 2020.

Time period.
Notification.

Reports.

Publication. *further*, That none of the funds made available under this heading for the Office of the Chief Financial Officer for the financial transformation initiative shall be available for obligation until after the Secretary has published all mitigation allocations made available under the heading “Department of Housing and Urban Development—Community Planning and Development—Community Development Fund” in Public Law 115–123 and the necessary administrative requirements pursuant to section 1102 of Public Law 116–20: *Provided further*, That only after the terms and conditions of the previous proviso have been met, not more than 10 percent of the funds made available under this heading for the Office of the Chief Financial Officer for the financial transformation initiative may be obligated until the Secretary submits to the House and Senate Committees on Appropriations, for approval, a plan for expenditure that includes the financial and internal control capabilities to be delivered and the mission benefits to be realized, key milestones to be met, and the relationship between the proposed use of funds made available under this heading and the projected total cost and scope of the initiative.

Expenditure plan.

PROGRAM OFFICES

For necessary salaries and expenses for Program Offices, \$847,000,000, to remain available until September 30, 2021: *Provided*, That of the sums appropriated under this heading—

(1) \$227,000,000 shall be available for the Office of Public and Indian Housing;

(2) \$124,000,000 shall be available for the Office of Community Planning and Development;

(3) \$384,000,000 shall be available for the Office of Housing, of which not less than \$12,300,000 shall be for the Office of Recapitalization;

(4) \$28,000,000 shall be available for the Office of Policy Development and Research;

(5) \$75,000,000 shall be available for the Office of Fair Housing and Equal Opportunity; and

(6) \$9,000,000 shall be available for the Office of Lead Hazard Control and Healthy Homes.

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the working capital fund for the Department of Housing and Urban Development (referred to in this paragraph as the “Fund”), pursuant, in part, to section 7(f) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(f)), amounts transferred, including reimbursements pursuant to section 7(f), to the Fund under this heading shall be available only for Federal shared services used by offices and agencies of the Department, and for any such portion of any office or agency’s printing, records management, space renovation, furniture, or supply services the Secretary has determined shall be provided through the Fund, and the operational expenses of the Fund: *Provided*, That amounts within the Fund shall not be available to provide services not specifically authorized under this heading: *Provided further*, That upon a determination by the Secretary that any other service (or portion thereof) authorized under this heading shall be provided

Determination.

through the Fund, amounts made available in this title for salaries and expenses under the headings “Executive Offices”, “Administrative Support Offices”, “Program Offices”, and “Government National Mortgage Association”, for such services shall be transferred to the Fund, to remain available until expended: *Provided further*, That the Secretary shall notify the House and Senate Committees on Appropriations of its plans for executing such transfers at least fifteen (15) days in advance of such transfers: *Provided further*, That the Secretary may transfer not to exceed an additional \$5,000,000, in aggregate, from all such appropriations, to be merged with the Fund and to remain available until expended for any purpose under this heading.

Notification.
Deadline.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

Vouchers.

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (“the Act” herein), not otherwise provided for, \$19,874,050,000, to remain available until expended, shall be available on October 1, 2019 (in addition to the \$4,000,000,000 previously appropriated under this heading that shall be available on October 1, 2019), and \$4,000,000,000, to remain available until expended, shall be available on October 1, 2020: *Provided*, That the amounts made available under this heading are provided as follows:

(1) \$21,502,000,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental vouchers: *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2020 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection and Choice Neighborhoods vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency’s authorized level of units under contract, except for public housing agencies participating in the MTW demonstration, which are instead governed by the terms and conditions of their MTW agreements: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this paragraph), prorate each public housing agency’s allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this paragraph) shall be obligated to the public housing agencies

Notice.
Federal Register,
publication.

Notification.
Deadline.

Notification.
Approval.

based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget by the latter of 60 days after enactment of this Act or March 1, 2020: *Provided further*, That the Secretary may extend the notification period with the prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the MTW demonstration shall be funded pursuant to their MTW agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That the Secretary may offset public housing agencies' calendar year 2020 allocations based on the excess amounts of public housing agencies' net restricted assets accounts, including HUD-held programmatic reserves (in accordance with VMS data in calendar year 2019 that is verifiable and complete), as determined by the Secretary: *Provided further*, That public housing agencies participating in the MTW demonstration shall also be subject to the offset, as determined by the Secretary, excluding amounts subject to the single fund budget authority provisions of their MTW agreements, from the agencies' calendar year 2020 MTW funding allocation: *Provided further*, That the Secretary shall use any offset referred to in the previous two provisos throughout the calendar year to prevent the termination of rental assistance for families as the result of insufficient funding, as determined by the Secretary, and to avoid or reduce the proration of renewal funding allocations: *Provided further*, That up to \$100,000,000 shall be available only: (1) for adjustments in the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of vouchers resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the previous 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act; (3) for adjustments for costs associated with HUD–Veterans Affairs Supportive Housing (HUD–VASH) vouchers; (4) for public housing agencies that despite taking reasonable cost savings measures, as determined by the Secretary, would otherwise be required to terminate rental assistance for families as a result of insufficient funding; (5) for adjustments in the allocations for public housing agencies that (i) are leasing a lower-than-average percentage of their authorized vouchers, (ii) have low amounts of budget authority in their net restricted assets accounts and HUD-held programmatic reserves, relative to other agencies, and (iii) are not participating in the Moving to Work demonstration, to enable such agencies to lease more vouchers; and (6) for public housing agencies that have experienced increased costs or loss of units in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.): *Provided further*, That the Secretary shall allocate amounts under the previous proviso based on need, as determined by the Secretary; (2) \$75,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion

Allocation.
Determination.

of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, Choice Neighborhood vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106-569, as amended, or under the authority as provided under this Act: *Provided*, That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents: *Provided further*, That the Secretary may only provide replacement vouchers for units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds: *Provided further*, That of the amounts made available under this paragraph, up to \$5,000,000 may be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of: (A) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (B) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (C) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: *Provided further*, That such tenant protection assistance made available under the previous proviso may be provided under the authority of section 8(t) or section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)): *Provided further*, That the Secretary shall issue guidance to implement the previous provisos, including, but not limited to, requirements for defining eligible at-risk households within 60 days of the enactment of this Act: *Provided further*, That any tenant protection voucher made available from amounts under this paragraph shall not be reissued by any public housing agency, except the replacement vouchers as defined by the Secretary by notice, when the initial family that received any such voucher no longer receives such voucher, and the authority for any public housing agency to issue any such voucher shall cease to exist: *Provided further*, That the Secretary may provide section 8 rental assistance from amounts made available under this paragraph for units assisted under a project-based subsidy contract funded under the “Project-Based Rental Assistance” heading under this title where the owner has received a Notice of Default and the units pose an imminent health and safety risk to residents: *Provided further*, That to the extent that the Secretary determines that such units are not feasible for continued rental assistance payments or transfer of the subsidy

Guidance.
Requirements.
Deadline.

Notice.

contract associated with such units to another project or projects and owner or owners, any remaining amounts associated with such units under such contract shall be recaptured and used to reimburse amounts used under this paragraph for rental assistance under the preceding proviso;

(3) \$1,977,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, HUD-VASH vouchers, and other special purpose incremental vouchers: *Provided*, That no less than \$1,947,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2020 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading from prior fiscal years, excluding special purpose vouchers, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That all public housing agencies participating in the MTW demonstration shall be funded pursuant to their MTW agreements, and shall be subject to the same uniform percentage decrease as under the previous proviso: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) \$229,050,000 for the renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), including necessary administrative expenses: *Provided*, That administrative and other expenses of public housing agencies in administering the special purpose vouchers in this paragraph shall be funded under the same terms and be subject to the same pro rata reduction as the percent decrease for administrative and other expenses to public housing agencies under paragraph (3) of this heading: *Provided further*, That upon turnover, section 811 special purpose vouchers funded under this heading in this or prior Acts, or under any other heading in prior Acts, shall be provided to non-elderly persons with disabilities;

(5) \$1,000,000 shall be for rental assistance and associated administrative fees for Tribal HUD-VASH to serve Native American veterans that are homeless or at-risk of homelessness living on or near a reservation or other Indian areas: *Provided*, That such amount shall be made available for renewal grants

to recipients that received assistance under prior Acts under the Tribal HUD–VASH program: *Provided further*, That the Secretary shall be authorized to specify criteria for renewal grants, including data on the utilization of assistance reported by grant recipients: *Provided further*, That such assistance shall be administered in accordance with program requirements under the Native American Housing Assistance and Self-Determination Act of 1996 and modeled after the HUD–VASH program: *Provided further*, That the Secretary shall be authorized to waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such assistance: *Provided further*, That grant recipients shall report to the Secretary on utilization of such rental assistance and other program data, as prescribed by the Secretary: *Provided further*, That the Secretary may reallocate, as determined by the Secretary, amounts returned or recaptured from awards under prior Acts;

Criteria.
Data.

Waiver authority.
Requirements.

Reports.
Data.

(6) \$40,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 203 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over;

Consultation.

Waiver authority.
Requirements.
Consultation.

Continuation.
Veterans.

(7) \$25,000,000 shall be made available for the family unification program as authorized under section 8(x) of the Act: *Provided*, That the amounts made available under this paragraph are provided as follows:

(A) \$5,000,000 shall be for new incremental voucher assistance: *Provided*, That the assistance made available

Continuation.
Children, youth,
and families.

	under this subparagraph shall continue to remain available for family unification upon turnover; and
Continuation. Children, youth, and families.	(B) \$20,000,000 shall be for new incremental voucher assistance to assist eligible youth as defined by such section 8(x)(2)(B): <i>Provided</i> , That assistance made available under this subparagraph shall continue to remain available for such eligible youth upon turnover: <i>Provided further</i> , That of the total amount made available under this subparagraph, up to \$10,000,000 shall be available on a non-competitive basis to public housing agencies that partner with public child welfare agencies to identify such eligible youth, that request such assistance to timely assist such eligible youth, and that meet any other criteria as specified by the Secretary: <i>Provided further</i> , That the Secretary shall review utilization of the assistance made available under the previous proviso, at an interval to be determined by the Secretary, and unutilized voucher assistance that is no longer needed shall be recaptured by the Secretary and reallocated pursuant to the previous proviso:
Review. Determination.	<i>Provided further</i> , That for any public housing agency administering voucher assistance appropriated in a prior Act under the family unification program, or made available and competitively selected under this paragraph, that determines that it no longer has an identified need for such assistance upon turnover, such agency shall notify the Secretary, and the Secretary shall recapture such assistance from the agency and reallocate it to any other public housing agency or agencies based on need for voucher assistance in connection with such specified program or eligible youth, as applicable;
Determination. Notification.	(8) \$25,000,000 shall be made available for the mobility demonstration authorized under section 235 of division G of the Consolidated Appropriations Act, 2019 (42 U.S.C. 1437f note; Public Law 116–6; 133 Stat. 465), of which up to \$5,000,000 shall be for new incremental voucher assistance and the remainder of which shall be available to provide mobility-related services to families with children, including pre- and post-move counseling and rent deposits, and to offset the administrative costs of operating the mobility demonstration: <i>Provided</i> , That incremental voucher assistance made available under this paragraph shall be for families with children participating in the mobility demonstration and shall continue to remain available for families with children upon turnover: <i>Provided further</i> , That for any public housing agency administering voucher assistance under the mobility demonstration that determines that it no longer has an identified need for such assistance upon turnover, such agency shall notify the Secretary, and the Secretary shall recapture such assistance from the agency and reallocate it to any other public housing agency or agencies based on need for voucher assistance in connection with such demonstration; and
Continuation. Children, youth, and families.	(9) the Secretary shall separately track all special purpose vouchers funded under this heading.
Notification.	

HOUSING CERTIFICATE FUND

(INCLUDING RESCISSIONS)

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading “Annual Contributions for Assisted Housing” and the heading “Project-Based Rental Assistance”, for fiscal year 2020 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be rescinded: *Provided further*, That amounts heretofore recaptured, or recaptured during the current fiscal year, from section 8 project-based contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the “Act”) \$2,869,893,812, to remain available until September 30, 2023: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2020, the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term “obligate” means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That of the total amount made available under this heading, up to \$14,000,000 shall be to support ongoing public housing financial and physical assessment activities: *Provided further*, That of the total amount made available under this heading, up to \$1,000,000 shall be to support the costs of administrative and judicial receiverships: *Provided further*, That of the total amount provided under this heading, not to exceed \$64,650,000 shall be available for the Secretary to make grants, notwithstanding section 203 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2020, of which \$34,650,000 shall be available for public housing agencies under administrative and judicial receiverships or under the control of a Federal monitor: *Provided further*, That of the amount made available under the previous proviso, not less than \$10,000,000

Definition.

Grants.

Allocation.	shall be for safety and security measures: <i>Provided further</i> , That in addition to the amount in the previous proviso for such safety and security measures, any amounts that remain available, after all applications received on or before September 30, 2021, for emergency capital needs have been processed, shall be allocated to public housing agencies for such safety and security measures: <i>Provided further</i> , That for funds provided under this heading, the limitation in section 9(g)(1) of the Act shall be 25 percent: <i>Provided further</i> , That the Secretary may waive the limitation in the previous proviso to allow public housing agencies to fund activities authorized under section 9(e)(1)(C) of the Act: <i>Provided further</i> , That the Secretary shall notify public housing agencies requesting waivers under the previous proviso if the request is approved or denied within 14 days of submitting the request: <i>Provided further</i> , That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2020 to public housing agencies that are designated high performers: <i>Provided further</i> , That the Department shall notify public housing agencies of their formula allocation within 60 days of enactment of this Act: <i>Provided further</i> , That of the total amount provided under this heading, \$45,000,000 shall be available for competitive grants to public housing agencies to evaluate and reduce lead-based paint hazards and other housing-related hazards including carbon monoxide and mold in public housing: <i>Provided further</i> , That of the amounts available under the previous proviso, no less than \$25,000,000 shall be for competitive grants to public housing agencies to evaluate and reduce lead-based paint hazards in public housing by carrying out the activities of risk assessments, abatement, and interim controls (as those terms are defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851b)): <i>Provided further</i> , That for purposes of environmental review, a grant under the previous two provisos shall be considered funds for projects or activities under title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) for purposes of section 26 of such Act (42 U.S.C. 1437x) and shall be subject to the regulations implementing such section: <i>Provided further</i> , That for funds made available under the previous three provisos, the Secretary shall allow a PHA to apply for up to 20 percent of the funds made available under the first two provisos and prioritize need when awarding grants.
Waiver authority.	
Notification. Deadline.	
Bonus awards.	
Notification. Deadline.	
Grants. Evaluation.	
Grants. Evaluation.	

PUBLIC HOUSING OPERATING FUND

Determination.	For 2020 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), \$4,549,000,000, to remain available until September 30, 2021: <i>Provided</i> , That of the total amount available under this heading, \$25,000,000 shall be available to the Secretary to allocate pursuant to a need-based application process notwithstanding section 203 of this title and not subject to the Operating Fund formula at part 990 of title 24, Code of Federal Regulations to public housing agencies that experience financial insolvency, as determined by the Secretary: <i>Provided further</i> , That after all such insolvency needs are met, the Secretary may distribute any remaining funds to all public housing agencies on a pro-rata basis pursuant to the
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Operating Fund formula at part 990 of title 24, Code of Federal Regulations.

CHOICE NEIGHBORHOODS INITIATIVE

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise specified under this heading), for transformation, rehabilitation, and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, schools, public assets, transportation and access to jobs, \$175,000,000, to remain available until September 30, 2022: *Provided*, That grant funds may be used for resident and community services, community development, and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: *Provided further*, That the use of funds made available under this heading shall not be deemed to be public housing notwithstanding section 3(b)(1) of such Act: *Provided further*, That grantees shall commit to an additional period of affordability determined by the Secretary of not fewer than 20 years: *Provided further*, That grantees shall provide a match in State, local, other Federal or private funds: *Provided further*, That grantees may include local governments, tribal entities, public housing authorities, and non-profits: *Provided further*, That for-profit developers may apply jointly with a public entity: *Provided further*, That for purposes of environmental review, a grantee shall be treated as a public housing agency under section 26 of the United States Housing Act of 1937 (42 U.S.C. 1437x), and grants under this heading shall be subject to the regulations issued by the Secretary to implement such section: *Provided further*, That of the amount provided, not less than \$87,500,000 shall be awarded to public housing agencies: *Provided further*, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies, and resident organizations: *Provided further*, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce, the Attorney General, and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: *Provided further*, That no more than \$5,000,000 of funds made available under this heading may be provided as grants to undertake comprehensive local planning with input from residents and the community: *Provided further*, That unobligated balances, including recaptures, remaining from funds appropriated under the heading “Revitalization of Severely Distressed Public Housing (HOPE VI)” in fiscal year 2011 and prior fiscal years may be used for purposes under this heading, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That the Secretary shall issue the Notice of Funding Availability for funds made available under this heading no later than 90 days after enactment of this Act: *Provided further*, That the Secretary shall make grant awards no later than one year from the date of enactment of this Act in such amounts that the Secretary determines: *Provided further*, That notwithstanding section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v(o)), the Secretary may, until September 30, 2023,

Time period.
Determination.

Regulations.

Consultation.
Coordination.

Notice.
Deadline.

Grants.
Deadline.
Determination.

obligate any available unobligated balances made available under this heading in this, or any prior Act.

SELF-SUFFICIENCY PROGRAMS

For activities and assistance related to Self-Sufficiency Programs, to remain available until September 30, 2023, \$130,000,000: *Provided*, That the amounts made available under this heading are provided as follows:

Federal Register,
publication.
Notice.
Determination.

Procedures.

Grants.

(1) \$80,000,000 shall be for the Family Self-Sufficiency program to support family self-sufficiency coordinators under section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u), to promote the development of local strategies to coordinate the use of assistance under sections 8 and 9 of such Act with public and private resources, and enable eligible families to achieve economic independence and self-sufficiency: *Provided*, That the Secretary may, by Federal Register notice, waive or specify alternative requirements under subsections (b)(3), (b)(4), (b)(5), or (c)(1) of section 23 of such Act in order to facilitate the operation of a unified self-sufficiency program for individuals receiving assistance under different provisions of the Act, as determined by the Secretary: *Provided further*, That owners of a privately owned multifamily property with a section 8 contract may voluntarily make a Family Self-Sufficiency program available to the assisted tenants of such property in accordance with procedures established by the Secretary: *Provided further*, That such procedures established pursuant to the previous proviso shall permit participating tenants to accrue escrow funds in accordance with section 23(d)(2) and shall allow owners to use funding from residual receipt accounts to hire coordinators for their own Family Self-Sufficiency program;

(2) \$35,000,000 shall be for the Resident Opportunity and Self-Sufficiency program to provide for supportive services, service coordinators, and congregate services as authorized by section 34 of the United States Housing Act of 1937 (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

(3) \$15,000,000 shall be for a Jobs-Plus initiative, modeled after the Jobs-Plus demonstration: *Provided*, That funding provided under this paragraph shall be available for competitive grants to partnerships between public housing authorities, local workforce investment boards established under section 107 of the Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. 3122), and other agencies and organizations that provide support to help public housing residents obtain employment and increase earnings: *Provided further*, That applicants must demonstrate the ability to provide services to residents, partner with workforce investment boards, and leverage service dollars: *Provided further*, That the Secretary may allow public housing agencies to request exemptions from rent and income limitation requirements under sections 3 and 6 of the United States Housing Act of 1937 (42 U.S.C. 1437a, 1437d), as necessary to implement the Jobs-Plus program, on such terms and conditions as the Secretary may approve upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective implementation of the Jobs-

Plus initiative as a voluntary program for residents: *Provided further*, That the Secretary shall publish by notice in the Federal Register any waivers or alternative requirements pursuant to the preceding proviso no later than 10 days before the effective date of such notice.

Notice.
Federal Register,
publication.
Deadline.

NATIVE AMERICAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), title I of the Housing and Community Development Act of 1974 with respect to Indian tribes (42 U.S.C. 5306(a)(1)), and related training and technical assistance, \$825,000,000, to remain available until September 30, 2024, unless otherwise specified: *Provided*, That the amounts made available under this heading are provided as follows:

(1) \$646,000,000 shall be available for the Native American Housing Block Grants program, as authorized under title I of NAHASDA: *Provided*, That, notwithstanding NAHASDA, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That the Department will notify grantees of their formula allocation within 60 days of the date of enactment of this Act;

Determination.
Applicability.

(2) \$2,000,000 shall be available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$32,000,000;

Notification.
Deadline.

(3) \$100,000,000 shall be available for competitive grants under the Native American Housing Block Grants program, as authorized under title I of NAHASDA: *Provided*, That the Secretary shall obligate this additional amount for competitive grants to eligible recipients authorized under NAHASDA that apply for funds: *Provided further*, That in awarding this additional amount, the Secretary shall consider need and administrative capacity, and shall give priority to projects that will spur construction and rehabilitation: *Provided further*, That a grant funded pursuant to this paragraph shall be not greater than \$10,000,000: *Provided further*, That up to 1 percent of this additional amount may be transferred, in aggregate, to “Program Offices—Public and Indian Housing” for necessary costs of administering and overseeing the obligation and expenditure of this additional amount and of additional amounts provided in prior years, to remain available until

Grants.

September 30, 2025: *Provided further*, That any funds transferred pursuant to the previous proviso in prior Acts may also be used for the purposes described in the previous proviso;

Grants. (4) \$70,000,000 shall be available for grants to Indian tribes for carrying out the Indian Community Development Block Grant program under title I of the Housing and Community Development Act of 1974, notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 203 of this Act), up to \$4,000,000 may be used for emergencies that constitute imminent threats to health and safety: *Provided*, That not to exceed 20 percent of any grant made with funds appropriated under this paragraph shall be expended for planning and management development and administration: *Provided further*, That funds provided under this paragraph shall remain available until September 30, 2022; and

(5) \$7,000,000 shall be available for providing training and technical assistance to Indian tribes, Indian housing authorities and tribally designated housing entities, to support the inspection of Indian housing units, contract expertise, and for training and technical assistance related to funding provided under this heading and other headings under this Act for the needs of Native American families and Indian country: *Provided*, That of the funds made available under this paragraph, not less than \$2,000,000 shall be available for a national organization as authorized under section 703 of NAHASDA (25 U.S.C. 4212): *Provided further*, That amounts made available under this paragraph may be used, contracted, or competed as determined by the Secretary: *Provided further*, That notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301–6308), the amounts made available under this paragraph may be used by the Secretary to enter into cooperative agreements with public and private organizations, agencies, institutions, and other technical assistance providers to support the administration of negotiated rulemaking under section 106 of NAHASDA (25 U.S.C. 4116), the administration of the allocation formula under section 302 of NAHASDA (25 U.S.C. 4152), and the administration of performance tracking and reporting under section 407 of NAHASDA (25 U.S.C. 4167): *Provided further*, That of the funds made available under this paragraph, not more than \$1,000,000 shall be available to support utilization, outreach, and capacity building with tribes and tribal housing organizations for the Tribal HUD-VASH program.

Determination.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), \$1,100,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That an additional \$500,000, to remain available until expended, shall be available for administrative contract expenses including management processes to carry out the loan guarantee program: *Provided further*, That the Secretary may subsidize total loan principal, any part of which is

to be guaranteed, up to \$1,000,000,000, to remain available until expended: *Provided further*, That for any unobligated balances (including amounts of uncommitted limitation) remaining from amounts made available under this heading in Public Law 115–31, Public Law 115–141, and Public Law 116–6, and for any recaptures occurring in fiscal year 2019 or in future fiscal years of amounts made available under this heading in prior fiscal years, the second proviso of each such heading shall be applied as if “these funds are available to” was struck and “the Secretary may” was inserted in its place.

Applicability.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), \$2,000,000, to remain available until September 30, 2024: *Provided*, That notwithstanding section 812(b) of such Act, the Department of Hawaiian Home Lands may not invest grant amounts provided under this heading in investment securities and other obligations: *Provided further*, That amounts made available under this heading in this and prior fiscal years may be used to provide rental assistance to eligible Native Hawaiian families both on and off the Hawaiian Home Lands, notwithstanding any other provision of law.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$410,000,000, to remain available until September 30, 2021, except that amounts allocated pursuant to section 854(c)(5) of such Act shall remain available until September 30, 2022: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that initially were funded under section 854(c)(5) of such Act from funds made available under this heading in fiscal year 2010 and prior fiscal years that meet all program requirements before awarding funds for new contracts under such section: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

Contracts.

Notification.
Deadline.

COMMUNITY DEVELOPMENT FUND

For carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.) (“the Act” herein), \$3,425,000,000, to remain available until September 30, 2022, unless otherwise specified: *Provided*, That unless explicitly provided for under this heading, not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That a metropolitan city, urban county, unit of general local government, or insular area that directly or indirectly receives funds under this heading may not sell, trade, or otherwise transfer all or any portion of such funds to another such entity

Grants.

Evaluation.	in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act: <i>Provided further</i> , That notwithstanding section 105(e)(1) of the Act, no funds provided under this heading may be provided to a for-profit entity for an economic development project under section 105(a)(17) unless such project has been evaluated and selected in accordance with guidelines required under subsection (e)(2): <i>Provided further</i> , That of the total amount provided under this heading, \$25,000,000 shall be for activities authorized under section 8071 of the SUPPORT for Patients and Communities Act (Public Law 115–271): <i>Provided further</i> , That the funds allocated pursuant to the previous proviso shall not adversely affect the amount of any formula assistance received by a State under this heading: <i>Provided further</i> , That the Secretary shall allocate the funds for such activities based on the percentages shown in Table 1 of the Notice establishing the funding formula published in 84 FR 16027 (April 17, 2019): <i>Provided further</i> , That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.
Allocation.	
Notification. Deadline.	

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

Fees.	Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2020, commitments to guarantee loans under section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), any part of which is guaranteed, shall not exceed a total principal amount of \$300,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in subsection (k) of such section 108: <i>Provided</i> , That the Secretary shall collect fees from borrowers, notwithstanding subsection (m) of such section 108, to result in a credit subsidy cost of zero for guaranteeing such loans, and any such fees shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: <i>Provided further</i> , That such commitment authority funded by fees may be used to guarantee, or make commitments to guarantee, notes or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of such section 108: <i>Provided further</i> , That any State receiving such a guarantee or commitment under the previous proviso shall distribute all funds subject to such guarantee to the units of general local government in nonentitlement areas that received the commitment.
Distribution.	

HOME INVESTMENT PARTNERSHIPS PROGRAM

Notification. Deadline.	For the HOME Investment Partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$1,350,000,000, to remain available until September 30, 2023: <i>Provided</i> , That notwithstanding the amount made available under this heading, the threshold reduction requirements in sections 216(10) and 217(b)(4) of such Act shall not apply to allocations of such amount: <i>Provided further</i> , That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act: <i>Provided further</i> , That section 218(g) of such Act (42 U.S.C. 12748(g)) shall not apply with respect to the right of a jurisdiction to draw funds from its HOME Investment Trust Fund that otherwise expired or would expire in 2016, 2017, 2018, 2019, 2020, 2021, or 2022 under that section: <i>Provided further</i> ,
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That section 231(b) of such Act (42 U.S.C. 12771(b)) shall not apply to any uninvested funds that otherwise were deducted or would be deducted from the line of credit in the participating jurisdiction's HOME Investment Trust Fund in 2018, 2019, 2020, 2021, or 2022 under that section.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, \$55,000,000, to remain available until September 30, 2022: *Provided*, That of the total amount provided under this heading, \$10,000,000 shall be made available to the Self-Help Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That of the total amount provided under this heading, \$36,000,000 shall be made available for the second, third, and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than \$5,000,000 shall be made available for rural capacity building activities: *Provided further*, That of the total amount provided under this heading, \$5,000,000 shall be made available for capacity building by national rural housing organizations with experience assessing national rural conditions and providing financing, training, technical assistance, information, and research to local nonprofits, local governments, and Indian Tribes serving high need rural communities: *Provided further*, That of the total amount provided under this heading, \$4,000,000, shall be made available for a program to rehabilitate and modify the homes of disabled or low-income veterans, as authorized under section 1079 of Public Law 113–291: *Provided further*, That funds provided under the previous proviso shall be awarded within 180 days of enactment of this Act.

Deadline.

HOMELESS ASSISTANCE GRANTS

For the Emergency Solutions Grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the Continuum of Care program as authorized under subtitle C of title IV of such Act; and the Rural Housing Stability Assistance program as authorized under subtitle D of title IV of such Act \$2,777,000,000, to remain available until September 30, 2022: *Provided further*, That not less than \$290,000,000 of the funds appropriated under this heading shall be available for such Emergency Solutions Grants program: *Provided further*, That not less than \$2,350,000,000 of the funds appropriated under this heading shall be available for such Continuum of Care and Rural Housing Stability Assistance programs: *Provided further*, That of the amounts made available under this heading, up to \$50,000,000 shall be made available for grants for rapid re-housing projects and supportive service projects providing coordinated entry, and for eligible activities the Secretary determines to be critical in order to assist survivors of domestic violence, dating violence, sexual assault, or stalking: *Provided further*, That such projects shall be eligible for renewal under the continuum of care program subject to the same terms and conditions as other renewal applicants: *Provided further*, That up to \$7,000,000 of the funds appropriated under this heading shall be available for the national

Determination.

homeless data analysis project: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior fiscal years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That none of the funds provided under this heading shall be available to provide funding for new projects, except for projects created through reallocation, unless the Secretary determines that the continuum of care has demonstrated that projects are evaluated and ranked based on the degree to which they improve the continuum of care's system performance: *Provided further*, That the Secretary shall prioritize funding under the Continuum of Care program to continuums of care that have demonstrated a capacity to reallocate funding from lower performing projects to higher performing projects: *Provided further*, That the Secretary shall provide incentives to create projects that coordinate with housing providers and healthcare organizations to provide permanent supportive housing and rapid rehousing services: *Provided further*, That any unobligated amounts remaining from funds appropriated under this heading in fiscal year 2012 and prior years for project-based rental assistance for rehabilitation projects with 10-year grant terms may be used for purposes under this heading, notwithstanding the purposes for which such funds were appropriated: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Continuum of Care renewals in fiscal year 2020: *Provided further*, That the Department shall notify grantees of their formula allocation from amounts allocated (which may represent initial or final amounts allocated) for the Emergency Solutions Grant program within 60 days of enactment of this Act: *Provided further*, That up to \$80,000,000 of the funds appropriated under this heading shall be to implement projects to demonstrate how a comprehensive approach to serving homeless youth, age 24 and under, in up to 25 communities with a priority for communities with substantial rural populations in up to eight locations, can dramatically reduce youth homelessness: *Provided further*, That of the amount made available under the previous proviso, up to \$10,000,000 shall be available to provide technical assistance on improving system responses to youth homelessness, and collection, analysis, use, and reporting of data and performance measures under the comprehensive approaches to serve homeless youth, in addition to and in coordination with other technical assistance funds provided under this title: *Provided further*, That the Secretary may use up to 10 percent of the amount made available under the previous proviso to build the capacity of current technical assistance providers or to train new technical assistance providers with verifiable prior experience with systems and programs for youth experiencing homelessness: *Provided further*, That amounts made available for the Continuum of Care program under this heading in this and prior Acts may be used to competitively or non-competitively renew or replace grants for youth homeless demonstration projects under the Continuum of Care program, notwithstanding any conflict with the requirements of the Continuum of Care program: *Provided further*, That youth aged 24 and under seeking assistance under this heading shall

Determination.

Priority.

Incentives.

Notification.
Deadline.

Data.
Coordination.

not be required to provide third party documentation to establish their eligibility under 42 U.S.C. 11302(a) or (b) to receive services: *Provided further*, That unaccompanied youth aged 24 and under or families headed by youth aged 24 and under who are living in unsafe situations may be served by youth-serving providers funded under this heading: *Provided further*, That persons eligible under section 103(a)(5) of the McKinney-Vento Homeless Assistance Act may be served by any project funded under this heading to provide both transitional housing and rapid re-housing: *Provided further*, That when awarding funds under the Continuum of Care program, the Secretary shall not deviate from the FY 2018 Notice of Funding Availability with respect to the tier 2 funding process, the Continuum of Care application scoring, and for new projects, the project quality threshold requirements, except as otherwise provided under this Act or as necessary to award all available funds or consider the most recent data from each Continuum of Care.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the Act”), not otherwise provided for, \$12,170,000,000, to remain available until expended, shall be available on October 1, 2019 (in addition to the \$400,000,000 previously appropriated under this heading that became available October 1, 2019), and \$400,000,000, to remain available until expended, shall be available on October 1, 2020: *Provided*, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph: *Provided further*, That of the total amounts provided under this heading, not to exceed \$345,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance, for carrying out 42 U.S.C. 1437(f): *Provided further*, That the Secretary may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable

Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667): *Provided further*, That amounts recaptured under this heading, the heading “Annual Contributions for Assisted Housing”, or the heading “Housing Certificate Fund”, may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That, notwithstanding any other provision of law, upon the request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 8 project-based Housing Assistance Payments contract that authorizes HUD or a Housing Finance Agency to require that surplus project funds be deposited in an interest-bearing residual receipts account and that are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to be available until expended: *Provided further*, That amounts deposited pursuant to the previous proviso shall be available in addition to the amount otherwise provided by this heading for uses authorized under this heading.

Determination.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, for senior preservation rental assistance contracts, including renewals, as authorized by section 811(e) of the American Housing and Economic Opportunity Act of 2000, as amended, and for supportive services associated with the housing, \$793,000,000, to remain available until September 30, 2023: *Provided*, That of the amount provided under this heading, up to \$100,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects: *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 projects: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That upon request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 202 project rental assistance contract, and that upon termination of such contract are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to remain available until September 30, 2023: *Provided further*, That amounts deposited in this account pursuant to the previous proviso shall be available, in addition to the amounts otherwise provided by this heading, for the purposes authorized under this heading: *Provided further*, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or

Grants.

Waiver authority.
Time period.

Determination.

appropriated under this heading shall be available for the current purposes authorized under this heading in addition to the purposes for which such funds originally were appropriated: *Provided further*, That of the total amount provided under this heading, \$10,000,000 shall be for a program to be established by the Secretary to make grants to experienced non-profit organizations, States, local governments, or public housing agencies for safety and functional home modification repairs to meet the needs of low-income elderly homeowners to enable them to remain in their primary residence: *Provided further*, That of the total amount made available under the previous proviso, no less than \$5,000,000 shall be available to meet such needs in communities with substantial rural populations: *Provided further*, That beneficiaries of the grant assistance provided in the previous two provisos under this heading in the Department of Housing and Urban Development Appropriations Act, 2019 (Public Law 116–6) shall be homeowners.

Grants.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), as amended, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, for project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667), including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Cranston-Gonzalez National Housing Act, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, \$202,000,000, to remain available until September 30, 2023: *Provided*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 projects: *Provided further*, That, upon the request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 811 project rental assistance contract, and that upon termination of such contract are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to remain available until September 30, 2023: *Provided further*, That amounts deposited in this account pursuant to the previous proviso shall be available in addition to the amounts otherwise provided by this heading for the purposes authorized under this heading: *Provided further*, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be used for the current purposes authorized under this heading in addition to the purposes for which such funds originally were appropriated.

Contracts.
Determination.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, \$53,000,000, to remain available

Grants.
Deadline.

until September 30, 2021, including up to \$4,500,000 for administrative contract services and up to \$3,000,000 for the certification of housing counselors as required under 12 U.S.C. 1701x: *Provided*, That grants made available from amounts provided under this heading shall be awarded within 180 days of enactment of this Act: *Provided further*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management or literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training: *Provided further*, That for purposes of providing such grants from amounts provided under this heading, the Secretary may enter into multiyear agreements, as appropriate, subject to the availability of annual appropriations.

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, \$3,000,000, to remain available until expended: *Provided*, That such amount, together with unobligated balances from recaptured amounts appropriated prior to fiscal year 2006 from terminated contracts under such section of law, and any unobligated balances, including recaptures and carryover, remaining from funds appropriated under this heading after fiscal year 2005, shall also be available for extensions of up to one year for expiring contracts under such section of law.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

Regulations.
42 USC 5419
note.

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to \$13,000,000, to remain available until expended, of which \$13,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2020 so as to result in a final fiscal year 2020 appropriation from the general fund estimated at zero, and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2020 appropriation: *Provided further*, That the Secretary of Housing and Urban Development shall issue a final rule to complete rulemaking initiated by the proposed rule entitled “Manufactured Housing Program: Minimum Payments to the States” published in the Federal Register on December 16, 2016 (81 Fed. Reg. 91083): *Provided further*, That for the dispute resolution and installation programs, the Secretary may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That, notwithstanding the

requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed \$400,000,000,000, to remain available until September 30, 2021: *Provided*, That during fiscal year 2020, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$1,000,000: *Provided further*, That the foregoing amount in the previous proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund: *Provided further*, That for administrative contract expenses of the Federal Housing Administration, \$130,000,000, to remain available until September 30, 2021: *Provided further*, That to the extent guaranteed loan commitments exceed \$200,000,000,000 on or before April 1, 2020, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000: *Provided further*, That notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), during fiscal year 2020 the Secretary may insure and enter into new commitments to insure mortgages under section 255 of the National Housing Act only to the extent that the net credit subsidy cost for such insurance does not exceed zero: *Provided further*, That for fiscal year 2020, the Secretary shall not take any action against a lender solely on the basis of compare ratios that have been adversely affected by defaults on mortgages secured by properties in areas where a major disaster was declared in 2017 or 2018 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

New commitments to guarantee loans insured under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed \$30,000,000,000 in total loan principal, any part of which is to be guaranteed, to remain available until September 30, 2021: *Provided*, That during fiscal year 2020, gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$1,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE
PROGRAM ACCOUNT

Effective date. New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$550,000,000,000, to remain available until September 30, 2021: *Provided*, That \$30,500,000, to remain available until September 30, 2021, shall be for necessary salaries and expenses of the Office of Government National Mortgage Association: *Provided further*, That to the extent that guaranteed loan commitments exceed \$155,000,000,000 on or before April 1, 2020, an additional \$100 for necessary salaries and expenses shall be available until expended for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$3,000,000: *Provided further*, That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act, as amended, shall be credited as offsetting collections to this account.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

Contribution. For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, and for technical assistance, \$98,000,000, to remain available until September 30, 2021: *Provided*, That with respect to amounts made available under this heading, notwithstanding section 203 of this title, the Secretary may enter into cooperative agreements with philanthropic entities, other Federal agencies, State or local governments and their agencies, Indian tribes, tribally designated housing entities, or colleges or universities for research projects: *Provided further*, That with respect to the previous proviso, such partners to the cooperative agreements must contribute at least a 50 percent match toward the cost of the project: *Provided further*, That for non-competitive agreements entered into in accordance with the previous two provisos, the Secretary of Housing and Urban Development shall comply with section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282, 31 U.S.C. note) in lieu of compliance with section 102(a)(4)(C) with respect to documentation of award decisions: *Provided further*, That prior to obligation of technical assistance funding, the Secretary shall submit a plan to the House and Senate Committees on Appropriations on how it will allocate funding for this activity at least 30 days prior to obligation: *Provided further*, That none of the funds provided under this heading may be available for the doctoral dissertation research grant program.

Compliance.

Plan.
Deadline.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$70,300,000, to remain available until September 30, 2021: *Provided*, That grants made available from amounts provided under this heading shall be awarded within 180 days of enactment of this Act: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to develop on-line courses and provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan: *Provided further*, That of the funds made available under this heading, \$350,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

Grants.
Deadline.

Lobbying.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$290,000,000, to remain available until September 30, 2022, of which \$50,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970, which shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That not less than \$95,000,000 of the amounts made available under this heading for the award of grants pursuant to section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 shall be provided to areas with the highest lead-based paint abatement needs: *Provided further*, That \$64,000,000 of the funds appropriated under this heading shall be for the implementation of projects in not more than ten communities to demonstrate how intensive, extended, multi-year interventions can dramatically reduce the presence of lead-based paint hazards in those communities: *Provided further*, That each project shall serve no more

Contribution. Priority.	than four contiguous census tracts in which there are high concentrations of housing stock built before 1940, in which low-income families with children make up a significantly higher proportion of the population as compared to the State average, and that are located in jurisdictions in which instances of elevated blood lead levels reported to the State are significantly higher than the State average: <i>Provided further</i> , That such projects shall be awarded not less than \$6,000,000 and not more than \$9,000,000: <i>Provided further</i> , That funding awarded for such projects shall be made available for draw down contingent upon the grantee meeting cost-savings, productivity, and grant compliance benchmarks established by the Secretary: <i>Provided further</i> , That each recipient of funds for such projects shall contribute an amount not less than 10 percent of the total award, and that the Secretary shall give priority to applicants that secure commitments for additional contributions from public and private sources: <i>Provided further</i> , That grantees currently receiving grants made under this heading shall be eligible to apply for such projects, provided that they are deemed to be in compliance with program requirements established by the Secretary: <i>Provided further</i> , That of the amount made available for the Healthy Homes Initiative, \$5,000,000 shall be for the implementation of projects in up to 5 communities that are served by both the Healthy Homes Initiative and the Department of Energy weatherization programs to demonstrate whether the coordination of Healthy Homes remediation activities with weatherization activities achieves cost savings and better outcomes in improving the safety and quality of homes: <i>Provided further</i> , That each applicant shall certify adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: <i>Provided further</i> , That amounts made available under this heading in this or prior appropriations Acts, still remaining available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are over-subscribed.
Eligibility. Requirements.	
Certification. Notice.	

INFORMATION TECHNOLOGY FUND

Expenditure plan.	For the development, modernization, and enhancement of, modifications to, and infrastructure for Department-wide and program-specific information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, \$280,000,000, of which \$260,000,000 shall remain available until September 30, 2021, and of which \$20,000,000 shall remain available until September 30, 2022: <i>Provided</i> , That any amounts transferred to this Fund under this Act shall remain available until expended: <i>Provided further</i> , That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts may be used for the purposes specified under this Fund, in addition to any other information technology purposes for which such amounts were appropriated: <i>Provided further</i> , That not more than 10 percent of the funds made available under this heading for development, modernization and enhancement may be obligated until the Secretary submits to the House and Senate Committees on Appropriations, for approval, a plan
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for expenditure that—(A) identifies for each modernization project: (i) the functional and performance capabilities to be delivered and the mission benefits to be realized, (ii) the estimated life-cycle cost, and (iii) key milestones to be met; and (B) demonstrates that each modernization project is: (i) compliant with the Department's enterprise architecture, (ii) being managed in accordance with applicable life-cycle management policies and guidance, (iii) subject to the Department's capital planning and investment control requirements, and (iv) supported by an adequately staffed project office.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$128,200,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office: *Provided further*, That the Office of Inspector General shall procure and rely upon the services of an independent external auditor(s) to audit the fiscal year 2020 and subsequent financial statements of the Department of Housing and Urban Development including the financial statements of the Federal Housing Administration and the Government National Mortgage Association: *Provided further*, That in addition to amounts under this heading otherwise available for the purposes specified in the previous proviso, \$10,000,000 to remain available until September 30, 2021, shall be available only for such specified purposes.

Contracts.
Audits.
42 USC 3550.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

(INCLUDING RESCISSIONS)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437f note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2020 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 204. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 205. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 206. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2020 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 207. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 208. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 209. (a) Notwithstanding any other provision of law, subject to the conditions listed under this section, for fiscal years 2020 and 2021, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt held or insured by the Secretary and statutorily required low-income and very low-income use restrictions if any, associated with one or more multifamily housing project or projects to another multifamily housing project or projects.

Time period.
Reports.
Budget.

(b) PHASED TRANSFERS.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred, to ensure that such project or projects meet the standards under subsection (c).

(c) The transfer authorized in subsection (a) is subject to the following conditions:

(1) NUMBER AND BEDROOM SIZE OF UNITS.—

(A) For occupied units in the transferring project: The number of low-income and very low-income units and the configuration (i.e., bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided to the transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: The Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current market demands, as determined by the Secretary and provided there is no increase in the project-based assistance budget authority.

Determination.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable.

Determination.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

Standards.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

Notification.
Consultation.
Certification.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

Determination.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except that the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects.

Waiver authority.
Determination.

(8) If the transferring project meets the requirements of subsection (d)(2), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

Records.

(9) The transfer does not increase the cost (as defined in section 502 of the Congressional Budget Act of 1974(2 U.S.C.

Definitions.

661a)) of any FHA-insured mortgage, except to the extent that appropriations are provided in advance for the amount of any such increased cost.

(d) For purposes of this section—

(1) the terms “low-income” and “very low-income” shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term “multifamily housing project” means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

(D) housing that is assisted under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act;

(E) housing that is assisted under section 811 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 8013); or

(F) housing or vacant land that is subject to a use agreement;

(3) the term “project-based assistance” means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b));

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s);

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1);

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2)); and

(F) assistance payments made under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2));

(4) the term “receiving project or projects” means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required low-income and very low-income use restrictions are to be transferred;

(5) the term “transferring project” means the multifamily housing project which is transferring some or all of the project-based assistance, debt, and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term “Secretary” means the Secretary of Housing and Urban Development.

(e) **RESEARCH REPORT.**—The Secretary shall conduct an evaluation of the transfer authority under this section, including the effect of such transfers on the operational efficiency, contract rents, physical and financial conditions, and long-term preservation of the affected properties.

Evaluation.

SEC. 210. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005;

(7) is not a youth who left foster care at age 14 or older and is at risk of becoming homeless; and

(8) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

Determination.

SEC. 211. The funds made available for Native Alaskans under paragraph (1) under the heading “Native American Programs” in title II of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005, and only such recipients shall be eligible to apply for funds made available under paragraph (3) of such heading.

Allocation.
Eligibility.

SEC. 212. Notwithstanding any other provision of law, in fiscal year 2020, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) or other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent

Determination.
Consultation.

Contracts. Notification.	<p>adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”) (42 U.S.C. 1437f note) and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership.</p>
Requirements.	<p>After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.</p> <p>SEC. 213. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: <i>Provided</i>, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.</p>
42 USC 1437g note.	<p>SEC. 214. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): <i>Provided</i>, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).</p>
Determination.	<p>SEC. 215. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that there is a trained allotment holder for each HUD appropriation under the accounts “Executive Offices”, “Administrative Support Offices”, “Program Offices”, “Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account”, and “Office of Inspector General” within the Department of Housing and Urban Development.</p>
Notification. Public information. Federal Register, publication. Notice. Web posting. 42 USC 3545a note.	<p>SEC. 216. The Secretary of the Department of Housing and Urban Development shall, for fiscal year 2020, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of</p>

law, for fiscal year 2020, the Secretary may make the NOFA available only on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary.

SEC. 217. Payment of attorney fees in program-related litigation shall be paid from the individual program office and Office of General Counsel salaries and expenses appropriations. The annual budget submission for the program offices and the Office of General Counsel shall include any such projected litigation costs for attorney fees as a separate line item request. No funds provided in this title may be used to pay any such litigation costs for attorney fees until the Department submits for review a spending plan for such costs to the House and Senate Committees on Appropriations.

Review.
Spending plan.

SEC. 218. The Secretary is authorized to transfer up to 10 percent or \$5,000,000, whichever is less, of funds appropriated for any office under the headings “Administrative Support Offices” or “Program Offices” to any other such office or account: *Provided*, That no appropriation for any such office or account shall be increased or decreased by more than 10 percent or \$5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary shall provide notification to such Committees 3 business days in advance of any such transfers under this section up to 10 percent or \$5,000,000, whichever is less.

Notification.
Approval.

Notification.
Deadline.

SEC. 219. (a) Any entity receiving housing assistance payments shall maintain decent, safe, and sanitary conditions, as determined by the Secretary of Housing and Urban Development (in this section referred to as the “Secretary”), and comply with any standards under applicable State or local laws, rules, ordinances, or regulations relating to the physical condition of any property covered under a housing assistance payment contract.

Determination.
Compliance.

(b) The Secretary shall take action under subsection (c) when a multifamily housing project with a section 8 contract or contract for similar project-based assistance—

(1) receives a Uniform Physical Condition Standards (UPCS) score of 60 or less; or

(2) fails to certify in writing to the Secretary within 3 days that all Exigent Health and Safety deficiencies identified by the inspector at the project have been corrected.

Certification.
Deadline.

Such requirements shall apply to insured and noninsured projects with assistance attached to the units under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), but do not apply to such units assisted under section 8(o)(13) (42 U.S.C. 1437f(o)(13)) or to public housing units assisted with capital or operating funds under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g).

Applicability.

(c)(1) Within 15 days of the issuance of the REAC inspection, the Secretary must provide the owner with a Notice of Default with a specified timetable, determined by the Secretary, for correcting all deficiencies. The Secretary must also provide a copy of the Notice of Default to the tenants, the local government, any mortgagees, and any contract administrator. If the owner’s appeal results in a UPCS score of 60 or above, the Secretary may withdraw the Notice of Default.

Deadline.
Notice.
Determination.
Records.

(2) At the end of the time period for correcting all deficiencies specified in the Notice of Default, if the owner fails to fully correct such deficiencies, the Secretary may—

(A) require immediate replacement of project management with a management agent approved by the Secretary;

(B) impose civil money penalties, which shall be used solely for the purpose of supporting safe and sanitary conditions at applicable properties, as designated by the Secretary, with priority given to the tenants of the property affected by the penalty;

(C) abate the section 8 contract, including partial abatement, as determined by the Secretary, until all deficiencies have been corrected;

(D) pursue transfer of the project to an owner, approved by the Secretary under established procedures, which will be obligated to promptly make all required repairs and to accept renewal of the assistance contract as long as such renewal is offered;

(E) transfer the existing section 8 contract to another project or projects and owner or owners;

(F) pursue exclusionary sanctions, including suspensions or debarments from Federal programs;

(G) seek judicial appointment of a receiver to manage the property and cure all project deficiencies or seek a judicial order of specific performance requiring the owner to cure all project deficiencies;

(H) work with the owner, lender, or other related party to stabilize the property in an attempt to preserve the property through compliance, transfer of ownership, or an infusion of capital provided by a third-party that requires time to effectuate; or

(I) take any other regulatory or contractual remedies available as deemed necessary and appropriate by the Secretary.

Contracts.
Notice.

(d) The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect, subject to the exercise of contractual abatement remedies to assist relocation of tenants for major threats to health and safety after written notice to the affected tenants. To the extent the Secretary determines, in consultation with the tenants and the local government, that the property is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of—

(1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”); and

(2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance.

Reports.
Time period.

(e) The Secretary shall report quarterly on all properties covered by this section that are assessed through the Real Estate Assessment Center and have UPCS physical inspection scores of less than 60 or have received an unsatisfactory management and occupancy review within the past 36 months. The report shall include—

(1) the enforcement actions being taken to address such conditions, including imposition of civil money penalties and termination of subsidies, and identify properties that have such conditions multiple times;

(2) actions that the Department of Housing and Urban Development is taking to protect tenants of such identified properties; and

(3) any administrative or legislative recommendations to further improve the living conditions at properties covered under a housing assistance payment contract.

Recommendations.

This report shall be due to the Senate and House Committees on Appropriations no later than 30 days after the enactment of this Act, and on the first business day of each Federal fiscal year quarter thereafter while this section remains in effect.

SEC. 220. None of the funds made available by this Act, or any other Act, for purposes authorized under section 8 (only with respect to the tenant-based rental assistance program) and section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), may be used by any public housing agency for any amount of salary, including bonuses, for the chief executive officer of which, or any other official or employee of which, that exceeds the annual rate of basic pay payable for a position at level IV of the Executive Schedule at any time during any public housing agency fiscal year 2020.

SEC. 221. None of the funds in this Act provided to the Department of Housing and Urban Development may be used to make a grant award unless the Secretary notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State, locality, housing authority, tribe, nonprofit organization, or other entity selected to receive a grant award is announced by the Department or its offices.

Grants.
Notification.
Deadline.

SEC. 222. None of the funds made available by this Act may be used to require or enforce the Physical Needs Assessment (PNA).

SEC. 223. None of the funds made available in this Act shall be used by the Federal Housing Administration, the Government National Mortgage Administration, or the Department of Housing and Urban Development to insure, securitize, or establish a Federal guarantee of any mortgage or mortgage backed security that refinances or otherwise replaces a mortgage that has been subject to eminent domain condemnation or seizure, by a State, municipality, or any other political subdivision of a State.

Mortgages.
Eminent domain.

SEC. 224. None of the funds made available by this Act may be used to terminate the status of a unit of general local government as a metropolitan city (as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) with respect to grants under section 106 of such Act (42 U.S.C. 5306).

SEC. 225. Amounts made available under this Act which are either appropriated, allocated, advanced on a reimbursable basis, or transferred to the Office of Policy Development and Research in the Department of Housing and Urban Development and functions thereof, for research, evaluation, or statistical purposes, and which are unexpended at the time of completion of a contract, grant, or cooperative agreement, may be deobligated and shall immediately become available and may be reobligated in that fiscal year or the subsequent fiscal year for the research, evaluation, or statistical purposes for which the amounts are made available

to that Office subject to reprogramming requirements in section 405 of this Act.

SEC. 226. None of the funds provided in this Act or any other act may be used for awards, including performance, special act, or spot, for any employee of the Department of Housing and Urban Development subject to administrative discipline (including suspension from work), in this fiscal year, but this prohibition shall not be effective prior to the effective date of any such administrative discipline or after any final decision over-turning such discipline.

SEC. 227. Funds made available in this title under the heading “Homeless Assistance Grants” may be used by the Secretary to participate in Performance Partnership Pilots authorized under section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, section 525 of division H of Public Law 114–113, section 525 of division H of Public Law 115–31, section 525 of division H of Public Law 115–141, section 524 of division B of Public Law 115–245 and such authorities as are enacted for Performance Partnership Pilots in an appropriations Act for fiscal year 2020: *Provided*, That such participation shall be limited to no more than 10 continuums of care and housing activities to improve outcomes for disconnected youth.

SEC. 228. With respect to grant amounts awarded under the heading “Homeless Assistance Grants” for fiscal years 2015 through 2020 for the continuum of care (CoC) program as authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act, costs paid by program income of grant recipients may count toward meeting the recipient’s matching requirements, provided the costs are eligible CoC costs that supplement the recipient’s CoC program.

SEC. 229. (a) From amounts made available under this title under the heading “Homeless Assistance Grants”, the Secretary may award 1-year transition grants to recipients of funds for activities under subtitle C of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) to transition from one Continuum of Care program component to another.

Determination.

(b) In order to be eligible to receive a transition grant, the funding recipient must have the consent of the Continuum of Care and meet standards determined by the Secretary.

SEC. 230. None of the funds made available by this Act may be used by the Department of Housing and Urban Development to direct a grantee to undertake specific changes to existing zoning laws as part of carrying out the final rule entitled “Affirmatively Furthering Fair Housing” (80 Fed. Reg. 42272 (July 16, 2015)) or the notice entitled “Affirmatively Furthering Fair Housing Assessment Tool” (79 Fed. Reg. 57949 (September 26, 2014)).

Grants.
Deadline.
42 USC 11364a.

SEC. 231. (a) Amounts recaptured from funds appropriated for this or any succeeding fiscal year under the heading “Department of Housing and Urban Development—Community Planning and Development—Homeless Assistance Grants” shall become available until expended not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available and shall be available, in addition to rental assistance amounts that were recaptured and made available until expended under such heading by any prior Act, and in addition to such other funds as may be available for such purposes, for the following purposes:

(1) For grants under the Continuum of Care program under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.);

(2) For grants under the Emergency Solutions Grant program under subtitle B of title IV of such Act (42 U.S.C. 11371 et seq.);

(3) Not less than 10 percent of the amounts shall be used only for grants in rural areas under the Continuum of Care program, to include activities eligible under the Rural Housing Stability Assistance program under section 491 of such Act (42 U.S.C. 11408) that are not otherwise eligible under the Continuum of Care program; and

(4) Not less than 10 percent of the amounts shall be for emergency solutions grants for disaster areas as authorized by subsection (c).

(b) Prior to the use of any recaptured amounts referred to in subsection (a), including competing, awarding, or obligating such amounts, the Secretary shall submit a plan in accordance with subsection (a) that specifies the planned use of any such amounts to the Committees on Appropriations of the House of Representatives and the Senate, and receive prior written approval of such plan, except that use of amounts in the plan for the purposes specified in subsection (a)(4) may begin once such plan is submitted to such Committees.

Plan.
Approval.

(c)(1) The Secretary may make grants under the Emergency Solutions Grants program under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.) to States or local governments to address the needs of homeless individuals or families or individuals or families at risk of homelessness in areas affected by a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on or after the date of enactment of this Act, whose needs are not otherwise served or fully met by existing Federal disaster relief programs, including the Transitional Sheltering Assistance program under such Act (42 U.S.C. 5170b).

(2) For purposes of grants under paragraph (1), the Secretary may suspend all consultation, citizen participation, and matching requirements.

SEC. 232. The Promise Zone designations and Promise Zone Designation Agreements entered into pursuant to such designations, made by the Secretary of Housing and Urban Development in prior fiscal years, shall remain in effect in accordance with the terms and conditions of such agreements.

SEC. 233. None of the funds made available by this Act may be used to establish and apply review criteria, including rating factors or preference points, for participation in or coordination with EnVision Centers, in the evaluation, selection, and award of any funds made available and requiring competitive selection under this Act, except with respect to any such funds otherwise authorized for EnVision Center purposes under this Act.

SEC. 234. (a) The Secretary of Housing and Urban Development shall make available to grantees under programs included under the Department's Consolidated Planning Process, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the prepopulated up-to-date housing and

Deadline.
Time period.
Data.

Requirement. Deadline. Time period.	<p>economic data and data for both broadband and resilience assessment requirements, as referred to in the HUD Response to the third comment under section III.A. of the Supplementary Information included with the final rule entitled “Modernizing HUD’s Consolidated Planning Process To Narrow the Digital Divide and Increase Resilience to Natural Hazards”, published by the Department of Housing and Urban Development in the Federal Register on Friday, December 16, 2016 (81 Fed. Reg. 91000).</p> <p>(b) The Secretary of Housing and Urban Development shall require such grantees to incorporate the broadband and resilience components into the Consolidated Plan process not later than the expiration of the 270-day period beginning on the date of the enactment of this Act.</p>
Contracts.	<p>SEC. 235. None of the funds made available by this or any prior Act may be used to require or enforce any changes to the terms and conditions of the public housing annual contributions contract between the Secretary and any public housing agency, as such contract was in effect as of December 31, 2017, unless such changes are mutually agreed upon by the Secretary and such agency: <i>Provided</i>, That such agreement by an agency may be indicated only by a written amendment to the terms and conditions containing the duly authorized signature of its chief executive:</p>
Certification.	<p><i>Provided further</i>, That the Secretary may not withhold funds to compel such agreement by an agency which certifies to its compliance with its contract.</p>
Determination.	<p>SEC. 236. None of the amounts made available in this Act or in the Department of Housing and Urban Development Appropriations Act, 2019 (Public Law 116–6) may be used to consider Family Self-Sufficiency performance measures or performance scores in determining funding awards for programs receiving Family Self-Sufficiency program coordinator funding provided in this Act or in the Department of Housing and Urban Development Appropriations Act, 2019 (Public Law 116–6).</p>
Rescissions.	<p>SEC. 237. (a) All unobligated balances from funds appropriated under the heading “Department of Housing and Urban Development Public and Indian Housing—Tenant Based Rental Assistance” in chapter 10 of title I of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329) are hereby rescinded.</p> <p>(b) All unobligated balances from funds appropriated under the heading “Department of Housing and Urban Development Public and Indian Housing—Project-Based Rental Assistance” in chapter 10 of title I of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329; 122 Stat. 324) (as amended by section 1203 of Public Law 111–32; 123 Stat. 1859) are hereby rescinded.</p>
	<p>SEC. 238. Any public housing agency designated as a Moving to Work agency pursuant to section 239 of (Public Law 114–113) may, upon such designation, use funds (except for special purpose funding, including special purpose vouchers) previously allocated to any such public housing agency under section 8 or 9 of the United States Housing Act of 1937, including any reserve funds held by the public housing agency or funds held by the Department of Housing and Urban Development, pursuant to the authority for use of section 8 or 9 funding provided under such section and section 204 of title II of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies</p>

Appropriations Act, 1996 (Public Law 104–134), notwithstanding the purposes for which such funds were appropriated.

SEC. 239. None of the amounts made available by this Act or by Public Law 116–6 may be used to prohibit any public housing agency under receivership or the direction of a Federal monitor from applying for, receiving, or using funds made available under the heading “Public Housing Capital Fund” for competitive grants to evaluate and reduce lead-based paint hazards in this Act or that remain available and not awarded from prior Acts, or be used to prohibit a public housing agency from using such funds to carry out any required work pursuant to a settlement agreement, consent decree, voluntary agreement, or similar document for a violation of the Lead Safe Housing or Lead Disclosure Rules.

This title may be cited as the “Department of Housing and Urban Development Appropriations Act, 2020”.

TITLE III

RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$9,200,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses: *Provided further*, That of this amount, \$800,000 shall be for activities authorized under section 432 of Public Law 115–254.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 307), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, \$28,000,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, \$24,274,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C.

Budget request.

1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within the Corporation: *Provided further*, That concurrent with the President's budget request for fiscal year 2021, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2021 in similar format and substance to those submitted by executive agencies of the Federal Government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), \$110,400,000, of which not to exceed \$2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), \$157,500,000, of which \$5,000,000 shall be for a multi-family rental housing program: *Provided*, That an additional \$1,000,000, to remain available until September 30, 2023, shall be for the promotion and development of shared equity housing models.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$37,100,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during

fiscal year 2020, to result in a final appropriation from the general fund estimated at no more than \$35,850,000.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$3,800,000, to remain available until September 30, 2021.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 402. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 403. The expenditure of any appropriation under this Act for any consulting service through a procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Contracts.

SEC. 404. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2020, or provided from any accounts in the Treasury derived by the collection

of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

- (1) creates a new program;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;
- (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;
- (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less;
- (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or
- (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the joint explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include—

Reports.

(A) a table for each appropriation with a separate column to display the prior year enacted level, the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

Applicability.

(B) a delineation in the table for each appropriation and its respective prior year enacted level by object class and program, project, and activity as detailed in this Act, the table accompanying the explanatory statement accompanying this Act, accompanying reports of the House and Senate Committee on Appropriations, or in the budget appendix for the respective appropriations, whichever is more detailed, and shall apply to all items for which a dollar amount is specified and to all programs for which new budget (obligational) authority is provided, as well as to discretionary grants and discretionary grant allocations; and

(C) an identification of items of special congressional interest.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2020 from appropriations made available for salaries and expenses for fiscal year 2020 in this Act, shall remain available through September 30, 2021, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*,

Expenditure request.

That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects, as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 408. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 409. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his or her period of active military or naval service, and has within 90 days after his or her release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his or her former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his or her former position and has not been restored thereto.

Deadline.
Time period.
Certification.

SEC. 410. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 8301–8305, popularly known as the “Buy American Act”).

Compliance.

SEC. 411. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 8301–8305).

SEC. 412. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 413. (a) None of the funds made available by this Act may be used to approve a new foreign air carrier permit under sections 41301 through 41305 of title 49, United States Code, or exemption application under section 40109 of that title of an air carrier already holding an air operators certificate issued by a country that is party to the U.S.-E.U.-Iceland-Norway Air Transport Agreement where such approval would contravene United States

law or Article 17 bis of the U.S.-E.U.-Iceland-Norway Air Transport Agreement.

(b) Nothing in this section shall prohibit, restrict or otherwise preclude the Secretary of Transportation from granting a foreign air carrier permit or an exemption to such an air carrier where such authorization is consistent with the U.S.-E.U.-Iceland-Norway Air Transport Agreement and United States law.

Reports.
Time period.

SEC. 414. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of a single agency or department of the United States Government, who are stationed in the United States, at any single international conference unless the relevant Secretary reports to the House and Senate Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: *Provided*, That for purposes of this section the term “international conference” shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

Definition.

SEC. 415. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board to charge or collect any filing fee for rate or practice complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 416. None of the funds made available by this Act may be used by the Department of Transportation, the Department of Housing and Urban Development, or any other Federal agency to lease or purchase new light duty vehicles for any executive fleet, or for an agency’s fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

Pornography.

SEC. 417. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

Records.

SEC. 418. (a) None of the funds made available in this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede that Inspector General’s access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General’s right of access.

(b) A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner.

(c) Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

Reports.

SEC. 419. None of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractors whose performance has been judged to be below satisfactory, behind schedule, over budget, or has failed to meet the basic requirements of a contract, unless the Agency determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program unless such awards or incentive fees are consistent with 16.401(e)(2) of the Federal Acquisition Regulations.

Contracts.
Determination.

SEC. 420. Except as expressly provided otherwise, any reference to “this Act” contained in this division shall be treated as referring only to the provisions of this division.

1 USC 1 note.

SEC. 421. None of the funds made available by this Act may be used in contravention of section 5309(d)(2) of title 49, United States Code.

SEC. 422. None of the funds made available by this division may be used to issue rules or guidance in contravention of section 1210 of Public Law 115–254 (132 Stat. 3442) or section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155).

SEC. 423. None of the funds made available by this division may be used in contravention of section 2635.702 of title 5, Code of Federal Regulations.

SEC. 424. Of the unobligated balances of funds remaining from—

(1) Public Law 91–605, and any other Act, appropriated to the “Rail Crossings Demonstration Projects” account under Treasury Account Fund Symbol 69X0555, a total of \$517,220.20 is hereby permanently rescinded;

(2) Public Law 92–18, and any other Act, appropriated to the “Darien Gap Highway” account under Treasury Account Fund Symbol 69X0553, a total of \$2,037,034.50 is hereby permanently rescinded;

(3) Public Law 93–87, and any other Act, appropriated to the “Alaska Highway” account under Treasury Account Fund Symbol 69X0537, a total of \$62,861.61 is hereby permanently rescinded;

(4) Public Law 94–387, and any other Act, appropriated to the “Railroad-Highway Crossings Demonstration Projects” account under Treasury Account Fund Symbol 69X0557, a total of \$2,035,137.12 is hereby permanently rescinded;

(5) Public Law 97–257, and any other Act, appropriated to the “Access Highways to Public Recreation Areas on Certain Lakes” account under Treasury Account Fund Symbol 69X0503, a total of \$352,333.19 is hereby permanently rescinded;

(6) Public Law 99–190, and any other Act, appropriated to the “Highway Beautification” account under Treasury Account Fund Symbol 69X0540, a total of \$488,909.57 is hereby permanently rescinded;

(7) Public Law 101–164, and any other Act, appropriated to the “Highway Demonstration Projects-Preliminary Engineering” account under Treasury Account Fund Symbol

69X0583, a total of \$2,601,431.71 is hereby permanently rescinded;

(8) Public Law 101–516, and any other Act, appropriated to the “Highway Demonstration Projects” account under Treasury Account Fund Symbol 69X0598, a total of \$1,341 is hereby permanently rescinded;

(9) Public Law 102–143, and any other Act, appropriated to the “Highway Studies Feasibility, Design, Environmental, Engineering” account under Treasury Account Fund Symbol 69X0533, a total of \$262,204.01 is hereby permanently rescinded;

(10) Public Law 103–331, and any other Act, appropriated to the “Surface Transportation Projects” account under Treasury Account Fund Symbol 69X0505, a total of \$573,097.13 is hereby permanently rescinded; and

(11) Public Law 107–87, and any other Act, appropriated to the “Miscellaneous Highway Project” account under Treasury Account Fund Symbol 69X0641, a total of \$11,003,637 is hereby permanently rescinded.

SEC. 425. (a) Section 127(l)(3)(A) of title 23, United States Code, is amended—

(1) in the matter preceding clause (i), in the first sentence, by striking “clause (i) or (ii)” and inserting “clauses (i) through (iv)”; and

(2) by adding at the end the following:

“(iii) The Wendell H. Ford (Western Kentucky) Parkway (to be designated as a spur of Interstate Route 69) from the interchange with the William H. Natcher Parkway in Ohio County, Kentucky, west to the interchange of the Western Kentucky Parkway with the Edward T. Breathitt (Pennyriple) Parkway.

“(iv) The Edward T. Breathitt (Pennyriple) Parkway (to be designated as a spur of Interstate Route 69) from Interstate 24, north to Interstate 69.”.

(b) DESIGNATION AS HIGH PRIORITY CORRIDOR.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032; 131 Stat. 797) is amended by adding at the end the following:

“(91) The Wendell H. Ford (Western Kentucky) Parkway from the interchange with the William H. Natcher Parkway in Ohio County, Kentucky, west to the interchange of the Western Kentucky Parkway with the Edward T. Breathitt (Pennyriple) Parkway.”.

(c) DESIGNATION AS FUTURE INTERSTATE.—Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 109 Stat. 597; 131 Stat. 797) is amended in the first sentence by striking “and subsection (c)(90)” and inserting “subsection (c)(90), and subsection (c)(91)”.

(d) NUMBERING OF PARKWAY.—Section 1105(e)(5)(C)(i) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 109 Stat. 598; 126 Stat. 426; 131 Stat. 797) is amended by adding at the end the following: “The route referred to in subsection (c)(91) is designated as Interstate Route I–569.”.

(e) EXEMPTION.—Notwithstanding section 111 of title 23, United States Code, if the segment of highway described in paragraph (91) of section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032; 131

Stat. 797) is designated as a route on the Interstate System, any commercial establishment operating legally in a rest area on that segment before the date of that designation may continue to operate in the Interstate right-of-way, subject to the Interstate access standards established under section 111 of that title.

This division may be cited as the “Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2020”.

DIVISION I—EXTENSIONS

TITLE I

Applicabilities.

IMMIGRATION EXTENSIONS

SEC. 101. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be applied by substituting “September 30, 2020” for “September 30, 2015”.

8 USC 1324a
note.

SEC. 102. Subclauses 101(a)(27)(C)(ii)(II) and (III) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)(II) and (III)) shall be applied by substituting “September 30, 2020” for “September 30, 2015”.

8 USC 1101 note.

SEC. 103. Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) shall be applied by substituting “September 30, 2020” for “September 30, 2015”.

8 USC 1182 note.

SEC. 104. Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) shall be applied by substituting “September 30, 2020” for “September 30, 2015”.

8 USC 1153 note.

SEC. 105. Notwithstanding the numerical limitation set forth in section 214(g)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary of Homeland Security, after consultation with the Secretary of Labor, and upon the determination that the needs of American businesses cannot be satisfied in fiscal year 2020 with United States workers who are willing, qualified, and able to perform temporary nonagricultural labor, may increase the total number of aliens who may receive a visa under section 101(a)(15)(H)(ii)(b) of such Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) in such fiscal year above such limitation by not more than the highest number of H–2B nonimmigrants who participated in the H–2B returning worker program in any fiscal year in which returning workers were exempt from such numerical limitation.

TITLE II

NATIONAL FLOOD INSURANCE PROGRAM EXTENSION

SEC. 201. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting “September 30, 2020” for “September 30, 2019”.

Applicability.
42 USC 4026
note.

TITLE III—SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINA- TION EXTENSION

SEC. 301. EXTENSION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

(a) SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND.—

(1) SECURE PAYMENTS.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended, in subsections (a) and (b), by striking “and 2018” each place it appears and inserting “2018, 2019, and 2020”.

(2) PAYMENTS TO STATES AND COUNTIES.—

(A) ELECTION TO RECEIVE PAYMENT AMOUNT.—Section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(b)) is amended—

(i) in paragraph (1)(D)—

(I) in the subparagraph heading, by striking “FOR FISCAL YEARS 2017 AND 2018” and inserting “FOR EACH OF FISCAL YEARS 2017 THROUGH 2020”; and

(II) by striking “for fiscal years 2017 or 2018” and inserting “for each of fiscal years 2017 through 2020”; and

(ii) in paragraph (2), in subparagraphs (A) and (B), by striking “for fiscal years 2017 and 2018” each place it appears and inserting “for each of fiscal years 2017 through 2020”.

(B) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—Section 102(d) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)) is amended—

(i) in paragraph (1)(F)—

(I) in the subparagraph heading, by striking “FOR FISCAL YEARS 2017 AND 2018” and inserting “FOR EACH OF FISCAL YEARS 2017 THROUGH 2020”; and

(II) by striking “for fiscal years 2017 and 2018” and inserting “for each of fiscal years 2017 through 2020”; and

(ii) in paragraph (3)(D)—

(I) in the subparagraph heading, by striking “FOR FISCAL YEARS 2017 AND 2018” and inserting “FOR EACH OF FISCAL YEARS 2017 THROUGH 2020”; and

(II) by striking “for fiscal years 2017 and 2018” and inserting “for each of fiscal years 2017 through 2020”.

(C) DISTRIBUTION OF PAYMENTS TO ELIGIBLE COUNTIES.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking “through and for fiscal

years 2017 and 2018” and inserting “through 2015 and for each of fiscal years 2017 through 2020”.

(b) EXTENSION OF AUTHORITY TO CONDUCT SPECIAL PROJECTS ON FEDERAL LAND.—

(1) EXISTING ADVISORY COMMITTEES.—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)(4)) is amended by striking “September 29, 2018” each place it appears and inserting “December 20, 2021”.

(2) TERMINATION OF AUTHORITY.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) is amended—

(A) in subsection (a), by striking “2020” and inserting “2022”; and

(B) in subsection (b), by striking “2021” and inserting “2023”.

(c) EXTENSION OF AUTHORITY TO EXPEND COUNTY FUNDS.—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(1) in subsection (a), by striking “2020” and inserting “2022”; and

(2) in subsection (b), by striking “2021” and inserting “2023”.

TITLE IV—EXPORT-IMPORT BANK EXTENSION

SEC. 401. AUTHORIZATION PERIOD.

(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking “September 30, 2019” and inserting “December 31, 2026”.

(b) EXPOSURE LIMIT.—Section 6(a)(2) of such Act (12 U.S.C. 635e(a)(2)) is amended by striking “for each of fiscal years 2015 through 2019” and inserting “for each of fiscal years 2020 through 2027”.

SEC. 402. PROGRAM ON CHINA AND TRANSFORMATIONAL EXPORTS.

(a) IN GENERAL.—Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

“(1) PROGRAM ON CHINA AND TRANSFORMATIONAL EXPORTS.—

“(1) IN GENERAL.—The Bank shall establish a Program on China and Transformational Exports to support the extension of loans, guarantees, and insurance, at rates and on terms and other conditions, to the extent practicable, that are fully competitive with rates, terms, and other conditions established by the People’s Republic of China or by a covered country, that aim to—

“(A) directly neutralize export subsidies for competing goods and services financed by official export credit, tied aid, or blended financing provided by the People’s Republic of China or by a covered country; or

“(B) advance the comparative leadership of the United States with respect to the People’s Republic of China, or

support United States innovation, employment, and technological standards, through direct exports in any of the following areas:

- “(i) Artificial intelligence.
- “(ii) Biotechnology.
- “(iii) Biomedical sciences.
- “(iv) Wireless communications equipment (including 5G or subsequent wireless technologies).
- “(v) Quantum computing.
- “(vi) Renewable energy, energy efficiency, and energy storage.
- “(vii) Semiconductor and semiconductor machinery manufacturing.
- “(viii) Emerging financial technologies, including technologies that facilitate—
 - “(I) financial inclusion through increased access to capital and financial services;
 - “(II) data security and privacy;
 - “(III) payments, the transfer of funds, and associated messaging services; and
 - “(IV) efforts to combat money laundering and the financing of terrorism.
- “(ix) Water treatment and sanitation, including technologies and infrastructure to reduce contaminants and improve water quality.
- “(x) High performance computing.
- “(xi) Associated services necessary for use of any of the foregoing exports.

Definition.

“(2) COVERED COUNTRIES.—In this subsection, the term ‘covered country’ means any country that—

“(A) the Secretary of the Treasury designates as a covered country in a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Development of the Senate;

“(B) is not a participant in the Arrangement on Officially Supported Export Credits of the Organization for Economic Cooperation and Development (in this subsection referred to as the ‘Arrangement’); and

“(C) is not in substantial compliance with the financial terms and conditions of the Arrangement.

“(3) FINANCING.—

“(A) IN GENERAL.—It shall be a goal of the Bank to reserve not less than 20 percent of the applicable amount (as defined in section 6(a)(2)) for support made pursuant to the Program on China and Transformational Exports.

“(B) EXCEPTION.—The Secretary of the Treasury may reduce or eliminate the 20 percent goal in subparagraph (A), on reporting to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that the People’s Republic of China is in substantial compliance with—

“(i) the financial terms and conditions of the Arrangement; and

“(ii) the rules and principles of the Paris Club.

“(C) SUNSET AND REPORT.—The program established under paragraph (1) shall expire on December 31, 2026. Not later than 4 years after enactment of this subsection, the President of the Bank shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate assessing the following:

“(i) The capacity and demand of United States entities to export goods and services in the areas described in paragraph (1)(B), as assessed in consultation with the Secretary of Commerce.

“(ii) The availability of private-sector financing for exports in the areas.

“(iii) The feasibility and advisability of continuing the goal of subparagraph (A) of this paragraph with respect to paragraph (1)(B) after December 31, 2026.

“(D) NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL PROBLEMS.—The National Advisory Council on International Monetary and Financial Problems shall ensure that Bank authorizations pursuant to the Program on China and Transformational Exports are considered or reviewed expeditiously, consistent with the other credit standards required by law.”.

(b) REQUIRED REPORTING.—Section 8 of such Act (12 U.S.C. 635g) is amended by adding at the end the following:

“(1) REPORT ON AUTHORIZATIONS UNDER THE PROGRAM ON CHINA AND TRANSFORMATIONAL EXPORTS.—The Bank shall include in its annual report to Congress under subsection (a) a narrative and financial summary of the authorizations made under the Program on China and Transformational Exports.”.

(c) RULE OF CONSTRUCTION.—Nothing in section 2(l)(1)(B) of the Export-Import Bank Act of 1945 shall be construed to weaken any export controls affecting critical technologies (as defined in section 721(a)(6)(A) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)(6)(A))). 12 USC 635 note.

SEC. 403. SMALL BUSINESS POLICY.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is amended by striking subparagraph (E)(i)(I) and inserting the following:

“(E)(i)(I) It is further the policy of the United States to encourage the participation of small business (including women-owned businesses, minority-owned businesses, veteran-owned businesses, businesses owned by persons with disabilities, and businesses in rural areas) and start-up businesses in international commerce, and to educate such businesses about how to export goods using the Bank.”.

SEC. 404. INCREASE IN SMALL BUSINESS THRESHOLD.

(a) IN GENERAL.—Section 2(b)(1)(E)(v) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(v)) is amended by striking “25” and inserting “30”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2021. 12 USC 635 note.

SEC. 405. EXCLUSION OF UNUTILIZED INSURANCE AUTHORITY IN CALCULATING SMALL BUSINESS THRESHOLD.

Section 2(b)(1)(E)(v) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(v)) is amended by adding at the end the following: “For the purpose of calculating the amounts of authority required under this clause, the Bank shall, with respect to insurance, exclude unutilized authorizations that terminated during the fiscal year.”.

SEC. 406. ANTI-FRAUD REFORMS.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended—

(1) in subsection (f), by striking the period and inserting: “, and shall deny an application for assistance if the end user, borrower, lender, or exporter has been convicted of an act of fraud or corruption in connection with an application for support from the Bank made in the preceding 5 years. The Bank may proceed with an application described in this subsection only if an end user, borrower, lender, or exporter can be fully excluded from the transaction.”; and

(2) in subsection (i), by striking “should require” and inserting “shall require”.

SEC. 407. FINANCING FOR RENEWABLE ENERGY, ENERGY EFFICIENCY, AND ENERGY STORAGE TECHNOLOGIES.

Section 2(b)(1)(K) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(K)) is amended by inserting “, energy efficiency (including battery electric vehicles, batteries for electric vehicles, and electric vehicle charging infrastructure), and energy storage. It shall be a goal of the Bank to ensure that not less than 5 percent of the applicable amount (as defined in section 6(a)(2)) is made available each fiscal year for the financing of renewable energy, energy efficiency (including battery electric vehicles, batteries for electric vehicles, and electric vehicle charging infrastructure), and energy storage technology exports” before the period.

12 USC 635 note.

SEC. 408. REPORTING ON FINANCING RELATED TO CHINA.

(a) NATIONAL INTEREST REPORT.—Before authorizing a loan or guarantee for a transaction in an amount greater than \$25,000,000 for which the end user, lender, or obligor is the government of China, the President of the Export-Import Bank of the United States (in this section referred to as the “Bank”) shall—

(1) report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that the Bank has consulted with the Secretary of State and any other relevant department or agency, as deemed appropriate by the President of the United States, to assess any risks posed by the entity or the transaction to the national interest of the United States; and

(2) include a summary of the transaction and the consultation.

(b) FORM OF REPORT.—The report described in subsection (a) shall be submitted in unclassified form but may include a classified annex.

(c) RELATED POLICIES.—

(1) The Board of Directors of the Bank shall prescribe policies for the Bank with respect to—

Summary.

- (A) procedures required by the consultation described in subsection (a)(1); Procedures.
- (B) establishment of a period of not less than 25 days to complete the consultations described in subsection (a) during which time consulted parties may submit any appropriate information to the Bank; and Time period.
- (C) efforts by the Bank to assess and determine ownership or control by the government of China pursuant to the requirements of subsection (a). Assessment.
Determination.
- (2) In prescribing the policies described under paragraph (1) of this subsection, the Board of Directors of the Bank shall— Consultations.
- (A) consult with the Secretary of State with respect to the procedures referred to in subparagraphs (A) and (B) of paragraph (1) of this subsection, and seek to ensure that the procedures—
- (i) are consistent, wherever appropriate, with national interest determinations made under section 2(b)(1)(B) of the Export-Import Bank Act of 1945; and
- (ii) include coordination between the Secretary of State and the Director of National Intelligence, wherever appropriate; and Coordination.
- (B) consult with the Secretary of the Treasury with respect to the efforts described in paragraph (1)(C) of this subsection.
- (d) DEFINITION.—For the purposes of this section, the term “government of China” means any person that the Bank has reason to believe is—
- (1) the state and the government of China, as well as any political subdivision, agency, or instrumentality thereof;
- (2) any entity controlled, directly or indirectly, by any of the foregoing, including any partnership, association, or other entity in which any of the foregoing owns a 50 percent or greater interest or a controlling interest, and any entity which is otherwise controlled by any of the foregoing;
- (3) any person that is or has been acting or purporting to act, directly or indirectly, for or on behalf of any of the foregoing; and
- (4) any other person which the Secretary of the Treasury has notified the Bank is included in any of the foregoing.
- (e) SUNSET.—This section shall have no force or effect on the earlier of—
- (1) December 31, 2026; or
- (2) the date that is 30 days after the date that the President of the United States reports to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that China is in substantial compliance with—
- (A) the financial terms and conditions of the Arrangement on Officially Supported Export Credits of the Organization for Economic Cooperation and Development; and
- (B) the rules and principles of the Paris Club.

SEC. 409. ALTERNATIVE PROCEDURES DURING QUORUM LAPSE.

- (a) IN GENERAL.—Section 3(c)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)(6)) is amended—
- (1) by inserting “(A)” after “(6)”; and

Time period.	<p>(2) by adding at the end the following:</p> <p>“(B)(i) If there is an insufficient number of directors to constitute a quorum under subparagraph (A) for 120 consecutive days during the term of a President of the United States, a temporary Board, consisting of the following members, shall act in the stead of the Board of Directors:</p> <p> “(I) The United States Trade Representative.</p> <p> “(II) The Secretary of the Treasury.</p> <p> “(III) The Secretary of Commerce.</p> <p> “(IV) The members of the Board of Directors.</p> <p>“(ii) If, at a meeting of the temporary Board—</p> <p> “(I) a member referred to in clause (i)(IV) is present, the meeting shall be chaired by such a member, consistent with Bank bylaws; or</p> <p> “(II) no such member is present, the meeting shall be chaired by the United States Trade Representative.</p> <p> “(iii) A member described in subclause (I), (II), or (III) of clause (i) may delegate the authority of the member to vote on whether to authorize a transaction, whose value does not exceed \$100,000,000, to—</p> <p> “(I) if the member is the United States Trade Representative, the Deputy United States Trade Representative; or</p> <p> “(II) if the member is referred to in such subclause (II) or (III), the Deputy Secretary of the department referred to in the subclause.</p>
President.	<p>“(iv) If the temporary Board consists of members of only one political party, the President of the United States shall, to the extent practicable, appoint to the temporary Board a qualified member of a different political party who occupies a position requiring nomination by the President, by and with the consent of the Senate.</p> <p>“(v) The temporary board may not change or amend Bank policies, procedures, bylaws, or guidelines.</p>
Expiration date.	<p>“(vi) The temporary Board shall expire at the end of the term of the President of the United States in office at the time the temporary Board was constituted or upon restoration of a quorum of the Board of Directors as defined in subparagraph (A).</p> <p>“(vii) With respect to a transaction that equals or exceeds \$100,000,000, the Chairperson of the temporary Board shall ensure that the Bank complies with section 2(b)(3).”.</p>
12 USC 635a note.	<p>(b) TERMINATION.—The amendments made by subsection (a) shall have no force or effect after December 31, 2026.</p>

Terrorism Risk Insurance Program Reauthorization Act of 2019.
15 USC 6701 note.

TITLE V—TERRORISM RISK INSURANCE PROGRAM EXTENSION

SEC. 501. SHORT TITLE.

This title may be cited as the “Terrorism Risk Insurance Program Reauthorization Act of 2019”.

SEC. 502. 7-YEAR EXTENSION OF TERRORISM RISK INSURANCE PROGRAM.

(a) TERMINATION DATE.—Section 108(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking “2020” and inserting “2027”.

(b) **TIMING OF MANDATORY RECOUPMENT.**—Section 103(e)(7)(E)(i) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

- (1) in subclause (I)—
 - (A) by striking “2017” and inserting “2022”; and
 - (B) by striking “2019” and inserting “2024”;
- (2) in subclause (II)—
 - (A) by striking “2018” and inserting “2023”;
 - (B) by striking “2024” and inserting “2029”; and
 - (C) by striking “2019” and inserting “2024”; and
- (3) in subclause (III)—
 - (A) by striking “2024” and inserting “2029”; and
 - (B) by striking “2019” and inserting “2024”.

(c) **ONGOING REPORTS REGARDING MARKET CONDITIONS FOR TERRORISM RISK INSURANCE.**—Paragraph (2) of section 104(h) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

- (1) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and
- (2) by inserting after subparagraph (A) the following new subparagraph:

“(B) an evaluation of the availability and affordability of terrorism risk insurance, which shall include an analysis of such availability and affordability specifically for places of worship;”.

Evaluation.
Analysis.

(d) **STUDY AND REPORT ON CYBER TERRORISM.**—Not later than the expiration of the 180-day period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, which shall—

- (1) analyze and address—
 - (A) overall vulnerabilities and potential costs of cyber attacks to the United States public and private infrastructure that could result in physical or digital damage;
 - (B) whether State-defined cyber liability under a property and casualty line of insurance is adequate coverage for an act of cyber terrorism;
 - (C) whether such risks can be adequately priced by the private market; and
 - (D) whether the current risk-share system under the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is appropriate for a cyber terrorism event; and
- (2) set forth recommendations on how Congress could

Analysis.

amend the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) to meet the next generation of cyber threats.

Recommendation.

TITLE VI—NASA ENHANCED USE LEASING EXTENSION

NASA Enhanced
Use Leasing
Extension Act of
2019.

SEC. 601. SHORT TITLE.

This title may be cited as the “NASA Enhanced Use Leasing Extension Act of 2019”.

51 USC 10101
note.

SEC. 602. EXTENSION OF AUTHORITY TO ENTER INTO LEASES OF NON-EXCESS PROPERTY OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

Section 20145(g) of title 51, United States Code, is amended, in the first sentence, by striking “December 31, 2019” and inserting “December 31, 2021”.

TITLE VII—INKSNA EXTENSION

SEC. 701. EXEMPTION FROM THE IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION ACT.

Section 7(1) of the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note) is amended, in the undesignated matter following subparagraph (B), by striking “December 31, 2020” and inserting “December 31, 2025”.

TITLE VIII—BRAND USA EXTENSION

Brand USA
Extension Act.

22 USC 2121
note.

SEC. 801. SHORT TITLE.

This title may be cited as the “Brand USA Extension Act”.

SEC. 802. THE CORPORATION FOR TRAVEL PROMOTION.

Subsection (b) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (ii), by inserting “or foodservice” after “restaurant”;

(B) in clause (v), by inserting “, such as outdoor recreation” before the semicolon at the end; and

(C) in clause (viii), by inserting “commercial or private” before “passenger air sector”;

(2) in paragraph (5)(A)—

(A) in clause (iii), by inserting “speaking conventions, sales missions,” after “trade shows,”;

(B) in clause (iv), by striking “and” at the end;

(C) in clause (v), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(vi) to promote tourism to the United States through digital media, online platforms, and other appropriate medium.”; and

(3) in paragraph (7)(C), by striking “3 days” and inserting “5 days”.

SEC. 803. ACCOUNTABILITY MEASURES.

Subsection (c) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(c)) is amended—

(1) in paragraph (2), by striking “\$500,000” and inserting “\$450,000”; and

(2) in paragraph (3)—

(A) by redesignating subparagraph (I) as subparagraph (K);

(B) in subparagraph (H)(iii), by striking “and” at the end; and

(C) by inserting after subparagraph (H)(iii) the following:

“(I) a list of countries the Corporation identifies as emerging markets for tourism to the United States;

“(J) a description of the efforts the Corporation has made to promote tourism to rural areas of the United States; and”.

SEC. 804. EXTENSION OF FUNDING FOR BRAND USA.

Subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)) is amended—

(1) in paragraph (2)(B), by striking “2020” and inserting “2027”;

(2) in paragraph (3)(B)(ii), by striking “70 percent” and inserting “50 percent”; and

(3) in paragraph (4)(B), by striking “2020” and inserting “2027”.

SEC. 805. PERFORMANCE PLAN.

Not later than 90 days after the date of the enactment of this Act, the Corporation for Travel Promotion shall make the performance metrics established pursuant to subsection (f)(1)(A) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(f)(1)(A)) publicly available on the website of the Corporation.

Deadline.
Public
information.
Web posting.

SEC. 806. ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION FEE INCREASE.

Section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) is amended by striking “\$10” and inserting “\$17”.

TITLE IX—DC OPPORTUNITY SCHOLARSHIP EXTENSIONS

SEC. 901. SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS.

(a) Section 3014(a) of the Scholarships for Opportunity and Results Act (sec. 38–1853.14, D.C. Official Code) is amended by striking “through fiscal year 2019” and inserting “through fiscal year 2023”.

(b) The amendment made by subsection (a) shall take effect on September 30, 2019.

Effective date.

TITLE X—BUDGETARY EFFECTS

SEC. 1001. BUDGETARY EFFECTS.

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

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

(c) **CLASSIFICATION OF BUDGETARY EFFECTS.**—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the

Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division and each succeeding division shall not be estimated—

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

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

DIVISION J—FOREIGN POLICY

TITLE I—VENEZUELA ASSISTANCE

Venezuela
Emergency
Relief,
Democracy
Assistance, and
Development Act
of 2019.
22 USC 9701
note.

SEC. 101. SHORT TITLES.

This title may be cited as the “Venezuela Emergency Relief, Democracy Assistance, and Development Act of 2019” or the “VERDAD Act of 2019”.

Subtitle A—Support for the Interim President of Venezuela and Recognition of the Venezuelan National Assembly

22 USC 9701.

SEC. 111. FINDINGS; SENSE OF CONGRESS IN SUPPORT OF THE INTERIM PRESIDENT OF VENEZUELA.

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

(1) Venezuela’s electoral event on May 20, 2018 was characterized by widespread fraud and did not comply with international standards for a free, fair, and transparent electoral process.

(2) Given the fraudulent nature of Venezuela’s May 20, 2018 electoral event, Nicolás Maduro’s tenure as President of Venezuela ended on January 10, 2019.

(3) The National Assembly of Venezuela approved a resolution on January 15, 2019 that terminated Nicolás Maduro’s authority as the President of Venezuela.

(4) On January 23, 2019, the President of the National Assembly of Venezuela was sworn in as the Interim President of Venezuela.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress—

(1) to support the decisions by the United States Government, more than 50 governments around the world, the Organization of American States, the Inter-American Development Bank, and the European Parliament to recognize National Assembly President Juan Guaidó as the Interim President of Venezuela;

(2) to encourage the Interim President of Venezuela to advance efforts to hold democratic presidential elections in the shortest possible period; and

(3) that the Organization of American States, with support from the United States Government and partner governments, should provide diplomatic, technical, and financial support for a new presidential election in Venezuela that complies with international standards for a free, fair, and transparent electoral process.

Juan Guaidó.

SEC. 112. RECOGNITION OF VENEZUELA’S DEMOCRATICALLY ELECTED NATIONAL ASSEMBLY. 22 USC 9702.

(a) **FINDINGS.**—Congress finds that Venezuela’s unicameral National Assembly convened on January 6, 2016, following democratic elections that were held on December 6, 2015.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that Venezuela’s democratically elected National Assembly is the only national level democratic institution remaining in the country.

(c) **POLICY.**—It is the policy of the United States to recognize the democratically elected National Assembly of Venezuela as the only legitimate national legislative body in Venezuela.

(d) **ASSISTANCE TO VENEZUELA’S NATIONAL ASSEMBLY.**—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall prioritize efforts to provide technical assistance to support the democratically elected National Assembly of Venezuela in accordance with section 143. Coordination.

SEC. 113. ADVANCING A NEGOTIATED SOLUTION TO VENEZUELA’S CRISIS. 22 USC 9703.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—
(1) direct, credible negotiations led by the Interim President of Venezuela and members of Venezuela’s democratically elected National Assembly—

(A) are supported by stakeholders in the international community that have recognized the Interim President of Venezuela;

(B) include the input and interests of Venezuelan civil society; and

(C) represent the best opportunity to reach a solution to the Venezuelan crisis that includes—

(i) holding a new presidential election that complies with international standards for a free, fair, and transparent electoral process;

(ii) ending Nicolás Maduro’s usurpation of presidential authorities;

(iii) restoring democracy and the rule of law;

(iv) freeing political prisoners; and

(v) facilitating the delivery of humanitarian aid;

(2) dialogue between the Maduro regime and representatives of the political opposition that commenced in October 2017, and were supported by the Governments of Mexico, of Chile, of Bolivia, and of Nicaragua, did not result in an agreement because the Maduro regime failed to credibly participate in the process; and

(3) negotiations between the Maduro regime and representatives of the political opposition that commenced in October 2016, and were supported by the Vatican, did not result in an agreement because the Maduro regime failed to credibly participate in the process.

(b) **POLICY.**—It is the policy of the United States to support diplomatic engagement in order to advance a negotiated and peaceful solution to Venezuela’s political, economic, and humanitarian crisis that is described in subsection (a)(1).

Subtitle B—Humanitarian Relief for Venezuela

22 USC 9711.

SEC. 121. HUMANITARIAN RELIEF FOR THE VENEZUELAN PEOPLE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—
 (1) the United States Government should expand efforts to peacefully address Venezuela’s humanitarian crisis; and

(2) humanitarian assistance—

(A) should be targeted toward those most in need and delivered through partners that uphold internationally recognized humanitarian principles; and

(B) should not be passed through the control or distribution mechanisms of the Maduro regime.

(b) HUMANITARIAN RELIEF.—

Coordination.

(1) IN GENERAL.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall provide—

(A) humanitarian assistance to individuals and communities in Venezuela, including—

(i) public health commodities and services, including medicines and basic medical supplies and equipment;

(ii) basic food commodities and nutritional supplements needed to address growing malnutrition and improve food security for the people of Venezuela, with a specific emphasis on the most vulnerable populations; and

(iii) technical assistance to ensure that health and food commodities are appropriately selected, procured, targeted, and distributed; and

(B) Venezuelans and hosting communities, as appropriate, in neighboring countries with humanitarian aid, such as—

(i) urgently needed health and nutritional assistance, including logistical and technical assistance to hospitals and health centers in affected communities;

(ii) food assistance for vulnerable individuals, including assistance to improve food security for affected communities; and

(iii) hygiene supplies and sanitation services.

(2) AID TO VENEZUELAN IN NEIGHBORING COUNTRIES.—The aid described in paragraph (1)(B)—

(A) may be provided—

(i) directly to Venezuelans in neighboring countries, including countries of the Caribbean; or

(ii) indirectly through the communities in which the Venezuelans reside; and

(B) should focus on the most vulnerable Venezuelans in neighboring countries.

Deadline.
Time period.

(c) HUMANITARIAN ASSISTANCE STRATEGY UPDATE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall submit, to the appropriate congressional committees, an update to the Venezuela humanitarian assistance strategy described in the conference

report accompanying the Consolidated Appropriations Act (Public Law 116–6), to cover a 2-year period and include—

(1) a description of the United States humanitarian assistance provided under this section;

(2) a description of United States diplomatic efforts to ensure support from international donors, including regional partners in Latin America and the Caribbean, for the provision of humanitarian assistance to the people of Venezuela;

(3) the identification of governments that are willing to provide financial and technical assistance for the provision of such humanitarian assistance to the people of Venezuela and a description of such assistance; and

(4) the identification of the financial and technical assistance to be provided by multilateral institutions, including the United Nations humanitarian agencies, the Pan American Health Organization, the Inter-American Development Bank, and the World Bank, and a description of such assistance.

(d) **DIPLOMATIC ENGAGEMENT.**—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall work with relevant foreign governments and multilateral organizations to coordinate a donors summit and carry out diplomatic engagement to advance the strategy required under subsection (c).

Consultation.
Coordination.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$400,000,000 for fiscal year 2020 to carry out the activities set forth in subsection (b).

(f) **DEFINED TERM.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

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

SEC. 122. SUPPORT FOR EFFORTS AT THE UNITED NATIONS ON THE HUMANITARIAN CRISIS IN VENEZUELA.

22 USC 9712.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the United Nations humanitarian agencies should conduct and publish independent assessments of the humanitarian situation in Venezuela, including—

(1) the extent and impact of the shortages of food, medicine, and medical supplies in Venezuela;

(2) basic health indicators in Venezuela, such as maternal and child mortality rates and the prevalence and treatment of communicable diseases; and

(3) the efforts needed to resolve the shortages identified in paragraph (1) and to improve the health indicators referred to in paragraph (2).

(b) **UNITED NATIONS RESIDENT COORDINATOR.**—The President should instruct the Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to support the efforts of the Resident Coordinator for Venezuela in a manner that—

President.

(1) contributes to Venezuela’s long-term recovery; and

(2) advances humanitarian efforts in Venezuela and for Venezuelans residing in neighboring countries.

Humanitarian
Assistance to the
Venezuelan
People Act
of 2019.

SEC. 123. COORDINATION AND DISTRIBUTION OF HUMANITARIAN ASSISTANCE TO THE PEOPLE OF VENEZUELA.

(a) **SHORT TITLE.**—This section may be cited as the “Humanitarian Assistance to the Venezuelan People Act of 2019”.

(b) **DEFINED TERM.**—In this section, the term “appropriate congressional committees” means—

- (1) the Committee on Foreign Relations of the Senate;
- (2) the Committee on Appropriations of the Senate;
- (3) the Committee on Banking, Housing, and Urban Affairs of the Senate;
- (4) the Committee on Foreign Affairs of the House of Representatives;
- (5) the Committee on Appropriations of the House of Representatives; and
- (6) the Committee on Financial Services of the House of Representatives.

(c) **REPORT ON THE COORDINATION AND DISTRIBUTION OF HUMANITARIAN ASSISTANCE TO THE PEOPLE OF VENEZUELA INCLUDING STRATEGY ON FUTURE EFFORTS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall submit a report to the appropriate congressional committees that evaluates the delivery and coordination of humanitarian assistance to the people of Venezuela since the onset of the humanitarian crisis, whether residing in Venezuela or elsewhere in the Western Hemisphere.

(2) **MATTERS TO BE INCLUDED.**—The report required under paragraph (1) shall—

(A) identify how United States Agency for International Development and Department of State best practices are being utilized in providing humanitarian assistance to Venezuela and countries in the region, including a description of coordination efforts with United States embassies and USAID missions throughout the region;

(B) describe the current and anticipated challenges to distributing humanitarian assistance in Venezuela and countries hosting Venezuelan migrants;

(C) describe the coordination of United States assistance with foreign donors; and

(D) describe how the distribution of humanitarian assistance is being monitored and evaluated, including—

(i) the number of beneficiaries receiving such assistance;

(ii) an assessment of how humanitarian and development assistance is benefitting Venezuelan migrants inside and outside of the country; and

(iii) what additional staff may be necessary to manage such assistance.

Assessment.

Subtitle C—Addressing Regime Cohesion

SEC. 131. CLASSIFIED BRIEFING ON DECLINING COHESION INSIDE THE VENEZUELAN MILITARY AND THE MADURO REGIME.

(a) **REPORTING REQUIREMENT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State,

Coordination.
Assessment.

acting through the Bureau of Intelligence and Research, and in coordination with the Director of National Intelligence, shall provide a briefing to the appropriate congressional committees that assesses the declining cohesion inside the Venezuelan military and security forces and the Maduro regime.

(b) **ADDITIONAL ELEMENTS.**—The briefing required under subsection (a) shall—

(1) identify senior members of the Venezuelan military and the Maduro regime, including generals, admirals, cabinet ministers, deputy cabinet ministers, and the heads of intelligence agencies, whose loyalty to Nicolás Maduro is declining;

(2) describe the factors that would accelerate the decision making of individuals identified in paragraph (1)—

(A) to break with the Maduro regime; and

(B) to recognize the Interim President of Venezuela and his government; and

(3) assess and detail the massive number of desertions and defections that have occurred at the officer and enlisted levels inside the Venezuelan military and security forces.

Assessment.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section, the term “appropriate congressional committees” means—

Definition.

(1) the Committee on Foreign Relations of the Senate;

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

(3) the Committee on Foreign Affairs of the House of Representatives; and

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

SEC. 132. ADDITIONAL RESTRICTIONS ON VISAS.

22 USC 9721.

(a) **IN GENERAL.**—The Secretary of State shall impose the visa restrictions described in subsection (c) on any foreign person who the Secretary determines—

(1) is a current or former senior official of the Maduro regime, or any foreign person acting on behalf of such regime, who is knowingly responsible for, complicit in, responsible for ordering, controlling, or otherwise directing, or participating in (directly or indirectly) any activity in or in relation to Venezuela, on or after January 23, 2019, that significantly undermines or threatens the integrity of—

Effective date.

(A) the democratically-elected National Assembly of Venezuela; or

(B) the President of such National Assembly, while serving as Interim President of Venezuela, or the senior government officials under the supervision of such President;

(2) is the spouse or adult child of a foreign person described in paragraph (1); or

(3) is the spouse or adult child of Venezuelan person sanctioned under—

(A) section 5(a) of the Venezuela Defense of Human Rights and Civil Society Act of 2014 (Public Law 113–278), as amended by section 163 of this title;

(B) section 804(b) of the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1903(b)); or

(C) Executive Orders 13692 (50 U.S.C. 1701 note) and 13850.

(b) REMOVAL FROM VISA REVOCATION LIST.—Pursuant to such procedures as the Secretary of State may establish to implement this section—

(1) if any person described in subsection (a)(1) recognizes and pledges support for the Interim President of Venezuela or a subsequent democratically elected government of Venezuela, that person and any family members of that person who were subject to visa restrictions pursuant to subsection (a)(2) shall no longer be subject to such visa restrictions; and

(2) if any person described in subparagraphs (A) through (C) of subsection (a)(3) recognizes and pledges support for the Interim President of Venezuela or a subsequent democratically elected government of Venezuela, any family members of that person who were subject to visa restrictions pursuant to subsection (a)(3) shall no longer be subject to such visa restrictions.

(c) VISA RESTRICTIONS DESCRIBED.—

(1) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a) is—

(A) inadmissible to the United States;

(B) ineligible to receive a visa or other documentation to enter the United States; and

(C) otherwise ineligible to be admitted or paroled into the United States or to receive any benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) CURRENT VISAS REVOKED.—

(A) IN GENERAL.—An alien described in subsection (a) is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(B) IMMEDIATE EFFECT.—A revocation under subparagraph (A) shall—

(i) take effect immediately; and

(ii) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(3) EXCEPTIONS.—Sanctions under paragraphs (1) and (2) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

(B) to carry out or assist law enforcement activity in the United States.

President. (d) RULEMAKING.—The President shall issue such regulations, licenses, and orders as may be necessary to carry out this section.

22 USC 9722. **SEC. 133. WAIVER FOR SANCTIONED OFFICIALS THAT RECOGNIZE THE INTERIM PRESIDENT OF VENEZUELA.**

Procedures. (a) REMOVAL OF SANCTIONS.—If a person sanctioned under any of the provisions of law described in subsection (b) recognizes and pledges supports for the Interim President of Venezuela or a subsequent democratically elected government, the person shall no longer be subject to such sanctions, pursuant to such procedures as the Secretary of State and the Secretary of the Treasury may establish to implement this section.

(b) **SANCTIONS DESCRIBED.**—The sanctions described in this subsection are set forth in the following provisions of law:

(1)(A) Paragraphs (3) and (4) of section 5(a) of the Venezuela Defense of Human Rights and Civil Society Act of 2014 (Public Law 113–278), as amended by section 163 of this title.

(B) Paragraph (5) of section 5(a) of such Act, to the extent such paragraph relates to the sanctions described in paragraph (3) or (4) of such subsection.

(2)(A) Clauses (1) and (4) of section 1(a)(ii)(A) of Executive Order 13692 (50 U.S.C. 1701 note).

(B) Subparagraph (D)(2) of section 1(a)(ii) of such Executive Order, to the extent such subparagraph relates to the provisions of law cited in subparagraph (A).

(3)(A) Section 1(a)(ii) of Executive Order 13850.

(B) Paragraph (iii) of section 1(a) of such Executive Order, to the extent such paragraph relates to the provision of law cited in subparagraph (A).

(c) **RULEMAKING.**—The President shall issue such regulations, licenses, and orders as may be necessary to carry out this section. President.

Subtitle D—Restoring Democracy and Addressing the Political Crisis in Venezuela

SEC. 141. SUPPORT FOR THE ORGANIZATION OF AMERICAN STATES AND THE LIMA GROUP.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of State should—

(1) take additional steps to support ongoing efforts by the Secretary General of the Organization of American States to promote diplomatic initiatives to foster the restoration of democracy and the rule of law in Venezuela;

(2) conduct diplomatic engagement in support of efforts by the Lima Group to restore democracy and the rule of law in Venezuela and facilitate the delivery of humanitarian assistance for the Venezuelan people; and

(3) engage with the International Contact Group on Venezuela to advance a peaceful and democratic solution to the current crisis.

(b) **DEFINED TERMS.**—In this section:

(1) **INTERNATIONAL CONTACT GROUP ON VENEZUELA.**—The “International Contact Group on Venezuela” refers to a diplomatic bloc—

(A) whose members include the European Union, France, Germany, Italy, Spain, Portugal, Sweden, the Netherlands, the United Kingdom, Ecuador, Costa Rica, and Uruguay; and

(B) which was established to advance a peaceful and democratic solution to the current crisis in Venezuela.

(2) **LIMA GROUP.**—The “Lima Group” refers to a diplomatic bloc—

(A) whose members include Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Guyana, Honduras, Panama, Paraguay, Peru, and Saint Lucia; and

(B) which was established to address the political, economic, and humanitarian crises in Venezuela.

SEC. 142. ACCOUNTABILITY FOR CRIMES AGAINST HUMANITY.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of State should conduct robust diplomatic engagement in support of efforts in Venezuela, and on the part of the international community, to ensure accountability for possible crimes against humanity and serious violations of human rights.

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to Congress that—

Evaluation.

(1) evaluates the degree to which the Maduro regime and its officials, including members of the Venezuelan security forces, have engaged in actions that constitute possible crimes against humanity and serious violations of human rights; and

(2) provides options for holding accountable the perpetrators identified under paragraph (1).

22 USC 9731.

SEC. 143. SUPPORT FOR INTERNATIONAL ELECTION OBSERVATION AND DEMOCRATIC CIVIL SOCIETY.

Coordination.

(a) **IN GENERAL.**—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development—

(1) shall work with the Organization of American States to ensure credible international observation of future elections in Venezuela that contributes to free, fair, and transparent democratic electoral processes; and

(2) shall work with nongovernmental organizations—

(A) to strengthen democratic governance and institutions, including the democratically elected National Assembly of Venezuela;

(B) to defend internationally recognized human rights for the people of Venezuela, including support for efforts to document crimes against humanity and violations of human rights;

(C) to support the efforts of independent media outlets to broadcast, distribute, and share information beyond the limited channels made available by the Maduro regime; and

(D) to combat corruption and improve the transparency and accountability of institutions that are part of the Maduro regime.

(b) **ENGAGEMENT AT THE ORGANIZATION OF AMERICAN STATES.**—The Secretary of State, acting through the United States Permanent Representative to the Organization of American States, should advocate and build diplomatic support for sending an election observation mission to Venezuela to ensure that democratic electoral processes are organized and carried out in a free, fair, and transparent manner.

Deadline.
Coordination.

(c) **BRIEFING REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall provide a briefing on the strategy to carry out the activities described in subsection (a) to—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

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

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of State for fiscal year 2020, \$17,500,000 to carry out the activities set forth in subsection (a).

(2) NOTIFICATION REQUIREMENTS.—Amounts appropriated pursuant to paragraph (1) are subject to the notification requirements applicable to expenditures from the Economic Support Fund under section 531(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346(c)) and from the Development Assistance Fund under section 653(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2413(a)), to the extent that such funds are expended.

Subtitle E—Supporting the Reconstruction of Venezuela

SEC. 151. RECOVERING ASSETS STOLEN FROM THE VENEZUELAN PEOPLE. 22 USC 9741.

(a) RECOVERING ASSETS.—The President, acting through the Secretary of State and in consultation with the Secretary of the Treasury, shall advance a coordinated international effort—

President.
Consultation.
Coordination.

(1) to work with foreign governments—

(A) to share financial investigations intelligence, as appropriate;

(B) to block the assets identified pursuant to paragraph (2); and

(C) to provide technical assistance to help governments establish the necessary legal framework to carry out asset forfeitures; and

(2) to carry out special financial investigations to identify and track assets taken from the people and institutions of Venezuela through theft, corruption, money laundering, or other illicit means.

(b) STRATEGY REQUIREMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President, acting through the Secretary of State and in consultation with the Secretary of the Treasury, shall submit a strategy for carrying out the activities described in subsection (a) to Congress.

Deadline.
Consultation.

(2) ADDITIONAL ELEMENTS.—The strategy required under paragraph (1) shall—

(A) assess whether the United States or another member of the international community should establish a managed fund to hold the assets identified pursuant to subsection (a)(2) that could be returned to a future democratic government in Venezuela; and

Assessment.

(B) include such recommendations as the President and the Secretary of State consider appropriate for legislative or administrative action in the United States that would be needed to establish and manage the fund described in subparagraph (A).

Recommendations.

Subtitle F—Restoring the Rule of Law in Venezuela

22 USC 9751. **SEC. 161. DEVELOPING AND IMPLEMENTING A COORDINATED SANCTIONS STRATEGY WITH PARTNERS IN THE WESTERN HEMISPHERE AND THE EUROPEAN UNION.**

Consultation. (a) **STRENGTHENING SANCTIONS CAPACITY IN LATIN AMERICA AND THE CARIBBEAN.**—The Secretary of State, in consultation with the Secretary of the Treasury, shall offer to provide technical assistance to partner governments in Latin America and the Caribbean to assist such governments in establishing the legislative and regulatory frameworks needed to impose targeted sanctions on officials of the Maduro regime who—

- (1) are responsible for human rights abuses;
- (2) have engaged in public corruption; or
- (3) are undermining democratic institutions and processes in Venezuela.

Consultation. (b) **COORDINATING INTERNATIONAL SANCTIONS.**—The Secretary of State, in consultation with the Secretary of the Treasury, shall engage in diplomatic efforts with partner governments, including the Government of Canada, governments in the European Union, and governments in Latin America and the Caribbean, to impose targeted sanctions on the Maduro regime officials described in subsection (a).

Deadline.
Consultation. (c) **STRATEGY REQUIREMENT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit a strategy for carrying out the activities described in subsection (a) to—

- (1) the Committee on Foreign Relations of the Senate;
- (2) the Committee on Appropriations of the Senate;
- (3) the Committee on Banking, Housing, and Urban Affairs of the Senate;
- (4) the Committee on Foreign Affairs of the House of Representatives;
- (5) the Committee on Appropriations of the House of Representatives; and
- (6) the Committee on Financial Services of the House of Representatives.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Secretary of State for fiscal year 2020, \$3,000,000 to carry out the activities set forth in subsection (a).

(2) **NOTIFICATION REQUIREMENTS.**—Amounts appropriated pursuant to paragraph (1) are subject to the notification requirements applicable to expenditures from the Economic Support Fund under section 531(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346(c)) and the International Narcotics and Law Enforcement Fund under section 489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h) to the extent that such funds are expended.

SEC. 162. CLASSIFIED BRIEFING ON THE INVOLVEMENT OF VENEZUELAN OFFICIALS IN CORRUPTION AND ILLICIT NARCOTICS TRAFFICKING.

Deadline.
Coordination. (a) **BRIEFING REQUIREMENT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, acting

through the Bureau of Intelligence and Research, and in coordination with the Director of National Intelligence, shall provide a classified briefing to the appropriate congressional committees on the involvement of senior officials of the Maduro regime, including members of the National Electoral Council, the judicial system, and the Venezuelan security forces, in illicit narcotics trafficking and significant acts of public corruption in Venezuela.

(b) **ADDITIONAL ELEMENTS.**—The briefing provided under subsection (a) shall—

(1) describe how the significant acts of public corruption pose challenges for United States national security and impact the rule of law and democratic governance in countries of the Western Hemisphere;

(2) identify individuals for whom there is credible information that they frustrated the ability of the United States to combat illicit narcotics trafficking;

(3) include an assessment of the relationship between individuals identified under subsection (a) and Nicolás Maduro or members of his cabinet; and Assessment.

(4) include input from the Drug Enforcement Administration, the Office of Foreign Assets Control, and the Financial Crimes Enforcement Network.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section, the term “appropriate congressional committees” means— Definition.

(1) the Committee on Foreign Relations of the Senate;

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

(3) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives;

(5) the Permanent Select Committee on Intelligence of the House of Representatives; and

(6) the Committee on Financial Services of the House of Representatives.

SEC. 163. CONCERNS OVER PDVSA TRANSACTIONS WITH ROSNEFT. 22 USC 9752.

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

(1) In late 2016, Venezuelan state-owned oil company Petróleos de Venezuela, S.A. (referred to in this section as “PDVSA”), through a no compete transaction, secured a loan from Russian government-controlled oil company Rosneft, using 49.9 percent of PDVSA’s American subsidiary, CITGO Petroleum Corporation, including its assets in the United States, as collateral. As a result of this transaction, 100 percent of CITGO is held as collateral by PDVSA’s creditors.

(2) CITGO, a wholly owned subsidiary of PDVSA, is engaged in interstate commerce and owns and controls critical energy infrastructure in 19 States of the United States, including an extensive network of pipelines, 48 terminals, and 3 refineries, with a combined oil refining capacity of 749,000 barrels per day. CITGO’s refinery in Lake Charles, Louisiana, is the sixth largest refinery in the United States.

(3) The Department of the Treasury imposed sanctions on Rosneft, which is controlled by the Government of the Russian Federation, and its Executive Chairman, Igor Sechin, following Russia’s military invasion of Ukraine and its illegal annexation of Crimea in 2014.

(4) The Department of Homeland Security has designated the energy sector as critical to United States infrastructure.

(5) The growing economic crisis in Venezuela raises the probability that the Maduro regime and PDVSA will default on their international debt obligations, resulting in a scenario in which Rosneft could come into control of CITGO's United States energy infrastructure holdings.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) control of critical United States energy infrastructure by Rosneft, a Russian government-controlled entity currently under United States sanctions that is led by Igor Sechin, who is also under United States sanctions and is a close associate of Vladimir Putin, would pose a significant risk to United States national security and energy security; and

(2) a default by PDVSA on its loan from Rosneft, resulting in Rosneft coming into possession of PDVSA's United States CITGO assets, would warrant careful consideration by the Committee on Foreign Investment in the United States.

President.

(c) PREVENTING ROSNEFT FROM CONTROLLING UNITED STATES ENERGY INFRASTRUCTURE.—The President shall take all necessary steps to prevent Rosneft from gaining control of critical United States energy infrastructure.

(d) SECURITY RISK REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit a report assessing the national security risks posed by potential Russian acquisition and control of CITGO's United States energy infrastructure holdings to—

(1) the Committee on Foreign Relations of the Senate;

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

(3) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives;

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

(6) the Committee on Financial Services of the House of Representatives.

SEC. 164. CLASSIFIED BRIEFING ON ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS AND ACTORS IN VENEZUELA.

Deadline.
Coordination.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, acting through the Bureau of Intelligence and Research of the Department of State, and in coordination with the Director of National Intelligence, shall provide a classified briefing to the appropriate congressional committees on—

(1) the full extent of cooperation by the Government of the Russian Federation, the Government of the People's Republic of China, the Government of Cuba, and the Government of Iran with the Maduro regime; and

(2) the activities inside Venezuelan territory of foreign armed groups, including Colombian criminal organizations and defectors from the Colombian guerilla group known as the Revolutionary Armed Forces of Colombia, and foreign terrorist organizations, including the Colombian guerilla group known as the National Liberation Army (ELN).

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

- (1) the Committee on Foreign Relations of the Senate;
- (2) the Select Committee on Intelligence of the Senate;
- (3) the Committee on Foreign Affairs of the House of Representatives; and
- (4) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 165. COUNTERING RUSSIAN INFLUENCE IN VENEZUELA.

(a) SHORT TITLE.—This section may be cited as the “Russian-Venezuelan Threat Mitigation Act”.

(b) THREAT ASSESSMENT AND STRATEGY TO COUNTER RUSSIAN INFLUENCE IN VENEZUELA.—

(1) DEFINED TERM.—In this subsection, the term “appropriate congressional committees” means—

- (A) the Committee on Foreign Relations of the Senate; and
- (B) the Committee on Foreign Affairs of the House of Representatives.

(2) THREAT ASSESSMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees regarding—

- (A) an assessment of Russian-Venezuelan security cooperation;
- (B) the potential threat such cooperation poses to the United States and countries in the Western Hemisphere; and
- (C) a strategy to counter threats identified in subparagraphs (A) and (B).

(c) ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(1) ALIENS DESCRIBED.—An alien described in this paragraph is an alien who the Secretary of State or the Secretary of Homeland Security (or a designee of either Secretary) knows, or has reason to believe, is acting or has acted on behalf of the Government of Russia in direct support of the security forces of the Maduro regime.

(2) VISAS, ADMISSION, OR PAROLE.—An alien described in paragraph (1) is—

- (A) inadmissible to the United States;
 - (B) ineligible to receive a visa or other documentation to enter the United States; and
 - (C) otherwise ineligible to be admitted or paroled into the United States or to receive any benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).
- (3) CURRENT VISAS REVOKED.—

(A) IN GENERAL.—An alien described in paragraph (1) is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(B) IMMEDIATE EFFECT.—A revocation under subparagraph (A) shall—

- (i) take effect immediately; and
- (ii) automatically cancel any other valid visa or entry documentation that is in the alien’s possession.

Russian-Venezuelan Threat Mitigation Act. 22 USC 9753.

Reports.

Strategy.

(4) EXCEPTIONS.—Sanctions under paragraphs (2) and (3) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

(B) to carry out or assist law enforcement activity in the United States.

Waiver authority.

(5) NATIONAL SECURITY.—The President may waive the application of this subsection with respect to an alien if the President—

Determination.

(A) determines that such a waiver is in the national interest of the United States; and

Notification.

(B) submits a notice of, and justification for, such waiver to the appropriate congressional committees.

(6) SUNSET.—This subsection shall terminate on the date that is 1 year after the date of the enactment of this Act.

Venezuela Arms
Restriction Act.
22 USC 9754.

SEC. 166. RESTRICTION ON EXPORT OF COVERED ARTICLES AND SERVICES TO CERTAIN SECURITY FORCES OF VENEZUELA.

(a) SHORT TITLE.—This section may be cited as the “Venezuela Arms Restriction Act”.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Financial Services of the House of Representatives.

(2) COVERED ARTICLE OR SERVICE.—The term “covered article or service”—

(A) for purposes of subsection (c), means—

(i) a defense article or defense service (as such terms are defined in section 47 of the Arms Export Control Act (22 U.S.C. 2794)); and

(ii) any article included on the Commerce Control List set forth in Supplement No. 1 to part 774 of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, and controlled for crime control purposes, if the end user is likely to use the article to violate the human rights of the citizens of Venezuela; and

(B) for purposes of subsection (d), means—

(i) any defense article or defense service of the type described in section 47 of the Arms Export Control Act (22 U.S.C. 2794); and

(ii) any article of the type included on the Commerce Control List set forth in Supplement No. 1 to part 774 of the Export Administration Regulations and controlled for crime control purposes.

(3) FOREIGN PERSON.—The term “foreign person” means a person that is not a United States person.

(4) PERSON.—The term “person” means an individual or entity.

(5) SECURITY FORCES OF VENEZUELA.—The term “security forces of Venezuela” includes—

(A) the Bolivarian National Armed Forces, including the Bolivarian National Guard;

(B) the Bolivarian National Intelligence Service;

(C) the Bolivarian National Police; and

(D) the Bureau for Scientific, Criminal and Forensic Investigations of the Ministry of Interior, Justice, and Peace.

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

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

(c) RESTRICTION ON EXPORT OF COVERED ARTICLES AND SERVICES TO CERTAIN SECURITY FORCES OF VENEZUELA.—

(1) IN GENERAL.—Notwithstanding any other provision of law, covered articles or services may not be exported from the United States to any element of the security forces of the Maduro regime.

(2) DETERMINATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Commerce and the heads of other departments and agencies, as appropriate, shall—

Deadline.
Consultation.

(A) determine, using such information that is available to the Secretary of State, whether any covered article or service has been transferred since July 2017 to the security forces of Venezuela without a license or other authorization as required by law; and

(B) submit such determination in writing to the appropriate congressional committees.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Commerce, as appropriate, shall submit a report to the appropriate congressional committees regarding the transfer by foreign persons of covered articles or services to elements of the security forces of Venezuela that are under the authority of the Maduro regime.

Consultation.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include—

Lists.

(A) a list of all significant transfers by foreign persons of covered articles or services to such elements of the security forces of Venezuela since July 2017;

(B) a list of all foreign persons who maintain an existing defense relationship with such elements of the security forces of Venezuela; and

(C) any known use of covered articles or services by such elements of the security forces of Venezuela or associated forces, including paramilitary groups, that have coordinated with such security forces to assault, intimidate, or murder political activists, protesters, dissidents, and other civil society leaders, including Juan Guaidó.

(e) SUNSET.—This section shall terminate on the earlier of—
 (1) the date that is 3 years after the date of the enactment of this Act; or

President.
 Certification.

(2) the date on which the President certifies to the appropriate congressional committees that the Government of Venezuela has returned to a democratic form of government with respect for the essential elements of representative democracy as set forth in Article 3 of the Inter-American Democratic Charter, adopted by the Organization of American States in Lima on September 11, 2001.

Subtitle G—Cryptocurrency and Ensuring the Effectiveness of United States Sanctions

Deadlines.

SEC. 171. BRIEFING ON THE IMPACT OF CRYPTOCURRENCIES ON UNITED STATES SANCTIONS.

(a) DEFINITION.—In this section, the term “appropriate congressional committees” means—

- (1) the Committee on Foreign Relations of the Senate;
- (2) the Committee on Banking, Housing, and Urban Affairs of the Senate;
- (3) the Committee on Foreign Affairs of the House of Representatives; and
- (4) the Committee on Financial Services of the House of Representatives.

Consultation.
 Assessment.

(b) METHODOLOGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Secretary of the Treasury, after consultation with the Chairman of the Securities and Exchange Commission and the Chairman of the Commodity Futures Trading Commission, shall develop a methodology to assess how any digital currency, digital coin, or digital token, that was issued by, for, or on behalf of the Maduro regime is being utilized to circumvent or undermine United States sanctions.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Secretary of the Treasury shall brief the appropriate congressional committees on the methodology developed under subsection (b).

Subtitle H—Miscellaneous Provisions

Deadlines.
 22 USC 9761.

SEC. 181. CONGRESSIONAL BRIEFINGS.

(a) HUMANITARIAN ASSISTANCE; SANCTIONS COORDINATION.—

(1) IN GENERAL.—Not later than 15 days after any of the congressional committees listed in paragraph (2) requests a briefing regarding the implementation—

(A) of section 121, the Secretary of State and the Administrator of the United States Agency for International Development shall provide such briefing to such committee; and

(B) of section 161, the Secretary of State shall provide such briefing to such committee.

(2) CONGRESSIONAL COMMITTEES.—The committees listed in this paragraph are—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

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

(b) UNITED NATIONS; NEGOTIATED SOLUTION; CRIMES AGAINST HUMANITY.—

(1) IN GENERAL.—Not later than 15 days after any congressional committee listed in paragraph (2) requests a briefing regarding the implementation of section 113, 122, or 142, the Secretary of State shall provide such briefing to such committee.

(2) CONGRESSIONAL COMMITTEES.—The congressional committees listed in this paragraph are—

(A) the Committee on Foreign Relations of the Senate;

and

(B) the Committee on Foreign Affairs of the House of Representatives.

(c) REGIME COHESION.—

(1) IN GENERAL.—Not later than 15 days after a congressional committee listed in paragraph (2) requests a briefing regarding the implementation of section 131, the Secretary of State and the Director of National Intelligence shall provide such briefing to such committee.

(2) CONGRESSIONAL COMMITTEES.—The congressional committees listed in this paragraph are—

(A) the Committee on Foreign Relations of the Senate;

(B) the Select Committee on Intelligence of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

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

(d) INTERNATIONAL ELECTION OBSERVATION; DEMOCRATIC CIVIL SOCIETY.—Not later than 15 days after a congressional committee listed in subsection (a)(2) requests a briefing regarding the implementation of section 143, the Secretary of State and the Administrator of the United States Agency for International Development shall provide such briefing to such committee.

(e) VISA RESTRICTIONS; SANCTIONS WAIVER.—Not later than 15 days after a congressional committee listed in subsection (b)(2) requests a briefing regarding the implementation of section 132 or 133, the Secretary of State shall provide such briefing to such committee.

(f) RECOVERY OF STOLEN ASSETS.—

(1) IN GENERAL.—Not later than 15 days after a congressional committee listed in paragraph (2) requests a briefing regarding the implementation of section 151, the Secretary of State, the Secretary of the Treasury, and the Attorney General shall provide such briefing to such committee.

(2) CONGRESSIONAL COMMITTEES.—The congressional committees listed in this paragraph are—

- (A) the Committee on Foreign Relations of the Senate;
- (B) the Committee on Banking, Housing, and Urban Affairs of the Senate;
- (C) the Committee on the Judiciary of the Senate;
- (D) the Committee on Foreign Affairs of the House of Representatives;
- (E) the Committee on Financial Services of the House of Representatives; and
- (F) the Committee on the Judiciary of the House of Representatives.

(g) PDVSA TRANSACTIONS WITH ROSNEFT.—

(1) IN GENERAL.—Not later than 15 days after a congressional committee listed in paragraph (2) requests a briefing regarding the implementation of section 163, the Secretary of State, the Secretary of the Treasury, and the Secretary of Homeland Security shall provide such briefing to such committee.

(2) CONGRESSIONAL COMMITTEES.—The congressional committees listed in this paragraph are—

- (A) the Committee on Foreign Relations of the Senate;
- (B) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (C) the Committee on Foreign Affairs of the House of Representatives; and
- (D) the Committee on Homeland Security of the House of Representatives.

22 USC 9762.

SEC. 182. PROHIBITION ON CONSTRUCTION OF PROVISIONS OF THIS TITLE AS AN AUTHORIZATION FOR THE USE OF MILITARY FORCE.

Nothing in this title may be construed as an authorization for the use of military force.

SEC. 183. EXTENSION AND TERMINATION OF SANCTIONS AGAINST VENEZUELA.

(a) AMENDMENT.—Section 5(e) of the Venezuela Defense of Human Rights and Civil Society Act of 2014 (Public Law 113–278; 50 U.S.C. 1701 note) is amended by striking “December 31, 2019” and inserting “December 31, 2023”.

22 USC 9763.

(b) TERMINATION.—The requirement to impose sanctions under this title shall terminate on December 31, 2023.

Eastern
Mediterranean
Security and
Energy
Partnership Act
of 2019.
22 USC 2373
note.

**TITLE II—EASTERN MEDITERRANEAN
SECURITY AND ENERGY PARTNERSHIP**

SEC. 201. SHORT TITLE.

This title may be cited as the “Eastern Mediterranean Security and Energy Partnership Act of 2019”.

SEC. 202. FINDINGS.

Congress makes the following findings:

- (1) The security of partners and allies in the Eastern Mediterranean region is critical to the security of the United States and Europe.

(2) Greece is a valuable member of the North Atlantic Treaty Organization (NATO) and a key pillar of stability in the Eastern Mediterranean.

(3) Israel is a steadfast ally of the United States and has been designated a “major non-NATO ally” and “major strategic partner”.

(4) Cyprus is a key strategic partner and signed a Statement of Intent with the United States on November 6, 2018, to enhance bilateral security cooperation.

(5) The countries of Greece, Cyprus, and Israel have participated in critical trilateral summits to improve cooperation on energy and security issues.

(6) Secretary of State Mike Pompeo participated in the trilateral summit among Israel, Greece, and Cyprus on March 20, 2019.

(7) The United States, Israel, Greece, and Cyprus oppose any action in the Eastern Mediterranean and the Aegean Sea that could challenge stability, violate international law, or undermine good neighborly relations, and in a joint declaration on March 21, 2019, agreed to “defend against external malign influences in the Eastern Mediterranean and the broader Middle East”.

(8) The recent discovery of what may be the region’s largest natural gas field off the Egyptian coast and the newest discoveries of natural gas off the coast of Cyprus could represent a significant and positive development for the Eastern Mediterranean and the Middle East, enhancing the region’s strategic energy significance.

(9) It is in the national security interest of the United States to promote, achieve, and maintain energy security among, and through cooperation with, allies.

(10) Natural gas developments in the Eastern Mediterranean have the potential to provide economic gains and contribute to energy security in the region and Europe, as well as support European efforts to diversify away from natural gas supplied by the Russian Federation.

(11) The soon to be completed Trans Adriatic Pipeline is a critical component of the Southern Gas Corridor and the European Union’s efforts to diversify energy resources.

(12) The proposed Eastern Mediterranean pipeline, if commercially viable, would provide for energy diversification in accordance with the European Union’s third energy package of reforms.

(13) The United States acknowledges the achievements and importance of the Binational Industrial Research and Development Foundation (BIRD) and the United States-Israel Binational Science Foundation (BSF) and supports continued multiyear funding to ensure the continuity of the programs of the Foundations.

(14) The United States has welcomed Greece’s allocation of 2 percent of its gross domestic product (GDP) to defense in accordance with commitments made at the 2014 NATO Summit in Wales.

(15) Energy exploration in the Eastern Mediterranean region must be safeguarded against threats posed by terrorist and extremist groups, including Hezbollah and any other actor in the region.

(16) The energy exploration in the Republic of Cyprus's Exclusive Economic Zone and territorial waters—

(A) furthers United States interests by providing a potential alternative to Russian gas for United States allies and partners; and

(B) should not be impeded by other sovereign states.

(17) The United States Government cooperates closely with Cyprus, Greece, and Israel through information sharing agreements.

(18) United States officials have assisted the Government of the Republic of Cyprus with crafting that nation's national security strategy.

(19) The United States Government provides training to Cypriot officials in areas such as cybersecurity, counterterrorism, and explosive ordnance disposal and stockpile management.

(20) Israel, Greece, and Cyprus are valued members of the Proliferation Security Initiative to combat the trafficking of weapons of mass destruction.

(21) The Republic of Cyprus continues to work closely with the United Nations and regional partners in Europe to combat terrorism and violent extremism.

(22) Despite robust economic and security relations with the United States, the Republic of Cyprus has been subject to a United States prohibition on the export of defense articles and services since 1987.

(23) The 1987 arms prohibition was designed to restrict United States arms sales and transfers to the Republic of Cyprus and the occupied part of Cyprus to avoid hindering reunification efforts.

(24) At least 40,000 Turkish troops are stationed in the occupied part of Cyprus with some weapons procured from the United States through mainland Turkey.

(25) While the United States has, as a matter of policy, avoided the provision of defense articles and services to the Republic of Cyprus, the Government of Cyprus has, in the past, sought to obtain defense articles from other countries, including countries, such as Russia, that pose challenges to United States interests around the world.

SEC. 203. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to continue to actively participate in the trilateral dialogue on energy, maritime security, cybersecurity and protection of critical infrastructure conducted among Israel, Greece, and Cyprus;

(2) to support diplomatic efforts with partners and allies to deepen energy security cooperation among Greece, Cyprus, and Israel and to encourage the private sector to make investments in energy infrastructure in the Eastern Mediterranean region;

(3) to strongly support the completion of the Trans Adriatic and Eastern Mediterranean Pipelines and the establishment of liquified natural gas (LNG) terminals across the Eastern Mediterranean as a means of diversifying regional energy needs away from the Russian Federation;

(4) to maintain a robust United States naval presence and investments in the naval facility at Souda Bay, Greece and develop deeper security cooperation with Greece to include the recent MQ–9 deployments to the Larissa Air Force Base and United States Army helicopter training in central Greece;

(5) to welcome Greece’s commitment to move forward with the Interconnector Greece-Bulgaria (IGB pipeline) and additional LNG terminals that will help facilitate delivery of non-Russian gas to the Balkans and central Europe;

(6) to support deepened security cooperation with the Republic of Cyprus through the removal of the arms embargo on the country;

(7) to support robust International Military Education and Training (IMET) programming with Greece and the Republic of Cyprus;

(8) to leverage relationships within the European Union to encourage investments in Cypriot border and maritime security;

(9) to support efforts to counter Russian Federation interference and influence in the Eastern Mediterranean through increased security cooperation with Greece, Cyprus, and Israel, to include intelligence sharing, cyber, and maritime domain awareness;

(10) to support the Republic of Cyprus’ efforts to regulate its banking industry to ensure that it is not used as a source of international money laundering and encourage additional measures toward that end;

(11) to strongly oppose any actions that would trigger mandatory sanctions pursuant to section 231 of the Countering America’s Adversaries Through Sanctions Act (CAATSA) (Public Law 115–44), to include the purchase of military equipment from the Russian Federation;

(12) to continue robust official strategic engagement with Israel, Greece, and Cyprus;

(13) to urge countries in the region to deny port services to Russian Federation vessels deployed to support the government of Bashar Al-Assad in Syria;

(14) to support joint military exercises among Israel, Greece, and Cyprus;

(15) to fully implement relevant CAATSA provisions to prevent interference by the Russian Federation in the region;

(16) to support efforts by countries in the region to demobilize military equipment supplied by the Russian Federation in favor of equipment provided by NATO and NATO-allied member countries; and

(17) to strongly support the active and robust participation of Israel, Cyprus, and Greece in the Combating Terrorism Fellowship Program.

SEC. 204. UNITED STATES-EASTERN MEDITERRANEAN ENERGY COOPERATION.

(a) IN GENERAL.—The Secretary of State, in coordination with the Secretary of Energy, may enter into cooperative agreements supporting and enhancing dialogue and planning involving international partnerships between the United States and Israel, Greece, and the Republic of Cyprus.

Israel.
Greece.
Cyprus.

(b) **ANNUAL REPORTS.**—If the Secretary of State, in coordination with the Secretary of Energy, enters into agreements authorized under subsection (a), the Secretary shall submit an annual report to the appropriate congressional committees that describes—

- (1) actions taken to implement such agreements; and
- (2) any projects undertaken pursuant to such agreements.

(c) **UNITED STATES-EASTERN MEDITERRANEAN ENERGY CENTER.**—The Secretary of Energy, in coordination with the Secretary of State, may establish a joint United States-Eastern Mediterranean Energy Center in the United States leveraging the experience, knowledge, and expertise of institutions of higher education and entities in the private sector, among others, in offshore energy development to further dialogue and collaboration to develop more robust academic cooperation in energy innovation technology and engineering, water science, technology transfer, and analysis of emerging geopolitical implications, which include opportunities as well as crises and threats from foreign natural resource and energy acquisitions.

Exports and
imports.

SEC. 205. REPEAL OF PROHIBITION ON TRANSFER OF ARTICLES ON THE UNITED STATES MUNITIONS LIST TO THE REPUBLIC OF CYPRUS.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

- (1) allowing for the export, re-export or transfer of arms subject to the United States Munitions List (part 121 of title 22, Code of Federal Regulations) to the Republic of Cyprus would advance United States security interests in Europe by helping to reduce the dependence of the Government of the Republic of Cyprus on other countries, including countries that pose challenges to United States interests around the world, for defense-related materiel; and
- (2) it is in the interest of the United States to continue to support United Nations-facilitated efforts toward a comprehensive solution to the division of Cyprus.

(b) **MODIFICATION OF PROHIBITION.**—Section 620C(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2373(e)) is amended—

- (1) in paragraph (1), by striking “Any agreement” and inserting “Except as provided in paragraph (3), any agreement”; and
- (2) by adding at the end the following new paragraph:

“(3) The requirement under paragraph (1) shall not apply to any sale or other provision of any defense article or defense service to Cyprus if the end-user of such defense article or defense service is the Government of the Republic of Cyprus.”.

(c) **EXCLUSION OF THE GOVERNMENT OF THE REPUBLIC OF CYPRUS FROM CERTAIN RELATED REGULATIONS.**—

Effective date.

- (1) **IN GENERAL.**—Subject to subsection (d) and except as provided in paragraph (2), beginning on the date of the enactment of this Act, the Secretary of State shall not apply a policy of denial for exports, re-exports, or transfers of defense articles and defense services destined for or originating in the Republic of Cyprus if—

(A) the request is made by or on behalf of the Government of the Republic of Cyprus; and

(B) the end-user of such defense articles or defense services is the Government of the Republic of Cyprus.

(2) EXCEPTION.—This exclusion shall not apply to any denial based upon credible human rights concerns.

(d) LIMITATIONS ON THE TRANSFER OF ARTICLES ON THE UNITED STATES MUNITIONS LIST TO THE REPUBLIC OF CYPRUS.—

(1) IN GENERAL.—The policy of denial for exports, re-exports, or transfers of defense articles on the United States Munitions List to the Republic of Cyprus shall remain in place unless the President determines and certifies to the appropriate congressional committees not less than annually that—

President.
Determination.
Certification.
Time period.

(A) the Government of the Republic of Cyprus is continuing to cooperate with the United States Government in efforts to implement reforms on anti-money laundering regulations and financial regulatory oversight; and

(B) the Government of the Republic of Cyprus has made and is continuing to take the steps necessary to deny Russian military vessels access to ports for refueling and servicing.

(2) WAIVER.—The President may waive the limitations contained in this subsection for one fiscal year if the President determines that it is essential to the national security interests of the United States to do so.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

SEC. 206. IMET COOPERATION WITH GREECE AND THE REPUBLIC OF CYPRUS.

There is authorized to be appropriated \$1,300,000 for fiscal year 2020, \$1,500,000 for fiscal year 2021, and \$1,800,000 for fiscal year 2022 for International Military Education and Training (IMET) assistance for Greece and \$200,000 for fiscal year 2020, \$500,000 for fiscal year 2021, and \$750,000 for fiscal year 2022 for such assistance for the Republic of Cyprus. The assistance shall be made available for the following purposes:

(1) Training of future leaders.

(2) Fostering a better understanding of the United States.

(3) Establishing a rapport between the United States military and the country’s military to build alliances for the future.

(4) Enhancement of interoperability and capabilities for joint operations.

(5) Focusing on professional military education.

(6) Enabling countries to use their national funds to receive a reduced cost for other Department of Defense education and training.

SEC. 207. FOREIGN MILITARY FINANCING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2021 up to \$3,000,000 for Foreign Military Financing (FMF) assistance for Greece to assist the country in meeting its commitment as a member of the North Atlantic Treaty Organization (NATO) to dedicate 20 percent of its defense budget to enhance research and development.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Greece should receive robust support under the European Recapitalization Incentive Program implemented by the Department of Defense.

SEC. 208. STRATEGY ON UNITED STATES SECURITY AND ENERGY COOPERATION IN THE EASTERN MEDITERRANEAN.

Deadline.
Consultation.
Israel.
Cyprus.
Greece.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Secretary of Energy, shall submit to the appropriate congressional committees a strategy on enhanced security and energy cooperation with countries in the Eastern Mediterranean region, including Israel, the Republic of Cyprus, and Greece.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

Evaluation.

(1) A description of United States participation in and support for the Eastern Mediterranean Natural Gas Forum.

Evaluation.

(2) An evaluation of all possible delivery mechanisms into Europe for natural gas discoveries in the Eastern Mediterranean region.

Assessment.

(3) An evaluation of efforts to protect energy exploration infrastructure in the region, including infrastructure owned or operated by United States companies.

Assessment.

(4) An assessment of the capacity of the Republic of Cyprus to host an Energy Crisis Center in the region which could provide basing facilities in support of search and rescue efforts in the event of an accident.

Plan.

(5) An assessment of the timing of potential natural gas delivery in the region as well as an assessment of the ultimate destination countries for the natural gas delivery from the region.

(6) A plan to work with United States businesses seeking to invest in Eastern Mediterranean energy exploration, development, and cooperation.

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

SEC. 209. REPORT ON RUSSIAN FEDERATION MALIGN INFLUENCE IN THE EASTERN MEDITERRANEAN.

Cyprus.
Greece.
Israel.
Time period.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on Russian Federation malign influence in the Republic of Cyprus, Greece, and Israel since January 1, 2017.

Assessments.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

List.

(1) An assessment of security, political, and energy goals of the Russian Federation in the Eastern Mediterranean.

(2) A description of energy projects of the Government of the Russian Federation in the Eastern Mediterranean.

(3) A listing of Russian national ownership of media outlets in these countries, including the name of the media outlet, approximate viewership, and assessment of whether the outlet promotes pro-Kremlin views.

(4) An assessment of military engagement by the Government of the Russian Federation in the security sector, including engagement by military equipment and personnel contractors.

(5) An assessment of efforts supported by the Government of the Russian Federation to influence elections in the three countries, through the use of cyber attacks, social media campaigns, or other malign influence techniques.

(6) An assessment of efforts by the Government of the Russian Federation to intimidate and influence the decision by His All Holiness Ecumenical Patriarch Bartholomew, leader of 300,000,000 Orthodox Christians worldwide, to grant autocephaly to the Ukrainian Orthodox Church.

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

SEC. 210. REPORT ON INTERFERENCE BY OTHER COUNTRIES IN THE EXCLUSIVE ECONOMIC ZONE OF THE REPUBLIC OF CYPRUS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Secretary of Energy, shall submit to the appropriate congressional committees a report listing incidents since January 1, 2017, determined by the Secretary of State to interfere in efforts by the Republic of Cyprus to explore and exploit natural resources in its Exclusive Economic Zone.

Consultation.
Time period.
Determination.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 211. REPORT ON INTERFERENCE BY OTHER COUNTRIES IN THE AIRSPACE OF GREECE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a report listing incidents since January 1, 2017, determined by the Secretary of State to be violations of the airspace of the sovereign territory of Greece by its neighbors.

Consultation.
Time period.
Determination.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 212. APPROPRIATE CONGRESSIONAL COMMITTEES.

Definition.

In this title, the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

TITLE III—END NEGLECTED TROPICAL DISEASES ACT

End Neglected
Tropical Diseases
Act.
22 USC 2151
note.

SEC. 301. SHORT TITLE.

This title may be cited as the “End Neglected Tropical Diseases Act”.

SEC. 302. STATEMENT OF POLICY.

It is the policy of the United States to support a broad range of implementation and research and development activities that work toward the achievement of cost-effective and sustainable treatment, control, and, where possible, elimination of neglected tropical diseases for the economic and social well-being of all people.

SEC. 303. DEFINITION.

In this title, the terms “neglected tropical diseases” and “NTDs”—

(1) mean infections caused by pathogens, including viruses, bacteria, protozoa, and helminths that disproportionately impact individuals living in extreme poverty, especially in developing countries; and

(2) include—

- (A) Buruli ulcer (*Mycobacterium Ulcerans* infection);
- (B) Chagas disease;
- (C) dengue or severe dengue fever;
- (D) dracunculiasis (Guinea worm disease);
- (E) echinococcosis;
- (F) foodborne trematodiasis;
- (G) human African trypanosomiasis (sleeping sickness);
- (H) leishmaniasis;
- (I) leprosy;
- (J) lymphatic filariasis (elephantiasis);
- (K) onchocerciasis (river blindness);
- (L) scabies;
- (M) schistosomiasis;
- (N) soil-transmitted helminthiasis (STH) (roundworm, whipworm, and hookworm);
- (O) taeniasis/cysticercosis;
- (P) trachoma; and
- (Q) yaws (endemic treponematoses).

SEC. 304. EXPANSION OF UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT NEGLECTED TROPICAL DISEASES PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Neglected Tropical Diseases Program, as in effect on the date of the enactment of this Act, should—

(1) provide integrated drug treatment packages to as many individuals suffering from NTDs or at risk of acquiring NTDs, including individuals displaced by manmade and natural disasters, as logistically feasible;

(2) better integrate NTD control and treatment tools and approaches into complementary development and global health programs by coordinating, to the extent practicable and appropriate, across multiple sectors, including those relating to HIV/AIDS, malaria, tuberculosis, education, nutrition, other infectious diseases, maternal and child health, and water, sanitation, and hygiene;

(3) establish low-cost, high-impact community- and school-based NTD programs to reach large at-risk populations, including school-age children, with integrated drug treatment packages, as feasible;

(4) as opportunities emerge and resources allow, engage in research and development of new tools and approaches to reach the goals relating to the elimination of NTDs as set forth by the 2012 World Health Organization publication “Accelerating Work to Overcome the Global Impact of Neglected Tropical Diseases: A Roadmap for Implementation”, including for Chagas disease, Guinea worm, human African trypanosomiasis (sleeping sickness), leprosy, and visceral leishmaniasis; and

(5) monitor research on and developments in the prevention and treatment of other NTDs so breakthroughs can be incorporated into the Neglected Tropical Diseases Program, as practicable and appropriate.

(b) **PROGRAM PRIORITIES.**—The Administrator of the United States Agency for International Development (referred to in this section as the “Administrator”) should incorporate the following priorities into the Neglected Tropical Diseases Program (as in effect on the date of the enactment of this Act):

(1) Planning for and conducting robust monitoring and evaluation of program investments in order to accurately measure impact, identify and share lessons learned, and inform future NTD control and elimination strategies.

(2) Coordinating program activities with complementary development and global health programs of the United States Agency for International Development, including programs relating to water, sanitation, and hygiene, food and nutrition security, and education (both primary and secondary), in order to advance the goals of the London Declaration on Neglected Tropical Diseases (2012).

(3) Including morbidity management in treatment plans for high-burden NTDs.

(4) Incorporating NTDs included in the Global Burden of Disease Study 2010 into the program as opportunities emerge, to the extent practicable and appropriate.

(5) Continuing investments in the research and development of new tools and approaches that complement existing research investments and ensure that new discoveries make it through the pipeline and become available to individuals who need them most.

SEC. 305. ACTIONS BY DEPARTMENT OF STATE.

(a) **OFFICE OF THE GLOBAL AIDS COORDINATOR.**—It is the sense of Congress that the Coordinator of United States Government Activities to Combat HIV/AIDS Globally should fully consider evolving research on the impact of NTDs on efforts to control HIV/AIDS when making future programming decisions, as necessary and appropriate.

(b) **GLOBAL PROGRAMMING.**—

(1) **IN GENERAL.**—The Secretary of State should encourage the Global Fund to take into consideration evolving research on the impact of NTDs on efforts to control HIV/AIDS when making programming decisions, particularly with regard to female genital schistosomiasis, which studies suggest may be one of the most significant cofactors in the AIDS epidemic in Africa, as necessary and appropriate.

(2) **GLOBAL FUND.**—In this subsection, the term “Global Fund” means the public-private partnership known as the Global Fund to Fight AIDS, Tuberculosis and Malaria established pursuant to Article 80 of the Swiss Civil Code.

Definition.

(c) **G–20 COUNTRIES.**—The Secretary of State, acting through the Office of Global Health Diplomacy, should encourage G–20 countries to significantly increase their role in the control and elimination of NTDs.

SEC. 306. MULTILATERAL DEVELOPMENT AND HEALTH INSTITUTIONS.

(a) **FINDING.**—Congress finds that the treatment of NTDs, including community- and school-based deworming programs, can

be a highly cost-effective intervention, and schools can serve as an effective delivery mechanism for reaching large numbers of children with safe treatment for soil-transmitted helminthiases (roundworm, whipworm, and hookworm) in particular.

(b) UNITED NATIONS.—The President should direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States to urge the World Health Organization and the United Nations Development Programme to—

(1) ensure the dissemination of best practices and programming on NTDs to governments and make data accessible to practitioners in an open and timely fashion;

(2) highlight impacts of community- and school-based deworming programs on children’s health and education, emphasizing the cost-effectiveness of such programs;

(3) encourage governments to implement deworming campaigns at the national level;

(4) consider the designation of a portion of grant funds of the institutions to deworming initiatives and cross-sectoral collaboration with water, sanitation, and hygiene efforts and nutrition or education programming, as practicable and appropriate;

(5) encourage accurate monitoring and evaluation of NTD programs, including deworming programs; and

(6) engage governments in cross-border initiatives for the treatment, control, prevention, and elimination of NTDs, and assist in developing transnational agreements, when and where necessary.

SEC. 307. RULE OF CONSTRUCTION.

Nothing in this title may be construed to increase authorizations of appropriations for the United States Agency for International Development.

Preventing Child
Marriage in
Displaced
Populations Act.
22 USC 287 note.

TITLE IV—PREVENTING CHILD MARRIAGE IN DISPLACED POPULATIONS

SEC. 401. SHORT TITLE.

This title may be cited as the “Preventing Child Marriage in Displaced Populations Act”.

SEC. 402. FINDINGS.

Congress finds the following:

(1) According to United Nations Children’s Fund (UNICEF), 12,000,000 girls marry before the age of 18 every year.

(2) Early marriage denies children, especially girls, their right to make vital decisions about their well-being, including relating to their health, family, and career. Child brides are less likely to finish their education, and are at higher risk for abuse, contracting HIV, and dying while pregnant or giving birth.

(3) Child marriage also imposes substantial economic costs to developing countries, impeding development and prosperity gains.

(4) Displaced populations are particularly vulnerable to child marriage, in communities where poverty, instability, and

displacement put pressure on families to marry children, particularly young girls, off at a young age.

(5) One United Nations (UN) study found that child marriage rates were 4 times higher among displaced Syrian refugees than among Syrians before the crisis. This indicates that displacement, instability, and poverty are driving child marriages.

(6) United Nations agencies, including UNICEF and the United Nations High Commissioner for Refugees (UNHCR), have acknowledged the dangers of child marriage and taken steps to address its risk in the populations they serve.

(7) The UN Joint Program on Child Marriage supports this work by building the resilience of populations to indirectly prevent child marriage and by generating new data and evidence on the prevalence of child marriage in humanitarian and fragile settings. For example, in Uganda, the UN Joint Program on Child Marriage helped 27,000 adolescent girls strengthen critical skills through school clubs and Go Back to School campaigns, as well as life skills and financial literacy training.

(8) After the UN Joint Program on Child Marriage identified Yemen as one of its focus countries, 65,000 people, of whom 45,000 are adolescents, were reached with awareness-raising activities on the harms of child marriage in 2018 alone. As a result, local council representatives, elders, and community leaders from 6 districts signed a pledge to support advocacy efforts to end child marriage.

SEC. 403. PREVENTING CHILD MARRIAGE IN DISPLACED POPULATIONS.

President.

(a) **IN GENERAL.**—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to call for an adoption of an agreed upon definition of “child marriage” across United Nations agencies.

(b) **STRATEGY.**—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to call for the development of a comprehensive strategy to address child marriage in refugee settlements administered by the United Nations. The strategy should include the following elements:

(1) A mandate to regularly collect and report data related to the number of known or suspected child marriages taking place inside each such settlement.

(2) Protocols for United Nations personnel regarding prevention and monitoring of child marriages inside each such settlement.

(3) A description of United Nations programs administered at such settlements that include—

(A) physical, mental, and emotional rehabilitation and support to children who have extricated themselves from child marriage; and

(B) alternatives to child marriage, such as education initiatives.

(4) Protocols regarding how United Nations personnel should—

(A) report adults participating in illegal child marriages in each such settlement; and

(B) monitor the prosecution of such adults by the authorities of the country in which the settlement at issue is located.

(c) RESEARCH.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to advocate for the United Nations and its appropriate agencies to include, as appropriate, in all of its research regarding child marriage, the relationship between child marriage and violence against girls, including young children and infants.

(d) DEFINITIONS.—In this section:

(1) CHILD MARRIAGE.—The term “child marriage” means a formal marriage or informal union involving at least one person younger than age 18.

(2) ILLEGAL CHILD MARRIAGE.—The term “illegal child marriage” means a child marriage that is illegal under the laws of the country in which the child marriage occurs.

Global Fragility
Act of 2019.

22 USC 9801
note.

22 USC 9801.

TITLE V—GLOBAL FRAGILITY

SEC. 501. SHORT TITLE.

This title may be cited as the “Global Fragility Act of 2019”.

SEC. 502. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(2) RELEVANT FEDERAL DEPARTMENT OR AGENCY.—The term “relevant Federal department or agency” means the Department of State, the United States Agency for International Development, the Department of Defense, the Department of Treasury, and any other Federal department or agency the President determines is relevant to carry out the purposes of this title.

22 USC 9802.

SEC. 503. STATEMENT OF POLICY.

It is the policy of the United States to seek to stabilize conflict-affected areas and prevent violence and fragility globally, including by—

(1) ensuring that all relevant Federal departments and agencies coordinate to achieve coherent, long-term goals for programs designed to carry out such policy;

(2) seeking to improve global, regional, and local coordination of relevant international and multilateral development and donor organizations regarding efforts to carry out such policy; and

(3) enhancing the effectiveness of United States foreign assistance programs and activities to carry out such policy, including by improving assessment, monitoring, and evaluation conducted by the relevant Federal departments and agencies.

SEC. 504. GLOBAL FRAGILITY STRATEGY.

President.
22 USC 9803.
Coordination.

(a) STRATEGY.—The President, in coordination with the Secretary of State, the Administrator of the United States Agency for International Development (“USAID”), the Secretary of Defense, and the heads of other relevant Federal departments and agencies, shall establish a comprehensive, integrated, ten-year strategy, to be referred to as the “Global Fragility Strategy”, to contribute to the stabilization of conflict-affected areas, address global fragility, and strengthen the capacity of the United States to be an effective leader of international efforts to prevent extremism and violent conflict. The strategy shall focus on addressing long-term causes of fragility and violence, and shall—

(1) consider the causes of fragility and violence at both the local and national levels, the external actors that reinforce and exploit such conditions, and successful prevention strategies and their key features;

(2) include specific objectives and multisectoral approaches to reduce fragility and the causes of violence, including those that strengthen state-society relations, curb extremist ideology, and make society less vulnerable to the spread of extremism and violence;

(3) encourage and empower local and national actors to address the concerns of their citizens, including those in vulnerable communities, and build community resilience against violence and extremism;

(4) address the long-term underlying causes of fragility and violence through participatory, locally led programs, empowering marginalized groups such as youth and women, inclusive dialogues and conflict resolutions processes, justice sector reform, good governance, inclusive and accountable service delivery, and community policing and civilian security, including by combatting impunity for security forces implicated in violations of internationally recognized human rights and other serious crimes;

(5) describe approaches that ensure national leadership where appropriate and participatory engagement by civil society and local partners in the design, implementation, and monitoring of programs;

(6) assign roles for relevant Federal departments and agencies to avoid duplication of efforts, while ensuring that—

(A) the Department of State is responsible for leading the drafting and execution of the strategy, establishing United States foreign policy, advancing diplomatic and political efforts, and overseeing the planning and implementation of security assistance and related civilian security efforts;

(B) USAID is responsible for overseeing prevention programs, and is the lead implementing agency for development, humanitarian, and related non-security program policy;

(C) activities undertaken or supported by the Department of Defense in relation to the Global Fragility Strategy are established through joint formulation and with the concurrence of the Secretary of State; and

(D) other relevant Federal departments and agencies support the activities of the Department of State and

USAID as appropriate, with the concurrence of the Secretary of State and the Administrator of the United States Agency for International Development;

(7) describe programs that relevant Federal departments and agencies will undertake to achieve the stated objectives, including descriptions of existing programs and funding by fiscal year and account;

(8) identify mechanisms to improve coordination between the United States, foreign governments, and international organizations, including the World Bank, the United Nations, regional organizations, and private sector organizations;

(9) address efforts to expand public-private partnerships and leverage private sector resources;

(10) describe the criteria, metrics, and mechanisms for monitoring and evaluation of programs and objectives in the strategy to ensure planning, implementation, and coordination are appropriately executed and updated;

(11) describe how the strategy will ensure that programs are country-led and context-specific; and

(12) identify mechanisms or activities to reduce the risk that the programs, policies, or resources of the United States and its partners will facilitate corruption, empower or abet repressive local actors, or be exploited by extremists to gain support for their cause.

(b) **STAKEHOLDER CONSULTATION.**—The Global Fragility Strategy required under this section shall be developed in consultation with representatives of civil society and national and local governance entities in countries and regions described in section 505, as well as relevant international development organizations with experience implementing programs in fragile states, multilateral organizations and donors, relevant private, academic, and philanthropic entities, and the appropriate congressional committees.

(c) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report setting forth the strategy described in subsection (a), which shall be submitted in unclassified form, but may include a classified annex if necessary, and shall include, at a minimum, the following elements:

(1) The objectives, general and specific, of the strategy.

(2) An identification of the relevant Federal departments and agencies that will be involved and the assignment of priorities to such departments and agencies.

(3) A description of the compact-based partnerships that will be established to ensure local leadership of strategies, policy, and programs, as well as mutual accountability for results and resources needed to support such partnerships.

(4) An identification of the authorities, staffing, and other requirements, as necessary and appropriate, needed to effectively implement the Global Fragility Strategy.

(5) A description of the ways in which United States leadership will be used to enhance overall international prevention efforts, including through increasing the engagement of the member states of the Group of Seven and Group of Twenty.

(6) An identification of which officials of the Department of State, USAID, and the Department of Defense, with a rank

not lower than Assistant Secretary or Assistant Administrator, will be responsible for leading and overseeing the strategy.

(7) A list of priority countries and regions selected pursuant to section 505, including descriptions of the rationale for such selections.

List.

SEC. 505. SELECTION OF PRIORITY COUNTRIES AND REGIONS.

22 USC 9804.

(a) **IN GENERAL.**—The President, in coordination with the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of Defense, and in consultation with the appropriate congressional committees specified in subsection (b), shall select certain countries as “priority countries” and certain regions as “priority regions” for the purpose of implementing the Global Fragility Strategy required under section 504—

President.
Coordination.
Consultation.

(1) on the basis of—

(A) the national security interests of the United States;
(B) clearly defined indicators of the levels of violence or fragility in such country or region, such as the country’s or region’s—

(i) ranking on recognized global fragility lists, such as the Organization for Economic Co-operation and Development States of Fragility report, the Fund for Peace Fragile States Index, the World Bank Harmonized List of Fragile Situations, the Institute for Economics and Peace Global Peace Index, and the Holocaust Museum Early Warning Project Risk Assessment;

(ii) ranking on select United States Government conflict and atrocity early warning watch lists;

(iii) levels of violence, including violence committed by armed groups, state actors, and violent extremist organizations, gender-based violence, and violence against children and youth; and

(iv) vulnerability to rising sea levels, flooding, drought, wildfires, desertification, deforestation, food insecurity, and human displacement; and

(C) an assessment of—

(i) the commitment and capacity of national and sub-national government entities and civil society partners in such country or region to work with relevant Federal departments and agencies on the Global Fragility Strategy, including by demonstrating commitment to—

(I) improving inclusive, transparent, and accountable power structures, including effective, legitimate, and resilient national and sub-national institutions; and

(II) ensuring strong foundations for human rights, rule of law, and equal access to justice; and

(ii) the likelihood that United States assistance under the Global Fragility Strategy would measurably help to reduce fragility, prevent the spread of extremism and violence, and stabilize conflict-affected areas in each such country or region; and

Briefing.	<p>(2) in a manner that ensures that not fewer than five countries or regions are selected, including not fewer than two in which the priority will be preventing violent conflict and fragility, rather than stabilizing ongoing conflicts.</p> <p>(b) CONSULTATION WITH CONGRESS.—Prior to finalization of the selection of priority countries and regions under subsection (a), representatives from the Department of State, USAID, the Department of Defense, and other relevant Federal departments and agencies, as necessary and appropriate, shall brief the appropriate congressional committees on the countries and regions being considered and shall consider congressional input on such prioritization.</p>
22 USC 9805. Deadline. President. Coordination.	<p>SEC. 506. PRIORITY COUNTRY AND REGIONAL PLANS.</p> <p>Not later than one year after the date of the enactment of this Act, the President, in coordination with the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of Defense, and the heads of other relevant Federal departments and agencies, shall submit to the appropriate congressional committees ten-year plans to align and integrate under the Global Fragility Strategy established pursuant to section 504 all relevant diplomatic, development, and security assistance and activities of the United States Government with respect to each of the countries and regions selected pursuant to section 505. Each such country and regional plan shall include the following elements:</p>
Analysis.	<p>(1) Specific multi-year interagency plans for coordination and implementation under each such plan.</p> <p>(2) An up-to-date baseline analysis for each such country or region, including an analysis of the conditions that contribute to violence and fragility.</p> <p>(3) Prioritized descriptions of the goals and objectives for stabilizing conflict-affected areas, reducing fragility, and preventing the spread of extremism and violence in each such country.</p> <p>(4) Descriptions of how and when the relevant goals, objectives, plans, and benchmarks for each such country or region will be incorporated into relevant United States country or regional plans and strategies, including the National Security Strategy of the United States, the Stabilization Assistance Review, Department of State Integrated Country Strategies, USAID Country Development Cooperation Strategies, and Department of Defense Campaign Plans, Operational Plans, and Regional Strategies, as well as any equivalent or successor plans or strategies.</p> <p>(5) Interagency plans to ensure that appropriate local actors, including government and civil society entities, have an appropriate ownership stake in developing, implementing, monitoring, and evaluating relevant activities under each such plan.</p> <p>(6) Interagency plans to integrate existing and planned security assistance and cooperation programs in each such country or region with the strategy, and to mitigate risks associated with such programs, including risks related to corruption, governance, and human rights.</p>
Assessments. Evaluations.	<p>(7) Assessment, monitoring, and evaluation frameworks for diplomatic, development, and security assistance and activities,</p>

which shall be informed by consultations with the stakeholders specified in section 504(b), with clear metrics for each such country or region, as well as interagency plans for using such frameworks to adapt such activities on a regular basis.

(8) Descriptions of available policy tools and how such tools will be used to reduce fragility, prevent the spread of extremism and violence, and stabilize conflict-affected areas in each such country or region.

(9) A description of how planning and implementation of assistance under the Global Fragility Strategy for each such country or region will be coordinated in a manner that strengthens partnerships and leverages the unique expertise and resources of the United States Government and—

- (A) governments of such countries;
- (B) international development organizations;
- (C) relevant international donors;
- (D) multilateral organizations; and
- (E) the private sector.

(10) A regional component outlining plans to address relevant transnational issues and how each such country is affected by or at risk of regional fragility or violence.

(11) When a region is selected, a component outlining plans to address factors at the individual country level that affect regional fragility or violence.

SEC. 507. IMPLEMENTATION.

22 USC 9806.

The President, in coordination with the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of Defense, the heads of other relevant Federal departments and agencies, relevant United States ambassadors, USAID mission directors, geographic combatant commanders, and other relevant individuals with responsibility over activities in each priority country or region selected pursuant to section 505, shall ensure that—

President.
Coordination.

(1) the Global Fragility Strategy required under section 504, including each of the country plans developed under section 506, is implemented, updated, and coordinated on a regular basis; and

(2) the strategy is used to guide United States Government policy at a senior level and incorporated into relevant strategies and plans across the United States Government such that the activities of all relevant Federal departments and agencies are consistent with the strategy.

SEC. 508. BIENNIAL REPORTS AND CONGRESSIONAL CONSULTATION.

22 USC 9807.

(a) BIENNIAL REPORTS.—Not later than two years after the submission of the plans required in section 506, and every two years thereafter until the date that is ten years after the date of submission of such plans, the President, the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of Defense, and the heads of other relevant Federal departments and agencies shall jointly submit to the appropriate congressional committees an unclassified report, which may include a classified annex, on progress made and lessons learned with respect to implementation of the Global Fragility Strategy established pursuant to section 504. The report shall include the following elements:

President.

(1) Descriptions of steps taken to incorporate the strategy into any relevant, existing country and regional plans or strategies.

(2) Accountings of all funding received and obligated to implement each such country and regional plan during the previous two years, and, to the extent feasible, projections of funding to be requested, planned, and implemented for the following two years.

(3) Descriptions of progress made towards achieving specific targets, metrics, and indicators for each priority country and region.

Assessments.
Evaluations.

(4) Descriptions of any changes made to programs based on the results of assessment, monitoring, and evaluation for each priority country and region.

Briefings.

(b) CONGRESSIONAL CONSULTATION.—The Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of Defense shall provide to any appropriate congressional committee briefings on the implementation of this title upon the request of any such committee.

22 USC 9808.

SEC. 509. AUTHORIZATION OF APPROPRIATIONS.

(a) PREVENTION AND STABILIZATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, which shall be known as the “Prevention and Stabilization Fund” (in this subsection referred to as “The Fund”), to be administered by the Department of State and USAID, as appropriate, to support stabilization of conflict-affected areas and to mitigate fragility, including through the Global Fragility Strategy established pursuant to section 504, which shall replace the Relief and Recovery Fund.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund \$200,000,000 for each of the fiscal years 2020 through 2024.

(3) PURPOSES OF THE FUND.—

(A) IN GENERAL.—Amounts authorized to be appropriated to the Fund shall be used—

(i) to support stabilization of conflict-affected areas and prevent global fragility, including through the Global Fragility Strategy established pursuant to section 504; and

(ii) to provide assistance to areas liberated or at risk from, or under the control of, the Islamic State of Iraq and Syria, other terrorist organizations, or violent extremist organizations, including for stabilization assistance for vulnerable ethnic and religious minority communities affected by conflict.

(B) AMOUNTS IN ADDITION.—Amounts authorized to be appropriated to the Fund under this section are in addition to any funds otherwise made available for the purposes described in paragraph (1).

Time period.

(4) CONGRESSIONAL NOTIFICATION.—Funds may not be obligated under this section unless the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) are notified of the amount and nature of such proposed obligation at least 15 days in advance of such proposed obligation, in accordance with the procedures

applicable to notifications regarding reprogrammings pursuant to such section.

(b) COMPLEX CRISIS FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, which shall be known as the “Complex Crises Fund” (in this subsection referred to as the “Fund”), to be administered by USAID, to support programs and activities to prevent or respond to emerging or unforeseen events overseas, including to support the Global Fragility Strategy established pursuant to section 504.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund \$30,000,000 for each of the fiscal years 2020 through 2024, which shall remain available until expended.

(3) PURPOSES OF THE FUND.—

(A) IN GENERAL.—Notwithstanding any other provision of law, except section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d), amounts in the Fund may be used to carry out the provisions of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to support programs and activities to prevent or respond to emerging or unforeseen foreign challenges and complex crises overseas, including through the Global Fragility Strategy established pursuant to section 504.

(B) AMOUNTS IN ADDITION.—Amounts authorized to be appropriated to the Fund are in addition to any amounts otherwise made available for the purposes described in subparagraph (A).

(4) LIMITATIONS.—

(A) IN GENERAL.—Amounts in the Fund may not be expended for lethal assistance or to respond to natural disasters.

(B) ADMINISTRATIVE EXPENSES.—Not more than five percent of the amounts in the Fund may be used for administrative expenses.

(5) CONGRESSIONAL NOTIFICATION.—The United States Agency for International Development shall notify the appropriate congressional committees not less than five days prior to the obligation of amounts in the Fund. Time period.

(6) WAIVER.—The notification requirement under paragraph (5) may be waived if—

(A) notification by the deadline specified in such paragraph would pose a substantial risk to human health or welfare; and

(B) the appropriate congressional committees—

(i) are notified as early as practicable but in no event later than three days after an obligation of amounts from the Fund; and Deadline.

(ii) are provided with an explanation of the emergency circumstances that necessitated such waiver.

SEC. 510. IMPROVING AND LEVERAGING ASSISTANCE FOR THE GLOBAL FRAGILITY STRATEGY. 22 USC 9809.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President, the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary

of Defense, and the heads of other relevant Federal departments and agencies should—

(1) develop more adaptive and responsive policy and program planning, implementation, and scaling under the Global Fragility Strategy established pursuant to section 504, and work with the appropriate congressional committees to identify any legislative changes that may be necessary to support such efforts;

(2) better integrate the strategy and other conflict and violence reduction objectives and activities into other policy and program areas, where appropriate; and

(3) support transparent and accountable multilateral funds, initiatives, and strategies to enhance and better coordinate private and public efforts to stabilize conflict-affected areas and prevent violence and fragility globally.

(b) OTHER FUNDING AND COST MATCHING.—The Global Fragility Strategy established pursuant to section 504—

Consultation.

(1) may, after consultation with the appropriate congressional committees, be supported with funds other than funds authorized to be appropriated pursuant to section 509; and

(2) shall seek to leverage funds from sources other than the United States Government in order to promote coordination and cost-matching to the maximum extent practicable.

(c) MULTI-DONOR GLOBAL FRAGILITY FUND.—

Consultation.

(1) AUTHORITY.—Pursuant to sections 607 and 632 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357 and 2392), and consistent with subsection (b), and after consultation with the appropriate congressional committees, the Secretary of State is authorized to establish funding mechanisms, to include the establishment of a Global Fragility Fund, to leverage, receive, coordinate, and program funds provided by other donors and private sector partners to carry out the purposes of this title.

(2) PURPOSES.—A funding mechanism established pursuant to paragraph (1) should—

(A) include input from and participation by key bilateral and multilateral donors, representatives of civil society, relevant nongovernmental organizations and private sector entities, and developing countries where fragility threatens to exacerbate violent extremism and undermine development;

(B) enhance donor coordination and cooperation;

(C) advance clearly defined goals, objectives, and metrics for monitoring, evaluating, and measuring progress; and

(D) focus on strengthening national and local good governance and conflict resolution capacity in fragile and conflict-affected areas over the long-term through comprehensive, compact-based agreements that support country-led strategies.

Time period.

(3) CONGRESSIONAL NOTIFICATION.—Funds may not be obligated under this section except in consultation with the appropriate congressional committees and subject to the notification of such committees of the amount and proposed uses of such funds at least 15 days in advance of such proposed obligation.

SEC. 511. RULE OF CONSTRUCTION.

22 USC 9810.

Nothing in this title shall be construed as a declaration of war or an authorization for the use of military force.

TITLE VI—COMBATING WILDLIFE TRAFFICKING

Rescuing
Animals With
Rewards Act
of 2019.

SEC. 601. SHORT TITLE.

22 USC 2651
note.

This title may be cited as the “Rescuing Animals With Rewards Act of 2019” or the “RAWR Act”.

SEC. 602. FINDINGS; SENSE OF CONGRESS.

22 USC 2708
note.

(a) **FINDINGS.**—Congress finds the following:

(1) Wildlife trafficking is a major transnational crime that is estimated to generate over \$10 billion a year in illegal profits and which is increasingly perpetrated by organized, sophisticated criminal enterprises, including known terrorist organizations.

(2) Wildlife trafficking not only threatens endangered species worldwide, but also jeopardizes local security, spreads disease, undermines rule of law, fuels corruption, and damages economic development.

(3) Combating wildlife trafficking requires a coordinated and sustained approach at the global, regional, national, and local levels.

(4) Congress stated in the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 that it is the policy of the United States to take immediate actions to stop the illegal global trade in wildlife and wildlife products and associated transnational organized crime.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Department of State’s rewards program is a powerful tool in combating sophisticated international crime and that the Department of State and Federal law enforcement should work in concert to offer rewards that target wildlife traffickers.

SEC. 603. WILDLIFE TRAFFICKING PREVENTION AWARDS PROGRAM.

Subparagraph (B) of section 36(k)(5) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(k)(5)) is amended by inserting “wildlife trafficking (as defined by section 2(12) of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7601(12); Public Law 114–231)) and” after “includes”.

TITLE VII—CHAMPIONING AMERICAN BUSINESS THROUGH DIPLOMACY

Championing
American
Business
Through
Diplomacy Act
of 2019.
22 USC 9901
note.

SEC. 701. SHORT TITLE.

This title may be cited as the “Championing American Business Through Diplomacy Act of 2019”.

SEC. 702. FINDINGS.

22 USC 9901.

Congress makes the following findings:

(1) According to the 2017 National Security Strategy of the United States of America, “Retaining our position as the

world’s preeminent economic actor strengthens our ability to use the tools of economic diplomacy for the good of Americans and others.”.

(2) A November 7, 2018, cable from Secretary of State Michael R. Pompeo to all diplomatic and consular posts—“Boosting Commercial Diplomacy Around the World”—stated that “helping American companies is a foreign policy priority. . . Promoting broad-based, responsible, and sustainable economic growth helps to stabilize regions and creates new and growing markets for U.S. companies. A transparent and level playing field for U.S. investment in these countries counters real and growing challenges such as China’s Belt and Road initiative.”.

(3) In the January–February 2019 issue of *The Foreign Service Journal*, Ambassador Barbara Stephenson, the President of the American Foreign Service Association, wrote, “Foreign Service support for American business. . . is a major reason why the U.S. Foreign Service was created.”.

SEC. 703. ECONOMIC DIPLOMACY WITHIN THE DEPARTMENT OF STATE.

Subsection (c) of section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

“(3) ASSISTANT SECRETARY FOR ECONOMIC AND BUSINESS MATTERS.—

Establishment.

“(A) IN GENERAL.—Subject to the numerical limitation specified in paragraph (1), there is authorized to be established in the Department of State an Assistant Secretary of State who shall be responsible to the Secretary of State for matters pertaining to international economics and business matters in the conduct of foreign policy.

“(B) MATTERS CONTEMPLATED.—The matters referred to in subparagraph (A) include the following:

“(i) International trade and investment policy.

“(ii) International finance, economic development, and debt policy.

“(iii) Economic sanctions and combating terrorist financing.

“(iv) International transportation policy.

“(v) Support for United States businesses.

“(vi) Economic policy analysis and private sector outreach.

“(vii) International data privacy and innovation policies.

“(viii) Such other related duties as the Secretary may from time to time designate.”.

SEC. 704. CHIEF OF MISSION RESPONSIBILITIES.

Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended by adding at the end the following new subsection:

“(d) PROMOTION OF UNITED STATES ECONOMIC INTERESTS.—Each chief of mission to a foreign country shall have as a principal duty the promotion of United States economic and commercial interests in such country.”.

SEC. 705. INCREASED TRAINING IN ECONOMIC AND COMMERCIAL DIPLOMACY.

Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end the following new subsection:

“(d) ECONOMIC AND COMMERCIAL DIPLOMACY.—The Secretary of State, with the assistance of other relevant officials and the private sector, shall establish as part of the standard training provided for economic and commercial officers of the Foreign Service, chiefs of mission, and deputy chiefs of mission, training on matters related to economic and commercial diplomacy, with particular attention to market access and other elements of an enabling framework for United States businesses, commercial advocacy, and United States foreign economic policy, in addition to awareness about the support of the United States Government available to United States businesses, including support provided by the Department of Agriculture, the Department of Commerce, the Export-Import Bank of the United States, the Millennium Challenge Corporation, the Trade and Development Agency, the Department of the Treasury, the United States Agency for International Development, and the United States International Development Finance Corporation.”.

SEC. 706. REPORT FROM EACH MISSION ON MATTERS OF COMMERCIAL RELATIONS. 22 USC 9902.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act and annually thereafter, the chief of mission at each bilateral diplomatic mission of the United States and the Director of the American Institute in Taiwan shall submit to the Secretary of State mission plans that include the following:

Deadline.
Plans.

(1) Data and other information regarding actions taken by each such mission or Institute during the previous year to foster commercial relations and safeguard United States economic and business interests in the country or region in which each such chief of mission and the Director serves.

Data.

(2) Each such mission’s and Institute’s anticipated economic and commercial priorities for the coming year.

(b) REPORT TO CONGRESS.—The Secretary of State, after receiving the information required under subsection (a), shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report, disaggregated by country or region, on activities and initiatives, including with appropriate examples, to create an enabling environment and otherwise promote United States economic and business interests in each such country or region, as well as information about significant foreign competition to United States businesses in the relevant country or region, including state-directed investments by foreign governments and United States strategic competitors in such country or region.

SEC. 707. CONSOLIDATED REPORT ON UNIFIED INVESTMENT CLIMATE STATEMENT AND COUNTRY COMMERCIAL GUIDE. 22 USC 9903.

(a) IN GENERAL.—The Secretary of State and the Secretary of Commerce shall jointly produce and make publicly available on a United States Government internet website an annual country- and region-specific report regarding commercial relations with foreign countries and regions and safeguarding United States economic and business interests abroad, including with regard to United

Public
information.
Web posting.

States exports and investments, including by small- and medium-size enterprises.

(b) **MATTERS TO BE INCLUDED.**—Each report required under subsection (a) shall include the following with respect to each country or region covered by each such report:

(1) Information about doing business in each country or region.

(2) Background information about each country's or region's political environment.

(3) Information about selling United States products and services in each country or region.

(4) Leading sectors for United States exports and investment in each country or region.

(5) Information about trade regulations, customs, and standards in each country or region, such as—

(A) information on import tariffs; and

(B) documentation about which United States businesses should be aware when exporting, including any prohibited items or temporary entry procedures.

(6) Investment climate statements describing each country's or region's openness to foreign investments, such as information relating to each country's or region's—

(A) investment policies;

(B) market barriers;

(C) business risks;

(D) legal and regulatory system, including dispute resolution;

(E) level of public and private sector corruption;

(F) level of political violence and instability;

(G) adherence to internationally recognized core labor standards; and

(H) protection of property rights.

(7) Information about trade and project financing in each country or region, such as each country's or region's—

(A) banking and financial system, and how United States businesses typically get paid;

(B) foreign exchange controls; and

(C) important sources of funding for project financing.

(8) Relevant business travel information and business customs in each country or region.

(9) Information about services and personnel of the diplomatic mission of the United States available to United States businesses to support their activities in each country or region.

(10) Any significant trade or commercial agreement that exists between the United States and each country or region.

(11) A point of contact at the diplomatic or consular mission of the United States in each country or region for United States businesses.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to require the duplication of existing reports.

22 USC 9904.

SEC. 708. WHOLE-OF-GOVERNMENT COORDINATION AND CONSULTATION TO SUPPORT UNITED STATES ECONOMIC AND BUSINESS INTERESTS.

(a) **IN GENERAL.**—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, the Secretary of Commerce, the Secretary of the

Treasury, and the United States Trade Representative, shall have primary responsibility for coordinating a whole-of-government effort to expand United States efforts in supporting United States economic and business interests abroad. The Secretary may delegate responsibilities under this Act to a senior, Senate-confirmed Department of State official.

(b) RESPONSIBILITIES.—The Secretary shall—

(1) chair the interagency coordinating committee established under subsection (c);

(2) develop and implement the joint strategic plan required under subsection (c)(4) for all United States trade-related and trade capacity building and related technical assistance programs, in consultation with the coordinating committee established under subsection (c);

(3) advise the Federal departments and agencies designated by the President to participate in the interagency coordinating committee under this section in identifying the most needed and effective ways for United States diplomatic and consular posts and the departments and agencies that staff such posts to support the expansion of United States trade relations with host governments;

(4) consult with the private sector in the development of government-wide trade expansion efforts, including establishing a point of contact and lead office within the Department of State to receive private-sector recommendations and comments concerning trade capacity assistance, coordination, consultations, and country-specific issues;

(5) consult with the Office of Management and Budget regarding the administrative and human resources needs that may be required to implement the provisions of this title; and

(6) brief Congress on trade capacity building programs and make recommendations, as appropriate, to Congress for improvements in trade capacity building efforts.

Briefing.
Recommendations.

(c) ECONOMIC DIPLOMACY ACTION GROUP.—

(1) ESTABLISHMENT.—The President shall establish an interagency coordinating committee, to be known as the “Economic Diplomacy Action Group”, to coordinate and carry out the purposes of this section.

President.

(2) LEADERSHIP.—The Group shall be chaired by the Secretary of State and the vice-chairs shall be the United States Trade Representative and the Secretary of Commerce. The Secretaries and the United States Trade Representative may delegate responsibilities under this Act to appropriate, senior, Senate-confirmed officials.

(3) MEMBERSHIP.—The President may appoint to the Group senior officials from the United States Agency for International Development, the Department of Agriculture, the Department of the Treasury, the Export-Import Bank, the United States Development Finance Corporation, and any such other relevant executive branch department or agency as the President determines to be substantially involved in trade capacity building and related assistance efforts in developing countries.

President.
Appointments.

(4) DEVELOPMENT OF JOINT STRATEGIC PLAN.—The Group shall develop a joint strategic plan for all United States capacity building and technical assistance programs.

(d) DIPLOMACY TRADE EXPANSION ADVISORY COMMITTEE.—

Appointments.

(1) **ESTABLISHMENT OF TEAC.**—The Chair and Vice-Chairs of the Economic Diplomacy Action Group shall establish a trade expansion advisory committee with selected representatives of the United States private sector and other organizations, including labor organizations, with direct and relevant operational experience in importing from and exporting into developing countries, as appropriate, to provide comment and advice on priorities for trade expansion initiatives. The Chair and Vice-Chairs of the Group may also appoint representatives from select non-profit organizations to the advisory committee if such representatives can demonstrate both a presence in and relevant operational or programmatic experience with trade capacity building efforts in developing countries.

(2) **MEETINGS.**—The trade expansion advisory committee shall convene at least twice annually or more often as necessary at the call of the Chair and Vice-Chairs of the Group.

(3) **STRATEGIC PLANNING ADVICE.**—The trade expansion advisory committee shall advise the Chair and Vice-Chairs of the Group on ways that embassies can better support the United States private sector abroad, including assisting the Chair and Vice-Chairs—

(A) in soliciting private-sector advice;

(B) with respect to implementation of strategic planning; and

(C) in advancing the overall mission and goals of United States national security.

22 USC 9905.

SEC. 709. PRIVATE SECTOR CONSULTATION AND COORDINATION.

(a) **CONSULTATION WITH PRIVATE SECTOR BY EMBASSY.**—In developing the priorities for trade expansion initiatives described in section 708(d), embassy mission teams shall convene local representatives of the United States private sector and the private sector of host countries to consult on issues affecting trade at the borders of such countries and take into account the private sector's operational expertise and experience confronting the trade barriers in such countries as well as its recommendations for reform and best practices.

Recommendations.

(b) **INCLUSION OF PRIVATE-SECTOR COMMENTS IN MISSION PLANS.**—Written comments from local United States private sector representatives shall be included in the trade expansion component of mission plans submitted by the chief of mission to the Secretary of State, with recommendations and comments from the mission team, for the purpose of informing the development of the joint strategic plan on trade expansion priorities required pursuant to section 708(c)(4) and recommended funding for the implementation of such plan.

(c) **DESIGNATED EMBASSY POINT OF CONTACT FOR PRIVATE SECTOR CONSULTATION.**—Each chief of mission shall designate an appropriate point of contact within the embassy who shall receive recommendations from appropriate private sector representatives regarding the implementation of the strategic plan required under section 708(c)(4) and ongoing trade barriers negatively impacting priority trade expansion. The chief of mission shall ensure that the designated point of contact shall be reasonably available for consultations with appropriate private sector representatives and to receive recommendations with respect to country-specific issues that may arise that will foreseeably disrupt trade.

(d) REQUIREMENT TO PROTECT BUSINESS CONFIDENTIAL INFORMATION.—

(1) IN GENERAL.—The Secretary of State, Secretary of Commerce, and United States Trade Representative as well as the heads of all other agencies involved in the Economic Diplomacy Action Group established under section 708(c) shall protect from disclosure any proprietary information submitted by any private sector representative and marked as “business confidential information”, unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the head of any such department or agency, or such party subsequently consents to the release of the information. To the extent business confidential information is provided, a non-confidential version of the information shall also be provided, in which the business confidential information is summarized or, if necessary, deleted.

(2) TREATMENT AS TRADE SECRETS.—Proprietary information submitted by a private party in accordance with this Act shall be considered to be a matter falling within the meaning of trade secrets and commercial or financial information exemption under section 552(b)(4) of title 5, United States Code, and shall be exempt from disclosure without the express approval of the private party.

SEC. 710. IMPROVING AWARENESS OF UNITED STATES GOVERNMENT TOOLS AND SERVICES TO SUPPORT UNITED STATES BUSINESSES OVERSEAS.

22 USC 9906.

The Secretary of State and the Secretary of Commerce shall take actions to improve the awareness of United States businesses with respect to United States Government tools and services to assist such businesses overseas, especially small and medium-sized enterprises, including by coordinating with State trade agencies, Export Assistance Centers, and Small Businesses Development Centers.

SEC. 711. REPORT BY COMPTROLLER GENERAL OF THE UNITED STATES.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on United States economic and commercial diplomacy.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include an assessment of the following:

Assessments.

(1) What is known about the effectiveness of United States economic and commercial diplomacy in influencing foreign governments and supporting United States businesses abroad.

(2) Coordination between the Department of State and the Department of Commerce with respect to United States economic and commercial diplomacy.

(3) The effectiveness of training provided pursuant to subsection (d) of section 708 of the Foreign Service Act of 1980 (as added by section 705 of this title) on matters relating to economic and commercial diplomacy.

(4) The status and effectiveness of actions taken by the Secretary of State under section 710 of this title regarding

commercial relations with foreign countries and regions and safeguarding United States economic and business interests abroad.

(5) The status of the U.S. Commercial Service of the Department of Commerce and its effectiveness in advancing the economic and business interests of the United States abroad.

(6) The status of the Foreign Service economics officers and their effectiveness in advancing the economic and business interests of the United States abroad.

(7) Recommendations to improve United States economic and commercial diplomacy.

United States
Commission on
International
Religious
Freedom
Reauthorization
Act of 2019.
22 USC 6401
note.

TITLE VIII—UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM REAUTHORIZATION

SEC. 801. SHORT TITLE.

This title may be cited as the “United States Commission on International Religious Freedom Reauthorization Act of 2019”.

SEC. 802. REAUTHORIZATION.

Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) is amended by striking “2019” and inserting “2022”.

SEC. 803. COMPOSITION OF COMMISSION.

Section 201 of the International Religious Freedom Act of 1998 (22 U.S.C. 6431) is amended—

(1) in subsection (b)(2)—

(A) by striking “(A) IN GENERAL.—”; and

(B) by striking subparagraph (B);

(2) by amending subsection (d) to read as follows:

“(d) ELECTION OF CHAIR AND VICE CHAIR.—At the first meeting of the Commission after May 30 of each year, a majority of the members of the Commission who are present and voting shall elect a Chair and a Vice Chair. The Vice Chair shall have been appointed by an officeholder from a different political party than the officeholder who appointed the member of the Commission who was elected Chair. The positions of Chair and Vice Chair shall be rotated annually between members who were appointed to the Commission by officeholders of different political parties.”;

(3) in subsection (f), by striking “Country Report on Human Rights Practices” and inserting “International Religious Freedom Report”; and

(4) by adding at the end the following:

“(j) REMOVAL.—If a payment is made under section 415(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) for an award or settlement in connection with a claim alleging a violation of unlawful harassment, intimidation, reprisal, or discrimination under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) that was committed personally by an individual who, at the time of committing the violation, was a Member of the Commission, the Member shall be removed from the Commission.”.

SEC. 804. DUTIES AND POWERS OF THE COMMISSION.

(a) **DUTIES.**—Section 202(e) of the International Religious Freedom Act of 1998 (22 U.S.C. 6432) is amended—

(1) by striking “The Commission” and inserting the following:

“(1) **IN GENERAL.**—The Commission”; and

(2) by adding at the end the following:

“(2) **TRACKING; REVIEW.**—The Commission shall regularly—

“(A) track the implementation by the United States Government of the recommendations it makes under paragraph (1); and

“(B) review, to the extent practicable, the effectiveness of such implemented recommendations in advancing religious freedom internationally.”.

(b) **POWERS.**—Section 203(e) of the International Religious Freedom Act of 1998 (22 U.S.C. 6432a(e)) is amended by adding at the end the following: “If a Member of the Commission is invited to speak at an event in his or her capacity as a Commissioner, the Member shall provide notice of the request to all Commissioners and the Executive Director as soon as the Commissioner becomes aware of such invitation. Speeches and responses to questions at official events shall reflect the views of the Commission. Official speeches and other prepared materials shall be made available to all Commissioners in advance of the event. If a Commissioner is speaking in his or her private capacity, he or she shall include qualifying language that the views they are representing are his or her own views and not the views of the Commission.”.

Notification.

SEC. 805. COMMISSION PERSONNEL MATTERS.

(a) **IN GENERAL.**—Section 204 of the International Religious Freedom Act of 1998 (22 U.S.C. 6432b) is amended—

(1) in subsection (b)—

(A) by striking “fix the compensation of the Executive Director and other personnel” and inserting “provide reasonable compensation to the Executive Director”; and

(B) by striking “and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316” and inserting “may not exceed the rate payable under level II of the Executive Schedule under section 5313”; and

(C) by adding at the end the following: “The rate of pay for other personnel of the Commission may not exceed the rate payable for level IV of the Executive Schedule under section 5315 of such title. All employees of the Commission shall otherwise be treated as employees whose pay is disbursed by the Secretary of the Senate, including for purposes of applying the Standing Rules of the Senate. The Commission shall be treated as an employing office of the Senate.”;

(2) in subsection (f), by striking “the commission, for the executive director” and inserting “the Commission, for the Executive Director”; and

(3) by striking subsection (g).

(b) **COVERAGE OF COMMISSION EMPLOYEES.**—Section 101(b) of the Congressional Accountability Act (2 U.S.C. 1301(b)) is amended—

(1) in paragraph (1), by inserting “the United States Commission on International Religious Freedom,” after “With respect to”;

(2) in paragraph (2)—

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

(B) by inserting “(A)” before “Subject to paragraph (3),”; and

(C) by adding at the end the following:

“(B) Legal assistance and representation under this chapter, including assistance and representation with respect to the proposal or acceptance of the disposition of a claim under this chapter, shall be provided to the United States Commission on International Religious Freedom by the Office of Senate Chief Counsel for Employment of the Senate, in the case of assistance and representation in connection with a claim filed under subchapter IV (including all subsequent proceedings under such subchapter in connection with such claim).”; and

(3) in paragraph (3)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(D) the term ‘United States Commission on International Religious Freedom’ means the Commission established under section 201 of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 et seq.).”.

Definition.

SEC. 806. COMMISSION TRAVEL AND ANNUAL DISCLOSURES.

(a) DUTIES.—Section 201(i) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(i)) is amended by striking “are subject to” and inserting “shall comply with”.

(b) POWERS.—Section 203(f) of the International Religious Freedom Act of 1998 (22 U.S.C. 6432a(f)) is amended—

(1) by striking “The Members of the Commission” and inserting the following:

“(1) IN GENERAL.—The Members of the Commission”; and

(2) by adding at the end the following:

“(2) PROHIBITION AGAINST PAYMENT OF OFFICIAL TRAVEL BY NON-FEDERAL SOURCES.—Members of the Commission and Commission staff may not accept payment from a non-Federal source for expenses related to official travel on behalf of the Commission.”.

(c) ANNUAL DISCLOSURES.—Section 203 of the International Religious Freedom Act of 1998, as amended by subsection (b), is further amended by adding at the end the following:

“(g) ANNUAL DISCLOSURES.—Not later than March 1 of each year, each Member of the Commission shall submit a report to the appropriate congressional committees (as defined in section 4(a) of the United States Commission on International Religious Freedom Reauthorization Act of 2015 (22 U.S.C. 6433a(a)) with respect to the most recently concluded 12-month period, that discloses any travel by the Member outside of the United States that was paid for or reimbursed by a person or entity other than the Member, a relative of the Member, or the Federal Government, including—

Reports.
Time period.

- “(1) who paid for or reimbursed the travel;
- “(2) a good faith estimate of the cost of the travel, if the travel was funded by a person or entity that does not employ the Member; and
- “(3) brief details of the travel and events related to such travel.”.

Cost estimate.

SEC. 807. STRATEGIC PLAN.

Section 4(d) of the United States Commission on International Religious Freedom Reauthorization Act of 2015 (22 U.S.C. 6433a(d)) is amended by striking “Not later than 180 days after the date of the enactment of the Act, and not less frequently than biennially thereafter” and inserting “Not later than 180 days after the date of the enactment of this Act, and every 2 years thereafter”.

Deadline.
Time period.**SEC. 808. AUTHORIZATION OF APPROPRIATIONS.**

Section 207(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6435(a)) is amended by striking “2016 to 2019” and inserting “2019 through 2022”.

SEC. 809. RECORD RETENTION.

Section 208 of the International Religious Freedom Act of 1998 (22 U.S.C. 6435a) is amended by adding at the end the following:

“(f) COMMISSION RECORDS.—The Commission shall comply with all of the records management requirements set forth in chapter 31 of title 44, United States Code (commonly referred to as the ‘Federal Records Act of 1950’).

“(g) OFFICIAL EMAIL FOR COMMISSION BUSINESS.—When conducting any Commission business on electronic accounts, Commission Members and staff shall use official Commission electronic accounts.”.

TITLE IX—OTHER MATTERS**SEC. 901. SPECIAL RULES FOR CERTAIN MONTHLY WORKERS’ COMPENSATION PAYMENTS AND OTHER PAYMENTS FOR DEPARTMENT OF STATE PERSONNEL UNDER CHIEF OF MISSION AUTHORITY.**

22 USC 2680b.

(a) ADJUSTMENT OF COMPENSATION FOR CERTAIN INJURIES.—

(1) INCREASE.—The Secretary of State may pay an additional monthly monetary benefit, provided that the covered employee is receiving benefits under section 8105 or 8106 of title 5, United States Code, and may determine the amount of each monthly monetary benefit amount by taking into account—

- (A) the severity of the qualifying injury;
- (B) the circumstances by which the covered employee became injured; and
- (C) the seniority of the covered employee, particularly for purposes of compensating for lost career growth.

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

(b) COSTS FOR TREATING QUALIFYING INJURIES.—The Secretary of State may pay the costs of or reimburse for diagnosing and treating—

(1) a qualifying injury of a covered employee for such costs, that are not otherwise covered by chapter 81 of title 5, United States Code, or other provision of Federal law; or

(2) a covered individual, or a covered dependent, for such costs that are not otherwise covered by Federal law.

(c) INFORMATION EXCHANGE.—To avoid duplicate or otherwise improper payments under this subsection, the Secretary of Labor and the Secretary of State shall exchange information about the amounts paid for treatment of qualifying injuries.

(d) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall—

(1) prescribe regulations ensuring the fair and equitable implementation of this section; and

(2) submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives such regulations.

(e) DEFINITIONS.—In this section:

(1) COVERED DEPENDENT.—The term “covered dependent” means a family member (as defined by the Secretary of State) of a employee who, on or after January 1, 2016—

(A) accompanies the employee to an assigned duty station in a foreign country under chief of mission authority; and

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

(2) COVERED EMPLOYEE.—The term “covered employee” means an employee of the Department of State who, on or after January 1, 2016, becomes injured by reason of a qualifying injury and was assigned to a duty station in the Republic of Cuba, the People’s Republic of China, or another foreign country designated by the Secretary of State pursuant to subsection (f).

(3) COVERED INDIVIDUAL.—The term “covered individual” means an individual who, on or after January 1, 2016, becomes injured by reason of a qualifying injury and is—

(A) detailed to a duty station in the Republic of Cuba, the People’s Republic of China, or another foreign country designated by the Secretary of State pursuant to subsection (f); or

(B) affiliated with the Department of State, as determined by the Secretary of State.

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

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

(i) during a period in which the covered dependent is accompanying an employee to an assigned duty station in the Republic of Cuba, the People’s Republic of China, or another foreign country designated by the Secretary of State pursuant to subsection (f);

(ii) in connection with war, insurgency, hostile act, terrorist activity, or other incident designated by the Secretary of State; and

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

Deadline.

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

(i) during a period of assignment to a duty station in the Republic of Cuba, the People's Republic of China, or another country designated by the Secretary of State pursuant to subsection (f);

(ii) in connection with war, insurgency, hostile act, terrorist activity, or other incident designated by the Secretary of State; and

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

(f) DESIGNATION BY THE SECRETARY OF STATE OF ANOTHER FOREIGN COUNTRY OR DUTY STATION.—The Secretary of State may designate another foreign country for the purposes of this section, provided that the Secretary reports such designation to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, and includes in such report a rationale for each such designation. The Secretary of State may not designate an added foreign country or duty station for purposes of providing additional monetary benefit pursuant to subsection (a) or (b) for a qualifying injury to covered employees, covered dependents, or covered individuals under this section unless the Secretary of State—

Reports.

(1) provides to the Committees on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives 30 days' notice of the designation of a particular additional country or duty station and the rationale for such addition; and

Notification.

(2) provides no such additional monetary benefit pursuant to subsection (a) or (b) to covered employees, covered dependents, or covered individuals for a qualifying injury until the 30-day notice period expires, unless there is written agreement by both the Chair and Ranking Members of both the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that there is no objection to proceeding with provision of such monetary benefit compensation in less than 30 days.

(g) TREATMENT OF AMOUNTS.—For purposes of section 104 of the Internal Revenue Code of 1986, amounts paid pursuant to this section shall be treated as amounts described in subsection (a)(5) of such section.

(h) APPLICATION.—

(1) IN GENERAL.—This section shall apply with respect to—

Effective date.

(A) payments made to covered employees (as defined in such section) under section 8105 or 8106 of title 5, United States Code, beginning on or after January 1, 2016; and

(B) diagnosis or treatment described in subsection (b) occurring on or after January 1, 2016.

(2) RULE OF CONSTRUCTION.—Nothing in this section shall modify or otherwise supersede chapter 81 of title 5, or chapter 11 of title 42 United States Code. Monetary benefits and treatment expenses paid under this section shall not be considered payments under any workers' compensation law.

Deadline.
Coordination.

SEC. 902. DECLASSIFICATION OF INFORMATION RELATED TO CERTAIN ACTIONS BY SAUDI ARABIAN OFFICIALS.

Not later than 30 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation, in coordination with the Director of National Intelligence, shall declassify, with any redactions necessary to protect intelligence sources and methods, any and all information related to whether the Government of Saudi Arabia materially assisted or facilitated any citizen or national of Saudi Arabia in departing from the United States while the citizen or national was awaiting trial or sentencing for a criminal offense committed in the United States.

Promoting
Security and
Justice for
Victims of
Terrorism Act
of 2019.
18 USC 2333
note.
Deadlines.
Consultation.

SEC. 903. PROMOTING SECURITY AND JUSTICE FOR VICTIMS OF TERRORISM.

(a) **SHORT TITLE.**—This section may be cited as the Promoting Security and Justice for Victims of Terrorism Act of 2019.

(b) **FACILITATION OF THE SETTLEMENT OF TERRORISM-RELATED CLAIMS OF NATIONALS OF THE UNITED STATES.**—

(1) **COMPREHENSIVE PROCESS TO FACILITATE THE RESOLUTION OF ANTI-TERRORISM ACT CLAIMS.**—The Secretary of State, in consultation with the Attorney General, shall, not later than 30 days after the date of enactment of this Act, develop and initiate a comprehensive process for the Department of State to facilitate the resolution and settlement of covered claims.

(2) **ELEMENTS OF COMPREHENSIVE PROCESS.**—The comprehensive process developed under paragraph (1) shall include, at a minimum, the following:

(A) Not later than 45 days after the date of enactment of this Act, the Department of State shall publish a notice in the Federal Register identifying the method by which a national of the United States, or a representative of a national of the United States, who has a covered claim, may contact the Department of State to give notice of the covered claim.

(B) Not later than 120 days after the date of enactment of this Act, the Secretary of State, or a designee of the Secretary, shall meet (and make every effort to continue to meet on a regular basis thereafter) with any national of the United States, or a representative of a national of the United States, who has a covered claim and has informed the Department of State of the covered claim using the method established pursuant to subparagraph (A) to discuss the status of the covered claim, including the status of any settlement discussions with the Palestinian Authority or the Palestine Liberation Organization.

(C) Not later than 180 days after the date of enactment of this Act, the Secretary of State, or a designee of the Secretary, shall make every effort to meet (and make every effort to continue to meet on a regular basis thereafter) with representatives of the Palestinian Authority and the Palestine Liberation Organization to discuss the covered claims identified pursuant to subparagraph (A) and potential settlement of the covered claims.

(3) **REPORT TO CONGRESS.**—The Secretary of State shall, not later than 240 days after the date of enactment of this

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publication.
Notice.

Time period.

Act, and annually thereafter for 5 years, submit to the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives a report describing activities that the Department of State has undertaken to comply with this subsection, including specific updates regarding subparagraphs (B) and (C) of paragraph (2).

(4) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) covered claims should be resolved in a manner that provides just compensation to the victims;

(B) covered claims should be resolved and settled in favor of the victim to the fullest extent possible and without subjecting victims to unnecessary or protracted litigation;

(C) the United States Government should take all practicable steps to facilitate the resolution and settlement of all covered claims, including engaging directly with the victims or their representatives and the Palestinian Authority and the Palestine Liberation Organization; and

(D) the United States Government should strongly urge the Palestinian Authority and the Palestine Liberation Organization to commit to good-faith negotiations to resolve and settle all covered claims.

(5) DEFINITION.—In this subsection, the term “covered claim” means any pending action by, or final judgment in favor of, a national of the United States, or any action by a national of the United States dismissed for lack of personal jurisdiction, under section 2333 of title 18, United States Code, against the Palestinian Authority or the Palestine Liberation Organization.

(c) JURISDICTIONAL AMENDMENTS TO FACILITATE RESOLUTION OF TERRORISM-RELATED CLAIMS OF NATIONALS OF THE UNITED STATES.—

(1) IN GENERAL.—Section 2334(e) of title 18, United States Code, is amended—

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

“(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of any civil action under section 2333 of this title, a defendant shall be deemed to have consented to personal jurisdiction in such civil action if, regardless of the date of the occurrence of the act of international terrorism upon which such civil action was filed, the defendant—

Time periods.

“(A) after the date that is 120 days after the date of the enactment of the Promoting Security and Justice for Victims of Terrorism Act of 2019, makes any payment, directly or indirectly—

“(i) to any payee designated by any individual who, after being fairly tried or pleading guilty, has been imprisoned for committing any act of terrorism that injured or killed a national of the United States, if such payment is made by reason of such imprisonment; or

“(ii) to any family member of any individual, following such individual’s death while committing an act of terrorism that injured or killed a national of

the United States, if such payment is made by reason of the death of such individual; or

“(B) after 15 days after the date of enactment of the Promoting Security and Justice for Victims of Terrorism Act of 2019—

“(i) continues to maintain any office, headquarters, premises, or other facilities or establishments in the United States;

“(ii) establishes or procures any office, headquarters, premises, or other facilities or establishments in the United States; or

“(iii) conducts any activity while physically present in the United States on behalf of the Palestine Liberation Organization or the Palestinian Authority.”;

(B) in paragraph (2), by adding at the end the following: “Except with respect to payments described in paragraph (1)(A), no court may consider the receipt of any assistance by a nongovernmental organization, whether direct or indirect, as a basis for consent to jurisdiction by a defendant.”; and

(C) by adding at the end the following:

“(3) EXCEPTION FOR CERTAIN ACTIVITIES AND LOCATIONS.—In determining whether a defendant shall be deemed to have consented to personal jurisdiction under paragraph (1)(B), no court may consider—

“(A) any office, headquarters, premises, or other facility or establishment used exclusively for the purpose of conducting official business of the United Nations;

“(B) any activity undertaken exclusively for the purpose of conducting official business of the United Nations;

“(C) any activity involving officials of the United States that the Secretary of State determines is in the national interest of the United States if the Secretary reports to the appropriate congressional committees annually on the use of the authority under this subparagraph;

“(D) any activity undertaken exclusively for the purpose of meetings with officials of the United States or other foreign governments, or participation in training and related activities funded or arranged by the United States Government;

“(E) any activity related to legal representation—

“(i) for matters related to activities described in this paragraph;

“(ii) for the purpose of adjudicating or resolving claims filed in courts of the United States; or

“(iii) to comply with this subsection; or

“(F) any personal or official activities conducted ancillary to activities listed under this paragraph.

“(4) RULE OF CONSTRUCTION.—Notwithstanding any other law (including any treaty), any office, headquarters, premises, or other facility or establishment within the territory of the United States that is not specifically exempted by paragraph (3)(A) shall be considered to be in the United States for purposes of paragraph (1)(B).

“(5) DEFINED TERM.—In this subsection, the term ‘defendant’ means—

“(A) the Palestinian Authority;

Determination.
Reports.

“(B) the Palestine Liberation Organization;

“(C) any organization or other entity that is a successor to or affiliated with the Palestinian Authority or the Palestine Liberation Organization; or

“(D) any organization or other entity that—

“(i) is identified in subparagraph (A), (B), or (C); and

“(ii) self identifies as, holds itself out to be, or carries out conduct in the name of, the ‘State of Palestine’ or ‘Palestine’ in connection with official business of the United Nations.”

(2) **PRIOR CONSENT NOT ABROGATED.**—The amendments made by this subsection shall not abrogate any consent deemed to have been given under section 2334(e) of title 18, United States Code, as in effect on the day before the date of enactment of this Act.

(d) **RULES OF CONSTRUCTION; APPLICABILITY; SEVERABILITY.**—

(1) **RULES OF CONSTRUCTION.**—

(A) **IN GENERAL.**—This section, and the amendments made by this section, should be liberally construed to carry out the purposes of Congress to provide relief for victims of terrorism.

(B) **CASES AGAINST OTHER PERSONS.**—Nothing in this section may be construed to affect any law or authority, as in effect on the day before the date of enactment of this Act, relating to a case brought under section 2333(a) of title 18, United States Code, against a person who is not a defendant, as defined in paragraph (5) of section 2334(e) of title 18, United States Code, as added by subsection (c)(1) of this section.

(2) **APPLICABILITY.**—This section, and the amendments made by this section, shall apply to any case pending on or after August 30, 2016.

(3) **SEVERABILITY.**—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section, the amendments made by this section, and the application of such provisions to any person or circumstance shall not be affected thereby.

SEC. 904. DEBT RELIEF FOR SOMALIA.

(a) **DEBT RELIEF.**—(1) Of the funds appropriated under titles III and IV of division G of this Act and under such titles in prior Acts making appropriations for the Department of State, foreign operations, and related programs, not to exceed \$35,000,000 may be transferred to the “Department of the Treasury, Debt Restructuring” account for the same purposes and under the same authorities and conditions (other than the period of availability) as other funds provided under that heading for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, or for the cost of selling, reducing, or cancelling amounts owed to the United States as a result of loans made to Somalia, in the event that Somalia meets the domestic and internationally-agreed conditions and the transfer is consistent with United States law and foreign policy considerations.

(2) For the purposes of this section, no amounts may be transferred from amounts designated for Overseas Contingency Operations/Global War on Terrorism or as emergency requirements pursuant to a concurrent resolution on the budget or section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Reports.
Estimate.

(3) Prior to the initial obligation of funds made available pursuant to this section, the Secretary of State shall submit to the appropriate congressional committees a report on the outcome of the Paris Club meeting on debt cancellation for Somalia, the estimate of amounts needed and over what time period, and the proposed sources of funds to be transferred pursuant to this section: *Provided*, That such funds shall also be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of such committees.

Consultation.

(b) DEBT RESTRUCTURING.—Section 501(i) of title V of H.R. 3425, as enacted into law by section 1000(a)(5) of Public Law 106–113 (113 Stat. 1501A–313), as most recently amended by section 699H(b)(1) of division J of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2372), is further amended by striking “2000–2010” and inserting “2000–2021”.

22 USC 2395a
note.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

National Law
Enforcement
Museum
Commemorative
Coin Act.
31 USC 5112
note.

DIVISION K—NATIONAL LAW ENFORCEMENT MUSEUM COMMEMORATIVE COIN

SEC. 101. SHORT TITLE.

This division may be cited as the “National Law Enforcement Museum Commemorative Coin Act”.

SEC. 102. FINDINGS.

The Congress finds the following:

(1) In 2000, Congress passed and President William J. Clinton signed into law the National Law Enforcement Museum Act (Public Law 106–492), which authorized the National Law Enforcement Officers Memorial Fund, Inc., to build the National Law Enforcement Museum on Federal land in the District of Columbia to honor and commemorate the service and sacrifice of law enforcement officers in the United States.

(2) In April 2016, construction began on the National Law Enforcement Museum in the District of Columbia across the street from the National Law Enforcement Officers Memorial in Judiciary Square.

(3) The National Law Enforcement Museum formally opened in October of 2018.

(4) The National Law Enforcement Museum’s mission is—

(A) to honor and commemorate the extraordinary service and sacrifice of America’s law enforcement officers;

(B) to serve as an important bridge between law enforcement's past and present, between the heroes of yesteryear and those who have followed in their footsteps, and between America's peace officers and the public they serve;

(C) increase public understanding and support for law enforcement and to promote law enforcement safety; and

(D) strengthen the relationship between law enforcement and the communities they serve with thought-provoking programs at the Museum and around the country that promote dialogue on topics of current interest.

SEC. 103. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue the following coin:

(1) \$5 GOLD COINS.—Not more than 50,000 \$5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain not less than 90 percent gold.

(2) \$1 SILVER COINS.—Not more than 400,000 \$1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain not less than 90 percent silver.

(3) HALF-DOLLAR CLAD COINS.—Not more than 750,000 half-dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 104. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the National Law Enforcement Museum and the service and sacrifice of law enforcement officers throughout the history of the United States.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year “2021”; and

(C) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts and the National Law Enforcement Officers Memorial Fund, Inc.; and Consultation.

(2) reviewed by the Citizens Coinage Advisory Committee. Review.

SEC. 105. ISSUANCE OF COINS.

(a) **QUALITY OF COINS.**—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) **MINT FACILITIES.**—Only one facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) **PERIOD FOR ISSUANCE.**—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2021.

SEC. 106. SALE OF COINS.

(a) **SALE PRICE.**—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 107(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) **BULK SALES.**—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) **PREPAID ORDERS.**—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 107. SURCHARGES.

(a) **IN GENERAL.**—All sales of coins issued under this Act shall include a surcharge of—

(1) \$35 per coin for the \$5 coin;

(2) \$10 per coin for the \$1 coin; and

(3) \$5 per coin for the half-dollar coin.

(b) **DISTRIBUTION.**—Subject to section 5134(f)(1) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the National Law Enforcement Officers Memorial Fund, Inc., for educational and outreach programs and exhibits.

(c) **AUDITS.**—The National Law Enforcement Officers Memorial Fund, Inc., shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) **LIMITATION.**—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual two commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 108. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 107 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

DIVISION L—DHS CYBER HUNT AND INCIDENT RESPONSE TEAMS

DHS Cyber Hunt and Incident Response Teams Act of 2019.

SEC. 101. SHORT TITLE.

This division may be cited as the “DHS Cyber Hunt and Incident Response Teams Act of 2019”.

6 USC 101 note.

SEC. 102. DEPARTMENT OF HOMELAND SECURITY CYBER HUNT AND INCIDENT RESPONSE TEAMS.

(a) IN GENERAL.—Section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) is amended—

(1) in subsection (d)(1)(B)(iv), by inserting “, including cybersecurity specialists” after “entities”;

(2) by redesignating subsections (f) through (m) as subsections (g) through (n), respectively;

(3) by inserting after subsection (e) the following:

“(f) CYBER HUNT AND INCIDENT RESPONSE TEAMS.—

“(1) IN GENERAL.—The Center shall maintain cyber hunt and incident response teams for the purpose of leading Federal asset response activities and providing timely technical assistance to Federal and non-Federal entities, including across all critical infrastructure sectors, regarding actual or potential security incidents, as appropriate and upon request, including—

“(A) assistance to asset owners and operators in restoring services following a cyber incident;

“(B) identification and analysis of cybersecurity risk and unauthorized cyber activity;

“(C) mitigation strategies to prevent, deter, and protect against cybersecurity risks;

“(D) recommendations to asset owners and operators for improving overall network and control systems security to lower cybersecurity risks, and other recommendations, as appropriate; and

“(E) such other capabilities as the Secretary determines appropriate.

“(2) ASSOCIATED METRICS.—The Center shall—

“(A) define the goals and desired outcomes for each cyber hunt and incident response team; and

“(B) develop metrics—

“(i) to measure the effectiveness and efficiency of each cyber hunt and incident response team in achieving the goals and desired outcomes defined under subparagraph (A); and

“(ii) that—

“(I) are quantifiable and actionable; and

“(II) the Center shall use to improve the effectiveness and accountability of, and service

delivery by, cyber hunt and incident response teams.

“(3) CYBERSECURITY SPECIALISTS.—After notice to, and with the approval of, the entity requesting action by or technical assistance from the Center, the Secretary may include cybersecurity specialists from the private sector on a cyber hunt and incident response team.”; and

(4) in subsection (g), as so redesignated—

(A) in paragraph (1), by inserting “, or any team or activity of the Center,” after “Center”; and

(B) in paragraph (2), by inserting “, or any team or activity of the Center,” after “Center”.

(b) REPORT.—

(1) DEFINITIONS.—In this subsection—

(A) the term “Center” means the national cybersecurity and communications integration center established under section 2209(b) of the Homeland Security Act of 2002 (6 U.S.C. 659(b));

(B) the term “cyber hunt and incident response team” means a cyber hunt and incident response team maintained under section 2209(f) of the Homeland Security Act of 2002 (6 U.S.C. 659(f)), as added by this Act; and

(C) the term “incident” has the meaning given the term in section 2209(a) of the Homeland Security Act of 2002 (6 U.S.C. 659(a)).

(2) REPORT.—At the conclusion of each of the first 4 fiscal years after the date of enactment of the DHS Cyber Hunt and Incident Response Teams Act of 2019, the Center shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that includes—

(A) information relating to the metrics used for evaluation and assessment of the cyber hunt and incident response teams and operations under section 2209(f)(2) of the Homeland Security Act of 2002 (6 U.S.C. 659(f)(2)), as added by this Act, including the resources and staffing of those cyber hunt and incident response teams; and

(B) for the period covered by the report—

(i) the total number of incident response requests received;

(ii) the number of incident response tickets opened; and

(iii) a statement of—

(I) all interagency staffing of cyber hunt and incident response teams; and

(II) the interagency collaborations established to support cyber hunt and incident response teams.

(c) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to be appropriated to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized to be appropriated.

DIVISION M—BIPARTISAN AMERICAN MINERS

Bipartisan
American Miners
Act of 2019.

SEC. 101. SHORT TITLE.

This division may be cited as the “Bipartisan American Miners Act of 2019”.

30 USC 1201
note.

SEC. 102. TRANSFERS TO 1974 UMWA PENSION PLAN.

(a) **IN GENERAL.**—Subsection (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232) is amended—

(1) in paragraph (3)(A), by striking “\$490,000,000” and inserting “\$750,000,000”;

(2) by redesignating paragraph (4) as paragraph (5); and
(3) by inserting after paragraph (3) the following:

“(4) **ADDITIONAL AMOUNTS.**—

“(A) **CALCULATION.**—If the dollar limitation specified in paragraph (3)(A) exceeds the aggregate amount required to be transferred under paragraphs (1) and (2) for a fiscal year, the Secretary of the Treasury shall transfer an additional amount equal to the difference between such dollar limitation and such aggregate amount to the trustees of the 1974 UMWA Pension Plan to pay benefits required under that plan.

“(B) **CESSATION OF TRANSFERS.**—The transfers described in subparagraph (A) shall cease as of the first fiscal year beginning after the first plan year for which the funded percentage (as defined in section 432(j)(2) of the Internal Revenue Code of 1986) of the 1974 UMWA Pension Plan is at least 100 percent.

“(C) **PROHIBITION ON BENEFIT INCREASES, ETC.**—During a fiscal year in which the 1974 UMWA Pension Plan is receiving transfers under subparagraph (A), no amendment of such plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986.

“(D) **CRITICAL STATUS TO BE MAINTAINED.**—Until such time as the 1974 UMWA Pension Plan ceases to be eligible for the transfers described in subparagraph (A)—

“(i) the Plan shall be treated as if it were in critical status for purposes of sections 412(b)(3), 432(e)(3), and 4971(g)(1)(A) of the Internal Revenue Code of 1986 and sections 302(b)(3) and 305(e)(3) of the Employee Retirement Income Security Act;

“(ii) the Plan shall maintain and comply with its rehabilitation plan under section 432(e) of such Code and section 305(e) of such Act, including any updates thereto; and

“(iii) the provisions of subsections (c) and (d) of section 432 of such Code and subsections (c) and (d) of section 305 of such Act shall not apply.

“(E) TREATMENT OF TRANSFERS FOR PURPOSES OF WITHDRAWAL LIABILITY UNDER ERISA.—The amount of any transfer made under subparagraph (A) (and any earnings attributable thereto) shall be disregarded in determining the unfunded vested benefits of the 1974 UMW Pension Plan and the allocation of such unfunded vested benefits to an employer for purposes of determining the employer’s withdrawal liability under section 4201 of the Employee Retirement Income Security Act of 1974.

Effective date.

“(F) REQUIREMENT TO MAINTAIN CONTRIBUTION RATE.—A transfer under subparagraph (A) shall not be made for a fiscal year unless the persons that are obligated to contribute to the 1974 UMW Pension Plan on the date of the transfer are obligated to make the contributions at rates that are no less than those in effect on the date which is 30 days before the date of enactment of the Bipartisan American Miners Act of 2019.

“(G) ENHANCED ANNUAL REPORTING.—

“(i) IN GENERAL.—Not later than the 90th day of each plan year beginning after the date of enactment of the Bipartisan American Miners Act of 2019, the trustees of the 1974 UMW Pension Plan shall file with the Secretary of the Treasury or the Secretary’s delegate and the Pension Benefit Guaranty Corporation a report (including appropriate documentation and actuarial certifications from the plan actuary, as required by the Secretary of the Treasury or the Secretary’s delegate) that contains—

“(I) whether the plan is in endangered or critical status under section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 as of the first day of such plan year;

“(II) the funded percentage (as defined in section 432(j)(2) of such Code) as of the first day of such plan year, and the underlying actuarial value of assets and liabilities taken into account in determining such percentage;

“(III) the market value of the assets of the plan as of the last day of the plan year preceding such plan year;

“(IV) the total value of all contributions made during the plan year preceding such plan year;

“(V) the total value of all benefits paid during the plan year preceding such plan year;

“(VI) cash flow projections for such plan year and either the 6 or 10 succeeding plan years, at the election of the trustees, and the assumptions relied upon in making such projections;

“(VII) funding standard account projections for such plan year and the 9 succeeding plan years, and the assumptions relied upon in making such projections;

“(VIII) the total value of all investment gains or losses during the plan year preceding such plan year;

“(IX) any significant reduction in the number of active participants during the plan year preceding such plan year, and the reason for such reduction;

“(X) a list of employers that withdrew from the plan in the plan year preceding such plan year, and the resulting reduction in contributions; List.

“(XI) a list of employers that paid withdrawal liability to the plan during the plan year preceding such plan year and, for each employer, a total assessment of the withdrawal liability paid, the annual payment amount, and the number of years remaining in the payment schedule with respect to such withdrawal liability; List.
Assessment.

“(XII) any material changes to benefits, accrual rates, or contribution rates during the plan year preceding such plan year;

“(XIII) any scheduled benefit increase or decrease in the plan year preceding such plan year having a material effect on liabilities of the plan;

“(XIV) details regarding any funding improvement plan or rehabilitation plan and updates to such plan;

“(XV) the number of participants and beneficiaries during the plan year preceding such plan year who are active participants, the number of participants and beneficiaries in pay status, and the number of terminated vested participants and beneficiaries;

“(XVI) the information contained on the most recent annual funding notice submitted by the plan under section 101(f) of the Employee Retirement Income Security Act of 1974;

“(XVII) the information contained on the most recent Department of Labor Form 5500 of the plan; and

“(XVIII) copies of the plan document and amendments, other retirement benefit or ancillary benefit plans relating to the plan and contribution obligations under such plans, a breakdown of administrative expenses of the plan, participant census data and distribution of benefits, the most recent actuarial valuation report as of the plan year, copies of collective bargaining agreements, and financial reports, and such other information as the Secretary of the Treasury or the Secretary’s delegate, in consultation with the Secretary of Labor and the Director of the Pension Benefit Guaranty Corporation, may require. Consultation.

“(ii) ELECTRONIC SUBMISSION.—The report required under clause (i) shall be submitted electronically.

“(iii) INFORMATION SHARING.—The Secretary of the Treasury or the Secretary’s delegate shall share the information in the report under clause (i) with the Secretary of Labor.

Determination.

“(iv) PENALTY.—Any failure to file the report required under clause (i) on or before the date described in such clause shall be treated as a failure to file a report required to be filed under section 6058(a) of the Internal Revenue Code of 1986, except that section 6652(e) of such Code shall be applied with respect to any such failure by substituting ‘\$100’ for ‘\$25’. The preceding sentence shall not apply if the Secretary of the Treasury or the Secretary’s delegate determines that reasonable diligence has been exercised by the trustees of such plan in attempting to timely file such report.

“(H) 1974 UMWA PENSION PLAN DEFINED.—For purposes of this paragraph, the term ‘1974 UMWA Pension Plan’ has the meaning given the term in section 9701(a)(3) of the Internal Revenue Code of 1986, but without regard to the limitation on participation to individuals who retired in 1976 and thereafter.”.

30 USC 1232
note.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to fiscal years beginning after September 30, 2016.

(2) REPORTING REQUIREMENTS.—Section 402(i)(4)(G) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(i)(4)(G)), as added by this section, shall apply to plan years beginning after the date of the enactment of this Act.

SEC. 103. INCLUSION IN MULTIEMPLOYER HEALTH BENEFIT PLAN.

Section 402(h)(2)(C) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)) is amended—

(1) by striking “the Health Benefits for Miners Act of 2017” both places it appears in clause (ii) and inserting “the Bipartisan American Miners Act of 2019”;

(2) by striking “, would be denied or reduced as a result of a bankruptcy proceeding commenced in 2012 or 2015” in clause (ii)(II) and inserting “or a related coal wage agreement, would be denied or reduced as a result of a bankruptcy proceeding commenced in 2012, 2015, 2018, or 2019”;

(3) by striking “and” at the end of clause (ii)(I), by striking the period at the end of clause (ii)(II) and inserting “; and”, and by inserting after clause (ii)(II) the following new subclause:

“(III) the cost of administering the resolution of disputes process administered (as of the date of the enactment of the Bipartisan American Miners Act of 2019) by the Trustees of the Plan.”,

(4) by striking “January 1, 2017” in clause (ii) and inserting “January 1, 2019”; and

(5) by adding at the end the following new clause:

Definition.

“(vi) RELATED COAL WAGE AGREEMENT.—For purposes of clause (ii), the term ‘related coal wage agreement’ means an agreement between the United Mine Workers of America and an employer in the bituminous coal industry that—

“(I) is a signatory operator; or

“(II) is or was a debtor in a bankruptcy proceeding that was consolidated, administratively or otherwise, with the bankruptcy proceeding of a

signatory operator or a related person to a signatory operator (as those terms are defined in section 9701(c) of the Internal Revenue Code of 1986).”.

SEC. 104. REDUCTION IN MINIMUM AGE FOR ALLOWABLE IN-SERVICE DISTRIBUTIONS.

(a) **IN GENERAL.**—Section 401(a)(36) of the Internal Revenue Code of 1986 is amended by striking “age 62” and inserting “age 59½”. 26 USC 401.

(b) **APPLICATION TO GOVERNMENTAL SECTION 457(b) PLANS.**—Clause (i) of section 457(d)(1)(A) of the Internal Revenue Code of 1986 is amended by inserting “(in the case of a plan maintained by an employer described in subsection (e)(1)(A), age 59½)” before the comma at the end.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to plan years beginning after December 31, 2019. 26 USC 401 note.

DIVISION N—HEALTH AND HUMAN SERVICES EXTENDERS

TITLE I—HEALTH AND HUMAN SERVICES EXTENDERS

Subtitle A—Medicare Provisions

- Sec. 101. Extension of the work geographic index floor under the Medicare program.
- Sec. 102. Extension of funding for quality measure endorsement, input, and selection.
- Sec. 103. Extension of funding outreach and assistance for low-income programs.
- Sec. 104. Extension of appropriations to the Patient-Centered Outcomes Research Trust Fund; extension of certain health insurance fees.
- Sec. 105. Laboratory Access for Beneficiaries.
- Sec. 106. Exclusion of complex rehabilitative manual wheelchairs from medicare competitive acquisition program; non-application of medicare fee-schedule adjustments for certain wheelchair accessories and cushions.
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- Sec. 201. Extension of Community Mental Health Services demonstration program.
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- Sec. 401. Extension for community health centers, the national health service corps, and teaching health centers that operate GME programs.
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- Sec. 501. Repeal of medical device excise tax.

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- Sec. 602. Addressing expiration of child welfare demonstration projects and supporting Family First implementation.
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 Sec. 609. Protection of silver loading practice.
 Sec. 610. Actions for delays of generic drugs and biosimilar biological products.

Subtitle A—Medicare Provisions

SEC. 101. EXTENSION OF THE WORK GEOGRAPHIC INDEX FLOOR UNDER THE MEDICARE PROGRAM.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking “January 1, 2020” and inserting “May 23, 2020”.

SEC. 102. EXTENSION OF FUNDING FOR QUALITY MEASURE ENDORSEMENT, INPUT, AND SELECTION.

(a) IN GENERAL.—Section 1890(d)(2) of the Social Security Act (42 U.S.C. 1395aaa(d)(2)) is amended—

Time period.

(1) in the first sentence, by striking “\$1,665,000 for the period beginning on October 1, 2019, and ending on December 20, 2019” and inserting “\$4,830,000 for the period beginning on October 1, 2019, and ending on May 22, 2020”; and

(2) in the third sentence, by striking “December 20, 2019,” and inserting “May 22, 2020”.

42 USC 1395aaa note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019 (Public Law 116–69).

Time period.

SEC. 103. EXTENSION OF FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.

(a) ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note), as amended by section 3306 of the Patient Protection and Affordable Care Act (Public Law 111–148), section 610 of the American Taxpayer Relief Act of 2012 (Public Law 112–240), section 1110 of the Pathway for SGR Reform Act of 2013 (Public Law 113–67), section 110 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93), section 208 of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10), section 50207 of division E of the Bipartisan Budget Act of 2018 (Public Law 115–123), section 1402 of the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019 (Public Law 116–59), and section 1402 of the Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019 (Public Law 116–69), is amended—

(1) in clause (x), by striking “and” at the end;

(2) in clause (xi), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (xi) the following new clause:

“(xii) for the period beginning on December 21, 2019, and ending on May 22, 2020, of \$5,485,000.”.

(b) ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.—Subsection (b)(1)(B) of such section 119, as so amended, is amended—

(1) in clause (x), by striking “and” at the end;

(2) in clause (xi), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (xi) the following new clause:

“(xii) for the period beginning on December 21, 2019, and ending on May 22, 2020, of \$3,165,000.”.

(c) ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.—Subsection (c)(1)(B) of such section 119, as so amended, is amended—

(1) in clause (x), by striking “and” at the end;

(2) in clause (xi), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (xi) the following new clause:

“(xii) for the period beginning on December 21, 2019, and ending on May 22, 2020, of \$2,110,000.”.

(d) ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.—Subsection (d)(2) of such section 119, as so amended, is amended—

(1) in clause (x), by striking “and” at the end;

(2) in clause (xi), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (xi) the following new clause:

“(xii) for the period beginning on December 21, 2019, and ending on May 22, 2020, of \$5,063,000.”.

SEC. 104. EXTENSION OF APPROPRIATIONS TO THE PATIENT-CENTERED OUTCOMES RESEARCH TRUST FUND; EXTENSION OF CERTAIN HEALTH INSURANCE FEES.

(a) IN GENERAL.—Section 9511 of the Internal Revenue Code of 1986 is amended—

26 USC 9511.

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting after subparagraph (E) the following new subparagraph:

“(F) For each of fiscal years 2020 through 2029—

“(i) an amount equivalent to the net revenues received in the Treasury from the fees imposed under subchapter B of chapter 34 (relating to fees on health insurance and self-insured plans) for such fiscal year; and

“(ii) the applicable amount (as defined in paragraph (4)) for the fiscal year.”; and

(ii) by striking “and (E)(ii)” in the last sentence and inserting “(E)(ii), and (F)(ii)”; and

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

“(4) APPLICABLE AMOUNT DEFINED.—In paragraph (1)(F)(ii), the term ‘applicable amount’ means—

“(A) for fiscal year 2020, \$275,500,000;

“(B) for fiscal year 2021, \$285,000,000;

“(C) for fiscal year 2022, \$293,500,000;

“(D) for fiscal year 2023, \$311,500,000;

“(E) for fiscal year 2024, \$320,000,000;
 “(F) for fiscal year 2025, \$338,000,000;
 “(G) for fiscal year 2026, \$355,500,000;
 “(H) for fiscal year 2027, \$363,500,000;
 “(I) for fiscal year 2028, \$381,000,000; and
 “(J) for fiscal year 2029, \$399,000,000.”;

(2) in subsection (d)(2)(A), by striking “2019” and inserting “2029”; and

(3) in subsection (f), by striking “December 20, 2019” and inserting “September 30, 2029”.

26 USC 4375. (b) HEALTH INSURANCE POLICIES.—Section 4375(e) of the Internal Revenue Code of 1986 is amended by striking “2019” and inserting “2029”.

(c) SELF-INSURED HEALTH PLANS.—Section 4376(e) of the Internal Revenue Code of 1986 is amended by striking “2019” and inserting “2029”.

(d) IDENTIFICATION OF RESEARCH PRIORITIES.—Subsection (d)(1)(A) of section 1181 of the Social Security Act (42 U.S.C. 1320e) is amended by adding at the end the following: “Such national priorities shall include research with respect to intellectual and developmental disabilities and maternal mortality. Such priorities should reflect a balance between long-term priorities and short-term priorities, and be responsive to changes in medical evidence and in health care treatments.”.

(e) CONSIDERATION OF FULL RANGE OF OUTCOMES DATA.—Subsection (d)(2) of such section 1181 is amended by adding at the end the following subparagraph:

“(F) CONSIDERATION OF FULL RANGE OF OUTCOMES DATA.—Research shall be designed, as appropriate, to take into account and capture the full range of clinical and patient-centered outcomes relevant to, and that meet the needs of, patients, clinicians, purchasers, and policy-makers in making informed health decisions. In addition to the relative health outcomes and clinical effectiveness, clinical and patient-centered outcomes shall include the potential burdens and economic impacts of the utilization of medical treatments, items, and services on different stakeholders and decision-makers respectively. These potential burdens and economic impacts include medical out-of-pocket costs, including health plan benefit and formulary design, non-medical costs to the patient and family, including caregiving, effects on future costs of care, workplace productivity and absenteeism, and healthcare utilization.”.

(f) BOARD COMPOSITION.—Subsection (f) of such section 1181 is amended—

(1) in paragraph (1)—

(A) in subparagraph (C)—

(i) in the matter preceding clause (i)—

(I) by striking “Seventeen” and inserting “At least nineteen, but no more than twenty-one”; and

(II) by striking “, not later than 6 months after the date of enactment of this section,”; and

(ii) in clause (iii), by striking “3” and inserting “at least 3, but no more than 5”; and

(2) in paragraph (3)—

(A) in the first sentence—

(i) by striking the “the members” and inserting “members”; and

(ii) by inserting the following before the period at the end: “to the extent necessary to preserve the evenly staggered terms of the Board.”; and

(B) by inserting the following after the first sentence: “Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed for the remainder of that term and thereafter may be eligible for reappointment to a full term. A member may serve after the expiration of that member’s term until a successor has been appointed.”.

(g) **METHODOLOGY COMMITTEE APPOINTMENTS.**—Such section 1181 is amended—

(1) in subsection (d)(6)(B), by striking “Comptroller General of the United States” and inserting “Board”; and

(2) in subsection (h)(4)—

(A) in subparagraph (A)(ii), by striking “Comptroller General” and inserting “Board”; and

(B) in the first sentence of subparagraph (B), by striking “and of the Government Accountability Office”.

(h) **REPORTS BY THE COMPTROLLER GENERAL OF THE UNITED STATES.**—Subsection (g)(2)(A) of such section 1181 is amended—

(1) by striking clause (iv) and inserting the following:

“(iv) Not less frequently than every 5 years, the overall effectiveness of activities conducted under this section and the dissemination, training, and capacity building activities conducted under section 937 of the Public Health Service Act. Such review shall include the following:

Time period.

“(I) A description of those activities and the financial commitments related to research, training, data capacity building, and dissemination and uptake of research findings.

“(II) The extent to which the Institute and the Agency for Healthcare Research and Quality have collaborated with stakeholders, including provider and payer organizations, to facilitate the dissemination and uptake of research findings.

Review.

“(III) An analysis of available data and performance metrics, such as the estimated public availability and dissemination of research findings and uptake and utilization of research findings in clinical guidelines and decision support tools, on the extent to which such research findings are used by health care decision-makers, the effect of the dissemination of such findings on changes in medical practice and reducing practice variation and disparities in health care, and the effect of the research conducted and disseminated on innovation and the health care economy of the United States.”; and

Analysis.

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

“(vi) Not less frequently than every 5 years, any barriers that researchers funded by the Institute have encountered in conducting studies or clinical trials,

Time period.

including challenges covering the cost of any medical treatments, services, and items described in subsection (a)(2)(B) for purposes of the research study.”

SEC. 105. LABORATORY ACCESS FOR BENEFICIARIES.

(a) AMENDMENTS RELATING TO REPORTING REQUIREMENTS WITH RESPECT TO CLINICAL DIAGNOSTIC LABORATORY TESTS.—

(1) REVISED REPORTING PERIOD FOR REPORTING OF PRIVATE SECTOR PAYMENT RATES FOR ESTABLISHMENT OF MEDICARE PAYMENT RATES.—Section 1834A(a) of the Social Security Act (42 U.S.C. 1395m–1(a)) is amended—

(A) in paragraph (1)—

(i) by striking “Beginning January 1, 2016” and inserting the following:

“(A) GENERAL REPORTING REQUIREMENTS.—Subject to subparagraph (B), beginning January 1, 2016”;

(ii) in subparagraph (A), as added by subparagraph (A) of this paragraph, by inserting “(referred to in this subsection as the ‘reporting period’)” after “at a time specified by the Secretary”; and

(iii) by adding at the end the following:

“(B) REVISED REPORTING PERIOD.—In the case of reporting with respect to clinical diagnostic laboratory tests that are not advanced diagnostic laboratory tests, the Secretary shall revise the reporting period under subparagraph (A) such that—

“(i) no reporting is required during the period beginning January 1, 2020, and ending December 31, 2020;

“(ii) reporting is required during the period beginning January 1, 2021, and ending March 31, 2021; and

“(iii) reporting is required every three years after the period described in clause (ii).”; and

(B) in paragraph (4)—

(i) by striking “In this section” and inserting the following:

“(A) IN GENERAL.—Subject to subparagraph (B), in this section”; and

(ii) by adding at the end the following:

“(B) EXCEPTION.—In the case of the reporting period described in paragraph (1)(B)(ii) with respect to clinical diagnostic laboratory tests that are not advanced diagnostic laboratory tests, the term ‘data collection period’ means the period beginning January 1, 2019, and ending June 30, 2019.”.

(2) CORRECTIONS RELATING TO PHASE-IN OF REDUCTIONS FROM PRIVATE PAYOR RATE IMPLEMENTATION.—Section 1834A(b)(3) of the Social Security Act (42 U.S.C. 1395m–1(b)(3)) is amended—

(A) in subparagraph (A), by striking “through 2022” and inserting “through 2023”; and

(B) in subparagraph (B)—

(i) in clause (i), by striking “through 2019” and inserting “through 2020”; and

(ii) in clause (ii), by striking “2020 through 2022” and inserting “2021 through 2023”.

Definition.

(b) STUDY AND REPORT BY MEDPAC.—

(1) IN GENERAL.—The Medicare Payment Advisory Commission (in this subsection referred to as the “Commission”) shall conduct a study to review the methodology the Administrator of the Centers for Medicare & Medicaid Services has implemented for the private payor rate-based clinical laboratory fee schedule under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

Review.

(2) SCOPE OF STUDY.—In carrying out the study described in paragraph (1), the Commission shall consider the following:

(A) How best to implement the least burdensome data collection process required under section 1834A(a)(1) of such Act (42 U.S.C. 1395m–1(a)(1)) that would—

(i) result in a representative and statistically valid data sample of private market rates from all laboratory market segments, including hospital outreach laboratories, physician office laboratories, and independent laboratories; and

(ii) consider the variability of private payor payment rates across market segments.

(B) Appropriate statistical methods for estimating rates that are representative of the market.

(3) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to the Administrator, the Committee on Finance of the Senate, and the Committees on Ways and Means and Energy and Commerce of the House of Representatives a report that includes—

(A) conclusions about the methodology described in paragraph (1); and

(B) any recommendations the Commission deems appropriate.

Recommendations.

SEC. 106. EXCLUSION OF COMPLEX REHABILITATIVE MANUAL WHEELCHAIRS FROM MEDICARE COMPETITIVE ACQUISITION PROGRAM; NON-APPLICATION OF MEDICARE FEE-SCHEDULE ADJUSTMENTS FOR CERTAIN WHEELCHAIR ACCESSORIES AND CUSHIONS.

(a) EXCLUSION OF COMPLEX REHABILITATIVE MANUAL WHEELCHAIRS FROM COMPETITIVE ACQUISITION PROGRAM.—Section 1847(a)(2)(A) of the Social Security Act (42 U.S.C. 1395w–3(a)(2)(A)) is amended—

(1) by inserting “, complex rehabilitative manual wheelchairs (as determined by the Secretary), and certain manual wheelchairs (identified, as of October 1, 2018, by HCPCS codes E1235, E1236, E1237, E1238, and K0008 or any successor to such codes)” after “group 3 or higher”; and

(2) by striking “such wheelchairs” and inserting “such complex rehabilitative power wheelchairs, complex rehabilitative manual wheelchairs, and certain manual wheelchairs”.

(b) NON-APPLICATION OF MEDICARE FEE SCHEDULE ADJUSTMENTS FOR WHEELCHAIR ACCESSORIES AND SEAT AND BACK CUSHIONS WHEN FURNISHED IN CONNECTION WITH COMPLEX REHABILITATIVE MANUAL WHEELCHAIRS.—

42 USC 1395w–3 note.

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, during the period beginning on January 1, 2020, and ending

Time period.

on June 30, 2021, use information on the payment determined under the competitive acquisition programs under section 1847 of the Social Security Act (42 U.S.C. 1395w–3) to adjust the payment amount that would otherwise be recognized under section 1834(a)(1)(B)(ii) of such Act (42 U.S.C. 1395m(a)(1)(B)(ii)) for wheelchair accessories (including seating systems) and seat and back cushions when furnished in connection with complex rehabilitative manual wheelchairs (as determined by the Secretary), and certain manual wheelchairs (identified, as of October 1, 2018, by HCPCS codes E1235, E1236, E1237, E1238, and K0008 or any successor to such codes).

42 USC 1395l
note.

(2) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this subsection by program instruction or otherwise.

SEC. 107. EXTENDING PASS-THROUGH STATUS FOR CERTAIN DRUGS UNDER PART B OF THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1833(t)(6) of the Social Security Act (42 U.S.C. 1395l(t)(6)) is amended—

(1) in subparagraph (E)(i), by striking “2018” and inserting “2018 or 2020”; and

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

“(J) ADDITIONAL PASS-THROUGH EXTENSION AND SPECIAL PAYMENT ADJUSTMENT RULE FOR CERTAIN DIAGNOSTIC RADIOPHARMACEUTICALS.—In the case of a drug or biological furnished in the context of a clinical study on diagnostic imaging tests approved under a coverage with evidence development determination whose period of pass-through status under this paragraph concluded on December 31, 2018, and for which payment under this subsection was packaged into a payment for a covered OPD service (or group of services) furnished beginning January 1, 2019, the Secretary shall—

Time period.

“(i) extend such pass-through status for such drug or biological for the 9-month period beginning on January 1, 2020;

“(ii) remove, during such period, the packaged costs of such drug or biological (as determined by the Secretary) from the payment amount under this subsection for the covered OPD service (or group of services) with which it is packaged; and

“(iii) not make any adjustments to payment amounts under this subsection for a covered OPD service (or group of services) for which no costs were removed under clause (ii).”.

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Service may implement the amendments made by subsection (a) by program instruction or otherwise.

SEC. 108. HEMATOPOIETIC STEM CELL ACQUISITION PAYMENTS.

Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

Effective date.

(1) in subsection (a)(4), in the second sentence, by inserting “for cost reporting periods beginning on or after October 1, 2020, costs related to hematopoietic stem cell acquisition for

the purpose of an allogeneic hematopoietic stem cell transplant (as described in subsection (d)(5)(M)),” after “October 1, 1987,”;

(2) in subsection (d)—

(A) in paragraph (4)(C)(iii)—

(i) by inserting “or payments under paragraph (5)(M) (beginning with fiscal year 2021)” after “fiscal year 1991”; and

(ii) by inserting “or payments under paragraph (5)(M)” before the period at the end; and

(B) in paragraph (5), by adding at the end the following new subparagraph:

“(M)(i) For cost reporting periods beginning on or after October 1, 2020, in the case of a subsection (d) hospital that furnishes an allogeneic hematopoietic stem cell transplant to an individual during such a period, payment to such hospital for hematopoietic stem cell acquisition shall be made on a reasonable cost basis. The items included in such hematopoietic stem cell acquisition shall be specified by the Secretary through rulemaking.

Effective date.

“(ii) For purposes of this subparagraph, the term ‘allogeneic hematopoietic stem cell transplant’ means, with respect to an individual, the intravenous infusion of hematopoietic cells derived from bone marrow, peripheral blood stem cells, or cord blood, but not including embryonic stem cells, of a donor to an individual that are or may be used to restore hematopoietic function in such individual having an inherited or acquired deficiency or defect.”.

Definition.

Subtitle B—Medicaid Provisions

SEC. 201. EXTENSION OF COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.

Section 223(d)(3) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note) is amended by striking “December 20, 2019” and inserting “May 22, 2020”.

SEC. 202. MEDICAID FUNDING FOR THE TERRITORIES.

(a) TREATMENT OF CAP.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “subject to and section 1323(a)(2) of the Patient Protection and Affordable Care Act paragraphs (3) and (5)” and inserting “subject to section 1323(a)(2) of the Patient Protection and Affordable Care Act and paragraphs (3) and (5)”;

(B) in subparagraph (A)—

(i) by striking “Puerto Rico shall not exceed the sum of” and inserting “Puerto Rico shall not exceed—

“(i) except as provided in clause (ii), the sum of”;

(ii) by striking “\$100,000,” and inserting “\$100,000; and”;

(iii) by adding at the end the following new clause:

“(ii) for each of fiscal years 2020 through 2021, the amount specified in paragraph (6) for each such fiscal year;”;

(C) in subparagraph (B)—

(i) by striking “the Virgin Islands shall not exceed the sum of” and inserting “the Virgin Islands shall not exceed—

“(i) except as provided in clause (ii), the sum of”;

(ii) by striking “\$10,000;” and inserting “\$10,000; and”; and

(iii) by adding at the end the following new clause:

“(ii) for each of fiscal years 2020 through 2021, \$126,000,000;”;

(D) in subparagraph (C)—

(i) by striking “Guam shall not exceed the sum of” and inserting “Guam shall not exceed—

“(i) except as provided in clause (ii), the sum of”;

(ii) by striking “\$10,000;” and inserting “\$10,000; and”; and

(iii) by adding at the end the following new clause:

“(ii) for each of fiscal years 2020 through 2021, \$127,000,000;”;

(E) in subparagraph (D)—

(i) by striking “the Northern Mariana Islands shall not exceed the sum of” and inserting “the Northern Mariana Islands shall not exceed—

“(i) except as provided in clause (ii), the sum of”;

and

(ii) by adding at the end the following new clause:

“(ii) for each of fiscal years 2020 through 2021, \$60,000,000; and”;

(F) in subparagraph (E)—

(i) by striking “American Samoa shall not exceed the sum of” and inserting “American Samoa shall not exceed—

“(i) except as provided in clause (ii), the sum of”;

(ii) by striking “\$10,000.” and inserting “\$10,000; and”; and

(iii) by adding at the end the following new clause:

“(ii) for each of fiscal years 2020 through 2021, \$84,000,000.”; and

(G) by adding at the end the following flush sentence:

“For each fiscal year after fiscal year 2021, the total amount certified for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsection (f) and this subsection for the fiscal year shall be determined as if the preceding subparagraphs were applied to each of fiscal years 2020 through 2021 without regard to clause (ii) of each such subparagraph.”; and

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

“(6) APPLICATION TO PUERTO RICO FOR FISCAL YEARS 2020 THROUGH 2021.—

“(A) IN GENERAL.—Subject to subparagraph (B), the amount specified in this paragraph is—

“(i) for fiscal year 2020, \$2,623,188,000; and

“(ii) for fiscal year 2021, \$2,719,072,000.

“(B) ADDITIONAL INCREASE FOR PUERTO RICO.—

“(i) IN GENERAL.—For each of fiscal years 2020 through 2021, the amount specified in this paragraph for the fiscal year shall be equal to the amount specified for such fiscal year under subparagraph (A) increased

Determination.
Applicability.

Reimbursements.
Certification.

by \$200,000,000 if the Secretary certifies that, with respect to such fiscal year, Puerto Rico’s State plan under title XIX (or a waiver of such plan) establishes a reimbursement floor, implemented through a directed payment arrangement plan, for physician services that are covered under the Medicare part B fee schedule in the Puerto Rico locality established under section 1848(b) that is not less than 70 percent of the payment that would apply to such services if they were furnished under part B of title XVIII during such fiscal year.

“(ii) APPLICATION TO MANAGED CARE.—In certifying whether Puerto Rico has established a reimbursement floor under a directed payment arrangement plan that satisfies the requirements of clause (i)—

“(I) for fiscal year 2020, the Secretary shall apply such requirements to payments for physician services under a managed care contract entered into or renewed after the date of enactment of this paragraph and disregard payments for physician services under any managed care contract that was entered into prior to such date; and

“(II) for each of fiscal years 2020 through 2021—

“(aa) the Secretary shall disregard payments made under sub-capitated arrangements for services such as primary care case management; and

“(bb) if the reimbursement floor for physician services applicable under a managed care contract satisfies the requirements of clause (i) for the fiscal year in which the contract is entered into or renewed, such reimbursement floor shall be deemed to satisfy such requirements for the subsequent fiscal year.

“(7) PUERTO RICO PROGRAM INTEGRITY REQUIREMENTS.—

“(A) IN GENERAL.—

“(i) PROGRAM INTEGRITY LEAD.—Not later than 6 months after the date of enactment of this paragraph, the agency responsible for the administration of Puerto Rico’s Medicaid program under title XIX shall designate an officer (other than the director of such agency) to serve as the Program Integrity Lead for such program.

“(ii) PERM REQUIREMENT.—Not later than 18 months after the date of enactment of this paragraph, Puerto Rico shall publish a plan, developed by Puerto Rico in coordination with the Administrator of the Centers for Medicare & Medicaid Services and approved by the Administrator, for how Puerto Rico will develop measures to satisfy the payment error rate measurement (PERM) requirements under subpart Q of part 431 of title 42, Code of Federal Regulations (or any successor regulation).

“(iii) CONTRACTING REFORM.—Not later than 12 months after the date of enactment of this paragraph, Puerto Rico shall publish a contracting reform plan to combat fraudulent, wasteful, or abusive contracts

Applicability.
Contracts.

Deadlines.
Publications.
Plans.
Coordination.
Designation.

under Puerto Rico’s Medicaid program under title XIX that includes—

“(I) metrics for evaluating the success of the plan; and

“(II) a schedule for publicly releasing status reports on the plan.

“(iv) MEQC.—Not later than 18 months after the date of enactment of this paragraph, Puerto Rico shall publish a plan, developed by Puerto Rico in coordination with the Administrator of the Centers for Medicare & Medicaid Services and approved by the Administrator, for how Puerto Rico will comply with the Medicaid eligibility quality control (MEQC) requirements of subpart P of part 431 of title 42, Code of Federal Regulations (or any successor regulation).

“(B) FMAP REDUCTION FOR FAILURE TO MEET ADDITIONAL REQUIREMENTS.—

Time period.

“(i) IN GENERAL.—For each fiscal quarter during the period beginning on January 1, 2020, and ending on September 30, 2021:

“(I) For every clause under subparagraph (A) with respect to which Puerto Rico does not fully satisfy the requirements described in the clause (including requirements imposed under the terms of a plan described in the clause) in the fiscal quarter, the Federal medical assistance percentage applicable to Puerto Rico under section 1905(ff) shall be reduced by the number of percentage points determined for the clause and fiscal quarter under subclause (II).

“(II) The number of percentage points determined under this subclause with respect to a clause under subparagraph (A) and a fiscal quarter shall be the number of percentage points (not to exceed 2.5 percentage points) equal to—

“(aa) 0.25 percentage points; multiplied by

“(bb) the total number of consecutive fiscal quarters for which Puerto Rico has not fully satisfied the requirements described in such clause.

“(ii) EXCEPTION FOR EXTENUATING CIRCUMSTANCES OR REASONABLE PROGRESS.—For purposes of clause (i), Puerto Rico shall be deemed to have fully satisfied the requirements of a clause under subparagraph (A) (including requirements imposed under the terms of a plan described in the clause) for a fiscal quarter if—

“(I) the Secretary approves an application from Puerto Rico describing extenuating circumstances that prevented Puerto Rico from fully satisfying the requirements of the clause; or

“(II) in the case of a requirement imposed under the terms of a plan described in a clause under subparagraph (A), Puerto Rico has made objectively reasonable progress towards satisfying such terms and has submitted a timely request

for an exception to the imposition of a penalty to the Secretary.

“(8) PROGRAM INTEGRITY LEAD REQUIREMENT FOR THE VIRGIN ISLANDS, GUAM, THE NORTHERN MARIANA ISLANDS, AND AMERICAN SAMOA.—

“(A) PROGRAM INTEGRITY LEAD REQUIREMENT.—Not later than October 1, 2020, the agency responsible for the administration of the Medicaid program under title XIX of each territory specified in subparagraph (C) shall designate an officer (other than the director of such agency) to serve as the Program Integrity Lead for such program.

Deadline.
Designation.

“(B) FMAP REDUCTION.—For each fiscal quarter during fiscal year 2021, if the territory fails to satisfy the requirement of subparagraph (A) for the fiscal quarter, the Federal medical assistance percentage applicable to the territory under section 1905(ff) for such fiscal quarter shall be reduced by the number of percentage points (not to exceed 5 percentage points) equal to—

“(i) 0.25 percentage points; multiplied by

“(ii) the total number of fiscal quarters during the fiscal year in which the territory failed to satisfy such requirement.

“(C) SCOPE.—This paragraph shall apply to the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.”.

Applicability.

(b) TREATMENT OF FUNDING UNDER ENHANCED ALLOTMENT PROGRAM.—Section 1935(e) of the Social Security Act (42 U.S.C. 1396u–5(e)) is amended—

(1) in paragraph (1)(B), by striking “if the State” and inserting “subject to paragraph (4), if the State”;

(2) by redesignating paragraph (4) as paragraph (5); and

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

“(4) TREATMENT OF FUNDING FOR CERTAIN FISCAL YEARS.—Notwithstanding paragraph (1)(B), in the case that Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa establishes and submits to the Secretary a plan described in paragraph (2) with respect to any of fiscal years 2020 through 2021, the amount specified for such a year in paragraph (3) for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa, as the case may be, shall be taken into account in applying, as applicable, subparagraph (A)(ii), (B)(ii), (C)(ii), (D)(ii), or (E)(ii) of section 1108(g)(2) for such year.”.

Applicability.

(c) INCREASED FMAP.—Subsection (ff) of section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended to read as follows:

“(ff) TEMPORARY INCREASE IN FMAP FOR TERRITORIES FOR CERTAIN FISCAL YEARS.—Notwithstanding subsection (b) or (z)(2)—

Time periods.

“(1) for the period beginning October 1, 2019, and ending December 20, 2019, the Federal medical assistance percentage for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa shall be equal to 100 percent;

“(2) subject to section 1108(g)(7)(C), for the period beginning December 21, 2019, and ending September 30, 2021, the Federal medical assistance percentage for Puerto Rico shall be equal to 76 percent; and

“(3) subject to section 1108(g)(8)(B), for the period beginning December 21, 2019, and ending September 30, 2021, the Federal medical assistance percentage for the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa shall be equal to 83 percent.”.

(d) ANNUAL REPORT.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)), as amended by subsection (a), is further amended by adding at the end the following new paragraph:

“(9) ANNUAL REPORT.—

“(A) IN GENERAL.—Not later than the date that is 30 days after the end of each fiscal year (beginning with fiscal year 2020 and ending with fiscal year 2021), in the case that a specified territory receives a Medicaid cap increase, or an increase in the Federal medical assistance percentage for such territory under section 1905(ff), for such fiscal year, such territory shall submit to the Chair and Ranking Member of the Committee on Energy and Commerce of the House of Representatives and the Chair and Ranking Member of the Committee on Finance of the Senate a report, employing the most up-to-date information available, that describes how such territory has used such Medicaid cap increase, or such increase in the Federal medical assistance percentage, as applicable, to increase access to health care under the State Medicaid plan of such territory under title XIX (or a waiver of such plan). Such report may include—

“(i) the extent to which such territory has, with respect to such plan (or waiver)—

“(I) increased payments to health care providers;

“(II) increased covered benefits;

“(III) expanded health care provider networks;

or

“(IV) improved in any other manner the carrying out of such plan (or waiver); and

“(ii) any other information as determined necessary by such territory.

“(B) DEFINITIONS.—In this paragraph:

“(i) MEDICAID CAP INCREASE.—The term ‘Medicaid cap increase’ means, with respect to a specified territory and fiscal year, any increase in the amounts otherwise determined under this subsection for such territory for such fiscal year by reason of the amendments made by section 202 of division N of the Further Consolidated Appropriations Act, 2020.

“(ii) SPECIFIED TERRITORY.—The term ‘specified territory’ means Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.”.

(e) APPLICATION OF CERTAIN DATA REPORTING AND PROGRAM INTEGRITY REQUIREMENTS TO NORTHERN MARIANA ISLANDS, AMERICAN SAMOA, AND GUAM.—

(1) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

“(qq) APPLICATION OF CERTAIN DATA REPORTING AND PROGRAM INTEGRITY REQUIREMENTS TO NORTHERN MARIANA ISLANDS, AMERICAN SAMOA, AND GUAM.—

“(1) IN GENERAL.—Not later than October 1, 2021, the Northern Mariana Islands, American Samoa, and Guam shall— Deadline.

“(A) demonstrate progress in implementing methods, satisfactory to the Secretary, for the collection and reporting of reliable data to the Transformed Medicaid Statistical Information System (T-MSIS) (or a successor system); and

“(B) demonstrate progress in establishing a State medicaid fraud control unit described in section 1903(q).

“(2) DETERMINATION OF PROGRESS.—For purposes of paragraph (1), the Secretary shall deem that a territory described in such paragraph has demonstrated satisfactory progress in implementing methods for the collection and reporting of reliable data or establishing a State medicaid fraud control unit if the territory has made a good faith effort to implement such methods or establish such a unit, given the circumstances of the territory.”.

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

(A) by striking “or the requirement” and inserting “, the requirement”; and

(B) by inserting before the period at the end the following: “, or the requirement under subsection (qq)(1) (relating to data reporting)”.

(3) REEVALUATION OF WAIVERS OF MEDICAID FRAUD CONTROL UNIT REQUIREMENT.—

42 USC 1396a
note.

(A) IN GENERAL.—Not later than the date that is 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall reevaluate any waiver approved (and in effect as of the date of enactment of this Act) for Guam, the Northern Mariana Islands, or American Samoa under subsection (a)(61) or subsection (j) of section 1902 of the Social Security Act (42 U.S.C. 1396a) with respect to the requirement to establish a State medicaid fraud control unit (as described in section 1903(q) of such Act (42 U.S.C. 1396b(q))).

Deadline.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as requiring the Secretary of Health and Human Services to terminate or refuse to extend a waiver described in subparagraph (A).

(f) ADDITIONAL PROGRAM INTEGRITY REQUIREMENTS.—

(1) DEFINITIONS.—In this subsection:

(A) INSPECTOR GENERAL.—The term “Inspector General” means the Inspector General of the Department of Health and Human Services.

(B) PUERTO RICO’S MEDICAID PROGRAM.—The term “Puerto Rico’s Medicaid program” means, collectively, Puerto Rico’s State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and any waiver of such plan.

(2) REPORT ON CONTRACTING OVERSIGHT AND APPROVAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall issue, and submit to the Chair and Ranking Member of the Committee on Energy and Commerce of the House of Representatives and the Chair and Ranking Member of the Committee on Finance of the Senate, a report on contracting oversight and

	approval with respect to Puerto Rico’s State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (or a waiver of such plan). Such report shall—
Examinations.	<p>(A) examine—</p> <ul style="list-style-type: none"> (i) the process used by Puerto Rico to evaluate bids and award contracts under such plan (or waiver); (ii) which contracts are not subject to competitive bidding or requests for proposals under such plan (or waiver); and (iii) oversight by the Centers for Medicare & Medicaid Services of contracts awarded under such plan (or waiver); and <p>(B) include any recommendations for Congress, the Secretary of Health and Human Services, or Puerto Rico relating to changes that the Comptroller General determines necessary to improve the program integrity of such plan (or waiver).</p>
Recommendations.	
Deadline.	<p>(3) AUDITS OF MANAGED CARE PAYMENTS.—Not later than the date that is 1 year after the date of enactment of this Act, the Inspector General shall develop and submit to Congress—</p>
Reports.	<p>(A) a report identifying payments made under Puerto Rico’s Medicaid program to managed care organizations that the Inspector General determines to be at high risk for waste, fraud, or abuse; and</p>
Plan.	<p>(B) a plan for auditing and investigating such payments.</p>
	<p>(4) SYSTEM FOR TRACKING FEDERAL FUNDING PROVIDED TO PUERTO RICO; MEDICAID AND CHIP SCORECARD REPORTING.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by subsection (e), is further amended by adding at the end the following new subsection:</p> <p>“(rr) PROGRAM INTEGRITY REQUIREMENTS FOR PUERTO RICO.—</p> <p>“(1) SYSTEM FOR TRACKING FEDERAL MEDICAID FUNDING PROVIDED TO PUERTO RICO.—</p> <p>“(A) IN GENERAL.—Puerto Rico shall establish and maintain a system, which may include the use of a quarterly Form CMS–64, for tracking any amounts paid by the Federal Government to Puerto Rico with respect to the State plan of Puerto Rico (or a waiver of such plan). Under such system, Puerto Rico shall ensure that information is available, with respect to each quarter in a fiscal year (beginning with the first quarter beginning on or after the date that is 1 year after the date of the enactment of this subsection), on the following:</p> <p>“(i) In the case of a quarter other than the first quarter of such fiscal year—</p> <ul style="list-style-type: none"> “(I) the total amount expended by Puerto Rico during any previous quarter of such fiscal year under the State plan of Puerto Rico (or a waiver of such plan); and “(II) a description of how such amount was so expended. <p>“(ii) The total amount that Puerto Rico expects to expend during the quarter under the State plan of Puerto Rico (or a waiver of such plan), and a description of how Puerto Rico expects to expend such amount.</p>
Effective date.	

“(B) REPORT TO CMS.—For each quarter with respect to which Puerto Rico is required under subparagraph (A) to ensure that information described in such subparagraph is available, Puerto Rico shall submit to the Administrator of the Centers for Medicare & Medicaid Services a report on such information for such quarter, which may include the submission of a quarterly Form CMS–37.

“(2) SUBMISSION OF DOCUMENTATION ON CONTRACTS UPON REQUEST.—Puerto Rico shall, upon request, submit to the Administrator of the Centers for Medicare & Medicaid Services all documentation requested with respect to contracts awarded under the State plan of Puerto Rico (or a waiver of such plan).

“(3) REPORTING ON MEDICAID AND CHIP SCORECARD MEASURES.—Beginning 12 months after the date of enactment of this subsection, Puerto Rico shall begin to report to the Administrator of the Centers for Medicare & Medicaid Services on selected measures included in the Medicaid and CHIP Scorecard developed by the Centers for Medicare & Medicaid Services.”

Effective date.

“(5) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary of Health and Human Services \$5,000,000 for each of fiscal years 2020 through 2021 to carry out this subsection.

SEC. 203. DELAY OF DSH REDUCTIONS.

Section 1923(f)(7)(A) of the Social Security Act (42 U.S.C. 1396r–4(f)(7)(A)) is amended by striking “December 21, 2019” each place it appears and inserting “May 23, 2020”.

SEC. 204. EXTENSION OF SPOUSAL IMPOVERISHMENT PROTECTIONS.

(a) IN GENERAL.—Section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) is amended by striking “December 31, 2019” and inserting “May 22, 2020”.

(b) RULE OF CONSTRUCTION.—Nothing in section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) or section 1902(a)(17) or 1924 of the Social Security Act (42 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as prohibiting a State from—

42 USC 1396a note.

(1) applying an income or resource disregard under a methodology authorized under section 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

(A) to the income or resources of an individual described in section 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(VI)) (including a disregard of the income or resources of such individual’s spouse); or

(B) on the basis of an individual’s need for home and community-based services authorized under subsection (c), (d), (i), or (k) of section 1915 of such Act (42 U.S.C. 1396n) or under section 1115 of such Act (42 U.S.C. 1315); or

(2) disregarding an individual’s spousal income and assets under a plan amendment to provide medical assistance for home and community-based services for individuals by reason of being determined eligible under section 1902(a)(10)(C) of such Act (42 U.S.C. 1396a(a)(10)(C)) or by reason of section 1902(f) of such Act (42 U.S.C. 1396a(f)) or otherwise on the basis of a reduction of income based on costs incurred for medical or other remedial care under which the State disregarded the income and assets of the individual’s spouse in

determining the initial and ongoing financial eligibility of an individual for such services in place of the spousal impoverishment provisions applied under section 1924 of such Act (42 U.S.C. 1396r–5).

SEC. 205. EXTENSION OF THE MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION PROGRAM.

Section 6071(h) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (1)—

(A) in subparagraph (E), by striking “and” after the semicolon;

(B) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(G) subject to paragraph (3), \$176,000,000 for the period beginning on January 1, 2020, and ending on May 22, 2020.”; and

(2) in paragraph (3)—

(A) in the paragraph header, by striking “FOR FY 2019”; and

(B) by striking “paragraph (1)(F)” and inserting “subparagraphs (F) and (G) of paragraph (1)”.

Subtitle C—Human Services and Other Health Programs

SEC. 301. EXTENSION OF DEMONSTRATION PROJECTS TO ADDRESS HEALTH PROFESSIONS WORKFORCE NEEDS.

Activities authorized by section 2008 of the Social Security Act shall continue through May 22, 2020, in the manner authorized for fiscal year 2019, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the date so specified at the pro rata portion of the total amount authorized for such activities in fiscal year 2019.

SEC. 302. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM AND RELATED PROGRAMS.

Activities authorized by part A of title IV and section 1108(b) of the Social Security Act shall continue through May 22, 2020, in the manner authorized for fiscal year 2019, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

SEC. 303. EXTENSION OF SEXUAL RISK AVOIDANCE EDUCATION PROGRAM.

Section 510 of the Social Security Act (42 U.S.C. 710) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “December 20, 2019” and inserting “May 22, 2020”;

(B) in paragraph (2)(A), by striking “December 20, 2019” and inserting “May 22, 2020”; and
 (2) in subsection (f)(1), by striking “\$16,643,836 for the period beginning October 1, 2019, and ending December 20, 2019” and inserting “\$48,287,671 for the period beginning October 1, 2019, and ending May 22, 2020”.

SEC. 304. EXTENSION OF PERSONAL RESPONSIBILITY EDUCATION PROGRAM.

Section 513 of the Social Security Act (42 U.S.C. 713) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), in the matter preceding clause (i), by striking “December 20, 2019” and inserting “May 22, 2020”;

(B) in subparagraph (B)(i), by striking by striking “December 20, 2019” and inserting “May 22, 2020”; and

(2) in subsection (f), by striking “\$16,643,836 for the period beginning October 1, 2019, and ending December 20, 2019” and inserting “\$48,287,671 for the period beginning October 1, 2019, and ending May 22, 2020”.

Subtitle D—Public Health Provisions

SEC. 401. EXTENSION FOR COMMUNITY HEALTH CENTERS, THE NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTERS THAT OPERATE GME PROGRAMS.

(a) **COMMUNITY HEALTH CENTERS.**—Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by—

(1) striking “\$887,671,223” and inserting “\$2,575,342,466”;

and

(2) striking “December 20, 2019” and inserting “May 22, 2020”.

(b) **NATIONAL HEALTH SERVICE CORPS.**—Section 10503(b)(2)(G) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(2)(G)) is amended—

(1) by striking “\$68,794,521” and inserting “\$199,589,041”;

and

(2) by striking “December 20, 2019” and inserting “May 22, 2020”.

(c) **TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.**—Section 340H(g)(1) of the Public Health Service Act (42 U.S.C. 256h(g)(1)) is amended—

(1) by striking “\$28,072,603” and inserting “\$81,445,205”;

and

(2) by striking “December 20, 2019” and inserting “May 22, 2020”.

(d) **APPLICATION OF PROVISIONS.**—Amounts appropriated pursuant to the amendments made by this section for the period beginning on October 1, 2019, and ending on May 22, 2020, shall be subject to the requirements contained in Public Law 115–245 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254 through 256).

Time period.

(e) **CONFORMING AMENDMENT.**—Paragraph (4) of section 3014(h) of title 18, United States Code, as amended by section 1101(e)

of division B of Public Law 116–69, is amended by striking “section 1101(d) of division B of the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019, and section 1101(d) of the Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019” and inserting “, and section 401(d) of division N of the Further Consolidated Appropriations Act, 2020”.

SEC. 402. DIABETES PROGRAMS.

(a) TYPE I.—Section 330B(b)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is amended—

(1) by striking “\$33,287,671” and inserting “\$96,575,342”; and

(2) by striking “December 20, 2019” and inserting “May 22, 2020”.

(b) INDIANS.—Section 330C(c)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is amended—

(1) by striking “\$33,287,671” and inserting “\$96,575,342”; and

(2) by striking “December 20, 2019” and inserting “May 22, 2020”.

SEC. 403. POISON CENTER NETWORK ENHANCEMENT.

(a) NATIONAL TOLL-FREE NUMBER.—Section 1271 of the Public Health Service Act (42 U.S.C. 300d–71) is amended—

(1) in the section heading, by inserting before the period the following: “**AND OTHER COMMUNICATION CAPABILITIES**”; and

(2) by striking subsection (a) and inserting the following:

Coordination.

“(a) IN GENERAL.—The Secretary—

“(1) shall provide coordination and assistance to poison control centers for the establishment and maintenance of a nationwide toll-free phone number, to be used to access such centers; and

Consultation.

“(2) may provide coordination and assistance to poison control centers and consult with professional organizations for the establishment, implementation, and maintenance of other communication technologies to be used to access such centers.”;

(3) by redesignating subsection (b) as subsection (c);

(4) by inserting after subsection (a) the following:

Deadline.

Coordination.

“(b) ROUTING CONTACTS WITH POISON CONTROL CENTERS.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall coordinate with the Chairman of the Federal Communications Commission, to the extent technically and economically feasible, to ensure that communications with the national toll-free number are routed to the appropriate poison control center based on the physical location of the contact rather than the area code of the contact device.”; and

(5) in subsection (c), as so redesignated—

(A) by striking “2015 through 2019” and inserting “2020 through 2024”; and

(B) by striking “maintenance of the nationwide toll free phone number under subsection (a)” and inserting “establishment, implementation, and maintenance activities carried out under subsections (a) and (b)”.

(b) NATIONWIDE MEDIA CAMPAIGN.—Section 1272 of the Public Health Service Act (42 U.S.C. 300d–72) is amended—

(1) in the section heading, by striking “**NATIONWIDE MEDIA CAMPAIGN TO PROMOTE**” and inserting “**PROMOTING**”;

(2) in subsection (a)—

(A) by inserting “and support outreach to” after “educate”;

(B) by striking “poison prevention” and inserting “poisoning and toxic exposure prevention”; and

(C) by striking “established under” and inserting “and other available communication technologies established, implemented, or maintained under”;

(3) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “nationwide poison prevention” and inserting “nationwide poisoning and toxic exposure prevention”; and

(B) in paragraph (1), by striking “poison prevention and poison control center” and inserting “poisoning and toxic exposure prevention awareness materials, applicable public health emergency preparedness and response information, and poison control center” after “distribution of”; and

(4) by striking subsection (c);

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

(6) in subsection (c) (as so redesignated), by striking “2015 through 2019” and inserting “2020 through 2024”.

(c) MAINTENANCE OF PROGRAM.—Section 1273 of the Public Health Service Act (42 U.S.C. 300d–73) is amended—

(1) in subsection (a), by inserting “and toxic exposures” after “poisonings”; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “for poison” and inserting “for poisoning and toxic exposure”; and

(ii) by striking “and preparedness” and inserting “preparedness and response”;

(B) in paragraph (3)—

(i) by striking “United States and” and inserting “United States,”; and

(ii) by inserting before the semicolon the following: “, and other government agencies as determined to be appropriate and nonduplicative by the Secretary”; and

(C) in paragraph (8), by striking “calls” and inserting “contacts”;

(3) in subsection (d), by striking paragraph (3) and inserting the following:

“(3) LIMITATION.—

“(A) IN GENERAL.—The sum of the number of years for a waiver under paragraph (1) and a renewal under paragraph (2) may not exceed 5 years.

Time period.

“(B) PUBLIC HEALTH EMERGENCY.—Notwithstanding any previous waivers, in the case of a poison control center whose accreditation is affected by a public health emergency declared pursuant to section 319, the Secretary may, as the circumstances of the emergency reasonably require, provide a waiver under paragraph (1) or a renewal under paragraph (2), not to exceed 2 years. The Secretary may require quarterly reports and other information related to such a waiver or renewal under this paragraph.”;

Waiver authority.
Time period.

(4) by striking subsection (f) and inserting the following:

Reports.

“(f) MAINTENANCE OF EFFORT.—With respect to activities for which a grant is awarded under this section, the Secretary may require that poison control centers agree to maintain the expenditures of the center for such activities at a level that is not less than the level of expenditures maintained by the center for the fiscal year preceding the fiscal year for which the grant is received.”;

(5) In subsection (g), by striking “2015 through 2019” and inserting “2020 through 2024”; and

(6) by adding at the end the following:

“(h) BIENNIAL REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this subsection, and every 2 years thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and Committee on Energy and Commerce of the House of Representatives a report concerning the operations of, and trends identified by, the Poison Control Network. Such report shall include—

“(1) descriptions of the activities carried out pursuant to sections 1271, 1272, and 1273, and the alignment of such activities with the purposes provided under subsection (a);

“(2) a description of trends in volume of contacts to poison control centers;

“(3) a description of trends in poisonings and toxic exposures reported to poison control centers, as applicable and appropriate;

Assessment.

“(4) an assessment of the impact of the public awareness campaign, including any geographic variations;

“(5) a description of barriers, if any, preventing poison control centers from achieving the purposes and programs under this section and sections 1271 and 1272;

“(6) a description of the standards for accreditation described in subsection (c), including any variations in those standards, and any efforts to create and maintain consistent standards across organizations that accredit poison control centers; and

“(7) the number of and reason for any waivers provided under subsection (d).”.

Kay Hagan Tick Act.
42 USC 201 note.

SEC. 404. KAY HAGAN TICK ACT.

(a) SHORT TITLE.—This section may be cited as the “Kay Hagan Tick Act”.

(b) COMBATING VECTOR-BORNE DISEASES.—Title III of the Public Health Service Act is amended by inserting after section 317T (42 U.S.C. 247b–22) the following:

42 USC 247b–23.

“SEC. 317U. NATIONAL STRATEGY AND REGIONAL CENTERS OF EXCELLENCE IN VECTOR-BORNE DISEASES.

“(a) IN GENERAL.—The Secretary shall—

“(1)(A) ensure the development and implementation of a national strategy to address vector-borne diseases, including tick-borne diseases, that—

“(i) identifies and assesses gaps and any unnecessary duplication in federally-funded programs; and

“(ii) identifies strategic goals to address such diseases and appropriate benchmarks to measure progress toward achieving such goals; and

Updates.
Coordination.

“(B) update such strategy, as appropriate; and

“(2) coordinate programs and activities, including related to data collection, research, and the development of diagnostics,

treatments, vaccines, and other related activities, to address vector-borne diseases, including tick-borne diseases, across the Department of Health and Human Services and with other Federal agencies or departments, as appropriate.

“(b) CONSULTATION.—In carrying out subsection (a)(1), the Secretary shall consult with the Tick-Borne Disease Working Group established under section 2062 of the 21st Century Cures Act (42 U.S.C. 284s) and other individuals, as appropriate, such as—

“(1) epidemiologists with experience in vector-borne diseases;

“(2) representatives of patient advocacy and research organizations that focus on vector-borne diseases, including such organizations that have demonstrated experience in related research, public health, data collection, or patient access to care;

“(3) health information technology experts or other information management specialists;

“(4) clinicians, entomologists, vector management professionals, public health professionals, and others with expertise in vector-borne diseases; and

“(5) researchers, including researchers with experience conducting translational research.

“(c) CENTERS OF EXCELLENCE.—The Secretary, in coordination with the Director of the Centers for Disease Control and Prevention, shall award grants, contracts, or cooperative agreements to institutions of higher education for the establishment or continued support of regional centers of excellence in vector-borne diseases to address vector-borne diseases, including tick-borne diseases, by—

Coordination.
Grants.
Contracts.

“(1) facilitating collaboration between academia and public health organizations for public health surveillance, prevention, and response activities related to vector-borne diseases, including tick-borne diseases;

“(2) providing training for public health entomologists and other health care professionals, as appropriate, to address vector-borne diseases, including tick-borne diseases;

“(3) conducting research to develop and validate prevention and control tools and methods, including evidence-based and innovative, evidence-informed tools and methods to anticipate and respond to disease outbreaks; or

“(4) preparing for and responding to outbreaks of vector-borne diseases, including tick-borne diseases.

“(d) ELIGIBILITY.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (c), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of how the entity will conduct the activities described in such subsection.

“(e) REPORTS.—

“(1) PROGRAM SUMMARY.—An entity receiving an award under subsection (c) shall, not later than one year after receiving such award, and annually thereafter, submit to the Secretary a summary of programs and activities funded under the award.

“(2) PROGRESS REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce

of the House of Representatives, a report on the progress made in addressing vector-borne diseases, including tick-borne diseases, through activities carried out under this section.

“(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$10,000,000 for each of fiscal years 2021 through 2025.”.

(c) ENHANCING CAPACITY TO ADDRESS VECTOR-BORNE DISEASES.—Subtitle C of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh-31 et seq.) is amended by adding at the end the following:

Contracts.
2 USC 300hh-32.

“SEC. 2822. ENHANCED SUPPORT TO ASSIST HEALTH DEPARTMENTS IN ADDRESSING VECTOR-BORNE DISEASES.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may enter into cooperative agreements with health departments of States, political subdivisions of States, and Indian Tribes and Tribal organizations in areas at high risk of vector-borne diseases in order to increase capacity to identify, report, prevent, and respond to such diseases and related outbreaks.

“(b) ELIGIBILITY.—To be eligible to enter into a cooperative agreement under this section, an entity described in subsection (a) shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan that describes—

“(1) how the applicant proposes to develop or expand programs to address vector-borne disease risks, including through—

“(A) related training and workforce development;

“(B) programmatic efforts to improve capacity to identify, report, prevent, and respond to such disease and related outbreaks; and

“(C) other relevant activities identified by the Director of the Centers for Disease Control and Prevention, as appropriate;

“(2) the manner in which the applicant will coordinate with other Federal, Tribal, and State agencies and programs, as applicable, related to vector-borne diseases, as well as other relevant public and private organizations or agencies; and

“(3) the manner in which the applicant will evaluate the effectiveness of any program carried out under the cooperative agreement.

“(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there are authorized to be appropriated \$20,000,000 for each of fiscal years 2021 through 2025.”.

Subtitle E—Revenue Provisions

SEC. 501. REPEAL OF MEDICAL DEVICE EXCISE TAX.

(a) IN GENERAL.—Chapter 32 of the Internal Revenue Code of 1986 is amended by striking subchapter E.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 4221 of the Internal Revenue Code of 1986 is amended by striking the last sentence.

(2) Paragraph (2) of section 6416(b) of such Code is amended by striking the last sentence.

26 USC
prec. 4191, 4191.

26 USC 4221.

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 32 of the Internal Revenue Code of 1986 is amended by striking the item relating to subchapter E.

26 USC
prec. 4061.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after December 31, 2019.

26 USC 4221
note.

SEC. 502. REPEAL OF ANNUAL FEE ON HEALTH INSURANCE PROVIDERS.

(a) IN GENERAL.—Subtitle A of title IX of the Patient Protection and Affordable Care Act is amended by striking section 9010.

26 USC note
prec. 4001.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years beginning after December 31, 2020.

26 USC note
prec. 4001.

SEC. 503. REPEAL OF EXCISE TAX ON HIGH COST EMPLOYER-SPONSORED HEALTH COVERAGE.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 is amended by striking section 4980I.

(b) CONFORMING AMENDMENTS.—

(1) Section 6051 of such Code is amended—

(A) by striking “section 4980I(d)(1)” in subsection (a)(14) and inserting “subsection (g)”, and

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

“(g) APPLICABLE EMPLOYER-SPONSORED COVERAGE.—For purposes of subsection (a)(14)—

Definitions.

“(1) IN GENERAL.—The term ‘applicable employer-sponsored coverage’ means, with respect to any employee, coverage under any group health plan made available to the employee by an employer which is excludable from the employee’s gross income under section 106, or would be so excludable if it were employer-provided coverage (within the meaning of such section 106).

“(2) EXCEPTIONS.—The term ‘applicable employer-sponsored coverage’ shall not include—

“(A) any coverage (whether through insurance or otherwise) described in section 9832(c)(1) (other than subparagraph (G) thereof) or for long-term care,

“(B) any coverage under a separate policy, certificate, or contract of insurance which provides benefits substantially all of which are for treatment of the mouth (including any organ or structure within the mouth) or for treatment of the eye, or

“(C) any coverage described in section 9832(c)(3) the payment for which is not excludable from gross income and for which a deduction under section 162(l) is not allowable.

“(3) COVERAGE INCLUDES EMPLOYEE PAID PORTION.—Coverage shall be treated as applicable employer-sponsored coverage without regard to whether the employer or employee pays for the coverage.

“(4) GOVERNMENTAL PLANS INCLUDED.—Applicable employer-sponsored coverage shall include coverage under any group health plan established and maintained primarily for its civilian employees by the Government of the United States, by the government of any State or political subdivision thereof, or by any agency or instrumentality of any such government.”.

(2) Section 9831(d)(1) of such Code is amended by striking “except as provided in section 4980I(f)(4)”.

26 USC
prec. 4971.
26 USC 6051
note.

(3) The table of sections for chapter 43 of such Code is amended by striking the item relating to section 4980I.
(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019.

Subtitle F—Miscellaneous Provisions

Family First
Transition Act.

SEC. 602. ADDRESSING EXPIRATION OF CHILD WELFARE DEMONSTRATION PROJECTS AND SUPPORTING FAMILY FIRST IMPLEMENTATION.

42 USC 1305
note.

(a) SHORT TITLE.—This section may be cited as the “Family First Transition Act”.

42 USC 674 note.

(b) EVIDENCE STANDARD TRANSITION.—

(1) TEMPORARY SUSPENSION OF REQUIREMENT THAT AT LEAST 50 PERCENT OF A STATE’S REIMBURSEMENT FOR PREVENTION AND FAMILY SERVICES AND PROGRAMS BE FOR PROGRAMS AND SERVICES THAT MEET THE WELL-SUPPORTED PRACTICE REQUIREMENT.—With respect to quarters in fiscal years 2020 and 2021, section 474(a)(6)(A) of the Social Security Act (42 U.S.C. 674(a)(6)(A)) shall be applied without regard to clause (ii) of such section.

(2) SUPPORTED PRACTICES TEMPORARILY TREATED AS WELL-SUPPORTED PRACTICES.—With respect to quarters in fiscal years 2022 and 2023, practices that meet the criteria specified for supported practices in section 471(e)(4)(C) of the Social Security Act (42 U.S.C. 671(e)(4)(C)) shall be considered well-supported practices for purposes of section 474(a)(6)(A)(ii) of such Act (42 U.S.C. 674(a)(6)(A)(ii)).

(c) ENHANCED FUNDING FOR TRANSITION ACTIVITIES.—

(1) TRANSITION FUNDING.—

(A) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services (in this section referred to as the “Secretary”) to carry out this subsection \$500,000,000 for fiscal year 2020, which shall remain available through fiscal year 2021.

(B) DISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—The Secretary shall allot the amount appropriated by subparagraph (A) of this paragraph in accordance with section 423 of the Social Security Act (42 U.S.C. 623), and shall pay each State to which an allotment is so made, the total amount so allotted, subject to clause (ii) of this subparagraph.

(ii) RESERVATION OF FUNDS FOR INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—Before applying clause (i) of this subparagraph, the Secretary shall reserve 3 percent of the amount appropriated by subparagraph (A) of this paragraph for allotment to the Indian tribes and tribal organizations with a plan approved under subpart 1 of part B of title IV of the Social Security Act, based on each tribe or tribal organization’s share of the total tribal child population among all such tribes and tribal organizations.

(2) FUNDING CERTAINTY FOR STATES WITH EXPIRING DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary, for payment to each State that was operating a demonstration project approved under section 1130 of the Social Security Act on September 30, 2019, for each fiscal year specified in subparagraph (B) of this paragraph, an amount equal to the amount (if any) by which—

(i)(I) the applicable percentage for the fiscal year so specified of the maximum capped allocation due to the State or sub-State jurisdiction for fiscal year 2019 for foster care maintenance, administration, or training costs, under the demonstration project, as specified in section 4.3 of the State waiver terms and conditions document capped allocation payment table in effect on August 31, 2019; or

(II) if the terms and conditions do not specify a maximum amount payable for fiscal year 2019 for the State or sub-State jurisdiction (due to the use of a comparison jurisdiction to ensure cost neutrality), the final cost neutrality limit for the State or sub-State jurisdiction for fiscal year 2018, as most recently reported by the State or sub-State jurisdiction as of September 30, 2019, for foster care maintenance, administration, or training costs under the demonstration project that were included in the waiver; exceeds

(ii) the total amount payable to the State or sub-State jurisdiction under part E of title IV of such Act for the fiscal year so specified for foster care expenditures (whether payable under paragraph (1) or (3) of section 474(a) of such Act) that were maintenance, administration, or training costs of the demonstration project taken into account by the Secretary in determining the total amount referred to in clause (i) of this subparagraph.

(B) APPLICABLE PERCENTAGE DEFINED.—In this subparagraph, the term “applicable percentage” means—

(i) 90 percent, in the case of fiscal year 2020;

or

(ii) 75 percent, in the case of fiscal year 2021.

(C) SPECIAL RULE.—The calculation under subparagraph (A) with respect to a State shall be made without regard to—

(i) any change approved after August 31, 2019, in the capped allocation or the terms and conditions referred to in clause (i) of subparagraph (A) with respect to the State; or

(ii) any change made after such date to the financial form submitted by the State that is used in determining the capped allocation.

(D) DISTRIBUTION OF FUNDS.—Each State that receives funds under this paragraph shall distribute the funds to jurisdictions in the State that were operating demonstration projects under section 1130 of the Social Security Act in a manner consistent with each sub-State jurisdiction’s proportionate loss as compared with fiscal year 2019.

Reports.
Determination.

(E) RECONCILIATION PROCESS.—Each State seeking a payment under this paragraph shall report expenditures pursuant to part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) in a manner determined by the Secretary and the Secretary shall account for any revisions to spending for fiscal years 2020 and 2021 after the end of the respective fiscal year that are reported by the State agency administering the State plan approved under such part, and received by the Department of Health and Human Services, within 2 years after the last day of the fiscal quarter in which the expenditure was made.

(F) AVAILABILITY OF FUNDS.—The amounts made available for payments to States under this paragraph for a fiscal year shall remain available through the end of the third succeeding fiscal year.

(3) USE OF FUNDS.—

(A) IN GENERAL.—In addition to the purposes specified in part B of title IV of the Social Security Act (42 U.S.C. 671 et seq.), a State may use funds provided under this subsection for activities previously funded under a demonstration project under section 1130 of such Act (42 U.S.C. 1320a–9) to reduce any adverse fiscal impacts as jurisdictions transition funding sources for the projects, and for activities directly associated with the implementation of title VII of division E of Public Law 115–123 (also known as the Family First Prevention Services Act).

(B) LIMITATION.—None of the funds provided under this subsection may be used to match Federal funds under any program.

(d) REPORTING ON ENHANCED FUNDING FOR TRANSITION ACTIVITIES.—

(1) IN GENERAL.—Each State to which funds are paid under subsection (c) of this section shall submit to the Secretary, in a manner specified by the Secretary, a written report on—

(A) how the grant is used to implement each part of title VII of division E of Public Law 115–123 (also known as the Family First Prevention Services Act), with a separate statement with respect to each such part;

(B) all programs, services, and operational costs to which the grant is put;

(C) the characteristics of the families and children served by use of the grant; and

(D)(i) the use by the State of amounts provided for each fiscal year to continue activities previously funded under a waiver provided under section 1130 of the Social Security Act (42 U.S.C. 1320a–9); and

Plan.

(ii)(I) the plan of the State to transition the activities so that needed activities can be provided under the State plan approved under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.); or

(II) if expenditures for the activities would not be eligible for payment under the State plan approved under such part E—

(aa) the reason therefor; and

(bb) the funding sources the State plans to use to cover the costs of needed activities.

(2) **APPLICABILITY OF OTHER LAWS.**—For purposes of subpart 2 of part B of title IV of the Social Security Act (42 U.S.C. 629 et seq.), each report required by paragraph (1) of this subsection shall be considered to be required by section 432(a)(8) of such Act (42 U.S.C. 629b(a)(8)), and shall contain such additional information as the Secretary may require.

(e) **DEFINITION OF STATE.**—In this section, the term “State” has the meaning given the term in section 431(a)(4) of the Social Security Act (42 U.S.C. 629a(a)(4)).

(f) **RENAMING OF TITLE IV–B–2 OF THE SOCIAL SECURITY ACT.**—The subpart heading for subpart 2 of part B of title IV of the Social Security Act is amended by striking “**Promoting Safe and Stable Families**” and inserting “**MaryLee Allen Promoting Safe and Stable Families Program**”.

(g) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect as if included in the Bipartisan Budget Act of 2018 on the date of the enactment of such Act.

42 USC 674 note.

(h) **TECHNICAL CORRECTION.**—Section 50701 of the Bipartisan Budget Act of 2018 (42 U.S.C. 1305 note; Public Law 115–123) is amended by striking “Bipartisan Budget Act of 2018” and inserting “Family First Prevention Services Act”.

SEC. 603. MINIMUM AGE OF SALE OF TOBACCO PRODUCTS.

(a) **IN GENERAL.**—Section 906(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387f(d)) is amended—

(1) in paragraph (3)(A)(ii), by striking “18 years” and inserting “21 years”; and

(2) by adding at the end the following:

“(5) **MINIMUM AGE OF SALE.**—It shall be unlawful for any retailer to sell a tobacco product to any person younger than 21 years of age.”.

(b) **REGULATIONS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall publish in the Federal Register a final rule to update the regulations issued under chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387 et seq.) as appropriate, only to carry out the amendments made by subsection (a), including to update all references to persons younger than 18 years of age in subpart B of part 1140 of title 21, Code of Federal Regulations, and to update the relevant age verification requirements under such part 1140 to require age verification for individuals under the age of 30. Such final rule shall—

(A) take full effect not later than 90 days after the date on which such final rule is published; and

(B) be deemed to be in compliance with all applicable provisions of chapter 5 of title 5, United States Code and all other provisions of law relating to rulemaking procedures.

(2) **OTHER REGULATIONS.**—Prior to making amendments to part 1140 of title 21, Code of Federal Regulations other than the amendments described in paragraph (1), the Secretary shall promulgate a proposed rule in accordance with chapter 5 of title 5, United States Code.

Deadlines.
Federal Register,
publication.
21 USC 387f
note.

Deadline.	(c) NOTIFICATION.—Not later than 90 days after the date of enactment of this Act, the Secretary shall provide written notification to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding the progress of the Department of Health and Human Services towards promulgating the final rule under subsection (b). If, 180 days after the date of enactment of this Act, such rule has not been promulgated in accordance with subsection (b), the Secretary shall provide a written notification and a justification for the delay in rulemaking to such committees.
Time period.	(d) PENALTIES FOR VIOLATIONS.— (1) IN GENERAL.—Section 103(q)(2) of the Family Smoking Prevention and Tobacco Control Act (Public Law 111–31) is amended— (A) in subparagraph (A), in the matter preceding clause (i), by inserting “section 906(d)(5) or of” after “violations of”; and (B) in subparagraph (C), by inserting “section 906(d)(5) or of” after “a retailer of”. (2) REPEATED VIOLATIONS.—Section 303(f)(8) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)(8)) is amended by inserting “section 906(d)(5) or of” after “repeated violations of”. (3) MISBRANDED PRODUCTS.—Section 903(a)(7)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387c) is amended by inserting “section 906(d)(5) or of” after “violation of”.
21 USC 333 note.	SEC. 604. SALE OF TOBACCO PRODUCTS TO INDIVIDUALS UNDER THE AGE OF 21. (a) IN GENERAL.—Section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) is amended— (1) in the heading— (A) by striking “STATE LAW REGARDING”; and (B) by striking “18” and inserting “21”; (2) by striking subsections (a) and (d); (3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; (4) by amending subsection (a), as so redesignated, to read as follows: “(a) IN GENERAL.—A funding agreement for a grant under section 1921 is that the State involved will— “(1) annually conduct random, unannounced inspections to ensure that retailers do not sell tobacco products to individuals under the age of 21; and “(2) annually submit to the Secretary a report describing— “(A) the activities carried out by the State to ensure that retailers do not sell tobacco products to individuals under the age of 21; “(B) the extent of success the State has achieved in ensuring that retailers do not sell tobacco products to individuals under the age of 21; and “(C) the strategies to be utilized by the State to ensure that retailers do not sell tobacco products to individuals under the age of 21 during the fiscal year for which the grant is sought.”;
Reports.	
Strategies.	

(5) in subsection (b), as so redesignated—

(A) by striking paragraphs (1), (2), (3), and (4);

(B) by striking “Before making” and inserting the following:

“(1) IN GENERAL.—Before making”;

(C) by striking “for the first applicable fiscal year or any subsequent fiscal year”;

(D) by striking “subsections (a) and (b)” and inserting “subsection (a)”;

(E) by striking “equal to—” and inserting “up to 10 percent of the amount determined under section 1933 for the State for the applicable fiscal year.”; and

(F) by adding at the end the following:

“(2) LIMITATION.—

“(A) IN GENERAL.—A State shall not have funds withheld pursuant to paragraph (1) if such State for which the Secretary has made a determination of noncompliance under such paragraph—

“(i) certifies to the Secretary by May 1 of the fiscal year for which the funds are appropriated, consistent with subparagraph (B), that the State will commit additional State funds, in accordance with paragraph (1), to ensure that retailers do not sell tobacco products to individuals under 21 years of age;

“(ii) agrees to comply with a negotiated agreement for a corrective action plan that is approved by the Secretary and carried out in accordance with guidelines issued by the Secretary; or

“(iii) is a territory that receives less than \$1,000,000 for a fiscal year under section 1921.

“(B) CERTIFICATION.—

“(i) IN GENERAL.—The amount of funds to be committed by a State pursuant to subparagraph (A)(i) shall be equal to 1 percent of such State’s substance abuse allocation determined under section 1933 for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary.

“(ii) STATE EXPENDITURES.—For a fiscal year in which a State commits funds as described in clause (i), such State shall maintain State expenditures for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for the preceding fiscal year, plus the additional funds for tobacco compliance activities required under clause (i). The State shall submit a report to the Secretary on all State obligations of funds for such fiscal year and all State expenditures for the preceding fiscal year for tobacco prevention and compliance activities by program activity by July 31 of such fiscal year.

“(iii) DISCRETION.—The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subparagraph (A)(i) as late as July 31 of such fiscal year.

“(C) FAILURE TO CERTIFY.—If a State described in subparagraph (A) fails to certify to the Secretary pursuant

Certification.
Deadline.

Reports.

to subparagraph (A)(i) or enter into, or comply with, a negotiated agreement under subparagraph (A)(ii), the Secretary may take action pursuant to paragraph (1).”; and (6) by adding at the end the following:

“(c) IMPLEMENTATION OF REPORTING REQUIREMENTS.—

“(1) TRANSITION PERIOD.—The Secretary shall—

“(A) not withhold amounts under subsection (b) for the 3-year period immediately following the date of enactment of division N of the Further Consolidated Appropriations Act, 2020; and

“(B) use discretion in exercising its authority under subsection (b) during the 2-year period immediately following the 3-year period described in subparagraph (A), to allow for a transition period for implementation of the reporting requirements under subsection (a)(2).

Deadline.

“(2) REGULATIONS OR GUIDANCE.—Not later than 180 days after the date of enactment of division N of the Further Consolidated Appropriations Act, 2020, the Secretary shall update regulations under part 96 of title 45, Code of Federal Regulations or guidance on the retailer compliance rate goal under subsection (b), the use of funds provided under section 1921 for purposes of meeting the requirements of this section, and reporting requirements under subsection (a)(2).

“(3) COORDINATION.—The Secretary shall ensure the Assistant Secretary for Mental Health and Substance Use coordinates, as appropriate, with the Commissioner of Food and Drugs to ensure that the technical assistance provided to States under subsection (e) is consistent with applicable regulations for retailers issued under part 1140 of title 21, Code of Federal Regulations.

“(d) TRANSITIONAL GRANTS.—

“(1) IN GENERAL.—The Secretary shall award grants under this subsection to each State that receives funding under section 1921 to ensure compliance of each such State with this section.

“(2) USE OF FUNDS.—A State receiving a grant under this subsection—

“(A) shall use amounts received under such grant for activities to plan for or ensure compliance in the State with subsection (a); and

“(B) in the case of a State for which the Secretary has made a determination under subsection (b) that the State is prepared to meet, or has met, the requirements of subsection (a), may use such funds for tobacco cessation activities, strategies to prevent the use of tobacco products by individuals under the age of 21, or allowable uses under section 1921.

“(3) SUPPLEMENT NOT SUPPLANT.—Grants under this subsection shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under paragraph (2).

“(4) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated \$18,580,790 for each of fiscal years 2020 through 2024.

“(5) SUNSET.—This subsection shall have no force or effect after September 30, 2024.

“(e) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States related to the activities required under this section.”

(b) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the status of implementing the requirements of section 1926 of the Public Health Service Act (42 U.S.C. 300x–26), as amended by subsection (a), and a description of any technical assistance provided under subsection (e) of such section, including the number of meetings requested and held related to technical assistance.

(c) CONFORMING AMENDMENT.—Section 212 of division D of the Consolidated Appropriations Act, 2010 (Public Law 111–117) is repealed.

Repeal.
42 USC
300x–26a.

SEC. 605. BIOLOGICAL PRODUCT DEFINITION.

Section 351(i)(1) of the Public Health Service Act (42 U.S.C. 262(i)(1)) is amended by striking “(except any chemically synthesized polypeptide)”.

SEC. 606. PROTECTING ACCESS TO BIOLOGICAL PRODUCTS.

Section 351(k)(7) of the Public Health Service Act (42 U.S.C. 262(k)(7)) is amended by adding at the end the following:

“(D) DEEMED LICENSES.—

“(i) NO ADDITIONAL EXCLUSIVITY THROUGH DEEMING.—An approved application that is deemed to be a license for a biological product under this section pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 shall not be treated as having been first licensed under subsection (a) for purposes of subparagraphs (A) and (B).

“(ii) APPLICATION OF LIMITATIONS ON EXCLUSIVITY.—Subparagraph (C) shall apply with respect to a reference product referred to in such subparagraph that was the subject of an approved application that was deemed to be a license pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009.

“(iii) APPLICABILITY.—The exclusivity periods described in section 527, section 505A(b)(1)(A)(ii), and section 505A(c)(1)(A)(ii) of the Federal Food, Drug, and Cosmetic Act shall continue to apply to a biological product after an approved application for the biological product is deemed to be a license for the biological product under subsection (a) pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009.”.

SEC. 607. STREAMLINING THE TRANSITION OF BIOLOGICAL PRODUCTS.

Section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 (Public Law 111–148) is amended—

(1) by striking “An approved application” and inserting the following:

“(A) IN GENERAL.—An approved application”; and

(2) by adding at the end the following:

42 USC 262 note.

Deadlines.
Review.

“(B) TREATMENT OF CERTAIN APPLICATIONS.—

“(i) IN GENERAL.—With respect to an application for a biological product submitted under subsection (b) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) that is filed not later than March 23, 2019, and is not approved as of March 23, 2020, the Secretary shall continue to review such application under such section 505 after March 23, 2020.

“(ii) EFFECT ON LISTED DRUGS.—Only for purposes of carrying out clause (i), with respect to any applicable listed drug with respect to such application, the following shall apply:

Termination
date.

“(I) Any drug that is a biological product that has been deemed licensed under section 351 of the Public Health Service Act (42 U.S.C. 262) pursuant to subparagraph (A) and that is referenced in an application described in clause (i), shall continue to be identified as a listed drug on the list published pursuant to section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act, and the information for such drug on such list shall not be revised after March 20, 2020, until—

“(aa) such drug is removed from such list in accordance with subclause (III) or subparagraph (C) of such section 505(j)(7); or

“(bb) this subparagraph no longer has force or effect.

“(II) Any drug that is a biological product that has been deemed licensed under section 351 of the Public Health Service Act (42 U.S.C. 262) pursuant to subparagraph (A) and that is referenced in an application described in clause (i) shall be subject only to requirements applicable to biological products licensed under such section.

“(III) Upon approval under subsection (c) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act of an application described in clause (i), the Secretary shall remove from the list published pursuant to section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act any listed drug that is a biological product that has been deemed licensed under section 351 of the Public Health Service Act pursuant to subparagraph (A) and that is referenced in such approved application, unless such listed drug is referenced in one or more additional applications described in clause (i).

“(iii) DEEMED LICENSURE.—Upon approval of an application described in clause (i), such approved application shall be deemed to be a license for the biological product under section 351 of the Public Health Service Act.

“(iv) RULE OF CONSTRUCTION.—

“(I) APPLICATION OF CERTAIN PROVISIONS.—

“(aa) PATENT CERTIFICATION OR STATEMENT.—An application described in clause (i)

shall contain a patent certification or statement described in, as applicable, section 505(b)(2) of the Federal Food, Drug, and Cosmetic Act or clauses (vii) and (viii) of section 505(j)(2)(A) of such Act and, with respect to any listed drug referenced in such application, comply with related requirements concerning any timely filed patent information listed pursuant to section 505(j)(7) of such Act.

“(bb) DATE OF APPROVAL.—The earliest possible date on which any pending application described in clause (i) may be approved shall be determined based on—

“(AA) the last expiration date of any applicable period of exclusivity that would prevent such approval and that is described in section 505(c)(3)(E), 505(j)(5)(B)(iv), 505(j)(5)(F), 505A, 505E, or 527 of the Federal Food, Drug, and Cosmetic Act; and

“(BB) if the application was submitted pursuant to section 505(b)(2) of the Federal Food, Drug, and Cosmetic Act and references any listed drug, the last applicable date determined under subparagraph (A), (B), or (C) of section 505(c)(3) of such Act, or, if the application was submitted under section 505(j) of such Act, the last applicable date determined under clause (i), (ii), or (iii) of section 505(j)(5)(B) of such Act.

“(II) EXCLUSIVITY.—Nothing in this subparagraph shall be construed to affect section 351(k)(7)(D) of the Public Health Service Act.

“(v) LISTING.—The Secretary may continue to review an application after March 23, 2020, pursuant to clause (i), and continue to identify any applicable listed drug pursuant to clause (ii) on the list published pursuant to section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act, even if such review or listing may reveal the existence of such application and the identity of any listed drug for which the investigations described in section 505(b)(1)(A) of the Federal Food, Drug, and Cosmetic Act are relied upon by the applicant for approval of the pending application. Nothing in this subparagraph shall be construed as authorizing the Secretary to disclose any other information that is a trade secret or confidential information described in section 552(b)(4) of title 5, United States Code.

“(vi) SUNSET.—Beginning on October 1, 2022, this subparagraph shall have no force or effect and any applications described in clause (i) that have not been approved shall be deemed withdrawn.”.

SEC. 608. REENROLLMENT OF CERTAIN INDIVIDUALS IN QUALIFIED HEALTH PLANS IN CERTAIN EXCHANGES.

Section 1311(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(c)) is amended by adding the end the following new paragraph:

“(7) REENROLLMENT OF CERTAIN INDIVIDUALS IN QUALIFIED HEALTH PLANS IN CERTAIN EXCHANGES.—

“(A) IN GENERAL.—In the case of an Exchange that the Secretary operates pursuant to section 1321(c)(1), the Secretary shall establish a process under which an individual described in subparagraph (B) is reenrolled for plan year 2021 in a qualified health plan offered through such Exchange. Such qualified health plan under which such individual is so reenrolled shall be—

“(i) if available for plan year 2021, the qualified health plan under which such individual is enrolled during the annual open enrollment period for such plan year; and

“(ii) if such qualified health plan is not available for plan year 2021, a qualified health plan offered through such Exchange determined appropriate by the Secretary.

“(B) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who, with respect to plan year 2020—

“(i) resides in a State with an Exchange described in subparagraph (A);

“(ii) is enrolled in a qualified health plan during such plan year and does not enroll in a qualified health plan for plan year 2021 during the annual open enrollment period for such plan year 2021; and

“(iii) does not elect to disenroll under a qualified health plan for plan year 2021 during such annual open enrollment period.”.

SEC. 609. PROTECTION OF SILVER LOADING PRACTICE.

With respect to plan year 2021, the Secretary of Health and Human Services may not take any action to prohibit or otherwise restrict the practice commonly known as “silver loading” (as described in the rule entitled “Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2020” published on April 25, 2019 (84 Fed. Reg. 17533)).

21 USC 355–2.

SEC. 610. ACTIONS FOR DELAYS OF GENERIC DRUGS AND BIOSIMILAR BIOLOGICAL PRODUCTS.

(a) DEFINITIONS.—In this section—

(1) the term “commercially reasonable, market-based terms” means—

(A) a nondiscriminatory price for the sale of the covered product at or below, but not greater than, the most recent wholesale acquisition cost for the drug, as defined in section 1847A(c)(6)(B) of the Social Security Act (42 U.S.C. 1395w–3a(c)(6)(B));

(B) a schedule for delivery that results in the transfer of the covered product to the eligible product developer consistent with the timing under subsection (b)(2)(A)(iv); and

(C) no additional conditions are imposed on the sale of the covered product;

(2) the term “covered product”—

(A) means—

(i) any drug approved under subsection (c) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or biological product licensed under subsection (a) or (k) of section 351 of the Public Health Service Act (42 U.S.C. 262);

(ii) any combination of a drug or biological product described in clause (i); or

(iii) when reasonably necessary to support approval of an application under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), or section 351 of the Public Health Service Act (42 U.S.C. 262), as applicable, or otherwise meet the requirements for approval under either such section, any product, including any device, that is marketed or intended for use with such a drug or biological product; and

(B) does not include any drug or biological product that appears on the drug shortage list in effect under section 506E of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356e), unless—

(i) the drug or biological product has been on the drug shortage list in effect under such section 506E continuously for more than 6 months; or

(ii) the Secretary determines that inclusion of the drug or biological product as a covered product is likely to contribute to alleviating or preventing a shortage.

(3) the term “device” has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321);

(4) the term “eligible product developer” means a person that seeks to develop a product for approval pursuant to an application for approval under subsection (b)(2) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or for licensing pursuant to an application under section 351(k) of the Public Health Service Act (42 U.S.C. 262(k));

(5) the term “license holder” means the holder of an application approved under subsection (c) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or the holder of a license under subsection (a) or (k) of section 351 of the Public Health Service Act (42 U.S.C. 262) for a covered product;

(6) the term “REMS” means a risk evaluation and mitigation strategy under section 505–1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1);

(7) the term “REMS with ETASU” means a REMS that contains elements to assure safe use under section 505–1(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1(f));

(8) the term “Secretary” means the Secretary of Health and Human Services;

(9) the term “single, shared system of elements to assure safe use” means a single, shared system of elements to assure

safe use under section 505–1(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1(f)); and

(10) the term “sufficient quantities” means an amount of a covered product that the eligible product developer determines allows it to—

(A) conduct testing to support an application under—

(i) subsection (b)(2) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355); or

(ii) section 351(k) of the Public Health Service Act (42 U.S.C. 262(k)); and

(B) fulfill any regulatory requirements relating to approval of such an application.

(b) CIVIL ACTION FOR FAILURE TO PROVIDE SUFFICIENT QUANTITIES OF A COVERED PRODUCT.—

(1) IN GENERAL.—An eligible product developer may bring a civil action against the license holder for a covered product seeking relief under this subsection in an appropriate district court of the United States alleging that the license holder has declined to provide sufficient quantities of the covered product to the eligible product developer on commercially reasonable, market-based terms.

(2) ELEMENTS.—

(A) IN GENERAL.—To prevail in a civil action brought under paragraph (1), an eligible product developer shall prove, by a preponderance of the evidence—

(i) that—

(I) the covered product is not subject to a REMS with ETASU; or

(II) if the covered product is subject to a REMS with ETASU—

(aa) the eligible product developer has obtained a covered product authorization from the Secretary in accordance with subparagraph (B); and

(bb) the eligible product developer has provided a copy of the covered product authorization to the license holder;

(ii) that, as of the date on which the civil action is filed, the eligible product developer has not obtained sufficient quantities of the covered product on commercially reasonable, market-based terms;

(iii) that the eligible product developer has submitted a written request to purchase sufficient quantities of the covered product to the license holder, and such request—

(I) was sent to a named corporate officer of the license holder;

(II) was made by certified or registered mail with return receipt requested;

(III) specified an individual as the point of contact for the license holder to direct communications related to the sale of the covered product to the eligible product developer and a means for electronic and written communications with that individual; and

(IV) specified an address to which the covered product was to be shipped upon reaching an agreement to transfer the covered product; and

(iv) that the license holder has not delivered to the eligible product developer sufficient quantities of the covered product on commercially reasonable, market-based terms—

Deadlines.

(I) for a covered product that is not subject to a REMS with ETASU, by the date that is 31 days after the date on which the license holder received the request for the covered product; and

(II) for a covered product that is subject to a REMS with ETASU, by 31 days after the later of—

(aa) the date on which the license holder received the request for the covered product; or

(bb) the date on which the license holder received a copy of the covered product authorization issued by the Secretary in accordance with subparagraph (B).

(B) AUTHORIZATION FOR COVERED PRODUCT SUBJECT TO A REMS WITH ETASU.—

(i) REQUEST.—An eligible product developer may submit to the Secretary a written request for the eligible product developer to be authorized to obtain sufficient quantities of an individual covered product subject to a REMS with ETASU.

(ii) AUTHORIZATION.—Not later than 120 days after the date on which a request under clause (i) is received, the Secretary shall, by written notice, authorize the eligible product developer to obtain sufficient quantities of an individual covered product subject to a REMS with ETASU for purposes of—

Deadline.
Notice.

(I) development and testing that does not involve human clinical trials, if the eligible product developer has agreed to comply with any conditions the Secretary determines necessary; or

(II) development and testing that involves human clinical trials, if the eligible product developer has—

Determination.

(aa)(AA) submitted protocols, informed consent documents, and informational materials for testing that include protections that provide safety protections comparable to those provided by the REMS for the covered product; or

(BB) otherwise satisfied the Secretary that such protections will be provided; and

(bb) met any other requirements the Secretary may establish.

(iii) NOTICE.—A covered product authorization issued under this subparagraph shall state that the provision of the covered product by the license holder under the terms of the authorization will not be a violation of the REMS for the covered product.

(3) **AFFIRMATIVE DEFENSE.**—In a civil action brought under paragraph (1), it shall be an affirmative defense, on which the defendant has the burden of persuasion by a preponderance of the evidence—

(A) that, on the date on which the eligible product developer requested to purchase sufficient quantities of the covered product from the license holder—

(i) neither the license holder nor any of its agents, wholesalers, or distributors was engaged in the manufacturing or commercial marketing of the covered product; and

(ii) neither the license holder nor any of its agents, wholesalers, or distributors otherwise had access to inventory of the covered product to supply to the eligible product developer on commercially reasonable, market-based terms;

(B) that—

(i) the license holder sells the covered product through agents, distributors, or wholesalers;

(ii) the license holder has placed no restrictions, explicit or implicit, on its agents, distributors, or wholesalers to sell covered products to eligible product developers; and

(iii) the covered product can be purchased by the eligible product developer in sufficient quantities on commercially reasonable, market-based terms from the agents, distributors, or wholesalers of the license holder; or

(C) that the license holder made an offer to the individual specified pursuant to paragraph (2)(A)(iii)(III), by a means of communication (electronic, written, or both) specified pursuant to such paragraph, to sell sufficient quantities of the covered product to the eligible product developer at commercially reasonable market-based terms—

(i) for a covered product that is not subject to a REMS with ETASU, by the date that is 14 days after the date on which the license holder received the request for the covered product, and the eligible product developer did not accept such offer by the date that is 7 days after the date on which the eligible product developer received such offer from the license holder; or

(ii) for a covered product that is subject to a REMS with ETASU, by the date that is 20 days after the date on which the license holder received the request for the covered product, and the eligible product developer did not accept such offer by the date that is 10 days after the date on which the eligible product developer received such offer from the license holder.

(4) **REMEDIES.**—

(A) **IN GENERAL.**—If an eligible product developer prevails in a civil action brought under paragraph (1), the court shall—

(i) order the license holder to provide to the eligible product developer without delay sufficient quantities

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of the covered product on commercially reasonable, market-based terms;

(ii) award to the eligible product developer reasonable attorney’s fees and costs of the civil action; and

(iii) award to the eligible product developer a monetary amount sufficient to deter the license holder from failing to provide eligible product developers with sufficient quantities of a covered product on commercially reasonable, market-based terms, if the court finds, by a preponderance of the evidence—

(I) that the license holder delayed providing sufficient quantities of the covered product to the eligible product developer without a legitimate business justification; or

(II) that the license holder failed to comply with an order issued under clause (i).

(B) **MAXIMUM MONETARY AMOUNT.**—A monetary amount awarded under subparagraph (A)(iii) shall not be greater than the revenue that the license holder earned on the covered product during the period—

(i) beginning on—

(I) for a covered product that is not subject to a REMS with ETASU, the date that is 31 days after the date on which the license holder received the request; or

(II) for a covered product that is subject to a REMS with ETASU, the date that is 31 days after the later of—

(aa) the date on which the license holder received the request; or

(bb) the date on which the license holder received a copy of the covered product authorization issued by the Secretary in accordance with paragraph (2)(B); and

(ii) ending on the date on which the eligible product developer received sufficient quantities of the covered product.

(C) **AVOIDANCE OF DELAY.**—The court may issue an order under subparagraph (A)(i) before conducting further proceedings that may be necessary to determine whether the eligible product developer is entitled to an award under clause (ii) or (iii) of subparagraph (A), or the amount of any such award.

(c) **LIMITATION OF LIABILITY.**—A license holder for a covered product shall not be liable for any claim under Federal, State, or local law arising out of the failure of an eligible product developer to follow adequate safeguards to assure safe use of the covered product during development or testing activities described in this section, including transportation, handling, use, or disposal of the covered product by the eligible product developer.

(d) **NO VIOLATION OF REMS.**—Section 505–1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1) is amended by adding at the end the following new subsection:

“(1) **PROVISION OF SAMPLES NOT A VIOLATION OF STRATEGY.**—The provision of samples of a covered product to an eligible product developer (as those terms are defined in section 610(a) of division N of the Further Consolidated Appropriations Act, 2020) shall not

Effective dates.
Time periods.

Termination
date.

be considered a violation of the requirements of any risk evaluation and mitigation strategy that may be in place under this section for such drug.”.

(e) RULE OF CONSTRUCTION.—

(1) DEFINITION.—In this subsection, the term “antitrust laws”—

(A) has the meaning given the term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12); and

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section applies to unfair methods of competition.

(2) ANTITRUST LAWS.—Nothing in this section shall be construed to limit the operation of any provision of the antitrust laws.

(f) REMS APPROVAL PROCESS FOR SUBSEQUENT FILERS.—Section 505–1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1), as amended by subsection (d), is further amended—

(1) in subsection (g)(4)(B)—

(A) in clause (i) by striking “or” after the semicolon;

(B) in clause (ii) by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(iii) accommodate different, comparable aspects of the elements to assure safe use for a drug that is the subject of an application under section 505(j), and the applicable listed drug.”;

(2) in subsection (i)(1), by striking subparagraph (C) and inserting the following:

“(C)(i) Elements to assure safe use, if required under subsection (f) for the listed drug, which, subject to clause (ii), for a drug that is the subject of an application under section 505(j) may use—

“(I) a single, shared system with the listed drug under subsection (f); or

“(II) a different, comparable aspect of the elements to assure safe use under subsection (f).

“(ii) The Secretary may require a drug that is the subject of an application under section 505(j) and the listed drug to use a single, shared system under subsection (f), if the Secretary determines that no different, comparable aspect of the elements to assure safe use could satisfy the requirements of subsection (f).”;

(3) in subsection (i), by adding at the end the following:

“(3) SHARED REMS.—If the Secretary approves, in accordance with paragraph (1)(C)(i)(II), a different, comparable aspect of the elements to assure safe use under subsection (f) for a drug that is the subject of an abbreviated new drug application under section 505(j), the Secretary may require that such different comparable aspect of the elements to assure safe use can be used with respect to any other drug that is the subject of an application under section 505(j) or 505(b) that references the same listed drug.”; and

(4) by adding at the end the following:

“(m) SEPARATE REMS.—When used in this section, the term ‘different, comparable aspect of the elements to assure safe use’ means a risk evaluation and mitigation strategy for a drug that

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is the subject of an application under section 505(j) that uses different methods or operational means than the strategy required under subsection (a) for the applicable listed drug, or other application under section 505(j) with the same such listed drug, but achieves the same level of safety as such strategy.”.

(g) **RULE OF CONSTRUCTION.**—Nothing in this section, the amendments made by this section, or in section 505–1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1), shall be construed as—

(1) prohibiting a license holder from providing an eligible product developer access to a covered product in the absence of an authorization under this section; or

(2) in any way negating the applicability of a REMS with ETASU, as otherwise required under such section 505–1, with respect to such covered product.

DIVISION O—SETTING EVERY COMMUNITY UP FOR RETIREMENT ENHANCEMENT

Setting Every
Community Up
for Retirement
Enhancement
Act of 2019.

SEC. 1. SHORT TITLE, ETC.

(a) **SHORT TITLE.**—This Act may be cited as the “Setting Every Community Up for Retirement Enhancement Act of 2019”. 26 USC 1 note.

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

Sec. 1. Short title, etc.

TITLE I—EXPANDING AND PRESERVING RETIREMENT SAVINGS

Sec. 101. Multiple employer plans; pooled employer plans.

Sec. 102. Increase in 10 percent cap for automatic enrollment safe harbor after 1st plan year.

Sec. 103. Rules relating to election of safe harbor 401(k) status.

Sec. 104. Increase in credit limitation for small employer pension plan startup costs.

Sec. 105. Small employer automatic enrollment credit.

Sec. 106. Certain taxable non-tuition fellowship and stipend payments treated as compensation for IRA purposes.

Sec. 107. Repeal of maximum age for traditional IRA contributions.

Sec. 108. Qualified employer plans prohibited from making loans through credit cards and other similar arrangements.

Sec. 109. Portability of lifetime income options.

Sec. 110. Treatment of custodial accounts on termination of section 403(b) plans.

Sec. 111. Clarification of retirement income account rules relating to church-controlled organizations.

Sec. 112. Qualified cash or deferred arrangements must allow long-term employees working more than 500 but less than 1,000 hours per year to participate.

Sec. 113. Penalty-free withdrawals from retirement plans for individuals in case of birth of child or adoption.

Sec. 114. Increase in age for required beginning date for mandatory distributions.

Sec. 115. Special rules for minimum funding standards for community newspaper plans.

Sec. 116. Treating excluded difficulty of care payments as compensation for determining retirement contribution limitations.

TITLE II—ADMINISTRATIVE IMPROVEMENTS

Sec. 201. Plan adopted by filing due date for year may be treated as in effect as of close of year.

Sec. 202. Combined annual report for group of plans.

Sec. 203. Disclosure regarding lifetime income.

- Sec. 204. Fiduciary safe harbor for selection of lifetime income provider.
 Sec. 205. Modification of nondiscrimination rules to protect older, longer service participants.
 Sec. 206. Modification of PBGC premiums for CSEC plans.

TITLE III—OTHER BENEFITS

- Sec. 301. Benefits provided to volunteer firefighters and emergency medical responders.
 Sec. 302. Expansion of section 529 plans.

TITLE IV—REVENUE PROVISIONS

- Sec. 401. Modification of required distribution rules for designated beneficiaries.
 Sec. 402. Increase in penalty for failure to file.
 Sec. 403. Increased penalties for failure to file retirement plan returns.
 Sec. 404. Increase information sharing to administer excise taxes.

TITLE V—TAX RELIEF FOR CERTAIN CHILDREN

- Sec. 501. Modification of rules relating to the taxation of unearned income of certain children.

TITLE VI—ADMINISTRATIVE PROVISIONS

- Sec. 601. Provisions relating to plan amendments.

TITLE I—EXPANDING AND PRESERVING RETIREMENT SAVINGS

SEC. 101. MULTIPLE EMPLOYER PLANS; POOLED EMPLOYER PLANS.

(a) QUALIFICATION REQUIREMENTS.—

26 USC 413. (1) IN GENERAL.—Section 413 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(e) APPLICATION OF QUALIFICATION REQUIREMENTS FOR CERTAIN MULTIPLE EMPLOYER PLANS WITH POOLED PLAN PROVIDERS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if a defined contribution plan to which subsection (c) applies—

“(A) is maintained by employers which have a common interest other than having adopted the plan, or

“(B) in the case of a plan not described in subparagraph (A), has a pooled plan provider,

then the plan shall not be treated as failing to meet the requirements under this title applicable to a plan described in section 401(a) or to a plan that consists of individual retirement accounts described in section 408 (including by reason of subsection (c) thereof), whichever is applicable, merely because one or more employers of employees covered by the plan fail to take such actions as are required of such employers for the plan to meet such requirements.

“(2) LIMITATIONS.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any plan unless the terms of the plan provide that in the case of any employer in the plan failing to take the actions described in paragraph (1)—

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“(i) the assets of the plan attributable to employees of such employer (or beneficiaries of such employees) will be transferred to a plan maintained only by such employer (or its successor), to an eligible retirement plan as defined in section 402(c)(8)(B) for each individual whose account is transferred, or to any other arrangement that the Secretary determines is appropriate, unless the Secretary determines it is in the

best interests of the employees of such employer (and the beneficiaries of such employees) to retain the assets in the plan, and

“(ii) such employer (and not the plan with respect to which the failure occurred or any other employer in such plan) shall, except to the extent provided by the Secretary, be liable for any liabilities with respect to such plan attributable to employees of such employer (or beneficiaries of such employees).

“(B) FAILURES BY POOLED PLAN PROVIDERS.—If the pooled plan provider of a plan described in paragraph (1)(B) does not perform substantially all of the administrative duties which are required of the provider under paragraph (3)(A)(i) for any plan year, the Secretary may provide that the determination as to whether the plan meets the requirements under this title applicable to a plan described in section 401(a) or to a plan that consists of individual retirement accounts described in section 408 (including by reason of subsection (c) thereof), whichever is applicable, shall be made in the same manner as would be made without regard to paragraph (1).

“(3) POOLED PLAN PROVIDER.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘pooled plan provider’ means, with respect to any plan, a person who—

Definition.

“(i) is designated by the terms of the plan as a named fiduciary (within the meaning of section 402(a)(2) of the Employee Retirement Income Security Act of 1974), as the plan administrator, and as the person responsible to perform all administrative duties (including conducting proper testing with respect to the plan and the employees of each employer in the plan) which are reasonably necessary to ensure that—

“(I) the plan meets any requirement applicable under the Employee Retirement Income Security Act of 1974 or this title to a plan described in section 401(a) or to a plan that consists of individual retirement accounts described in section 408 (including by reason of subsection (c) thereof), whichever is applicable, and

“(II) each employer in the plan takes such actions as the Secretary or such person determines are necessary for the plan to meet the requirements described in subclause (I), including providing to such person any disclosures or other information which the Secretary may require or which such person otherwise determines are necessary to administer the plan or to allow the plan to meet such requirements,

“(ii) registers as a pooled plan provider with the Secretary, and provides such other information to the Secretary as the Secretary may require, before beginning operations as a pooled plan provider,

“(iii) acknowledges in writing that such person is a named fiduciary (within the meaning of section 402(a)(2) of the Employee Retirement Income Security

Act of 1974), and the plan administrator, with respect to the plan, and

“(iv) is responsible for ensuring that all persons who handle assets of, or who are fiduciaries of, the plan are bonded in accordance with section 412 of the Employee Retirement Income Security Act of 1974.

“(B) AUDITS, EXAMINATIONS AND INVESTIGATIONS.—The Secretary may perform audits, examinations, and investigations of pooled plan providers as may be necessary to enforce and carry out the purposes of this subsection.

Determination.

“(C) AGGREGATION RULES.—For purposes of this paragraph, in determining whether a person meets the requirements of this paragraph to be a pooled plan provider with respect to any plan, all persons who perform services for the plan and who are treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as one person.

“(D) TREATMENT OF EMPLOYERS AS PLAN SPONSORS.—Except with respect to the administrative duties of the pooled plan provider described in subparagraph (A)(i), each employer in a plan which has a pooled plan provider shall be treated as the plan sponsor with respect to the portion of the plan attributable to employees of such employer (or beneficiaries of such employees).

“(4) GUIDANCE.—

“(A) IN GENERAL.—The Secretary shall issue such guidance as the Secretary determines appropriate to carry out this subsection, including guidance—

“(i) to identify the administrative duties and other actions required to be performed by a pooled plan provider under this subsection,

“(ii) which describes the procedures to be taken to terminate a plan which fails to meet the requirements to be a plan described in paragraph (1), including the proper treatment of, and actions needed to be taken by, any employer in the plan and the assets and liabilities of the plan attributable to employees of such employer (or beneficiaries of such employees), and

“(iii) identifying appropriate cases to which the rules of paragraph (2)(A) will apply to employers in the plan failing to take the actions described in paragraph (1).

The Secretary shall take into account under clause (iii) whether the failure of an employer or pooled plan provider to provide any disclosures or other information, or to take any other action, necessary to administer a plan or to allow a plan to meet requirements applicable to the plan under section 401(a) or 408, whichever is applicable, has continued over a period of time that demonstrates a lack of commitment to compliance.

“(B) GOOD FAITH COMPLIANCE WITH LAW BEFORE GUIDANCE.—An employer or pooled plan provider shall not be treated as failing to meet a requirement of guidance issued by the Secretary under this paragraph if, before the issuance of such guidance, the employer or pooled plan provider complies in good faith with a reasonable

interpretation of the provisions of this subsection to which such guidance relates.

“(5) MODEL PLAN.—The Secretary shall publish model plan language which meets the requirements of this subsection and of paragraphs (43) and (44) of section 3 of the Employee Retirement Income Security Act of 1974 and which may be adopted in order for a plan to be treated as a plan described in paragraph (1)(B).” Publication.

(2) CONFORMING AMENDMENT.—Section 413(c)(2) of such Code is amended by striking “section 401(a)” and inserting “sections 401(a) and 408(c)”. 26 USC 413.

(3) TECHNICAL AMENDMENT.—Section 408(c) of such Code is amended by inserting after paragraph (2) the following new paragraph:

“(3) There is a separate accounting for any interest of an employee or member (or spouse of an employee or member) in a Roth IRA.”.

(b) NO COMMON INTEREST REQUIRED FOR POOLED EMPLOYER PLANS.—Section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) is amended by adding at the end the following:

“(C) A pooled employer plan shall be treated as—

“(i) a single employee pension benefit plan or single pension plan; and

“(ii) a plan to which section 210(a) applies.”.

(c) POOLED EMPLOYER PLAN AND PROVIDER DEFINED.—

(1) IN GENERAL.—Section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) is amended by adding at the end the following:

“(43) POOLED EMPLOYER PLAN.—

“(A) IN GENERAL.—The term ‘pooled employer plan’ means a plan—

“(i) which is an individual account plan established or maintained for the purpose of providing benefits to the employees of 2 or more employers;

“(ii) which is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code or a plan that consists of individual retirement accounts described in section 408 of such Code (including by reason of subsection (c) thereof); and

“(iii) the terms of which meet the requirements of subparagraph (B).

Such term shall not include a plan maintained by employers which have a common interest other than having adopted the plan.

“(B) REQUIREMENTS FOR PLAN TERMS.—The requirements of this subparagraph are met with respect to any plan if the terms of the plan—

“(i) designate a pooled plan provider and provide that the pooled plan provider is a named fiduciary of the plan;

“(ii) designate one or more trustees meeting the requirements of section 408(a)(2) of the Internal Revenue Code of 1986 (other than an employer in the plan) to be responsible for collecting contributions to, and holding the assets of, the plan and require such

trustees to implement written contribution collection procedures that are reasonable, diligent, and systematic;

“(iii) provide that each employer in the plan retains fiduciary responsibility for—

“(I) the selection and monitoring in accordance with section 404(a) of the person designated as the pooled plan provider and any other person who, in addition to the pooled plan provider, is designated as a named fiduciary of the plan; and

“(II) to the extent not otherwise delegated to another fiduciary by the pooled plan provider and subject to the provisions of section 404(c), the investment and management of the portion of the plan’s assets attributable to the employees of the employer (or beneficiaries of such employees);

“(iv) provide that employers in the plan, and participants and beneficiaries, are not subject to unreasonable restrictions, fees, or penalties with regard to ceasing participation, receipt of distributions, or otherwise transferring assets of the plan in accordance with section 208 or paragraph (44)(C)(i)(II);

“(v) require—

“(I) the pooled plan provider to provide to employers in the plan any disclosures or other information which the Secretary may require, including any disclosures or other information to facilitate the selection or any monitoring of the pooled plan provider by employers in the plan; and

“(II) each employer in the plan to take such actions as the Secretary or the pooled plan provider determines are necessary to administer the plan or for the plan to meet any requirement applicable under this Act or the Internal Revenue Code of 1986 to a plan described in section 401(a) of such Code or to a plan that consists of individual retirement accounts described in section 408 of such Code (including by reason of subsection (c) thereof), whichever is applicable, including providing any disclosures or other information which the Secretary may require or which the pooled plan provider otherwise determines are necessary to administer the plan or to allow the plan to meet such requirements; and

“(vi) provide that any disclosure or other information required to be provided under clause (v) may be provided in electronic form and will be designed to ensure only reasonable costs are imposed on pooled plan providers and employers in the plan.

“(C) EXCEPTIONS.—The term ‘pooled employer plan’ does not include—

“(i) a multiemployer plan; or

“(ii) a plan established before the date of the enactment of the Setting Every Community Up for Retirement Enhancement Act of 2019 unless the plan administrator elects that the plan will be treated as

Determinations.

a pooled employer plan and the plan meets the requirements of this title applicable to a pooled employer plan established on or after such date.

“(D) TREATMENT OF EMPLOYERS AS PLAN SPONSORS.—

Except with respect to the administrative duties of the pooled plan provider described in paragraph (44)(A)(i), each employer in a pooled employer plan shall be treated as the plan sponsor with respect to the portion of the plan attributable to employees of such employer (or beneficiaries of such employees).

“(44) POOLED PLAN PROVIDER.—

“(A) IN GENERAL.—The term ‘pooled plan provider’ means a person who—

Definition.

“(i) is designated by the terms of a pooled employer plan as a named fiduciary, as the plan administrator, and as the person responsible for the performance of all administrative duties (including conducting proper testing with respect to the plan and the employees of each employer in the plan) which are reasonably necessary to ensure that—

“(I) the plan meets any requirement applicable under this Act or the Internal Revenue Code of 1986 to a plan described in section 401(a) of such Code or to a plan that consists of individual retirement accounts described in section 408 of such Code (including by reason of subsection (c) thereof), whichever is applicable; and

“(II) each employer in the plan takes such actions as the Secretary or pooled plan provider determines are necessary for the plan to meet the requirements described in subclause (I), including providing the disclosures and information described in paragraph (43)(B)(v)(II);

“(ii) registers as a pooled plan provider with the Secretary, and provides to the Secretary such other information as the Secretary may require, before beginning operations as a pooled plan provider;

“(iii) acknowledges in writing that such person is a named fiduciary, and the plan administrator, with respect to the pooled employer plan; and

“(iv) is responsible for ensuring that all persons who handle assets of, or who are fiduciaries of, the pooled employer plan are bonded in accordance with section 412.

“(B) AUDITS, EXAMINATIONS AND INVESTIGATIONS.—The Secretary may perform audits, examinations, and investigations of pooled plan providers as may be necessary to enforce and carry out the purposes of this paragraph and paragraph (43).

“(C) GUIDANCE.—The Secretary shall issue such guidance as the Secretary determines appropriate to carry out this paragraph and paragraph (43), including guidance—

“(i) to identify the administrative duties and other actions required to be performed by a pooled plan provider under either such paragraph; and

“(ii) which requires in appropriate cases that if an employer in the plan fails to take the actions required under subparagraph (A)(i)(II)—

“(I) the assets of the plan attributable to employees of such employer (or beneficiaries of such employees) are transferred to a plan maintained only by such employer (or its successor), to an eligible retirement plan as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986 for each individual whose account is transferred, or to any other arrangement that the Secretary determines is appropriate in such guidance; and

“(II) such employer (and not the plan with respect to which the failure occurred or any other employer in such plan) shall, except to the extent provided in such guidance, be liable for any liabilities with respect to such plan attributable to employees of such employer (or beneficiaries of such employees).

The Secretary shall take into account under clause (ii) whether the failure of an employer or pooled plan provider to provide any disclosures or other information, or to take any other action, necessary to administer a plan or to allow a plan to meet requirements described in subparagraph (A)(i)(II) has continued over a period of time that demonstrates a lack of commitment to compliance. The Secretary may waive the requirements of subclause (ii)(I) in appropriate circumstances if the Secretary determines it is in the best interests of the employees of the employer referred to in such clause (and the beneficiaries of such employees) to retain the assets in the plan with respect to which the employer’s failure occurred.

“(D) GOOD FAITH COMPLIANCE WITH LAW BEFORE GUIDANCE.—An employer or pooled plan provider shall not be treated as failing to meet a requirement of guidance issued by the Secretary under subparagraph (C) if, before the issuance of such guidance, the employer or pooled plan provider complies in good faith with a reasonable interpretation of the provisions of this paragraph, or paragraph (43), to which such guidance relates.

“(E) AGGREGATION RULES.—For purposes of this paragraph, in determining whether a person meets the requirements of this paragraph to be a pooled plan provider with respect to any plan, all persons who perform services for the plan and who are treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as one person.”.

(2) BONDING REQUIREMENTS FOR POOLED EMPLOYER PLANS.—The last sentence of section 412(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1112(a)) is amended by inserting “or in the case of a pooled employer plan (as defined in section 3(43))” after “section 407(d)(1))”.

(3) CONFORMING AND TECHNICAL AMENDMENTS.—Section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) is amended—

(A) in paragraph (16)(B)—

Waiver authority.
Determination.

Determination.

- (i) by striking “or” at the end of clause (ii); and
- (ii) by striking the period at the end and inserting “, or (iv) in the case of a pooled employer plan, the pooled plan provider.”; and
- (B) by striking the second paragraph (41).

(d) POOLED EMPLOYER AND MULTIPLE EMPLOYER PLAN REPORTING.—

(1) ADDITIONAL INFORMATION.—Section 103 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023) is amended—

(A) in subsection (a)(1)(B), by striking “applicable subsections (d), (e), and (f)” and inserting “applicable subsections (d), (e), (f), and (g)”; and

(B) by amending subsection (g) to read as follows:

“(g) ADDITIONAL INFORMATION WITH RESPECT TO POOLED EMPLOYER AND MULTIPLE EMPLOYER PLANS.—An annual report under this section for a plan year shall include—

“(1) with respect to any plan to which section 210(a) applies (including a pooled employer plan), a list of employers in the plan and a good faith estimate of the percentage of total contributions made by such employers during the plan year and the aggregate account balances attributable to each employer in the plan (determined as the sum of the account balances of the employees of such employer (and the beneficiaries of such employees)); and

“(2) with respect to a pooled employer plan, the identifying information for the person designated under the terms of the plan as the pooled plan provider.”.

(2) SIMPLIFIED ANNUAL REPORTS.—Section 104(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(a)) is amended by striking paragraph (2)(A) and inserting the following:

“(2)(A) With respect to annual reports required to be filed with the Secretary under this part, the Secretary may by regulation prescribe simplified annual reports for any pension plan that—

“(i) covers fewer than 100 participants; or

“(ii) is a plan described in section 210(a) that covers fewer than 1,000 participants, but only if no single employer in the plan has 100 or more participants covered by the plan.”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2020.

(2) RULE OF CONSTRUCTION.—Nothing in the amendments made by subsection (a) shall be construed as limiting the authority of the Secretary of the Treasury or the Secretary’s delegate (determined without regard to such amendment) to provide for the proper treatment of a failure to meet any requirement applicable under the Internal Revenue Code of 1986 with respect to one employer (and its employees) in a multiple employer plan.

Applicability.
List.
Estimate.

26 USC 408 note.

SEC. 102. INCREASE IN 10 PERCENT CAP FOR AUTOMATIC ENROLLMENT SAFE HARBOR AFTER 1ST PLAN YEAR.

(a) IN GENERAL.—Section 401(k)(13)(C)(iii) of the Internal Revenue Code of 1986 is amended by striking “does not exceed 10 percent” and inserting “does not exceed 15 percent (10 percent during the period described in subclause (I))”.

26 USC 401.

26 USC 401 note.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to plan years beginning after December 31, 2019.

SEC. 103. RULES RELATING TO ELECTION OF SAFE HARBOR 401(k) STATUS.

(a) **LIMITATION OF ANNUAL SAFE HARBOR NOTICE TO MATCHING CONTRIBUTION PLANS.**—

26 USC 401.

(1) **IN GENERAL.**—Subparagraph (A) of section 401(k)(12) of the Internal Revenue Code of 1986 is amended by striking “if such arrangement” and all that follows and inserting “if such arrangement—

“(i) meets the contribution requirements of subparagraph (B) and the notice requirements of subparagraph (D), or

“(ii) meets the contribution requirements of subparagraph (C).”.

(2) **AUTOMATIC CONTRIBUTION ARRANGEMENTS.**—Subparagraph (B) of section 401(k)(13) of such Code is amended by striking “means” and all that follows and inserting “means a cash or deferred arrangement—

“(i) which is described in subparagraph (D)(i)(I) and meets the applicable requirements of subparagraphs (C) through (E), or

“(ii) which is described in subparagraph (D)(i)(II) and meets the applicable requirements of subparagraphs (C) and (D).”.

(b) **NONELECTIVE CONTRIBUTIONS.**—Section 401(k)(12) of the Internal Revenue Code of 1986 is amended by redesignating subparagraph (F) as subparagraph (G), and by inserting after subparagraph (E) the following new subparagraph:

“(F) **TIMING OF PLAN AMENDMENT FOR EMPLOYER MAKING NONELECTIVE CONTRIBUTIONS.**—

Applicability.
Deadlines.

“(i) **IN GENERAL.**—Except as provided in clause (ii), a plan may be amended after the beginning of a plan year to provide that the requirements of subparagraph (C) shall apply to the arrangement for the plan year, but only if the amendment is adopted—

“(I) at any time before the 30th day before the close of the plan year, or

“(II) at any time before the last day under paragraph (8)(A) for distributing excess contributions for the plan year.

“(ii) **EXCEPTION WHERE PLAN PROVIDED FOR MATCHING CONTRIBUTIONS.**—Clause (i) shall not apply to any plan year if the plan provided at any time during the plan year that the requirements of subparagraph (B) or paragraph (13)(D)(i)(I) applied to the plan year.

“(iii) **4-PERCENT CONTRIBUTION REQUIREMENT.**—Clause (i)(II) shall not apply to an arrangement unless the amount of the contributions described in subparagraph (C) which the employer is required to make under the arrangement for the plan year with respect to any employee is an amount equal to at least 4 percent of the employee’s compensation.”.

(c) **AUTOMATIC CONTRIBUTION ARRANGEMENTS.**—Section 401(k)(13) of the Internal Revenue Code of 1986 is amended by adding at the end the following: 26 USC 401.

“(F) **TIMING OF PLAN AMENDMENT FOR EMPLOYER MAKING NONELECTIVE CONTRIBUTIONS.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), a plan may be amended after the beginning of a plan year to provide that the requirements of subparagraph (D)(i)(II) shall apply to the arrangement for the plan year, but only if the amendment is adopted—

Applicability.
Deadlines.

“(I) at any time before the 30th day before the close of the plan year, or

“(II) at any time before the last day under paragraph (8)(A) for distributing excess contributions for the plan year.

“(ii) **EXCEPTION WHERE PLAN PROVIDED FOR MATCHING CONTRIBUTIONS.**—Clause (i) shall not apply to any plan year if the plan provided at any time during the plan year that the requirements of subparagraph (D)(i)(I) or paragraph (12)(B) applied to the plan year.

“(iii) **4-PERCENT CONTRIBUTION REQUIREMENT.**—Clause (i)(II) shall not apply to an arrangement unless the amount of the contributions described in subparagraph (D)(i)(II) which the employer is required to make under the arrangement for the plan year with respect to any employee is an amount equal to at least 4 percent of the employee’s compensation.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to plan years beginning after December 31, 2019. 26 USC 401 note.

SEC. 104. INCREASE IN CREDIT LIMITATION FOR SMALL EMPLOYER PENSION PLAN STARTUP COSTS.

(a) **IN GENERAL.**—Paragraph (1) of section 45E(b) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) for the first credit year and each of the 2 taxable years immediately following the first credit year, the greater of—

“(A) \$500, or

“(B) the lesser of—

“(i) \$250 for each employee of the eligible employer who is not a highly compensated employee (as defined in section 414(q)) and who is eligible to participate in the eligible employer plan maintained by the eligible employer, or

“(ii) \$5,000, and”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2019. 26 USC 45E note.

SEC. 105. SMALL EMPLOYER AUTOMATIC ENROLLMENT CREDIT.

(a) **IN GENERAL.**—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

26 USC 45T.

“SEC. 45T. AUTO-ENROLLMENT OPTION FOR RETIREMENT SAVINGS OPTIONS PROVIDED BY SMALL EMPLOYERS.

“(a) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the retirement auto-enrollment credit determined under this section for any taxable year is an amount equal to—

“(1) \$500 for any taxable year occurring during the credit period, and

“(2) zero for any other taxable year.

“(b) CREDIT PERIOD.—For purposes of subsection (a)—

“(1) IN GENERAL.—The credit period with respect to any eligible employer is the 3-taxable-year period beginning with the first taxable year for which the employer includes an eligible automatic contribution arrangement (as defined in section 414(w)(3)) in a qualified employer plan (as defined in section 4972(d)) sponsored by the employer.

“(2) MAINTENANCE OF ARRANGEMENT.—No taxable year with respect to an employer shall be treated as occurring within the credit period unless the arrangement described in paragraph (1) is included in the plan for such year.

Definition.

“(c) ELIGIBLE EMPLOYER.—For purposes of this section, the term ‘eligible employer’ has the meaning given such term in section 408(p)(2)(C)(i).”.

26 USC 38.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended by striking “plus” at the end of paragraph (31), by striking the period at the end of paragraph (32) and inserting “, plus”, and by adding at the end the following new paragraph:

“(33) in the case of an eligible employer (as defined in section 45T(c)), the retirement auto-enrollment credit determined under section 45T(a).”.

26 USC
prec. 38.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45S the following new item:

“Sec. 45T. Auto-enrollment option for retirement savings options provided by small employers.”.

26 USC 38 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019.

SEC. 106. CERTAIN TAXABLE NON-TUITION FELLOWSHIP AND STIPEND PAYMENTS TREATED AS COMPENSATION FOR IRA PURPOSES.

Definition.

(a) IN GENERAL.—Paragraph (1) of section 219(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following: “The term ‘compensation’ shall include any amount which is included in the individual’s gross income and paid to the individual to aid the individual in the pursuit of graduate or postdoctoral study.”.

26 USC 219 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2019.

SEC. 107. REPEAL OF MAXIMUM AGE FOR TRADITIONAL IRA CONTRIBUTIONS.

(a) IN GENERAL.—Paragraph (1) of section 219(d) of the Internal Revenue Code of 1986 is repealed.

(b) **COORDINATION WITH QUALIFIED CHARITABLE DISTRIBUTIONS.**—Add at the end of section 408(d)(8)(A) of such Code the following: “The amount of distributions not includible in gross income by reason of the preceding sentence for a taxable year (determined without regard to this sentence) shall be reduced (but not below zero) by an amount equal to the excess of—

“(i) the aggregate amount of deductions allowed to the taxpayer under section 219 for all taxable years ending on or after the date the taxpayer attains age 70½, over

“(ii) the aggregate amount of reductions under this sentence for all taxable years preceding the current taxable year.”.

(c) **CONFORMING AMENDMENT.**—Subsection (c) of section 408A of the Internal Revenue Code of 1986 is amended by striking paragraph (4) and by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

26 USC 408A.

(d) **EFFECTIVE DATE.**—

26 USC 219 note.

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions made for taxable years beginning after December 31, 2019.

(2) **SUBSECTION (b).**—The amendment made by subsection (b) shall apply to distributions made for taxable years beginning after December 31, 2019.

SEC. 108. QUALIFIED EMPLOYER PLANS PROHIBITED FROM MAKING LOANS THROUGH CREDIT CARDS AND OTHER SIMILAR ARRANGEMENTS.

(a) **IN GENERAL.**—Paragraph (2) of section 72(p) of the Internal Revenue Code of 1986 is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

“(D) **PROHIBITION OF LOANS THROUGH CREDIT CARDS AND OTHER SIMILAR ARRANGEMENTS.**—Subparagraph (A) shall not apply to any loan which is made through the use of any credit card or any other similar arrangement.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to loans made after the date of the enactment of this Act.

26 USC 72 note.

SEC. 109. PORTABILITY OF LIFETIME INCOME OPTIONS.

(a) **IN GENERAL.**—Subsection (a) of section 401 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (37) the following new paragraph:

“(38) **PORTABILITY OF LIFETIME INCOME.**—

“(A) **IN GENERAL.**—Except as may be otherwise provided by regulations, a trust forming part of a defined contribution plan shall not be treated as failing to constitute a qualified trust under this section solely by reason of allowing—

Time period.

“(i) qualified distributions of a lifetime income investment, or

“(ii) distributions of a lifetime income investment in the form of a qualified plan distribution annuity contract,

on or after the date that is 90 days prior to the date on which such lifetime income investment is no longer

authorized to be held as an investment option under the plan.

“(B) DEFINITIONS.—For purposes of this subsection—

“(i) the term ‘qualified distribution’ means a direct trustee-to-trustee transfer described in paragraph (31)(A) to an eligible retirement plan (as defined in section 402(c)(8)(B)),

“(ii) the term ‘lifetime income investment’ means an investment option which is designed to provide an employee with election rights—

“(I) which are not uniformly available with respect to other investment options under the plan, and

“(II) which are to a lifetime income feature available through a contract or other arrangement offered under the plan (or under another eligible retirement plan (as so defined), if paid by means of a direct trustee-to-trustee transfer described in paragraph (31)(A) to such other eligible retirement plan),

“(iii) the term ‘lifetime income feature’ means—

“(I) a feature which guarantees a minimum level of income annually (or more frequently) for at least the remainder of the life of the employee or the joint lives of the employee and the employee’s designated beneficiary, or

“(II) an annuity payable on behalf of the employee under which payments are made in substantially equal periodic payments (not less frequently than annually) over the life of the employee or the joint lives of the employee and the employee’s designated beneficiary, and

“(iv) the term ‘qualified plan distribution annuity contract’ means an annuity contract purchased for a participant and distributed to the participant by a plan or contract described in subparagraph (B) of section 402(c)(8) (without regard to clauses (i) and (ii) thereof).”.

(b) CASH OR DEFERRED ARRANGEMENT.—

26 USC 401.

(1) IN GENERAL.—Clause (i) of section 401(k)(2)(B) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of subclause (IV), by striking “and” at the end of subclause (V) and inserting “or”, and by adding at the end the following new subclause:

Time period.

“(VI) except as may be otherwise provided by regulations, with respect to amounts invested in a lifetime income investment (as defined in subsection (a)(38)(B)(ii)), the date that is 90 days prior to the date that such lifetime income investment may no longer be held as an investment option under the arrangement, and”.

(2) DISTRIBUTION REQUIREMENT.—Subparagraph (B) of section 401(k)(2) of such Code, as amended by paragraph (1), is amended by striking “and” at the end of clause (i), by striking the semicolon at the end of clause (ii) and inserting “, and”, and by adding at the end the following new clause:

“(iii) except as may be otherwise provided by regulations, in the case of amounts described in clause (i)(VI), will be distributed only in the form of a qualified distribution (as defined in subsection (a)(38)(B)(i)) or a qualified plan distribution annuity contract (as defined in subsection (a)(38)(B)(iv)).”.

(c) SECTION 403(b) PLANS.—

(1) ANNUITY CONTRACTS.—Paragraph (11) of section 403(b) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, or”, and by inserting after subparagraph (C) the following new subparagraph:

26 USC 403.

“(D) except as may be otherwise provided by regulations, with respect to amounts invested in a lifetime income investment (as defined in section 401(a)(38)(B)(ii))—

“(i) on or after the date that is 90 days prior to the date that such lifetime income investment may no longer be held as an investment option under the contract, and

Effective date.

“(ii) in the form of a qualified distribution (as defined in section 401(a)(38)(B)(i)) or a qualified plan distribution annuity contract (as defined in section 401(a)(38)(B)(iv)).”.

(2) CUSTODIAL ACCOUNTS.—Subparagraph (A) of section 403(b)(7) of such Code is amended by striking “if—” and all that follows and inserting “if the amounts are to be invested in regulated investment company stock to be held in that custodial account, and under the custodial account—

“(i) no such amounts may be paid or made available to any distributee (unless such amount is a distribution to which section 72(t)(2)(G) applies) before—

“(I) the employee dies,

“(II) the employee attains age 59½,

“(III) the employee has a severance from employment,

“(IV) the employee becomes disabled (within the meaning of section 72(m)(7)),

“(V) in the case of contributions made pursuant to a salary reduction agreement (within the meaning of section 3121(a)(5)(D)), the employee encounters financial hardship, or

“(VI) except as may be otherwise provided by regulations, with respect to amounts invested in a lifetime income investment (as defined in section 401(a)(38)(B)(ii)), the date that is 90 days prior to the date that such lifetime income investment may no longer be held as an investment option under the contract, and

Time period.

“(ii) in the case of amounts described in clause (i)(VI), such amounts will be distributed only in the form of a qualified distribution (as defined in section 401(a)(38)(B)(i)) or a qualified plan distribution annuity contract (as defined in section 401(a)(38)(B)(iv)).”.

(d) ELIGIBLE DEFERRED COMPENSATION PLANS.—

(1) IN GENERAL.—Subparagraph (A) of section 457(d)(1) of the Internal Revenue Code of 1986 is amended by striking

Time period.	<p>“or” at the end of clause (ii), by inserting “or” at the end of clause (iii), and by adding after clause (iii) the following:</p> <p>“(iv) except as may be otherwise provided by regulations, in the case of a plan maintained by an employer described in subsection (e)(1)(A), with respect to amounts invested in a lifetime income investment (as defined in section 401(a)(38)(B)(ii)), the date that is 90 days prior to the date that such lifetime income investment may no longer be held as an investment option under the plan.”.</p> <p>(2) DISTRIBUTION REQUIREMENT.—Paragraph (1) of section 457(d) of such Code is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, and”, and by inserting after subparagraph (C) the following new subparagraph:</p> <p>“(D) except as may be otherwise provided by regulations, in the case of amounts described in subparagraph (A)(iv), such amounts will be distributed only in the form of a qualified distribution (as defined in section 401(a)(38)(B)(i)) or a qualified plan distribution annuity contract (as defined in section 401(a)(38)(B)(iv)).”.</p>
26 USC 401 note.	<p>(e) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2019.</p>
26 USC 403 note.	<p>SEC. 110. TREATMENT OF CUSTODIAL ACCOUNTS ON TERMINATION OF SECTION 403(b) PLANS.</p>
Deadline. Guidance.	<p>Not later than six months after the date of enactment of this Act, the Secretary of the Treasury shall issue guidance to provide that, if an employer terminates the plan under which amounts are contributed to a custodial account under subparagraph (A) of section 403(b)(7), the plan administrator or custodian may distribute an individual custodial account in kind to a participant or beneficiary of the plan and the distributed custodial account shall be maintained by the custodian on a tax-deferred basis as a section 403(b)(7) custodial account, similar to the treatment of fully-paid individual annuity contracts under Revenue Ruling 2011–7, until amounts are actually paid to the participant or beneficiary. The guidance shall provide further (i) that the section 403(b)(7) status of the distributed custodial account is generally maintained if the custodial account thereafter adheres to the requirements of section 403(b) that are in effect at the time of the distribution of the account and (ii) that a custodial account would not be considered distributed to the participant or beneficiary if the employer has any material retained rights under the account (but the employer would not be treated as retaining material rights simply because the custodial account was originally opened under a group contract). Such guidance shall be retroactively effective for taxable years beginning after December 31, 2008.</p>
Effective date.	<p>SEC. 111. CLARIFICATION OF RETIREMENT INCOME ACCOUNT RULES RELATING TO CHURCH-CONTROLLED ORGANIZATIONS.</p>
26 USC 403.	<p>(a) IN GENERAL.—Subparagraph (B) of section 403(b)(9) of the Internal Revenue Code of 1986 is amended by inserting “(including an employee described in section 414(e)(3)(B))” after “employee described in paragraph (1)”.</p>
26 USC 403 note.	<p>(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning before, on, or after the date of the enactment of this Act.</p>

SEC. 112. QUALIFIED CASH OR DEFERRED ARRANGEMENTS MUST ALLOW LONG-TERM EMPLOYEES WORKING MORE THAN 500 BUT LESS THAN 1,000 HOURS PER YEAR TO PARTICIPATE.

(a) PARTICIPATION REQUIREMENT.—

(1) IN GENERAL.—Section 401(k)(2)(D) of the Internal Revenue Code of 1986 is amended to read as follows:

26 USC 401.

“(D) which does not require, as a condition of participation in the arrangement, that an employee complete a period of service with the employer (or employers) maintaining the plan extending beyond the close of the earlier of—

“(i) the period permitted under section 410(a)(1) (determined without regard to subparagraph (B)(i) thereof), or

“(ii) subject to the provisions of paragraph (15), the first period of 3 consecutive 12-month periods during each of which the employee has at least 500 hours of service.”.

(2) SPECIAL RULES.—Section 401(k) of such Code is amended by adding at the end the following new paragraph:

“(15) SPECIAL RULES FOR PARTICIPATION REQUIREMENT FOR LONG-TERM, PART-TIME WORKERS.—For purposes of paragraph (2)(D)(ii)—

“(A) AGE REQUIREMENT MUST BE MET.—Paragraph (2)(D)(ii) shall not apply to an employee unless the employee has met the requirement of section 410(a)(1)(A)(i) by the close of the last of the 12-month periods described in such paragraph.

Time periods.

“(B) NONDISCRIMINATION AND TOP-HEAVY RULES NOT TO APPLY.—

“(i) NONDISCRIMINATION RULES.—In the case of employees who are eligible to participate in the arrangement solely by reason of paragraph (2)(D)(ii)—

“(I) notwithstanding subsection (a)(4), an employer shall not be required to make nonelective or matching contributions on behalf of such employees even if such contributions are made on behalf of other employees eligible to participate in the arrangement, and

“(II) an employer may elect to exclude such employees from the application of subsection (a)(4), paragraphs (3), (12), and (13), subsection (m)(2), and section 410(b).

“(ii) TOP-HEAVY RULES.—An employer may elect to exclude all employees who are eligible to participate in a plan maintained by the employer solely by reason of paragraph (2)(D)(ii) from the application of the vesting and benefit requirements under subsections (b) and (c) of section 416.

“(iii) VESTING.—For purposes of determining whether an employee described in clause (i) has a nonforfeitable right to employer contributions (other than contributions described in paragraph (3)(D)(i)) under the arrangement, each 12-month period for which the employee has at least 500 hours of service shall be treated as a year of service, and section

Time periods.
Applicability.

	411(a)(6) shall be applied by substituting ‘at least 500 hours of service’ for ‘more than 500 hours of service’ in subparagraph (A) thereof.
Effective date.	<p>“(iv) EMPLOYEES WHO BECOME FULL-TIME EMPLOYEES.—This subparagraph (other than clause (iii)) shall cease to apply to any employee as of the first plan year beginning after the plan year in which the employee meets the requirements of section 410(a)(1)(A)(ii) without regard to paragraph (2)(D)(ii).</p> <p>“(C) EXCEPTION FOR EMPLOYEES UNDER COLLECTIVELY BARGAINED PLANS, ETC.—Paragraph (2)(D)(ii) shall not apply to employees described in section 410(b)(3).</p> <p>“(D) SPECIAL RULES.—</p> <p>“(i) TIME OF PARTICIPATION.—The rules of section 410(a)(4) shall apply to an employee eligible to participate in an arrangement solely by reason of paragraph (2)(D)(ii).</p> <p>“(ii) 12-MONTH PERIODS.—12-month periods shall be determined in the same manner as under the last sentence of section 410(a)(3)(A).”.</p>
Applicability.	
26 USC 401 note.	<p>(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2020, except that, for purposes of section 401(k)(2)(D)(ii) of the Internal Revenue Code of 1986 (as added by such amendments), 12-month periods beginning before January 1, 2021, shall not be taken into account.</p> <p>SEC. 113. PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS FOR INDIVIDUALS IN CASE OF BIRTH OF CHILD OR ADOPTION.</p> <p>(a) IN GENERAL.—Section 72(t)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:</p> <p>“(H) DISTRIBUTIONS FROM RETIREMENT PLANS IN CASE OF BIRTH OF CHILD OR ADOPTION.—</p> <p>“(i) IN GENERAL.—Any qualified birth or adoption distribution.</p> <p>“(ii) LIMITATION.—The aggregate amount which may be treated as qualified birth or adoption distributions by any individual with respect to any birth or adoption shall not exceed \$5,000.</p> <p>“(iii) QUALIFIED BIRTH OR ADOPTION DISTRIBUTION.—For purposes of this subparagraph—</p> <p>“(I) IN GENERAL.—The term ‘qualified birth or adoption distribution’ means any distribution from an applicable eligible retirement plan to an individual if made during the 1-year period beginning on the date on which a child of the individual is born or on which the legal adoption by the individual of an eligible adoptee is finalized.</p> <p>“(II) ELIGIBLE ADOPTEE.—The term ‘eligible adoptee’ means any individual (other than a child of the taxpayer’s spouse) who has not attained age 18 or is physically or mentally incapable of self-support.</p> <p>“(iv) TREATMENT OF PLAN DISTRIBUTIONS.—</p> <p>“(I) IN GENERAL.—If a distribution to an individual would (without regard to clause (ii)) be a</p>
26 USC 72.	
Definitions.	

qualified birth or adoption distribution, a plan shall not be treated as failing to meet any requirement of this title merely because the plan treats the distribution as a qualified birth or adoption distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds \$5,000.

“(II) CONTROLLED GROUP.—For purposes of subclause (I), the term ‘controlled group’ means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414. Definition.

“(v) AMOUNT DISTRIBUTED MAY BE REPAID.—

“(I) IN GENERAL.—Any individual who receives a qualified birth or adoption distribution may make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an applicable eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

“(II) LIMITATION ON CONTRIBUTIONS TO APPLICABLE ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—The aggregate amount of contributions made by an individual under subclause (I) to any applicable eligible retirement plan which is not an individual retirement plan shall not exceed the aggregate amount of qualified birth or adoption distributions which are made from such plan to such individual. Subclause (I) shall not apply to contributions to any applicable eligible retirement plan which is not an individual retirement plan unless the individual is eligible to make contributions (other than those described in subclause (I)) to such applicable eligible retirement plan.

“(III) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM APPLICABLE ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—If a contribution is made under subclause (I) with respect to a qualified birth or adoption distribution from an applicable eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received such distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the applicable eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution. Time period.

“(IV) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—If a contribution is made under subclause (I) with respect to a qualified birth or adoption distribution from an individual retirement plan, then, to the extent of the amount Time period.

of the contribution, such distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the applicable eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

“(vi) DEFINITION AND SPECIAL RULES.—For purposes of this subparagraph—

“(I) APPLICABLE ELIGIBLE RETIREMENT PLAN.—The term ‘applicable eligible retirement plan’ means an eligible retirement plan (as defined in section 402(c)(8)(B)) other than a defined benefit plan.

“(II) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405, a qualified birth or adoption distribution shall not be treated as an eligible rollover distribution.

“(III) TAXPAYER MUST INCLUDE TIN.—A distribution shall not be treated as a qualified birth or adoption distribution with respect to any child or eligible adoptee unless the taxpayer includes the name, age, and TIN of such child or eligible adoptee on the taxpayer’s return of tax for the taxable year.

“(IV) DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—Any qualified birth or adoption distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A).”.

26 USC 72 note. (b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after December 31, 2019.

SEC. 114. INCREASE IN AGE FOR REQUIRED BEGINNING DATE FOR MANDATORY DISTRIBUTIONS.

26 USC 401. (a) IN GENERAL.—Section 401(a)(9)(C)(i)(I) of the Internal Revenue Code of 1986 is amended by striking “age 70½” and inserting “age 72”.

(b) SPOUSE BENEFICIARIES; SPECIAL RULE FOR OWNERS.—Subparagraphs (B)(iv)(I) and (C)(ii)(I) of section 401(a)(9) of such Code are each amended by striking “age 70½” and inserting “age 72”.

(c) CONFORMING AMENDMENTS.—The last sentence of section 408(b) of such Code is amended by striking “age 70½” and inserting “age 72”.

26 USC 401 note. (d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions required to be made after December 31, 2019, with respect to individuals who attain age 70½ after such date.

SEC. 115. SPECIAL RULES FOR MINIMUM FUNDING STANDARDS FOR COMMUNITY NEWSPAPER PLANS.

(a) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 430 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER PLANS.—

“(1) IN GENERAL.—The plan sponsor of a community newspaper plan under which no participant has had the participant’s accrued benefit increased (whether because of service or compensation) after December 31, 2017, may elect to have the alternative standards described in paragraph (3) apply to such plan, and any plan sponsored by any member of the same controlled group.

“(2) ELECTION.—An election under paragraph (1) shall be made at such time and in such manner as prescribed by the Secretary. Such election, once made with respect to a plan year, shall apply to all subsequent plan years unless revoked with the consent of the Secretary.

Applicability.

“(3) ALTERNATIVE MINIMUM FUNDING STANDARDS.—The alternative standards described in this paragraph are the following:

“(A) INTEREST RATES.—

“(i) IN GENERAL.—Notwithstanding subsection (h)(2)(C) and except as provided in clause (ii), the first, second, and third segment rates in effect for any month for purposes of this section shall be 8 percent.

“(ii) NEW BENEFIT ACCRUALS.—Notwithstanding subsection (h)(2), for purposes of determining the funding target and normal cost of a plan for any plan year, the present value of any benefits accrued or earned under the plan for a plan year with respect to which an election under paragraph (1) is in effect shall be determined on the basis of the United States Treasury obligation yield curve for the day that is the valuation date of such plan for such plan year.

Determination.

“(iii) UNITED STATES TREASURY OBLIGATION YIELD CURVE.—For purposes of this subsection, the term ‘United States Treasury obligation yield curve’ means, with respect to any day, a yield curve which shall be prescribed by the Secretary for such day on interest-bearing obligations of the United States.

Definition.

“(B) SHORTFALL AMORTIZATION BASE.—

“(i) PREVIOUS SHORTFALL AMORTIZATION BASES.—The shortfall amortization bases determined under subsection (c)(3) for all plan years preceding the first plan year to which the election under paragraph (1) applies (and all shortfall amortization installments determined with respect to such bases) shall be reduced to zero under rules similar to the rules of subsection (c)(6).

“(ii) NEW SHORTFALL AMORTIZATION BASE.—Notwithstanding subsection (c)(3), the shortfall amortization base for the first plan year to which the election under paragraph (1) applies shall be the funding shortfall of such plan for such plan year (determined using the interest rates as modified under subparagraph (A)).

“(C) DETERMINATION OF SHORTFALL AMORTIZATION INSTALLMENTS.—

“(i) 30-YEAR PERIOD.—Subparagraphs (A) and (B) of subsection (c)(2) shall be applied by substituting ‘30-plan-year’ for ‘7-plan-year’ each place it appears.

Applicability.

“(ii) NO SPECIAL ELECTION.—The election under subparagraph (D) of subsection (c)(2) shall not apply

to any plan year to which the election under paragraph (1) applies.

“(D) EXEMPTION FROM AT-RISK TREATMENT.—Subsection (i) shall not apply.

Definitions.

“(4) COMMUNITY NEWSPAPER PLAN.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘community newspaper plan’ means a plan to which this section applies maintained by an employer which, as of December 31, 2017—

“(i) publishes and distributes daily, either electronically or in printed form, 1 or more community newspapers in a single State,

“(ii) is not a company the stock of which is publicly traded (on a stock exchange or in an over-the-counter market), and is not controlled, directly or indirectly, by such a company,

“(iii) is controlled, directly or indirectly—

“(I) by 1 or more persons residing primarily in the State in which the community newspaper is published,

“(II) for not less than 30 years by individuals who are members of the same family,

“(III) by a trust created or organized in the State in which the community newspaper is published, the sole trustees of which are persons described in subclause (I) or (II),

“(IV) by an entity which is described in section 501(c)(3) and exempt from taxation under section 501(a), which is organized and operated in the State in which the community newspaper is published, and the primary purpose of which is to benefit communities in such State, or

“(V) by a combination of persons described in subclause (I), (III), or (IV), and

“(iv) does not control, directly or indirectly, any newspaper in any other State.

“(B) COMMUNITY NEWSPAPER.—The term ‘community newspaper’ means a newspaper which primarily serves a metropolitan statistical area, as determined by the Office of Management and Budget, with a population of not less than 100,000.

“(C) CONTROL.—A person shall be treated as controlled by another person if such other person possesses, directly or indirectly, the power to direct or cause the direction and management of such person (including the power to elect a majority of the members of the board of directors of such person) through the ownership of voting securities.

Definition.

“(5) CONTROLLED GROUP.—For purposes of this subsection, the term ‘controlled group’ means all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 as of the date of the enactment of this subsection.”.

(b) AMENDMENT TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 303 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083) is amended by adding at the end the following new subsection:

“(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER PLANS.—

“(1) IN GENERAL.—The plan sponsor of a community newspaper plan under which no participant has had the participant’s accrued benefit increased (whether because of service or compensation) after December 31, 2017, may elect to have the alternative standards described in paragraph (3) apply to such plan, and any plan sponsored by any member of the same controlled group.

“(2) ELECTION.—An election under paragraph (1) shall be made at such time and in such manner as prescribed by the Secretary of the Treasury. Such election, once made with respect to a plan year, shall apply to all subsequent plan years unless revoked with the consent of the Secretary of the Treasury.

Applicability.

“(3) ALTERNATIVE MINIMUM FUNDING STANDARDS.—The alternative standards described in this paragraph are the following:

“(A) INTEREST RATES.—

“(i) IN GENERAL.—Notwithstanding subsection (h)(2)(C) and except as provided in clause (ii), the first, second, and third segment rates in effect for any month for purposes of this section shall be 8 percent.

“(ii) NEW BENEFIT ACCRUALS.—Notwithstanding subsection (h)(2), for purposes of determining the funding target and normal cost of a plan for any plan year, the present value of any benefits accrued or earned under the plan for a plan year with respect to which an election under paragraph (1) is in effect shall be determined on the basis of the United States Treasury obligation yield curve for the day that is the valuation date of such plan for such plan year.

Determination.

“(iii) UNITED STATES TREASURY OBLIGATION YIELD CURVE.—For purposes of this subsection, the term ‘United States Treasury obligation yield curve’ means, with respect to any day, a yield curve which shall be prescribed by the Secretary of the Treasury for such day on interest-bearing obligations of the United States.

Definition.

“(B) SHORTFALL AMORTIZATION BASE.—

“(i) PREVIOUS SHORTFALL AMORTIZATION BASES.—The shortfall amortization bases determined under subsection (c)(3) for all plan years preceding the first plan year to which the election under paragraph (1) applies (and all shortfall amortization installments determined with respect to such bases) shall be reduced to zero under rules similar to the rules of subsection (c)(6).

“(ii) NEW SHORTFALL AMORTIZATION BASE.—Notwithstanding subsection (c)(3), the shortfall amortization base for the first plan year to which the election under paragraph (1) applies shall be the funding shortfall of such plan for such plan year (determined using the interest rates as modified under subparagraph (A)).

“(C) DETERMINATION OF SHORTFALL AMORTIZATION INSTALLMENTS.—

“(i) 30-YEAR PERIOD.—Subparagraphs (A) and (B) of subsection (c)(2) shall be applied by substituting ‘30-plan-year’ for ‘7-plan-year’ each place it appears.

Applicability.

Definitions.

“(ii) NO SPECIAL ELECTION.—The election under subparagraph (D) of subsection (c)(2) shall not apply to any plan year to which the election under paragraph (1) applies.

“(D) EXEMPTION FROM AT-RISK TREATMENT.—Subsection (i) shall not apply.

“(4) COMMUNITY NEWSPAPER PLAN.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘community newspaper plan’ means a plan to which this section applies maintained by an employer which, as of December 31, 2017—

“(i) publishes and distributes daily, either electronically or in printed form—

“(I) a community newspaper, or

“(II) 1 or more community newspapers in the same State,

“(ii) is not a company the stock of which is publicly traded (on a stock exchange or in an over-the-counter market), and is not controlled, directly or indirectly, by such a company,

“(iii) is controlled, directly or indirectly—

“(I) by 1 or more persons residing primarily in the State in which the community newspaper is published,

“(II) for not less than 30 years by individuals who are members of the same family,

“(III) by a trust created or organized in the State in which the community newspaper is published, the sole trustees of which are persons described in subclause (I) or (II),

“(IV) by an entity which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code, which is organized and operated in the State in which the community newspaper is published, and the primary purpose of which is to benefit communities in such State, or

“(V) by a combination of persons described in subclause (I), (III), or (IV), and

“(iv) does not control, directly or indirectly, any newspaper in any other State.

“(B) COMMUNITY NEWSPAPER.—The term ‘community newspaper’ means a newspaper which primarily serves a metropolitan statistical area, as determined by the Office of Management and Budget, with a population of not less than 100,000.

“(C) CONTROL.—A person shall be treated as controlled by another person if such other person possesses, directly or indirectly, the power to direct or cause the direction and management of such person (including the power to elect a majority of the members of the board of directors of such person) through the ownership of voting securities.

Definition.

“(5) CONTROLLED GROUP.—For purposes of this subsection, the term ‘controlled group’ means all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 as of the date of the enactment of this subsection.

“(6) EFFECT ON PREMIUM RATE CALCULATION.—Notwithstanding any other provision of law or any regulation issued by the Pension Benefit Guaranty Corporation, in the case of a plan for which an election is made to apply the alternative standards described in paragraph (3), the additional premium under section 4006(a)(3)(E) shall be determined as if such election had not been made.”.

Determination.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years ending after December 31, 2017.

26 USC 430 note.

SEC. 116. TREATING EXCLUDED DIFFICULTY OF CARE PAYMENTS AS COMPENSATION FOR DETERMINING RETIREMENT CONTRIBUTION LIMITATIONS.

(a) INDIVIDUAL RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Section 408(o) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

26 USC 408.

“(5) SPECIAL RULE FOR DIFFICULTY OF CARE PAYMENTS EXCLUDED FROM GROSS INCOME.—In the case of an individual who for a taxable year excludes from gross income under section 131 a qualified foster care payment which is a difficulty of care payment, if—

“(A) the deductible amount in effect for the taxable year under subsection (b), exceeds

“(B) the amount of compensation includible in the individual’s gross income for the taxable year, the individual may elect to increase the nondeductible limit under paragraph (2) for the taxable year by an amount equal to the lesser of such excess or the amount so excluded.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to contributions after the date of the enactment of this Act.

26 USC 408 note.

(b) DEFINED CONTRIBUTION PLANS.—

(1) IN GENERAL.—Section 415(c) of such Code is amended by adding at the end the following new paragraph:

“(8) SPECIAL RULE FOR DIFFICULTY OF CARE PAYMENTS EXCLUDED FROM GROSS INCOME.—

“(A) IN GENERAL.—For purposes of paragraph (1)(B), in the case of an individual who for a taxable year excludes from gross income under section 131 a qualified foster care payment which is a difficulty of care payment, the participant’s compensation, or earned income, as the case may be, shall be increased by the amount so excluded.

“(B) CONTRIBUTIONS ALLOCABLE TO DIFFICULTY OF CARE PAYMENTS TREATED AS AFTER-TAX.—Any contribution by the participant which is allowable due to such increase—

“(i) shall be treated for purposes of this title as investment in the contract, and

“(ii) shall not cause a plan (and any arrangement which is part of such plan) to be treated as failing to meet any requirements of this chapter solely by reason of allowing any such contributions.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to plan years beginning after December 31, 2015.

26 USC 415 note.

TITLE II—ADMINISTRATIVE IMPROVEMENTS

SEC. 201. PLAN ADOPTED BY FILING DUE DATE FOR YEAR MAY BE TREATED AS IN EFFECT AS OF CLOSE OF YEAR.

26 USC 401. (a) IN GENERAL.—Subsection (b) of section 401 of the Internal Revenue Code of 1986 is amended—

(1) by striking “RETROACTIVE CHANGES IN PLAN.—A stock bonus” and inserting “PLAN AMENDMENTS.—

“(1) CERTAIN RETROACTIVE CHANGES IN PLAN.—A stock bonus”; and

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

“(2) ADOPTION OF PLAN.—If an employer adopts a stock bonus, pension, profit-sharing, or annuity plan after the close of a taxable year but before the time prescribed by law for filing the return of the employer for the taxable year (including extensions thereof), the employer may elect to treat the plan as having been adopted as of the last day of the taxable year.”.

26 USC 401 note. (b) EFFECTIVE DATE.—The amendments made by this section shall apply to plans adopted for taxable years beginning after December 31, 2019.

SEC. 202. COMBINED ANNUAL REPORT FOR GROUP OF PLANS.

Cooperation.
26 USC 6058
note. (a) IN GENERAL.—The Secretary of the Treasury and the Secretary of Labor shall, in cooperation, modify the returns required under section 6058 of the Internal Revenue Code of 1986 and the reports required by section 104 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024) so that all members of a group of plans described in subsection (c) may file a single aggregated annual return or report satisfying the requirements of both such sections.

26 USC 6058
note. (b) ADMINISTRATIVE REQUIREMENTS.—In developing the consolidated return or report under subsection (a), the Secretary of the Treasury and the Secretary of Labor may require such return or report to include any information regarding each plan in the group as such Secretaries determine is necessary or appropriate for the enforcement and administration of the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 and shall require such information as will enable a participant in a plan to identify any aggregated return or report filed with respect to the plan.

26 USC 6058
note. (c) PLANS DESCRIBED.—A group of plans is described in this subsection if all plans in the group—

(1) are individual account plans or defined contribution plans (as defined in section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34)) or in section 414(i) of the Internal Revenue Code of 1986);

(2) have—

(A) the same trustee (as described in section 403(a) of such Act (29 U.S.C. 1103(a)));

(B) the same one or more named fiduciaries (as described in section 402(a) of such Act (29 U.S.C. 1102(a)));

(C) the same administrator (as defined in section 3(16)(A) of such Act (29 U.S.C. 1002(16)(A))) and plan administrator (as defined in section 414(g) of the Internal Revenue Code of 1986); and

(D) plan years beginning on the same date; and

(3) provide the same investments or investment options to participants and beneficiaries.

A plan not subject to title I of the Employee Retirement Income Security Act of 1974 shall be treated as meeting the requirements of paragraph (2) as part of a group of plans if the same person that performs each of the functions described in such paragraph, as applicable, for all other plans in such group performs each of such functions for such plan.

(d) CLARIFICATION RELATING TO ELECTRONIC FILING OF RETURNS FOR DEFERRED COMPENSATION PLANS.—

(1) IN GENERAL.—Section 6011(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph: 26 USC 601.

“(6) APPLICATION OF NUMERICAL LIMITATION TO RETURNS RELATING TO DEFERRED COMPENSATION PLANS.—For purposes of applying the numerical limitation under paragraph (2)(A) to any return required under section 6058, information regarding each plan for which information is provided on such return shall be treated as a separate return.”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to returns required to be filed with respect to plan years beginning after December 31, 2019. 26 USC 6011 note.

(e) EFFECTIVE DATE.—The modification required by subsection (a) shall be implemented not later than January 1, 2022, and shall apply to returns and reports for plan years beginning after December 31, 2021. 26 USC 6058 note.

SEC. 203. DISCLOSURE REGARDING LIFETIME INCOME.

(a) IN GENERAL.—Subparagraph (B) of section 105(a)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025(a)(2)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking “diversification.” and inserting “diversification, and”; and

(3) by inserting at the end the following:

“(iii) the lifetime income disclosure described in subparagraph (D)(i).

In the case of pension benefit statements described in clause (i) of paragraph (1)(A), a lifetime income disclosure under clause (iii) of this subparagraph shall be required to be included in only one pension benefit statement during any one 12-month period.”

(b) LIFETIME INCOME.—Paragraph (2) of section 105(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025(a)) is amended by adding at the end the following new subparagraph:

“(D) LIFETIME INCOME DISCLOSURE.—

“(i) IN GENERAL.—

“(I) DISCLOSURE.—A lifetime income disclosure shall set forth the lifetime income stream equivalent of the total benefits accrued with respect to the participant or beneficiary.

“(II) LIFETIME INCOME STREAM EQUIVALENT OF THE TOTAL BENEFITS ACCRUED.—For purposes of this subparagraph, the term ‘lifetime income stream equivalent of the total benefits accrued’ Definition.

means the amount of monthly payments the participant or beneficiary would receive if the total accrued benefits of such participant or beneficiary were used to provide lifetime income streams described in subclause (III), based on assumptions specified in rules prescribed by the Secretary.

“(III) LIFETIME INCOME STREAMS.—The lifetime income streams described in this subclause are a qualified joint and survivor annuity (as defined in section 205(d)), based on assumptions specified in rules prescribed by the Secretary, including the assumption that the participant or beneficiary has a spouse of equal age, and a single life annuity. Such lifetime income streams may have a term certain or other features to the extent permitted under rules prescribed by the Secretary.

Deadline.

“(ii) MODEL DISCLOSURE.—Not later than 1 year after the date of the enactment of the Setting Every Community Up for Retirement Enhancement Act of 2019, the Secretary shall issue a model lifetime income disclosure, written in a manner so as to be understood by the average plan participant, which—

“(I) explains that the lifetime income stream equivalent is only provided as an illustration;

“(II) explains that the actual payments under the lifetime income stream described in clause (i)(III) which may be purchased with the total benefits accrued will depend on numerous factors and may vary substantially from the lifetime income stream equivalent in the disclosures;

“(III) explains the assumptions upon which the lifetime income stream equivalent was determined; and

“(IV) provides such other similar explanations as the Secretary considers appropriate.

Deadline.

“(iii) ASSUMPTIONS AND RULES.—Not later than 1 year after the date of the enactment of the Setting Every Community Up for Retirement Enhancement Act of 2019, the Secretary shall—

“(I) prescribe assumptions which administrators of individual account plans may use in converting total accrued benefits into lifetime income stream equivalents for purposes of this subparagraph; and

Regulations.

“(II) issue interim final rules under clause (i). In prescribing assumptions under subclause (I), the Secretary may prescribe a single set of specific assumptions (in which case the Secretary may issue tables or factors which facilitate such conversions), or ranges of permissible assumptions. To the extent that an accrued benefit is or may be invested in a lifetime income stream described in clause (i)(III), the assumptions prescribed under subclause (I) shall, to the extent appropriate, permit administrators of individual account plans to use the amounts payable under such lifetime income stream as a lifetime income stream equivalent.

“(iv) **LIMITATION ON LIABILITY.**—No plan fiduciary, plan sponsor, or other person shall have any liability under this title solely by reason of the provision of lifetime income stream equivalents which are derived in accordance with the assumptions and rules described in clause (iii) and which include the explanations contained in the model lifetime income disclosure described in clause (ii). This clause shall apply without regard to whether the provision of such lifetime income stream equivalent is required by subparagraph (B)(iii).

Applicability.

“(v) **EFFECTIVE DATE.**—The requirement in subparagraph (B)(iii) shall apply to pension benefit statements furnished more than 12 months after the latest of the issuance by the Secretary of—

Applicability.
Time period.

“(I) interim final rules under clause (i);

“(II) the model disclosure under clause (ii);

or

“(III) the assumptions under clause (iii).”.

SEC. 204. FIDUCIARY SAFE HARBOR FOR SELECTION OF LIFETIME INCOME PROVIDER.

Section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104) is amended by adding at the end the following:

“(e) **SAFE HARBOR FOR ANNUITY SELECTION.**—

“(1) **IN GENERAL.**—With respect to the selection of an insurer for a guaranteed retirement income contract, the requirements of subsection (a)(1)(B) will be deemed to be satisfied if a fiduciary—

“(A) engages in an objective, thorough, and analytical search for the purpose of identifying insurers from which to purchase such contracts;

“(B) with respect to each insurer identified under subparagraph (A)—

“(i) considers the financial capability of such insurer to satisfy its obligations under the guaranteed retirement income contract; and

“(ii) considers the cost (including fees and commissions) of the guaranteed retirement income contract offered by the insurer in relation to the benefits and product features of the contract and administrative services to be provided under such contract; and

“(C) on the basis of such consideration, concludes that—

“(i) at the time of the selection, the insurer is financially capable of satisfying its obligations under the guaranteed retirement income contract; and

“(ii) the relative cost of the selected guaranteed retirement income contract as described in subparagraph (B)(ii) is reasonable.

“(2) **FINANCIAL CAPABILITY OF THE INSURER.**—A fiduciary will be deemed to satisfy the requirements of paragraphs (1)(B)(i) and (1)(C)(i) if—

“(A) the fiduciary obtains written representations from the insurer that—

“(i) the insurer is licensed to offer guaranteed retirement income contracts;

Time period.

“(ii) the insurer, at the time of selection and for each of the immediately preceding 7 plan years—

“(I) operates under a certificate of authority from the insurance commissioner of its domiciliary State which has not been revoked or suspended;

“(II) has filed audited financial statements in accordance with the laws of its domiciliary State under applicable statutory accounting principles;

“(III) maintains (and has maintained) reserves which satisfies all the statutory requirements of all States where the insurer does business; and

“(IV) is not operating under an order of supervision, rehabilitation, or liquidation;

Time period.

“(iii) the insurer undergoes, at least every 5 years, a financial examination (within the meaning of the law of its domiciliary State) by the insurance commissioner of the domiciliary State (or representative, designee, or other party approved by such commissioner); and

Notification.

“(iv) the insurer will notify the fiduciary of any change in circumstances occurring after the provision of the representations in clauses (i), (ii), and (iii) which would preclude the insurer from making such representations at the time of issuance of the guaranteed retirement income contract; and

“(B) after receiving such representations and as of the time of selection, the fiduciary has not received any notice described in subparagraph (A)(iv) and is in possession of no other information which would cause the fiduciary to question the representations provided.

“(3) NO REQUIREMENT TO SELECT LOWEST COST.—Nothing in this subsection shall be construed to require a fiduciary to select the lowest cost contract. A fiduciary may consider the value of a contract, including features and benefits of the contract and attributes of the insurer (including, without limitation, the insurer’s financial strength) in conjunction with the cost of the contract.

“(4) TIME OF SELECTION.—

“(A) IN GENERAL.—For purposes of this subsection, the time of selection is—

“(i) the time that the insurer and the contract are selected for distribution of benefits to a specific participant or beneficiary; or

“(ii) if the fiduciary periodically reviews the continuing appropriateness of the conclusion described in paragraph (1)(C) with respect to a selected insurer, taking into account the considerations described in such paragraph, the time that the insurer and the contract are selected to provide benefits at future dates to participants or beneficiaries under the plan.

Nothing in the preceding sentence shall be construed to require the fiduciary to review the appropriateness of a selection after the purchase of a contract for a participant or beneficiary.

“(B) PERIODIC REVIEW.—A fiduciary will be deemed to have conducted the periodic review described in subparagraph (A)(ii) if the fiduciary obtains the written representations described in clauses (i), (ii), and (iii) of paragraph (2)(A) from the insurer on an annual basis, unless the fiduciary receives any notice described in paragraph (2)(A)(iv) or otherwise becomes aware of facts that would cause the fiduciary to question such representations.

“(5) LIMITED LIABILITY.—A fiduciary which satisfies the requirements of this subsection shall not be liable following the distribution of any benefit, or the investment by or on behalf of a participant or beneficiary pursuant to the selected guaranteed retirement income contract, for any losses that may result to the participant or beneficiary due to an insurer’s inability to satisfy its financial obligations under the terms of such contract.

“(6) DEFINITIONS.—For purposes of this subsection—

“(A) INSURER.—The term ‘insurer’ means an insurance company, insurance service, or insurance organization, including affiliates of such companies.

“(B) GUARANTEED RETIREMENT INCOME CONTRACT.—The term ‘guaranteed retirement income contract’ means an annuity contract for a fixed term or a contract (or provision or feature thereof) which provides guaranteed benefits annually (or more frequently) for at least the remainder of the life of the participant or the joint lives of the participant and the participant’s designated beneficiary as part of an individual account plan.”.

SEC. 205. MODIFICATION OF NONDISCRIMINATION RULES TO PROTECT OLDER, LONGER SERVICE PARTICIPANTS.

(a) IN GENERAL.—Section 401 of the Internal Revenue Code of 1986 is amended—

26 USC 401.

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following new subsection:

“(o) SPECIAL RULES FOR APPLYING NONDISCRIMINATION RULES TO PROTECT OLDER, LONGER SERVICE AND GRANDFATHERED PARTICIPANTS.—

“(1) TESTING OF DEFINED BENEFIT PLANS WITH CLOSED CLASSES OF PARTICIPANTS.—

“(A) BENEFITS, RIGHTS, OR FEATURES PROVIDED TO CLOSED CLASSES.—A defined benefit plan which provides benefits, rights, or features to a closed class of participants shall not fail to satisfy the requirements of subsection (a)(4) by reason of the composition of such closed class or the benefits, rights, or features provided to such closed class, if—

“(i) for the plan year as of which the class closes and the 2 succeeding plan years, such benefits, rights, and features satisfy the requirements of subsection (a)(4) (without regard to this subparagraph but taking into account the rules of subparagraph (I)),

“(ii) after the date as of which the class was closed, any plan amendment which modifies the closed class or the benefits, rights, and features provided to such

closed class does not discriminate significantly in favor of highly compensated employees, and

“(iii) the class was closed before April 5, 2017, or the plan is described in subparagraph (C).

“(B) AGGREGATE TESTING WITH DEFINED CONTRIBUTION PLANS PERMITTED ON A BENEFITS BASIS.—

Determination.

“(i) IN GENERAL.—For purposes of determining compliance with subsection (a)(4) and section 410(b), a defined benefit plan described in clause (iii) may be aggregated and tested on a benefits basis with 1 or more defined contribution plans, including with the portion of 1 or more defined contribution plans which—

“(I) provides matching contributions (as defined in subsection (m)(4)(A)),

“(II) provides annuity contracts described in section 403(b) which are purchased with matching contributions or nonelective contributions, or

“(III) consists of an employee stock ownership plan (within the meaning of section 4975(e)(7)) or a tax credit employee stock ownership plan (within the meaning of section 409(a)).

“(ii) SPECIAL RULES FOR MATCHING CONTRIBUTIONS.—For purposes of clause (i), if a defined benefit plan is aggregated with a portion of a defined contribution plan providing matching contributions—

“(I) such defined benefit plan must also be aggregated with any portion of such defined contribution plan which provides elective deferrals described in subparagraph (A) or (C) of section 402(g)(3), and

“(II) such matching contributions shall be treated in the same manner as nonelective contributions, including for purposes of applying the rules of subsection (l).

“(iii) PLANS DESCRIBED.—A defined benefit plan is described in this clause if—

“(I) the plan provides benefits to a closed class of participants,

“(II) for the plan year as of which the class closes and the 2 succeeding plan years, the plan satisfies the requirements of section 410(b) and subsection (a)(4) (without regard to this subparagraph but taking into account the rules of subparagraph (I)),

“(III) after the date as of which the class was closed, any plan amendment which modifies the closed class or the benefits provided to such closed class does not discriminate significantly in favor of highly compensated employees, and

“(IV) the class was closed before April 5, 2017, or the plan is described in subparagraph (C).

Time periods.

“(C) PLANS DESCRIBED.—A plan is described in this subparagraph if, taking into account any predecessor plan—

“(i) such plan has been in effect for at least 5 years as of the date the class is closed, and

“(ii) during the 5-year period preceding the date the class is closed, there has not been a substantial increase in the coverage or value of the benefits, rights, or features described in subparagraph (A) or in the coverage or benefits under the plan described in subparagraph (B)(iii) (whichever is applicable).

“(D) DETERMINATION OF SUBSTANTIAL INCREASE FOR BENEFITS, RIGHTS, AND FEATURES.—In applying subparagraph (C)(ii) for purposes of subparagraph (A)(iii), a plan shall be treated as having had a substantial increase in coverage or value of the benefits, rights, or features described in subparagraph (A) during the applicable 5-year period only if, during such period—

Time period.

“(i) the number of participants covered by such benefits, rights, or features on the date such period ends is more than 50 percent greater than the number of such participants on the first day of the plan year in which such period began, or

“(ii) such benefits, rights, and features have been modified by 1 or more plan amendments in such a way that, as of the date the class is closed, the value of such benefits, rights, and features to the closed class as a whole is substantially greater than the value as of the first day of such 5-year period, solely as a result of such amendments.

“(E) DETERMINATION OF SUBSTANTIAL INCREASE FOR AGGREGATE TESTING ON BENEFITS BASIS.—In applying subparagraph (C)(ii) for purposes of subparagraph (B)(iii)(IV), a plan shall be treated as having had a substantial increase in coverage or benefits during the applicable 5-year period only if, during such period—

Time period.

“(i) the number of participants benefitting under the plan on the date such period ends is more than 50 percent greater than the number of such participants on the first day of the plan year in which such period began, or

“(ii) the average benefit provided to such participants on the date such period ends is more than 50 percent greater than the average benefit provided on the first day of the plan year in which such period began.

“(F) CERTAIN EMPLOYEES DISREGARDED.—For purposes of subparagraphs (D) and (E), any increase in coverage or value or in coverage or benefits, whichever is applicable, which is attributable to such coverage and value or coverage and benefits provided to employees—

Time periods.

“(i) who became participants as a result of a merger, acquisition, or similar event which occurred during the 7-year period preceding the date the class is closed, or

“(ii) who became participants by reason of a merger of the plan with another plan which had been in effect for at least 5 years as of the date of the merger, shall be disregarded, except that clause (ii) shall apply for purposes of subparagraph (D) only if, under the merger, the benefits, rights, or features under 1 plan are conformed

to the benefits, rights, or features of the other plan prospectively.

“(G) RULES RELATING TO AVERAGE BENEFIT.—For purposes of subparagraph (E)—

“(i) the average benefit provided to participants under the plan will be treated as having remained the same between the 2 dates described in subparagraph (E)(ii) if the benefit formula applicable to such participants has not changed between such dates, and

“(ii) if the benefit formula applicable to 1 or more participants under the plan has changed between such 2 dates, then the average benefit under the plan shall be considered to have increased by more than 50 percent only if—

“(I) the total amount determined under section 430(b)(1)(A)(i) for all participants benefitting under the plan for the plan year in which the 5-year period described in subparagraph (E) ends, exceeds

“(II) the total amount determined under section 430(b)(1)(A)(i) for all such participants for such plan year, by using the benefit formula in effect for each such participant for the first plan year in such 5-year period,

by more than 50 percent. In the case of a CSEC plan (as defined in section 414(y)), the normal cost of the plan (as determined under section 433(j)(1)(B)) shall be used in lieu of the amount determined under section 430(b)(1)(A)(i).

“(H) TREATMENT AS SINGLE PLAN.—For purposes of subparagraphs (E) and (G), a plan described in section 413(c) shall be treated as a single plan rather than as separate plans maintained by each employer in the plan.

“(I) SPECIAL RULES.—For purposes of subparagraphs (A)(i) and (B)(iii)(II), the following rules shall apply:

“(i) In applying section 410(b)(6)(C), the closing of the class of participants shall not be treated as a significant change in coverage under section 410(b)(6)(C)(i)(II).

“(ii) 2 or more plans shall not fail to be eligible to be aggregated and treated as a single plan solely by reason of having different plan years.

“(iii) Changes in the employee population shall be disregarded to the extent attributable to individuals who become employees or cease to be employees, after the date the class is closed, by reason of a merger, acquisition, divestiture, or similar event.

“(iv) Aggregation and all other testing methodologies otherwise applicable under subsection (a)(4) and section 410(b) may be taken into account.

The rule of clause (ii) shall also apply for purposes of determining whether plans to which subparagraph (B)(i) applies may be aggregated and treated as 1 plan for purposes of determining whether such plans meet the requirements of subsection (a)(4) and section 410(b).

“(J) SPUN-OFF PLANS.—For purposes of this paragraph, if a portion of a defined benefit plan described in subparagraph (A) or (B)(iii) is spun off to another employer and

Time period.

the spun-off plan continues to satisfy the requirements of—

“(i) subparagraph (A)(i) or (B)(iii)(II), whichever is applicable, if the original plan was still within the 3-year period described in such subparagraph at the time of the spin off, and

“(ii) subparagraph (A)(ii) or (B)(iii)(III), whichever is applicable,

the treatment under subparagraph (A) or (B) of the spun-off plan shall continue with respect to such other employer.

“(2) TESTING OF DEFINED CONTRIBUTION PLANS.—

“(A) TESTING ON A BENEFITS BASIS.—A defined contribution plan shall be permitted to be tested on a benefits basis if—

“(i) such defined contribution plan provides make-whole contributions to a closed class of participants whose accruals under a defined benefit plan have been reduced or eliminated,

“(ii) for the plan year of the defined contribution plan as of which the class eligible to receive such make-whole contributions closes and the 2 succeeding plan years, such closed class of participants satisfies the requirements of section 410(b)(2)(A)(i) (determined by applying the rules of paragraph (1)(I)),

“(iii) after the date as of which the class was closed, any plan amendment to the defined contribution plan which modifies the closed class or the allocations, benefits, rights, and features provided to such closed class does not discriminate significantly in favor of highly compensated employees, and

“(iv) the class was closed before April 5, 2017, or the defined benefit plan under clause (i) is described in paragraph (1)(C) (as applied for purposes of paragraph (1)(B)(iii)(IV)).

“(B) AGGREGATION WITH PLANS INCLUDING MATCHING CONTRIBUTIONS.—

“(i) IN GENERAL.—With respect to 1 or more defined contribution plans described in subparagraph (A), for purposes of determining compliance with subsection (a)(4) and section 410(b), the portion of such plans which provides make-whole contributions or other nonelective contributions may be aggregated and tested on a benefits basis with the portion of 1 or more other defined contribution plans which—

“(I) provides matching contributions (as defined in subsection (m)(4)(A)),

“(II) provides annuity contracts described in section 403(b) which are purchased with matching contributions or nonelective contributions, or

“(III) consists of an employee stock ownership plan (within the meaning of section 4975(e)(7)) or a tax credit employee stock ownership plan (within the meaning of section 409(a)).

“(ii) SPECIAL RULES FOR MATCHING CONTRIBUTIONS.—Rules similar to the rules of paragraph (1)(B)(ii) shall apply for purposes of clause (i).

“(C) SPECIAL RULES FOR TESTING DEFINED CONTRIBUTION PLAN FEATURES PROVIDING MATCHING CONTRIBUTIONS TO CERTAIN OLDER, LONGER SERVICE PARTICIPANTS.—In the case of a defined contribution plan which provides benefits, rights, or features to a closed class of participants whose accruals under a defined benefit plan have been reduced or eliminated, the plan shall not fail to satisfy the requirements of subsection (a)(4) solely by reason of the composition of the closed class or the benefits, rights, or features provided to such closed class if the defined contribution plan and defined benefit plan otherwise meet the requirements of subparagraph (A) but for the fact that the make-whole contributions under the defined contribution plan are made in whole or in part through matching contributions.

Time period.

“(D) SPUN-OFF PLANS.—For purposes of this paragraph, if a portion of a defined contribution plan described in subparagraph (A) or (C) is spun off to another employer, the treatment under subparagraph (A) or (C) of the spun-off plan shall continue with respect to the other employer if such plan continues to comply with the requirements of clauses (ii) (if the original plan was still within the 3-year period described in such clause at the time of the spin off) and (iii) of subparagraph (A), as determined for purposes of subparagraph (A) or (C), whichever is applicable.

“(3) DEFINITIONS AND SPECIAL RULE.—For purposes of this subsection—

“(A) MAKE-WHOLE CONTRIBUTIONS.—Except as otherwise provided in paragraph (2)(C), the term ‘make-whole contributions’ means nonelective allocations for each employee in the class which are reasonably calculated, in a consistent manner, to replace some or all of the retirement benefits which the employee would have received under the defined benefit plan and any other plan or qualified cash or deferred arrangement under subsection (k)(2) if no change had been made to such defined benefit plan and such other plan or arrangement. For purposes of the preceding sentence, consistency shall not be required with respect to employees who were subject to different benefit formulas under the defined benefit plan.

“(B) REFERENCES TO CLOSED CLASS OF PARTICIPANTS.—References to a closed class of participants and similar references to a closed class shall include arrangements under which 1 or more classes of participants are closed, except that 1 or more classes of participants closed on different dates shall not be aggregated for purposes of determining the date any such class was closed.

“(C) HIGHLY COMPENSATED EMPLOYEE.—The term ‘highly compensated employee’ has the meaning given such term in section 414(q).”.

26 USC 401.

(b) PARTICIPATION REQUIREMENTS.—Paragraph (26) of section 401(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(I) PROTECTED PARTICIPANTS.—

“(i) IN GENERAL.—A plan shall be deemed to satisfy the requirements of subparagraph (A) if—

“(I) the plan is amended—

“*(aa)* to cease all benefit accruals, or

“*(bb)* to provide future benefit accruals only to a closed class of participants,

“(II) the plan satisfies subparagraph (A) (without regard to this subparagraph) as of the effective date of the amendment, and

“(III) the amendment was adopted before April 5, 2017, or the plan is described in clause (ii).

Effective date.

“(ii) **PLANS DESCRIBED.**—A plan is described in this clause if the plan would be described in subsection (o)(1)(C), as applied for purposes of subsection (o)(1)(B)(iii)(IV) and by treating the effective date of the amendment as the date the class was closed for purposes of subsection (o)(1)(C).

“(iii) **SPECIAL RULES.**—For purposes of clause (i)(II), in applying section 410(b)(6)(C), the amendments described in clause (i) shall not be treated as a significant change in coverage under section 410(b)(6)(C)(i)(II).

“(iv) **SPUN-OFF PLANS.**—For purposes of this subparagraph, if a portion of a plan described in clause (i) is spun off to another employer, the treatment under clause (i) of the spun-off plan shall continue with respect to the other employer.”.

(c) **EFFECTIVE DATE.**—

26 USC 401 note.

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act, without regard to whether any plan modifications referred to in such amendments are adopted or effective before, on, or after such date of enactment.

(2) **SPECIAL RULES.**—

(A) **ELECTION OF EARLIER APPLICATION.**—At the election of the plan sponsor, the amendments made by this section shall apply to plan years beginning after December 31, 2013.

(B) **CLOSED CLASSES OF PARTICIPANTS.**—For purposes of paragraphs (1)(A)(iii), (1)(B)(iii)(IV), and (2)(A)(iv) of section 401(o) of the Internal Revenue Code of 1986 (as added by this section), a closed class of participants shall be treated as being closed before April 5, 2017, if the plan sponsor’s intention to create such closed class is reflected in formal written documents and communicated to participants before such date.

(C) **CERTAIN POST-ENACTMENT PLAN AMENDMENTS.**—A plan shall not be treated as failing to be eligible for the application of section 401(o)(1)(A), 401(o)(1)(B)(iii), or 401(a)(26) of such Code (as added by this section) to such plan solely because in the case of—

(i) such section 401(o)(1)(A), the plan was amended before the date of the enactment of this Act to eliminate 1 or more benefits, rights, or features, and is further amended after such date of enactment to provide such previously eliminated benefits, rights, or features to a closed class of participants, or

(ii) such section 401(o)(1)(B)(iii) or section 401(a)(26), the plan was amended before the date of

the enactment of this Act to cease all benefit accruals, and is further amended after such date of enactment to provide benefit accruals to a closed class of participants.

Applicability.

Any such section shall only apply if the plan otherwise meets the requirements of such section and in applying such section, the date the class of participants is closed shall be the effective date of the later amendment.

SEC. 206. MODIFICATION OF PBGC PREMIUMS FOR CSEC PLANS.

(a) **FLAT RATE PREMIUM.**—Subparagraph (A) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended—

(1) in clause (i), by striking “plan,” and inserting “plan other than a CSEC plan (as defined in section 210(f)(1))”;

(2) in clause (v), by striking “or” at the end;

(3) in clause (vi), by striking the period at the end and inserting “, or”; and

(4) by adding at the end the following new clause:

“(vii) in the case of a CSEC plan (as defined in section 210(f)(1)), for plan years beginning after December 31, 2018, for each individual who is a participant in such plan during the plan year an amount equal to the sum of—

“(I) the additional premium (if any) determined under subparagraph (E), and

“(II) \$19.”

(b) **VARIABLE RATE PREMIUM.**—

(1) **UNFUNDED VESTED BENEFITS.**—

(A) **IN GENERAL.**—Subparagraph (E) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended by adding at the end the following new clause:

“(v) For purposes of clause (ii), in the case of a CSEC plan (as defined in section 210(f)(1)), the term ‘unfunded vested benefits’ means, for plan years beginning after December 31, 2018, the excess (if any) of—

“(I) the funding liability of the plan as determined under section 306(j)(5)(C) for the plan year by only taking into account vested benefits, over

“(II) the fair market value of plan assets for the plan year which are held by the plan on the valuation date.”

(B) **CONFORMING AMENDMENT.**—Clause (iii) of section 4006(a)(3)(E) of such Act (29 U.S.C. 1306(a)(3)(E)) is amended by striking “For purposes” and inserting “Except as provided in clause (v), for purposes”.

(2) **APPLICABLE DOLLAR AMOUNT.**—

(A) **IN GENERAL.**—Paragraph (8) of section 4006(a) of such Act (29 U.S.C. 1306(a)) is amended by adding at the end the following new subparagraph:

“(E) **CSEC PLANS.**—In the case of a CSEC plan (as defined in section 210(f)(1)), the applicable dollar amount shall be \$9.”

(B) **CONFORMING AMENDMENT.**—Subparagraph (A) of section 4006(a)(8) of such Act (29 U.S.C. 1306(a)(8)) is

Definition.

amended by striking “(B) and (C)” and inserting “(B), (C), and (E)”.

TITLE III—OTHER BENEFITS

SEC. 301. BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS.

(a) INCREASE IN DOLLAR LIMITATION ON QUALIFIED PAYMENTS.—Subparagraph (B) of section 139B(c)(2) of the Internal Revenue Code of 1986 is amended by striking “\$30” and inserting “\$50”. 26 USC 139B.

(b) EXTENSION.—Section 139B(d) of the Internal Revenue Code of 1986 is amended by striking “beginning after December 31, 2010.” and inserting “beginning—

“(1) after December 31, 2010, and before January 1, 2020,

or

“(2) after December 31, 2020.”.

(c) TECHNICAL CORRECTION.—Section 3121(a)(23) of such Code is amended by striking “139B(b)” and inserting “section 139B(a)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019. 26 USC 139B note.

SEC. 302. EXPANSION OF SECTION 529 PLANS.

(a) DISTRIBUTIONS FOR CERTAIN EXPENSES ASSOCIATED WITH REGISTERED APPRENTICESHIP PROGRAMS.—Section 529(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(8) TREATMENT OF CERTAIN EXPENSES ASSOCIATED WITH REGISTERED APPRENTICESHIP PROGRAMS.—Any reference in this subsection to the term ‘qualified higher education expense’ shall include a reference to expenses for fees, books, supplies, and equipment required for the participation of a designated beneficiary in an apprenticeship program registered and certified with the Secretary of Labor under section 1 of the National Apprenticeship Act (29 U.S.C. 50).”.

(b) DISTRIBUTIONS FOR QUALIFIED EDUCATION LOAN REPAYMENTS.—

(1) IN GENERAL.—Section 529(c) of such Code, as amended by subsection (a), is amended by adding at the end the following new paragraph:

“(9) TREATMENT OF QUALIFIED EDUCATION LOAN REPAYMENTS.—

“(A) IN GENERAL.—Any reference in this subsection to the term ‘qualified higher education expense’ shall include a reference to amounts paid as principal or interest on any qualified education loan (as defined in section 221(d)) of the designated beneficiary or a sibling of the designated beneficiary.

“(B) LIMITATION.—The amount of distributions treated as a qualified higher education expense under this paragraph with respect to the loans of any individual shall not exceed \$10,000 (reduced by the amount of distributions so treated for all prior taxable years).

“(C) SPECIAL RULES FOR SIBLINGS OF THE DESIGNATED BENEFICIARY.—

“(i) SEPARATE ACCOUNTING.—For purposes of subparagraph (B) and subsection (d), amounts treated as a qualified higher education expense with respect to the loans of a sibling of the designated beneficiary shall be taken into account with respect to such sibling and not with respect to such designated beneficiary.

“(ii) SIBLING DEFINED.—For purposes of this paragraph, the term ‘sibling’ means an individual who bears a relationship to the designated beneficiary which is described in section 152(d)(2)(B).”.

26 USC 221. (2) COORDINATION WITH DEDUCTION FOR STUDENT LOAN INTEREST.—Section 221(e)(1) of such Code is amended by adding at the end the following: “The deduction otherwise allowable under subsection (a) (prior to the application of subsection (b)) to the taxpayer for any taxable year shall be reduced (but not below zero) by so much of the distributions treated as a qualified higher education expense under section 529(c)(9) with respect to loans of the taxpayer as would be includible in gross income under section 529(c)(3)(A) for such taxable year but for such treatment.”.

26 USC 221 note. (c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after December 31, 2018.

TITLE IV—REVENUE PROVISIONS

SEC. 401. MODIFICATION OF REQUIRED DISTRIBUTION RULES FOR DESIGNATED BENEFICIARIES.

(a) MODIFICATION OF RULES WHERE EMPLOYEE DIES BEFORE ENTIRE DISTRIBUTION.—

(1) IN GENERAL.—Section 401(a)(9) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

Applicability. “(H) SPECIAL RULES FOR CERTAIN DEFINED CONTRIBUTION PLANS.—In the case of a defined contribution plan, if an employee dies before the distribution of the employee’s entire interest—

“(i) IN GENERAL.—Except in the case of a beneficiary who is not a designated beneficiary, subparagraph (B)(ii)—

“(I) shall be applied by substituting ‘10 years’ for ‘5 years’, and

“(II) shall apply whether or not distributions of the employee’s interests have begun in accordance with subparagraph (A).

“(ii) EXCEPTION FOR ELIGIBLE DESIGNATED BENEFICIARIES.—Subparagraph (B)(iii) shall apply only in the case of an eligible designated beneficiary.

Time period. “(iii) RULES UPON DEATH OF ELIGIBLE DESIGNATED BENEFICIARY.—If an eligible designated beneficiary dies before the portion of the employee’s interest to which this subparagraph applies is entirely distributed, the exception under clause (ii) shall not apply to any beneficiary of such eligible designated beneficiary and the remainder of such portion shall be distributed within 10 years after the death of such eligible designated beneficiary.

“(iv) SPECIAL RULE IN CASE OF CERTAIN TRUSTS FOR DISABLED OR CHRONICALLY ILL BENEFICIARIES.—

In the case of an applicable multi-beneficiary trust, if under the terms of the trust—

Applicability.

“(I) it is to be divided immediately upon the death of the employee into separate trusts for each beneficiary, or

“(II) no individual (other than a eligible designated beneficiary described in subclause (III) or (IV) of subparagraph (E)(ii)) has any right to the employee’s interest in the plan until the death of all such eligible designated beneficiaries with respect to the trust,

for purposes of a trust described in subclause (I), clause (ii) shall be applied separately with respect to the portion of the employee’s interest that is payable to any eligible designated beneficiary described in subclause (III) or (IV) of subparagraph (E)(ii); and, for purposes of a trust described in subclause (II), subparagraph (B)(iii) shall apply to the distribution of the employee’s interest and any beneficiary who is not such an eligible designated beneficiary shall be treated as a beneficiary of the eligible designated beneficiary upon the death of such eligible designated beneficiary.

“(v) APPLICABLE MULTI-BENEFICIARY TRUST.—For purposes of this subparagraph, the term ‘applicable multi-beneficiary trust’ means a trust—

Definition.

“(I) which has more than one beneficiary,

“(II) all of the beneficiaries of which are treated as designated beneficiaries for purposes of determining the distribution period pursuant to this paragraph, and

“(III) at least one of the beneficiaries of which is an eligible designated beneficiary described in subclause (III) or (IV) of subparagraph (E)(ii).

“(vi) APPLICATION TO CERTAIN ELIGIBLE RETIREMENT PLANS.—For purposes of applying the provisions of this subparagraph in determining amounts required to be distributed pursuant to this paragraph, all eligible retirement plans (as defined in section 402(c)(8)(B), other than a defined benefit plan described in clause (iv) or (v) thereof or a qualified trust which is a part of a defined benefit plan) shall be treated as a defined contribution plan.”.

(2) DEFINITION OF ELIGIBLE DESIGNATED BENEFICIARY.—Section 401(a)(9)(E) of such Code is amended to read as follows:

26 USC 401.

“(E) DEFINITIONS AND RULES RELATING TO DESIGNATED BENEFICIARIES.—For purposes of this paragraph—

“(i) DESIGNATED BENEFICIARY.—The term ‘designated beneficiary’ means any individual designated as a beneficiary by the employee.

“(ii) ELIGIBLE DESIGNATED BENEFICIARY.—The term ‘eligible designated beneficiary’ means, with respect to any employee, any designated beneficiary who is—

“(I) the surviving spouse of the employee,

“(II) subject to clause (iii), a child of the employee who has not reached majority (within the meaning of subparagraph (F)),

“(III) disabled (within the meaning of section 72(m)(7)),

“(IV) a chronically ill individual (within the meaning of section 7702B(c)(2), except that the requirements of subparagraph (A)(i) thereof shall only be treated as met if there is a certification that, as of such date, the period of inability described in such subparagraph with respect to the individual is an indefinite one which is reasonably expected to be lengthy in nature), or

“(V) an individual not described in any of the preceding subclauses who is not more than 10 years younger than the employee.

The determination of whether a designated beneficiary is an eligible designated beneficiary shall be made as of the date of death of the employee.

“(iii) SPECIAL RULE FOR CHILDREN.—Subject to subparagraph (F), an individual described in clause (ii)(II) shall cease to be an eligible designated beneficiary as of the date the individual reaches majority and any remainder of the portion of the individual’s interest to which subparagraph (H)(ii) applies shall be distributed within 10 years after such date.”.

Applicability.
26 USC 401 note.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to distributions with respect to employees who die after December 31, 2019.

(2) COLLECTIVE BARGAINING EXCEPTION.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall apply to distributions with respect to employees who die in calendar years beginning after the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof agreed to on or after the date of the enactment of this Act), or

(ii) December 31, 2019, or

(B) December 31, 2021.

For purposes of subparagraph (A)(i), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

(3) GOVERNMENTAL PLANS.—In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), paragraph (1) shall be applied by substituting “December 31, 2021” for “December 31, 2019”.

(4) EXCEPTION FOR CERTAIN EXISTING ANNUITY CONTRACTS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to a qualified annuity which is a binding annuity contract in effect on the date of enactment of this Act and at all times thereafter.

(B) QUALIFIED ANNUITY.—For purposes of this paragraph, the term “qualified annuity” means, with respect to an employee, an annuity—

Definition.

(i) which is a commercial annuity (as defined in section 3405(e)(6) of the Internal Revenue Code of 1986);

(ii) under which the annuity payments are made over the life of the employee or over the joint lives of such employee and a designated beneficiary (or over a period not extending beyond the life expectancy of such employee or the joint life expectancy of such employee and a designated beneficiary) in accordance with the regulations described in section 401(a)(9)(A)(ii) of such Code (as in effect before such amendments) and which meets the other requirements of section 401(a)(9) of such Code (as so in effect) with respect to such payments; and

(iii) with respect to which—

(I) annuity payments to the employee have begun before the date of enactment of this Act, and the employee has made an irrevocable election before such date as to the method and amount of the annuity payments to the employee or any designated beneficiaries; or

(II) if subclause (I) does not apply, the employee has made an irrevocable election before the date of enactment of this Act as to the method and amount of the annuity payments to the employee or any designated beneficiaries.

(5) EXCEPTION FOR CERTAIN BENEFICIARIES.—

(A) IN GENERAL.—If an employee dies before the effective date, then, in applying the amendments made by this section to such employee’s designated beneficiary who dies after such date—

(i) such amendments shall apply to any beneficiary of such designated beneficiary; and

(ii) the designated beneficiary shall be treated as an eligible designated beneficiary for purposes of applying section 401(a)(9)(H)(ii) of the Internal Revenue Code of 1986 (as in effect after such amendments).

(B) EFFECTIVE DATE.—For purposes of this paragraph, the term “effective date” means the first day of the first calendar year to which the amendments made by this section apply to a plan with respect to employees dying on or after such date.

Definition.

SEC. 402. INCREASE IN PENALTY FOR FAILURE TO FILE.

(a) IN GENERAL.—The second sentence of subsection (a) of section 6651 of the Internal Revenue Code of 1986 is amended by striking “\$330” and inserting “\$435”.

26 USC 6651.

(b) INFLATION ADJUSTMENT.—Section 6651(j)(1) of such Code is amended by striking “\$330” and inserting “\$435”.

26 USC 6651
note.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to returns the due date for which (including extensions) is after December 31, 2019.

SEC. 403. INCREASED PENALTIES FOR FAILURE TO FILE RETIREMENT PLAN RETURNS.

26 USC 6652.

(a) **IN GENERAL.**—Subsection (e) of section 6652 of the Internal Revenue Code of 1986 is amended—

- (1) by striking “\$25” and inserting “\$250”; and
- (2) by striking “\$15,000” and inserting “\$150,000”.

(b) **ANNUAL REGISTRATION STATEMENT AND NOTIFICATION OF CHANGES.**—Subsection (d) of section 6652 of the Internal Revenue Code of 1986 is amended—

- (1) by striking “\$1” both places it appears in paragraphs (1) and (2) and inserting “\$10”;
- (2) by striking “\$5,000” in paragraph (1) and inserting “\$50,000”; and
- (3) by striking “\$1,000” in paragraph (2) and inserting “\$10,000”.

(c) **FAILURE TO PROVIDE NOTICE.**—Subsection (h) of section 6652 of the Internal Revenue Code of 1986 is amended—

- (1) by striking “\$10” and inserting “\$100”; and
- (2) by striking “\$5,000” and inserting “\$50,000”.

26 USC 6652
note.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to returns, statements, and notifications required to be filed, and notices required to be provided, after December 31, 2019.

SEC. 404. INCREASE INFORMATION SHARING TO ADMINISTER EXCISE TAXES.

(a) **IN GENERAL.**—Section 6103(o) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) **TAXES IMPOSED BY SECTION 4481.**—Returns and return information with respect to taxes imposed by section 4481 shall be open to inspection by or disclosure to officers and employees of United States Customs and Border Protection of the Department of Homeland Security whose official duties require such inspection or disclosure for purposes of administering such section.”.

(b) **CONFORMING AMENDMENTS.**—Paragraph (4) of section 6103(p) of the Internal Revenue Code of 1986 is amended by striking “or (o)(1)(A)” each place it appears and inserting “, (o)(1)(A), or (o)(3)”.

TITLE V—TAX RELIEF FOR CERTAIN CHILDREN

SEC. 501. MODIFICATION OF RULES RELATING TO THE TAXATION OF UNEARNED INCOME OF CERTAIN CHILDREN.

(a) **IN GENERAL.**—Section 1(j) of the Internal Revenue Code of 1986 is amended by striking paragraph (4).

(b) **COORDINATION WITH ALTERNATIVE MINIMUM TAX.**—Section 55(d)(4)(A) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of clause (i)(II), by striking the period

at the end of clause (ii)(III) and inserting “, and”, and by adding at the end the following new clause:

“(iii) subsection (j) of section 59 shall not apply.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2019.

(2) COORDINATION WITH ALTERNATIVE MINIMUM TAX.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2017.

(3) ELECTIVE RETROACTIVE APPLICATION.—A taxpayer may elect (at such time and in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide) for the amendment made by subsection (a) to also apply to taxable years of the taxpayer which begin in 2018, 2019, or both (as specified by the taxpayer in such election).

Applicability.
26 USC 1 note.

TITLE VI—ADMINISTRATIVE PROVISIONS

SEC. 601. PROVISIONS RELATING TO PLAN AMENDMENTS.

26 USC 414 note.

(a) IN GENERAL.—If this section applies to any retirement plan or contract amendment—

(1) such retirement plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A); and

(2) except as provided by the Secretary of the Treasury (or the Secretary’s delegate), such retirement plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any retirement plan or annuity contract which is made—

(A) pursuant to any amendment made by this Act or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor (or a delegate of either such Secretary) under this Act; and

(B) on or before the last day of the first plan year beginning on or after January 1, 2022, or such later date as the Secretary of the Treasury may prescribe.

Effective date.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), or an applicable collectively bargained plan in the case of section 401 (and the amendments made thereby), this paragraph shall be applied by substituting “2024” for “2022”. For purposes of the preceding sentence, the term “applicable collectively bargained plan” means a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act.

Definition.

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

Time period.

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan); and

(ii) ending on the date described in paragraph (1)(B) (as modified by the second sentence of paragraph (1)) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

DIVISION P—OTHER MATTER

TITLE I—PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM

Platte River
Recovery
Implementation
Program
Extension Act.

SEC. 101. SHORT TITLE.

This title may be cited as the “Platte River Recovery Implementation Program Extension Act”.

SEC. 102. PURPOSE.

The purpose of this Act is to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation and in partnership with the States, other Federal agencies, and other non-Federal entities, to continue the cooperative effort among the Federal and non-Federal entities through the continued implementation of the Platte River Recovery Implementation Program First Increment Extension for threatened and endangered species in the Central and Lower Platte River Basin without creating Federal water rights or requiring the grant of water rights to Federal entities.

SEC. 103. DEFINITIONS.

In this Act:

(1) **AGREEMENT.**—The term “Agreement” means the Platte River Recovery Implementation Program Cooperative Agreement entered into by the Governors of the States and the Secretary, including an amendment or addendum to the Agreement to extend the Program.

(2) **FIRST INCREMENT.**—The term “First Increment” means the Program’s first 13 years from January 1, 2007 through December 31, 2019.

(3) **FIRST INCREMENT EXTENSION.**—The term “First Increment Extension” means the extension of the Program for 13 years from January 1, 2020 through December 31, 2032.

(4) **GOVERNANCE COMMITTEE.**—The term “Governance Committee” means the governance committee established under the Agreement and composed of members from the States, the Federal Government, environmental interests, and water users.

(5) **INTEREST IN LAND OR WATER.**—The term “interest in land or water” includes fee title, short- or long-term easement, lease, or other contractual arrangement that is determined

to be necessary by the Secretary to implement the land and water components of the Program.

(6) PROGRAM.—The term “Program” means the Platte River Recovery Implementation Program established under the Agreement and continued under an amendment or addendum to the Agreement.

(7) PROJECT OR ACTIVITY.—The term “project or activity” means—

- (A) the planning, design, permitting, or other compliance activity, construction, construction management, operation, maintenance, and replacement of a facility;
- (B) the acquisition of an interest in land or water;
- (C) habitat restoration;
- (D) research and monitoring;
- (E) program administration; and
- (F) any other activity that is determined to be necessary by the Secretary to carry out the Program.

(8) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(9) STATES.—The term “States” means the States of Colorado, Nebraska, and Wyoming.

SEC. 104. PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM.

(a) IMPLEMENTATION OF PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Governance Committee, may—

- (A) participate in the Program; and
- (B) carry out any projects and activities that are designated for implementation during the First Increment Extension.

(2) AUTHORITY OF THE SECRETARY.—For the purposes of carrying out this section, the Secretary, in cooperation with the Governance Committee, may—

- (A) enter into agreements and contracts with Federal and non-Federal entities;
- (B) acquire interests in land, water, and facilities from willing sellers without the use of eminent domain;
- (C) subsequently transfer any interests acquired under subparagraph (B); and
- (D) accept or provide grants.

(b) COST-SHARING CONTRIBUTIONS.—

(1) IN GENERAL.—As provided in the Agreement, the States shall contribute not less than 50 percent of the total contributions necessary to carry out the Program.

(2) NON-FEDERAL CONTRIBUTIONS.—The following contributions shall constitute the States’ share of the Program:

(A) An additional \$28,000,000 in non-Federal funds, with the balance of funds remaining to be contributed to be adjusted for inflation on October 1 of the year after the date of enactment of this Act and each October 1 thereafter.

(B) Additional credit for contributions of water or land for the purposes of implementing the Program, as determined to be appropriate by the Secretary.

(3) IN-KIND CONTRIBUTIONS.—The Secretary or the States may elect to provide a portion of the Federal share or non-

Cooperation.

- Determination. Federal share, respectively, in the form of in-kind goods or services, if the contribution of goods or services is approved by the Governance Committee, as provided in Attachment 1 of the Agreement.
- (c) **AUTHORITY TO MODIFY PROGRAM.**—The Program may be modified or amended before the completion of the First Increment Extension if the Secretary and the States determine that the modifications are consistent with the purposes of the Program.
- (d) **EFFECT.**—
- (1) **EFFECT ON RECLAMATION LAWS.**—No action carried out under this section shall, with respect to the acreage limitation provisions of the reclamation laws—
- (A) be considered in determining whether a district (as the term is defined in section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb)) has discharged the obligation of the district to repay the construction cost of project facilities used to make irrigation water available for delivery to land in the district;
- (B) serve as the basis for reinstating acreage limitation provisions in a district that has completed payment of the construction obligations of the district; or
- (C) serve as the basis for increasing the construction repayment obligation of the district, which would extend the period during which the acreage limitation provisions would apply.
- (2) **EFFECT ON WATER RIGHTS.**—Nothing in this section—
- (A) creates Federal water rights; or
- (B) requires the grant of water rights to Federal entities.
- (e) **AUTHORIZATION OF APPROPRIATIONS.**—
- (1) **IN GENERAL.**—There is authorized to be appropriated to carry out projects and activities under this section an additional \$78,000,000 as adjusted under paragraph (3).
- (2) **NONREIMBURSABLE FEDERAL EXPENDITURES.**—Any amounts to be expended under paragraph (1) shall be considered nonreimbursable Federal expenditures.
- (3) **ADJUSTMENT.**—The balance of funds remaining to be expended shall be adjusted for inflation on October 1 of the year after the date of enactment of this Act and each October 1 thereafter.
- (4) **AVAILABILITY OF FUNDS.**—At the end of each fiscal year, any unexpended funds for projects and activities made available under paragraph (1) shall be retained for use in future fiscal years to implement projects and activities under the Program. Any unexpended funds appropriated during the First Increment shall be retained and carried over from the First Increment into the First Increment Extension.
- (f) **TERMINATION OF AUTHORITY.**—The authority for the Secretary to implement the First Increment Extension shall terminate on September 30, 2033.

Fish and fishing.
Canada.

16 USC 941h.

TITLE II—GREAT LAKES

SEC. 201. GREAT LAKES MONITORING, ASSESSMENT, SCIENCE, AND RESEARCH.

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

(1) **DIRECTOR.**—The term “Director” means the Director of the United States Geological Survey.

(2) **GREAT LAKES BASIN.**—The term “Great Lakes Basin” means the air, land, water, and living organisms in the United States within the drainage basin of the Saint Lawrence River at and upstream from the point at which such river and the Great Lakes become the international boundary between Canada and the United States.

(b) **FINDINGS.**—Congress finds the following:

(1) The Great Lakes support a diverse ecosystem, on which the vibrant and economically valuable Great Lakes fisheries depend.

(2) To continue successful fisheries management and coordination, as has occurred since signing of the Convention on Great Lakes Fisheries between the United States and Canada on September 10, 1954, management of the ecosystem and its fisheries require sound, reliable science, and the use of modern scientific technologies.

(3) Fisheries research is necessary to support multi-jurisdictional fishery management decisions and actions regarding recreational and sport fishing, commercial fisheries, tribal harvest, allocation decisions, and fish stocking activities.

(4) President Richard Nixon submitted, and the Congress approved, Reorganization Plan No. 4 (84 Stat. 2090), conferring science activities and management of marine fisheries to the National Oceanic and Atmospheric Administration.

(5) Reorganization Plan No. 4 expressly excluded fishery research activities within the Great Lakes from the transfer, retaining management and scientific research duties within the already-established jurisdictions under the 1954 Convention on Great Lakes Fisheries, including those of the Great Lakes Fishery Commission and the Department of the Interior.

(c) **MONITORING, ASSESSMENT, SCIENCE, AND RESEARCH.**—

(1) **IN GENERAL.**—The Director may conduct monitoring, assessment, science, and research, in support of the binational fisheries within the Great Lakes Basin.

(2) **SPECIFIC AUTHORITIES.**—The Director shall, under paragraph (1)—

(A) execute a comprehensive, multi-lake, freshwater fisheries science program;

(B) coordinate with and work cooperatively with regional, State, tribal, and local governments; and Coordination.

(C) consult with other interested entities groups, including academia and relevant Canadian agencies. Consultation.

(3) **INCLUDED RESEARCH.**—To properly serve the needs of fisheries managers, monitoring, assessment, science, and research under this section may include—

(A) deepwater ecosystem sciences;

(B) biological and food-web components;

(C) fish movement and behavior investigations;

(D) fish population structures;

(E) fish habitat investigations;

(F) invasive species science;

(G) use of existing, new, and experimental biological assessment tools, equipment, vessels, other scientific instrumentation and laboratory capabilities necessary to support fishery management decisions; and

(H) studies to assess impacts on Great Lakes Fishery resources.

(4) SAVINGS CLAUSE.—Nothing in this section is intended or shall be construed to impede, supersede, or alter the authority of the Great Lakes Fishery Commission, States, and Indian tribes under the Convention on Great Lakes Fisheries between the United States of America and Canada on September 10, 1954, and the Great Lakes Fishery Act of 1956 (16 U.S.C. 931 et seq.).

(d) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2021 through 2025, there is authorized to be appropriated \$15,000,000 to carry out this section.

TITLE III—MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

20 USC 5601
note.

SEC. 301. FINDINGS.

Congress finds the following:

(1) Since 1999, the Morris K. Udall and Stewart L. Udall Foundation (referred to in this Act as the “Foundation”) has operated the Parks in Focus program to provide opportunities for the youth of the United States to learn about and experience the Nation’s parks and wilderness, and other outdoor areas.

(2) Since 2001, the Foundation has conducted research and provided education and training to Native American and Alaska Native professionals and leaders on Native American and Alaska Native health care issues and tribal public policy through the Native Nations Institute for Leadership, Management, and Policy.

(3) The Foundation is committed to continuing to make a substantial contribution toward public policy in the future by—

(A) playing a significant role in developing the next generation of environmental, public health, public lands, natural resource, and Native American leaders; and

(B) working with current leaders to improve collaboration and decision-making on challenging environmental, energy, public health, and related economic problems and tribal governance and economic development issues.

SEC. 302. DEFINITIONS.

(a) IN GENERAL.—Section 4 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5602) is amended—

(1) in paragraph (2), by striking “the Udall Center for Studies in Public Policy established at the University of Arizona in 1987” and inserting “the Udall Center for Studies in Public Policy established in 1987 at the University of Arizona, and includes the Native Nations Institute”;

(2) by striking paragraph (6);

(3) by redesignating paragraphs (3) through (5), (8), and (9) as paragraphs (4) through (6), (11), and (12), respectively;

(4) by inserting after paragraph (2) the following:

“(3) the term ‘collaboration’ means to work in partnership with other entities for the purpose of—

“(A) resolving disputes;

“(B) addressing issues that may cause or result in disputes; or

“(C) streamlining and enhancing Federal, State, or tribal environmental and natural resource decision-making processes or procedures that may result in a dispute or conflict;”;

(5) in paragraph (7), by striking “section 1201(a)” and inserting “section 101(a)”;

(6) by inserting after paragraph (7) the following:

“(8) the term ‘National Center’ means the John S. McCain III National Center for Environmental Conflict Resolution established pursuant to section 7(a)(1)(B);”;

(7) by inserting after paragraph (8), as added by paragraph (6), the following:

“(9) the term ‘Nation’s parks and wilderness’ means units of the National Park System and components of the National Wilderness Preservation System;

“(10) the term ‘Native Nations Institute’ means the Native Nations Institute for Leadership, Management, and Policy established at the University of Arizona in 2001;”.

(b) CONFORMING AMENDMENT.—Section 3(5)(B) of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601(5)(B)) is amended by striking “the United States Institute for Environmental Conflict Resolution” and inserting “the National Center (previously known as the United States Institute for Environmental Conflict Resolution)”.

(c) REFERENCES TO UNITED STATES INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION.—Any reference to the United States Institute for Environmental Conflict Resolution in any Federal law, Executive Order, rule, delegation of authority, or document shall be construed to refer to the John S. McCain III National Center for Environmental Conflict Resolution established under section 7(a)(1)(B) of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5605(a)(1)(B)).

20 USC 5605
note.

SEC. 303. ESTABLISHMENT OF MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION.

Section 5(e) of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5603(e)) is amended by striking “Arizona.” and inserting “Arizona and the District of Columbia.”.

SEC. 304. PURPOSE OF THE FOUNDATION.

Section 6 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5604) is amended—

(1) in paragraph (4), by striking “establish a Program for Environmental Policy Research and Environmental Conflict Resolution and Training at the Center” and inserting “establish a program for environmental policy research at the Center and a program for environmental conflict resolution and training at the National Center”;

(2) in paragraph (5), by inserting “, natural resource, conflict resolution,” after “environmental”;

(3) in paragraph (7)—

(A) by inserting “at the Native Nations Institute” after “develop resources”; and

(B) by inserting “providing education to and” after “policy, by”; and

(4) in paragraph (8)—

(A) by striking “United States Institute for Environmental Conflict Resolution” and inserting “John S. McCain III National Center for Environmental Conflict Resolution”; and

(B) by striking “resolve environmental” and inserting “resolve environmental issues, conflicts, and”.

SEC. 305. AUTHORITY OF THE FOUNDATION.

Section 7 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5605) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking subparagraphs (A) through (C) and inserting the following:

“(A) GENERAL PROGRAMMING AUTHORITY.—The Foundation is authorized to identify and conduct, directly or by contract, such programs, activities, and services as the Foundation considers appropriate to carry out the purposes described in section 6, which may include—

“(i) awarding scholarships, fellowships, internships, and grants, by national competition, to eligible individuals, as determined by the Foundation and in accordance with paragraphs (2), (3), and (4), for study in fields related to the environment or Native American and Alaska Native health care and tribal policy;

“(ii) funding the Center to carry out and manage other programs, activities, and services; and

“(iii) other education programs that the Board determines are consistent with the purposes for which the Foundation is established.”;

(ii) by redesignating subparagraph (D) as subparagraph (B); and

(iii) in subparagraph (B), as redesignated—

(I) in the subparagraph heading, by striking “INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION” and inserting “JOHN S. MCCAIN III NATIONAL CENTER FOR ENVIRONMENTAL CONFLICT RESOLUTION”;

(II) in clause (i)—

(aa) in subclause (I), by striking “United States Institute for Environmental Conflict Resolution” and inserting “John S. McCain III National Center for Environmental Conflict Resolution”; and

(bb) in subclause (II)—

(AA) by inserting “collaboration,” after “mediation,”; and

(BB) by striking “to resolve environmental disputes.” and inserting the following: “to resolve—

“(aa) environmental disputes; and

“(bb) Federal, State, or tribal environmental or natural resource decision-making processes or procedures that may result in a dispute or conflict that may cause or result in disputes.”; and

(III) in clause (ii), by inserting “collaboration,” after “mediation,”;

(B) by striking paragraph (5);

(C) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

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

“(5) PARKS IN FOCUS.—The Foundation shall—

“(A) identify and invite the participation of youth throughout the United States to enjoy the Nation’s parks and wilderness and other outdoor areas, in an education program intended to carry out the purpose of paragraphs (1) and (2) of section 6; and

“(B) provide training and education programs and activities to teach Federal employees, natural resource professionals, elementary and secondary school educators, and others to work with youth to promote the use and enjoyment of the Nation’s parks and wilderness and other outdoor areas.

“(6) SPECIFIC PROGRAMS.—The Foundation shall assist in the development and implementation of programs at the Center—

“(A) to provide for an annual meeting of experts to discuss contemporary environmental issues;

“(B) to conduct environmental policy research; and

“(C) to promote dialogue with visiting policymakers on environmental, natural resource, and public lands issues.”;

(E) in paragraph (7), as redesignated by subparagraph (C), by striking “Morris K. Udall’s papers” and inserting “the papers of Morris K. Udall and Stewart L. Udall”; and

(F) by adding at the end the following:

“(9) NATIVE NATIONS INSTITUTE.—The Foundation shall provide direct or indirect assistance to the Native Nations Institute from the annual appropriations to the Trust Fund in such amounts as Congress may direct to conduct research and provide education and training to Native American and Alaska Native professionals and leaders on Native American and Alaska Native health care issues and tribal public policy issues as provided in section 6(7).”;

(2) by striking subsection (c) and inserting the following:

“(c) PROGRAM PRIORITIES.—

“(1) IN GENERAL.—The Foundation shall determine the priority of the programs to be carried out under this Act and the amount of funds to be allocated for such programs from the funds earned annually from the interest derived from the investment of the Trust Fund, subject to paragraph (2).

“(2) LIMITATIONS.—In determining the amount of funds to be allocated for programs carried out under this Act for a year—

“(A) not less than 50 percent of such annual interest earnings shall be utilized for the programs set forth in paragraphs (2), (3), (4), and (5) of subsection (a);

“(B) not more than 17.5 percent of such annual interest earnings shall be allocated for salaries and other administrative purposes; and

Determination.

“(C) not less than 20 percent of such annual interest earnings shall be appropriated to the Center for activities under paragraphs (7) and (8) of subsection (a).”; and

(3) by adding at the end the following:

“(d) DONATIONS.—Any funds received by the Foundation in the form of donations or grants, as well as any unexpended earnings on interest from the Trust Fund that is carried forward from prior years—

“(1) shall not be included in the calculation of the funds available for allocations pursuant to subsection (c); and

“(2) shall be available to carry out the provisions of this Act as the Board determines to be necessary and appropriate.”.

SEC. 306. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

Section 10(b) of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5607a(b)) is amended by striking “Institute” and inserting “National Center”.

SEC. 307. USE OF THE NATIONAL CENTER BY A FEDERAL AGENCY OR OTHER ENTITY.

Section 11 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5607b) is amended—

(1) in the section heading, by striking “the institute” and inserting “the national center”;

(2) in subsection (a)—

(A) by striking “Institute” and inserting “National Center”;

(B) by inserting “collaboration,” after “mediation,”; and

(C) by striking “resources.” and inserting “resources, or with a Federal, State, or tribal process or procedure that may result in a dispute or conflict.”;

(3) in subsection (b)(1), by striking “Institute” and inserting “National Center”;

(4) in subsection (c)—

(A) in paragraph (1), by striking “Institute” and inserting “National Center”;

(B) in paragraph (2)(C), by inserting “mediation, collaboration, and” after “agree to”; and

(C) in paragraph (3)(A), by striking “Institute” and inserting “National Center”;

(5) in each of paragraphs (1)(A) and (2) of subsection (d), by striking “Institute” and inserting “National Center”;

(6) in each of paragraphs (1) and (2) of subsection (e), by striking “Institute” and inserting “National Center”; and

(7) in subsection (f), by striking “Institute” and inserting “National Center”.

SEC. 308. ADMINISTRATIVE PROVISIONS.

Section 12 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5608) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking “accept, hold, administer, and utilize gifts” and inserting “accept, hold, solicit, administer, and utilize donations, grants, and gifts”; and

(B) in paragraph (7), by striking “in the District of Columbia or its environs” and inserting “in the District of Columbia and Tucson, Arizona, or their environs”; and

(2) in subsection (b), by striking “, with the exception of paragraph (4), apply to the Institute” and inserting “apply to the National Center”.

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

Section 13 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5609) is amended—

(1) in subsection (a), by striking “\$40,000,000” and inserting “\$2,000,000 for each of fiscal years 2020 through 2023”; and

(2) in subsection (b), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2020 through 2023”.

SEC. 310. AUDIT OF THE FOUNDATION.

Deadline.

Not later than 2 years after the date of enactment of this Act, the Inspector General of the Department of the Interior shall conduct an audit of the Morris K. Udall and Stewart L. Udall Foundation.

TITLE IV—WHITE HORSE HILL NATIONAL GAME PRESERVE

White Horse Hill
National
Game Preserve
Designation Act.

SEC. 401. SHORT TITLE.

16 USC 674 note.

This title may be cited as the “White Horse Hill National Game Preserve Designation Act”.

SEC. 402. DESIGNATION OF WHITE HORSE HILL NATIONAL GAME PRESERVE, NORTH DAKOTA.

(a) REDESIGNATION.—The first section of the Act of March 3, 1931 (46 Stat. 1509, chapter 439; 16 U.S.C. 674a), is amended by striking “Sullys Hill National Game Preserve” and inserting “White Horse Hill National Game Preserve”.

(b) CONFORMING AMENDMENT.—Section 2 of the Act of March 3, 1931 (46 Stat. 1509, chapter 439; 16 U.S.C. 674b), is amended by striking “Sullys Hill National Game Preserve” and inserting “White Horse Hill National Game Preserve”.

(c) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Sullys Hill National Game Preserve shall be considered to be a reference to the “White Horse Hill National Game Preserve”.

16 USC 674a
note.

TITLE V—PITTMAN-ROBERTSON FUND

SEC. 501. MODERNIZING THE PITTMAN-ROBERTSON FUND FOR TOMORROW'S NEEDS.

Modernizing the
Pittman-
Robertson Fund
for Tomorrow's
Needs Act.
16 USC 669a
note.

(a) SHORT TITLE.—This title may be cited as the “Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act”.

(b) PURPOSE.—The first section of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669) is amended by adding at the end the following: “One of the purposes of this Act is to provide financial and technical assistance to the States for the promotion of hunting and recreational shooting.”.

(c) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (9) as paragraphs (4) through (11), respectively; and

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

“(2) for the purposes of determining the number of paid hunting-license holders in a State, the term ‘fiscal year’ means the fiscal year or license year of the State;

“(3) the term ‘hunter recruitment and recreational shooter recruitment’ means any activity or project to recruit or retain hunters and recreational shooters, including by—

“(A) outreach and communications as a means—

“(i) to improve communications with hunters, recreational shooters, and the general public with respect to hunting and recreational shooting opportunities;

“(ii) to reduce barriers to participation in these activities;

“(iii) to advance the adoption of sound hunting and recreational shooting practices;

“(iv) to promote conservation and the responsible use of the wildlife resources of the United States; and

“(v) to further safety in hunting and recreational shooting;

“(B) providing education, mentoring, and field demonstrations;

“(C) enhancing access for hunting and recreational shooting, including through range construction; and

“(D) providing education to the public about the role of hunting and recreational shooting in funding wildlife conservation;”.

(d) APPORTIONMENT OF AVAILABLE AMOUNTS.—

(1) APPORTIONMENT OF CERTAIN TAXES.—The first subsection (c) of section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(A) by inserting “APPORTIONMENT OF REVENUES FROM PISTOLS, REVOLVERS, BOWS, AND ARROWS.—” after the enumerator;

(B) by striking “One-half” and inserting the following:

“(1) IN GENERAL.—Subject to paragraph (2), $\frac{1}{2}$ ”;

(C) by striking “: *Provided*, That” and inserting a period;

(D) by striking “each State shall be apportioned not more than 3 per centum and not less than 1 per centum of such revenues” and inserting the following:

“(2) CONDITION.—The amount apportioned to each State under paragraph (1) shall be not greater than 3 percent and not less than 1 percent of the revenues described in such paragraph”;

(E) by striking “For the purpose” and inserting the following:

“(3) POPULATION DETERMINATION.—For the purpose”; and

(F) by adding at the end the following:

“(4) USE OF FUNDS.—In addition to other uses authorized under this Act, amounts apportioned under this subsection may be used for hunter recruitment and recreational shooter recruitment.”.

(2) TECHNICAL CORRECTION.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(A) by redesignating the second subsection (c) and subsection (d) as subsections (d) and (e), respectively; and

(B) by striking “subsection (c)” in the redesignated section 4(e)(3) and replacing it with “subsection (d), as redesignated”.

(e) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g) is amended—

(1) in subsection (a), in the third sentence, by striking “and public relations”; and

(2) in subsection (b), in the first sentence, by striking “, as a part of such program”.

(f) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10(a)(1)(A) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1(a)(1)(A)) is amended—

(1) in clause (iii), by striking “and” at the end; and

(2) by adding at the end the following:

“(v) the enhancement of hunter recruitment and recreational shooter recruitment; and”.

(g) MULTISTATE CONSERVATION GRANT PROGRAM.—

(1) IN GENERAL.—Section 11 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–2) is amended—

(A) in subsection (a)(1)—

(i) by striking “Not more than” and inserting the following:

“(A) IN GENERAL.—Not more than”; and

(ii) by adding at the end the following:

“(B) AVAILABILITY FOR HUNTER AND RECREATIONAL SHOOTER GRANTS.—Not more than \$5,000,000 of the revenues covered into the fund from any tax imposed under section 4161(b) of the Internal Revenue Code of 1986 for a fiscal year shall be available to the Secretary exclusively for making hunter recruitment and recreational shooter recruitment grants that promote a national hunting and shooting sport recruitment program, including related communication and outreach activities.”;

(B) in the matter preceding subsection (b)(3)(A), by striking “International”;

(C) in the matter preceding subsection (c)(2)(A)(i), by striking “International”;

(D) in subsection (c)(2)(A)(i), by inserting “or to recreational shooting activities” after “wildlife”; and

(E) in subsection (d), by inserting “or to recreational shooting activities” after “wildlife”.

(2) STUDY.—Not later than 10 years after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall—

(A) review and evaluate the effects of the funds made available under subparagraph (B) of section 11(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–2(a)(1)) (as added by paragraph (1)(A)(ii)) on funds available for wildlife conservation; and

(B) submit a report describing the results of the review and evaluation under paragraph (1) to—

(i) the Committee on Environment and Public Works of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

Deadline.
16 USC 669h–2
note.

Review.
Evaluation.

Reports.

John F. Kennedy
Center
Reauthorization
Act of 2019.
20 USC 76h note.

TITLE VI—JOHN F. KENNEDY CENTER

SEC. 601. SHORT TITLE.

This title may be cited as the “John F. Kennedy Center Reauthorization Act of 2019”.

SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r), as amended by the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2020, is further amended by striking subsections (a) and (b) and inserting the following:

“(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—

- “(1) \$25,690,000 for fiscal year 2020;
- “(2) \$27,000,000 for fiscal year 2021;
- “(3) \$28,000,000 for fiscal year 2022;
- “(4) \$29,000,000 for fiscal year 2023; and
- “(5) \$30,000,000 for fiscal year 2024.

“(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1)—

- “(1) \$17,800,000 for fiscal year 2020;
- “(2) \$18,000,000 for fiscal year 2021;
- “(3) \$19,000,000 for fiscal year 2022;
- “(4) \$20,000,000 for fiscal year 2023; and
- “(5) \$21,000,000 for fiscal year 2024.”.

20 USC 76j note.

SEC. 603. COMMEMORATION OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the John F. Kennedy Center for the Performing Arts (referred to in this Act as the “Center”)—

- (1) recognize the year 2021 as the 50th anniversary of the opening of the Center;
- (2) acknowledge and commemorate the mission of the Center as a national center for the performing arts and a national memorial to President John F. Kennedy; and
- (3) recognize that the year 2018 is the 60th anniversary of the signing of the National Cultural Center Act (now known as the “John F. Kennedy Center Act”) (20 U.S.C. 76h et seq.), signed into law by President Dwight D. Eisenhower on September 2, 1958.

(b) AUTHORIZATION FOR PLAQUE.—

(1) IN GENERAL.—The Center shall place within the Center a plaque containing an inscription to commemorate the 60th anniversary of the signing of the National Cultural Center Act (20 U.S.C. 76h et seq.) by President Dwight D. Eisenhower.

(2) SPECIFICATIONS.—The plaque shall be—

- (A)(i) not less than 6 square feet in size; and
- (ii) not more than 18 square feet in size;
- (B) of any shape that the Trustees of the Center determine to be appropriate; and

(C) placed at a location within the Center approximate to the Eisenhower Theater that the Trustees of the Center determine to be appropriate.

(3) FUNDING.—

(A) IN GENERAL.—No Federal funds may be used to design, procure, or install the plaque.

(B) EXCEPTION.—Subparagraph (A) shall not affect the payment of salaries, expenses, and benefits otherwise authorized by law for members and employees of the Center who participate in carrying out this subsection.

(4) PRIVATE FUNDRAISING AUTHORIZED.—

(A) IN GENERAL.—The Center may solicit and accept private contributions for the design, procurement, and installation of the plaque.

(B) ACCOUNTING.—The Center may—

(i) establish an account into which any contributions received pursuant to subparagraph (A) shall be deposited; and

(ii) maintain documentation of any contributions received pursuant to subparagraph (A).

TITLE VII—PRESERVING AMERICA’S BATTLEFIELDS

Preserving
America’s
Battlefields Act.

SEC. 701. SHORT TITLE.

This title may be cited as the “Preserving America’s Battlefields Act”.

54 USC 100101
note.

SEC. 702. AUTHORIZATION OF APPROPRIATIONS FOR BATTLEFIELD ACQUISITION GRANT PROGRAM.

Section 308103(f) of title 54, United States Code, is amended by striking “\$10,000,000 for each of fiscal years 2012 and 2013” and inserting “\$18,000,000 for each of fiscal years 2020 through 2028”.

SEC. 703. ESTABLISHMENT OF BATTLEFIELD INTERPRETATION MOD- ERNIZATION GRANT PROGRAM AND BATTLEFIELD RES- TORATION GRANT PROGRAM.

(a) ESTABLISHMENT OF BATTLEFIELD GRANT PROGRAMS.—Chapter 3081 of title 54, United States Code, is amended by adding at the end the following:

“§ 308104. Battlefield interpretation modernization grant program

54 USC 308104.

“(a) ESTABLISHMENT.—The Secretary shall establish a battlefield interpretation modernization grant program under which the Secretary may provide competitive grants to States, Tribes, local governments, and nonprofit organizations for projects and programs that deploy technology to modernize battlefield interpretation and education.

“(b) ELIGIBLE SITES.—The Secretary may make grants under this section for Revolutionary War, War of 1812, and Civil War battlefield sites eligible for assistance under the battlefield acquisition grant program established under section 308103(b).

“(c) FEDERAL SHARE.—The Federal share of the cost of a project or program funded through a grant provided under the program established under subsection (a) shall be not more than 50 percent of the total cost of the applicable project or program.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this section \$1,000,000 for each of fiscal years 2020 through 2028.

54 USC 308105.

“§ 308105. Battlefield restoration grant program

“(a) ESTABLISHMENT.—The Secretary shall establish a battlefield restoration grant program (referred to in this section as the ‘program’) under which the Secretary may provide grants to States, Tribes, local governments, and nonprofit organizations for projects that restore day-of-battle conditions on land preserved under the battlefield acquisition grant program established under section 308103(b).

“(b) ELIGIBLE SITES.—The Secretary may make grants under this section for Revolutionary War, War of 1812, and Civil War battlefield sites eligible for assistance under the battlefield acquisition grant program established under section 308103(b).

“(c) FEDERAL SHARE.—The Federal share of the cost of a restoration project funded through a grant provided under the program shall be not more than 50 percent of the total cost of the project.

“(d) RESTORATION STANDARDS.—All restoration work carried out through a grant awarded under the program shall be performed in accordance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties under part 68 of title 36, Code of Federal Regulations (or successor regulations).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this section \$1,000,000 for each of fiscal years 2020 through 2028.”.

54 USC
prec. 308101.

(b) CLERICAL AMENDMENT.—The analysis for chapter 3081 of title 54, United States Code, is amended by adding at the end the following:

“308104. Battlefield interpretation modernization grant program.
“308105. Battlefield restoration grant program.”.

TITLE VIII—VETERANS AFFAIRS REPORT ON DISABILITY COMPENSATION AND THE POSITIVE ASSOCIATION WITH EXPOSURE TO AN HERBICIDE AGENT

SEC. 801. REPORT ON EFFORTS TO DETERMINE WHETHER TO ADD TO THE LIST OF DISEASES FOR WHICH PRESUMPTION OF SERVICE-CONNECTION IS WARRANTED FOR PURPOSES OF DISABILITY COMPENSATION BY REASON OF HAVING POSITIVE ASSOCIATION WITH EXPOSURE TO AN HERBICIDE AGENT.

Consultation.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Director of the Office of Management and Budget, shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report setting forth the status of any efforts of the Secretary to determine whether to promulgate new regulations to add to the list of diseases for which a presumption of

service-connection is warranted for purposes of section 1110 of title 38, United States Code, by reason of having positive association with exposure to an herbicide agent.

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

(1) A detailed explanation of any delays in making a determination described in such subsection.

(2) An estimate of the cost of adding to the list of diseases described in such subsection. Cost estimate.

(3) The date the Secretary anticipates on which the Secretary will promulgate new regulations as described in such subsection.

(c) DEFINITION OF HERBICIDE AGENT.—For purposes of this section, the term “herbicide agent” has the meaning given such term in section 1116 of title 38, United States Code.

TITLE IX—DISASTER RECOVERY WORKFORCE

Disaster
Recovery
Workforce Act.

SEC. 901. SHORT TITLE.

This title may be cited as the “Disaster Recovery Workforce Act”.

48 USC 1801
note.

SEC. 902. CONSTRUCTION WORKER PERMITS.

Section 6(d)(3) of the Joint Resolution entitled “A Joint Resolution to approve the ‘Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America’, and for other purposes” (48 U.S.C. 1806(d)(3)) is amended by adding at the end the following:

“(E) TYPHOON RECOVERY.—

“(i) PERMITS FOR CONSTRUCTION WORKERS.—Notwithstanding any numerical cap set forth in subparagraph (B) for each of fiscal years 2020, 2021, and 2022, the Secretary of Homeland Security shall increase by 3,000, for each such fiscal year, the total number of permits available under this subsection for Construction and Extraction Occupations (as defined by the Department of Labor as Standard Occupational Classification Group 47–0000).

“(ii) PERMIT REQUIREMENTS.—The Secretary may only issue a permit made available under clause (i) to a prospective employer if the permit is for an alien who—

“(I) is a national of a country designated eligible to participate in the program under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) during calendar year 2018; and

“(II) is performing service or labor pursuant to a contract or subcontract for construction, repairs, renovations, or facility services directly connected to, or associated with recovery from a presidentially declared major disaster or emergency (as those terms are defined in section 102

of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), or for preparation for a future disaster or emergency.
“(iii) EXCEPTION FOR CONSTRUCTION WORKERS.—
Subparagraph (D)(v) shall not apply to a permit made available under clause (i) for any fiscal year described in such clause.”.

Television
Viewer
Protection Act
of 2019.

TITLE X—TELEVISION VIEWER PROTECTION

47 USC 609 note.

SEC. 1001. SHORT TITLE.

This title may be cited as the “Television Viewer Protection Act of 2019”.

SEC. 1002. EXTENSION OF AUTHORITY.

(a) IN GENERAL.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C)—

(A) by striking “until December 31, 2019,”; and

(B) by striking “antenna,” and all that follows and inserting “antenna under the statutory license of section 119 of title 17, United States Code;”; and

(2) in paragraph (3)(C), by striking “until January 1, 2020,” each place it appears.

(b) CONFORMING AMENDMENT.—Section 325(b)(2) of the Communications Act of 1934 (47 U.S.C. 325(b)(2)) is amended by striking “, the term ‘unserved household’ has the meaning given that term under section 119(d) of such title”.

SEC. 1003. SATISFACTION OF GOOD FAITH NEGOTIATION REQUIREMENT BY MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTORS.

(a) SATISFACTION OF GOOD FAITH NEGOTIATION REQUIREMENT.—Section 325(b)(3)(C) of the Communications Act of 1934 (47 U.S.C. 325(b)(3)(C)) is amended—

(1) in clause (iv), by striking “; and” and inserting a semicolon;

(2) in clause (v), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(vi) not later than 90 days after the date of the enactment of the Television Viewer Protection Act of 2019, specify that—

“(I) a multichannel video programming distributor may satisfy its obligation to negotiate in good faith under clause (iii) with respect to a negotiation for retransmission consent under this section with a large station group by designating a qualified MVPD buying group to negotiate on its behalf, so long as the qualified MVPD buying group itself negotiates in good faith in accordance with such clause;

“(II) it is a violation of the obligation to negotiate in good faith under clause (iii) for the qualified MVPD buying group to disclose the prices, terms, or conditions of an ongoing negotiation or the final terms of a negotiation to a member of the qualified MVPD buying group that is not intending, or is unlikely, to enter into the final

Deadline.

terms negotiated by the qualified MVPD buying group; and

“(III) a large station group has an obligation to negotiate in good faith under clause (ii) with respect to a negotiation for retransmission consent under this section with a qualified MVPD buying group.”.

(b) DEFINITIONS.—Section 325(b)(7) of the Communications Act of 1934 (47 U.S.C. 325(b)(7)) is amended—

(1) in subparagraph (A), by striking “; and” and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(C) ‘qualified MVPD buying group’ means an entity that, with respect to a negotiation with a large station group for retransmission consent under this section—

“(i) negotiates on behalf of two or more multichannel video programming distributors—

“(I) none of which is a multichannel video programming distributor that serves more than 500,000 subscribers nationally; and

“(II) that do not collectively serve more than 25 percent of all households served by a multichannel video programming distributor in any single local market in which the applicable large station group operates; and

“(ii) negotiates agreements for such retransmission consent—

“(I) that contain standardized contract provisions, including billing structures and technical quality standards, for each multichannel video programming distributor on behalf of which the entity negotiates; and

“(II) under which the entity assumes liability to remit to the applicable large station group all fees received from the multichannel video programming distributors on behalf of which the entity negotiates;

“(D) ‘large station group’ means a group of television broadcast stations that—

“(i) are directly or indirectly under common de jure control permitted by the regulations of the Commission;

“(ii) generally negotiate agreements for retransmission consent under this section as a single entity; and

“(iii) include only television broadcast stations that have a national audience reach of more than 20 percent;

“(E) ‘local market’ has the meaning given such term in section 122(j) of title 17, United States Code; and

“(F) ‘multichannel video programming distributor’ has the meaning given such term in section 602.”.

(c) CONFORMING AMENDMENTS.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2), by striking “, and the term ‘local market’ has the meaning given that term in section 122(j) of such title”; and

(2) in paragraph (3)(C), by striking “(as defined in section 122(j) of title 17, United States Code)” each place it appears.

47 USC 325 note.

(d) **EFFECTIVE DATE.**—The amendments made by this section, and the regulations promulgated by the Federal Communications Commission under such amendments, shall not take effect before January 1 of the calendar year after the calendar year in which this Act is enacted.

SEC. 1004. REQUIREMENTS RELATING TO CHARGES FOR COVERED SERVICES.

(a) **IN GENERAL.**—Part IV of title VI of the Communications Act of 1934 (47 U.S.C. 551 et seq.) is amended by adding at the end the following:

47 USC 562.

“SEC. 642. REQUIREMENTS RELATING TO CHARGES FOR COVERED SERVICES.

“(a) **CONSUMER RIGHTS IN SALES.**—

“(1) **RIGHT TO TRANSPARENCY.**—Before entering into a contract with a consumer for the provision of a covered service, a provider of a covered service shall provide the consumer, by phone, in person, online, or by other reasonable means, the total monthly charge for the covered service, whether offered individually or as part of a bundled service, selected by the consumer (explicitly noting the amount of any applicable promotional discount reflected in such charge and when such discount will expire), including any related administrative fees, equipment fees, or other charges, a good faith estimate of any tax, fee, or charge imposed by the Federal Government or a State or local government (whether imposed on the provider or imposed on the consumer but collected by the provider), and a good faith estimate of any fee or charge that is used to recover any other assessment imposed on the provider by the Federal Government or a State or local government.

Deadline.
Records.

“(2) **RIGHT TO FORMAL NOTICE.**—A provider of a covered service that enters into a contract described in paragraph (1) shall, not later than 24 hours after entering into the contract, send the consumer, by email, online link, or other reasonably comparable means, a copy of the information described in such paragraph.

Time period.

“(3) **RIGHT TO CANCEL.**—A provider of a covered service that enters into a contract described in paragraph (1) shall permit the consumer to cancel the contract, without paying early cancellation fees or other disconnection fees or penalties, during the 24-hour period beginning when the provider of the covered service sends the copy required by paragraph (2).

“(b) **CONSUMER RIGHTS IN E-BILLING.**—If a provider of a covered service provides a bill to a consumer in an electronic format, the provider shall include in the bill—

“(1) an itemized statement that breaks down the total amount charged for or relating to the provision of the covered service by the amount charged for the provision of the service itself and the amount of all related taxes, administrative fees, equipment fees, or other charges;

“(2) the termination date of the contract for the provision of the covered service entered into between the consumer and the provider; and

“(3) the termination date of any applicable promotional discount.

“(c) CONSUMER RIGHTS TO ACCURATE EQUIPMENT CHARGES.—A provider of a covered service or fixed broadband internet access service may not charge a consumer for—

“(1) using covered equipment provided by the consumer; or

“(2) renting, leasing, or otherwise providing to the consumer covered equipment if—

“(A) the provider has not provided the equipment to the consumer; or

“(B) the consumer has returned the equipment to the provider, except to the extent that the charge relates to the period beginning on the date when the provider provided the equipment to the consumer and ending on the date when the consumer returned the equipment to the provider.

“(d) DEFINITIONS.—In this section:

“(1) BROADBAND INTERNET ACCESS SERVICE.—The term ‘broadband internet access service’ has the meaning given such term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

“(2) COVERED EQUIPMENT.—The term ‘covered equipment’ means equipment (such as a router) employed on the premises of a person (other than a provider of a covered service or fixed broadband internet access service) to provide a covered service or to provide fixed broadband internet access service.

“(3) COVERED SERVICE.—The term ‘covered service’ means service provided by a multichannel video programming distributor, to the extent such distributor is acting as a multichannel video programming distributor.”

(b) EFFECTIVE DATE.—Section 642 of the Communications Act of 1934, as added by subsection (a) of this section, shall apply beginning on the date that is 6 months after the date of the enactment of this Act. The Federal Communications Commission may grant an additional 6-month extension if the Commission finds that good cause exists for such an additional extension.

Time periods.
47 USC 562 note.

Extension.

TITLE XI—ELIGIBILITY TO RECEIVE SIGNALS UNDER A DISTANT-SIGNAL SATELLITE LICENSE

Satellite
Television
Community
Protection and
Promotion Act
of 2019.

SEC. 1101. SHORT TITLE.

This title may be cited as the “Satellite Television Community Protection and Promotion Act of 2019”.

17 USC 101 note.

SEC. 1102. ELIGIBILITY TO RECEIVE SIGNALS UNDER A DISTANT-SIGNAL SATELLITE LICENSE.

(a) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “signals, and” and inserting “signals,”;

(II) by inserting “, and the carrier provides local-into-local service to all DMAs” after “receiving the secondary transmission”; and

(III) by adding at the end the following new sentence: “Failure to reach an agreement with a network station to retransmit the signals of the station shall not be construed to affect compliance with providing local-into-local service to all DMAs if the satellite carrier has the capability to retransmit such signals when an agreement is reached.”; and

(ii) in subparagraph (B)—

(I) by striking clauses (ii) and (iii);

(II) by adding at the end the following:

“(ii) SHORT MARKETS.—In the case of secondary transmissions to households located in short markets, subject to clause (i), the statutory license shall be further limited to secondary transmissions of only those primary transmissions of network stations that embody the programming of networks not offered on the primary stream or the multicast stream transmitted by any network station in that market.”;

(B) by striking paragraphs (3), (6)(E), (9), (10), and (13); and

(C) by redesignating paragraphs (4), (5), (6), (7), (8), (11), (12), and (14) as paragraphs (3) through (10), respectively;

(2) in subsection (c)(1)(E)—

(A) by striking the comma after “in the agreement”;

(B) by striking “until December 31, 2019, or”; and

(C) by striking “, whichever is later” and inserting “until the subscriber for which the royalty is payable is no longer eligible to receive a secondary transmission pursuant to the license under this section”;

(3) in subsection (d)—

(A) in paragraph (10)—

(i) in subparagraph (D), by striking “subsection (a)(11)” and inserting “subsection (a)(8)”;

(ii) by striking subparagraphs (A), (B), (C), and (E);

(iii) by redesignating subparagraph (D) as subparagraph (A); and

(iv) by adding at the end the following:

“(B) is a subscriber located in a short market.”;

(B) by striking paragraph (13);

(C) by redesignating paragraphs (14) and (15) as paragraphs (13) and (14), respectively; and

(D) by adding at the end the following:

“(15) LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—The term ‘local-into-local service to all DMAs’ has the meaning given such term in subsection (f)(7).”

“(16) SHORT MARKET.—The term ‘short market’ means a local market in which programming of one or more of the four most widely viewed television networks nationwide is not offered on either the primary stream or multicast stream transmitted by any network station in that market or is temporarily

Definitions.

or permanently unavailable as a result of an act of god or other force majeure event beyond the control of the carrier.”;

(4) by striking subsections (e) and (h);

(5) in subsection (g)(7), by inserting “, except for designated market areas where the entity is temporarily or permanently unable to provide local service as a result of an act of god or other force majeure event beyond the control of the entity” after “section 122”; and

(6) by redesignating subsections (f) and (g) as subsections (e) and (f).

(b) PREVIOUSLY COVERED SUBSCRIBERS UNDER THE STELA REAUTHORIZATION ACT OF 2014.—

(1) IN GENERAL.—A subscriber of a satellite carrier who receives the secondary transmission of a network station under the statutory license in section 119 of title 17, United States Code, as in effect on the day before the date of the enactment of this Act, and to whom subsection (a)(2)(B) of such section, as amended by subsection (a), does not apply, shall continue to be eligible to receive that secondary transmission from such carrier under such license, and at the royalty rate established for such license by the Copyright Royalty Board or voluntary agreement, as applicable, until the date that is the earlier of—

(A) May 31, 2020; or

(B) the date on which such carrier provides local-into-local service to all DMAs.

(2) DEFINITIONS.—In this subsection, the terms “satellite carrier”, “subscriber”, “secondary transmission”, “network station”, and “local-into-local service to all DMAs” have the meaning given those terms in section 119 of title 17, United States Code.

(c) CONFORMING AMENDMENTS.—Title 17, United States Code, is further amended—

(1) in section 119, as amended by subsection (a)—

(A) in subsection (a)—

(i) in paragraph (1), by striking “paragraphs (4), (5), and (7)” and inserting “paragraphs (3), (4), and (6)”; and

(ii) in paragraph (2), by striking “paragraphs (4), (5), (6), and (7)” and inserting “paragraphs (3), (4), (5), and (6)”; and

(B) in subsection (f), as so redesignated, by striking “subsection (a)(7)(B)” each place it appears and inserting “subsection (a)(5)(B)”; and

(2) in section 501(e), by striking “section 119(a)(5)” and inserting “section 119(a)(3)”.

Eligibility.
Termination
date.
17 USC 119 note.

TITLE XII—GROUND FISH TRAWL FISHERY

SEC. 1201. GROUND FISH TRAWL FISHERY.

The Secretary of Commerce shall forgive the interest accrued on the Groundfish Trawl fishery sub-loan regarding fishing capacity reduction in the West Coast groundfish fishery authorized by section 212 of division B, title II, of Public Law 108–7 from December 4, 2003, through September 8, 2005, and the portion of additional

Loans.
Time periods.

interest accrued in the Groundfish Trawl fishery sub-loan since September 8, 2005, that is directly attributable to the delay in implementing a repayment system. The Secretary of the Treasury shall make available, out of any funds in the Treasury not otherwise appropriated, such sums necessary for any loan modification under this provision.

Temporary Relief
from Certain
ERISA
Requirements
Act of 2020.
26 USC 1 note.

TITLE XIII—TEMPORARY RELIEF FROM CERTAIN ERISA REQUIREMENTS

SEC. 1301. SHORT TITLE.

This title may be cited as the “Temporary Relief from Certain ERISA Requirements Act of 2020”.

SEC. 1302. EXEMPTION.

(a) IN GENERAL.—Section 408 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108) is amended by adding at the end the following:

“(h) PROVISION OF PHARMACY BENEFIT SERVICES.—

“(1) IN GENERAL.—Provided that all of the conditions described in paragraph (2) are met, the restrictions imposed by subsections (a), (b)(1), and (b)(2) of section 406 shall not apply to—

“(A) the offering of pharmacy benefit services to a group health plan that is sponsored by an entity described in section 3(37)(G)(vi) or to any other group health plan that is sponsored by a regional council, local union, or other labor organization affiliated with such entity;

“(B) the purchase of pharmacy benefit services by plan participants and beneficiaries of a group health plan that is sponsored by an entity described in section 3(37)(G)(vi) or of any other group health plan that is sponsored by a regional council, local union, or other labor organization affiliated with such entity; or

“(C) the operation or implementation of pharmacy benefit services by an entity described in section 3(37)(G)(vi) or by any other group health plan that is sponsored by a regional council, local union, or other labor organization affiliated with such entity,

in any arrangement where such entity described in section 3(37)(G)(vi) or any related organization or subsidiary of such entity provides pharmacy benefit services that include prior authorization and appeals, a retail pharmacy network, pharmacy benefit administration, mail order fulfillment, formulary support, manufacturer payments, audits, and specialty pharmacy and goods, to any such group health plan.

“(2) CONDITIONS.—The conditions described in this paragraph are the following:

“(A) The terms of the arrangement are at least as favorable to the group health plan as such group health plan could obtain in a similar arm’s length arrangement with an unrelated third party.

“(B) At least 50 percent of the providers participating in the pharmacy benefit services offered by the arrangement are unrelated to the contributing employers or any

other party in interest with respect to the group health plan.

“(C) The group health plan retains an independent fiduciary who will be responsible for monitoring the group health plan’s consultants, contractors, subcontractors, and other service providers for purposes of pharmacy benefit services described in paragraph (1) offered by such entity or any of its related organizations or subsidiaries and monitors the transactions of such entity and any of its related organizations or subsidiaries to ensure that all conditions of this exemption are satisfied during each plan year.

“(D) Any decisions regarding the provision of pharmacy benefit services described in paragraph (1) are made by the group health plan’s independent fiduciary, based on objective standards developed by the independent fiduciary in reliance on information provided by the arrangement.

“(E) The independent fiduciary of the group health plan provides an annual report to the Secretary and the congressional committees of jurisdiction attesting that the conditions described in subparagraphs (C) and (D) have been met for the applicable plan year, together with a statement that use of the arrangement’s services are in the best interest of the participants and beneficiaries in the aggregate for that plan year compared to other similar arrangements the group health plan could have obtained in transactions with an unrelated third party.

Reports.

“(F) The arrangement is not designed to benefit any party in interest with respect to the group health plan.

“(3) VIOLATIONS.—In the event an entity described in section 3(37)(G)(vi) or any affiliate of such entity violates any of the conditions of such exemption, such exemption shall not apply with respect to such entity or affiliate and all enforcement and claims available under this Act shall apply with respect to such entity or affiliate.

Applicability.

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to modify any obligation of a group health plan otherwise set forth in this Act.

“(5) GROUP HEALTH PLAN.—In this subsection, the term ‘group health plan’ has the meaning given such term in section 733(a).”.

Definition.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Subsection (c) of section 4975 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

26 USC 4975.

“(7) SPECIAL RULE FOR PROVISION OF PHARMACY BENEFIT SERVICES.—Any party to an arrangement which satisfies the requirements of section 408(h) of the Employee Retirement Income Security Act of 1974 shall be exempt from the tax imposed by this section with respect to such arrangement.”.

Exemption.

(c) APPLICABILITY.—With respect to a group health plan subject to subsection (h) of section 408 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108) (as amended by subsection (a)) and subsection (c) of section 4975 of the Internal Revenue Code of 1986 (as amended by subsection (b)), beginning at the end of the fifth plan year of such group health plan that begins after the date of enactment of this Act, such subsection (h) of such section 408 and such subsection (c) of such shall have no force or effect.

Effective date.
26 USC 4975
note.

Library of
Congress
Technical
Corrections Act
of 2019.
2 USC 131 note.

TITLE XIV—LIBRARY OF CONGRESS TECHNICAL CORRECTIONS

SEC. 1401. SHORT TITLE.

This title may be cited as the “Library of Congress Technical Corrections Act of 2019”.

SEC. 1402. AMENDMENT TO AMERICAN FOLKLIFE PRESERVATION ACT.

Section 4 of the American Folklife Preservation Act (20 U.S.C. 2103) is amended—

(1) in subsection (b)(1)(D)—

(A) in the matter preceding clause (i), by striking “seven” and inserting “nine”;

(B) in clause (vi), by striking “and” after the semicolon;

(C) in clause (vii), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(viii) the Secretary of Veterans Affairs; and

“(ix) the Director of the Institute of Museum and Library Services.”; and

(2) in subsection (f), by striking the second sentence and inserting the following: “The rate of basic pay of the Director shall be fixed in accordance with section 5376(b) of title 5, United States Code.”.

SEC. 1403. NATIONAL LIBRARY SERVICE FOR THE BLIND AND PRINT DISABLED.

(a) IN GENERAL.—The Act entitled “An Act to provide books for the adult blind”, approved March 3, 1931 (2 U.S.C. 135a et seq.), is amended to read as follows:

“SECTION 1. NATIONAL LIBRARY SERVICE FOR THE BLIND AND PRINT DISABLED.

“(a) ACCESSIBLE MATERIALS AND REPRODUCERS.—

“(1) IN GENERAL.—The Librarian of Congress is authorized to provide to eligible persons who are residents of the United States (including residents of the several States, insular possessions, and the District of Columbia) and to eligible persons who are United States citizens residing outside the United States the following items:

“(A) Literary works published in raised characters, on sound-reproduction recordings, or in any other accessible format.

“(B) Musical scores, instructional texts, and other specialized materials used in furthering educational, vocational, and cultural opportunities in the field of music published in any accessible format.

“(C) Reproducers for such formats.

“(2) OWNERSHIP.—Any item provided under paragraph (1) shall be provided on a loan basis and shall remain the property of the Library of Congress.

“(b) LENDING PREFERENCE.—In the lending of items under subsection (a), the Librarian shall at all times give preference to—

“(1) the needs of the blind and visually disabled; and

“(2) the needs of eligible persons who have been honorably discharged from the Armed Forces of the United States.

“(c) NETWORK.—The Librarian of Congress may contract or otherwise arrange with such public or other nonprofit libraries, agencies, or organizations as the Librarian may determine appropriate to serve as local or regional centers for the circulation of items described in subsection (a)(1).

“(d) INTERNATIONAL SERVICE.—The Librarian of Congress is authorized to provide items described in subparagraphs (A) and (B) of subsection (a)(1) to authorized entities located in a country that is a party to the Marrakesh Treaty, if any such items are delivered to authorized entities through online, not physical, means. The Librarian may contract or otherwise arrange with such authorized entities to deliver such items to eligible persons located in their countries in any accessible format and consistent with section 121A of title 17, United States Code.

“(e) CONTRACTING PREFERENCE.—In the purchase and maintenance of items described in subsection (a), the Librarian of Congress, without regard to section 6101 of title 41, United States Code, shall give preference to nonprofit institutions or agencies whose activities are primarily concerned with the blind and with other physically disabled persons, in all cases where, considering all the circumstances and needs involved, the Librarian determines that the prices submitted are fair and reasonable.

Determination.

“(f) REGULATIONS.—The Librarian of Congress shall prescribe regulations for services under this section, in consultation with eligible persons and authorized entities. Such regulations shall include procedures that shall be used by an individual to establish that the individual is an eligible person.

Consultation.

Procedures.

“(g) DEFINITIONS.—In this section—

“(1) the terms ‘accessible format’, ‘authorized entity’, and ‘eligible person’ have the meanings given those terms in section 121 of title 17, United States Code; and

“(2) the term ‘Marrakesh Treaty’ has the meaning given in section 121A of such title 17.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.”.

(b) CONFORMING AMENDMENT.—The Act entitled “An Act to establish in the Library of Congress a library of musical scores and other instructional materials to further educational, vocational, and cultural opportunities in the field of music for blind persons”, approved October 9, 1962 (2 U.S.C. 135a–1), is repealed.

Repeal.

SEC. 1404. UNIFORM PAY SCALE FOR LIBRARY OF CONGRESS CAREER SENIOR EXECUTIVE POSITIONS.

(a) EXECUTIVE SCHEDULE POSITIONS.—

(1) DEPUTY LIBRARIAN OF CONGRESS.—Paragraph (2) of section 904 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 136a–2) is amended to read as follows:

“(2) the Deputy Librarian of Congress shall be compensated at the greater of the rate of pay in effect for level III of the Executive Schedule under section 5314 of title 5, United States Code, or the maximum annual rate of basic pay payable under section 5376 of such title for positions at agencies with a performance appraisal system certified under section 5307(d) of such title.”.

(2) **DIRECTOR, CONGRESSIONAL RESEARCH SERVICE.**—The second sentence of section 203(c)(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 166(c)(1)) is amended to read as follows: “The Director shall be compensated at the greater of the rate of pay in effect for level III of the Executive Schedule under section 5314 of title 5, United States Code, or the maximum annual rate of basic pay payable under section 5376 of such title for positions at agencies with a performance appraisal system certified under section 5307(d) of such title.”.

(3) **REGISTER OF COPYRIGHTS.**—The first sentence of section 701(f) of title 17, United States Code, is amended to read as follows: “The Register of Copyrights shall be compensated at the greater of the rate of pay in effect for level III of the Executive Schedule under section 5314 of title 5 or the maximum annual rate of basic pay payable under section 5376 of such title for positions at agencies with a performance appraisal system certified under section 5307(d) of such title.”.

(b) **REFERENCES TO GS GRADES 16, 17, AND 18 AND SENIOR LEVEL CLASSIFICATION.**—

(1) **CONGRESSIONAL RESEARCH SERVICE.**—Section 203(c)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 166(c)(2)) is amended—

(A) in the second sentence of the matter preceding subparagraph (A), by deleting “subchapter III” and all that follows through “such title.” and inserting “section 5376 of title 5, United States Code.”; and

(B) in subparagraph (B), by striking “may be placed in GS–16, 17, and 18” and all that follows through the period at the end and inserting “may be classified above GS–15 in accordance with section 5108(c) of title 5, United States Code, and the rate of basic pay for such positions may be fixed in accordance with section 5376 of such title, subject to the prior approval of the Joint Committee on the Library.”.

(2) **U.S. COPYRIGHT OFFICE.**—Section 701(f) of title 17, United States Code, is amended by striking the last sentence and inserting “The rate of basic pay for each Associate Register of Copyrights shall be fixed in accordance with section 5376 of title 5.”.

SEC. 1405. STAFFING FOR COPYRIGHT ROYALTY JUDGES PROGRAM.

(a) **REMOVAL OF CAP ON PERSONNEL.**—Chapter 8 of title 17, United States Code, is amended—

(1) in section 802—

(A) in subsection (b), by striking “3”; and

(B) in subsection (e), by striking paragraph (2) and inserting the following:

“(2) **STAFF MEMBERS.**—Staff members appointed under subsection (b) shall be compensated at a rate not more than the basic rate of pay payable for level 10 of GS–15 of the General Schedule.”; and

(2) in section 803(e)(1)(A), by striking “3”.

17 USC 802 note.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect with respect to fiscal year 2020 and each fiscal year thereafter.

TITLE XV—SENATE ENTITIES

SEC. 1501. Section 2(c) of chapter VIII of title I of Public Law 100–71 (2 U.S.C. 6567(c)) is amended by striking “\$10,000” and inserting “\$15,000”.

SEC. 1502. Section 902 of the Emergency Supplemental Act, 2002 (2 U.S.C. 6616) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “subsection (b)” and inserting “paragraph (3)”; and

(ii) by striking “and” at the end;

(B) in paragraph (2), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(3) the Sergeant at Arms of the Senate may enter into a memorandum of understanding described in paragraph (1) consistent with the Senate Procurement Regulations.”; and

(2) by striking subsection (b) and inserting the following:

“(b) The Sergeant at Arms of the Senate may incur obligations and make expenditures for meals, refreshments, and other support and maintenance for Members, officers, and employees of the Senate when such obligations and expenditures are necessary to respond to emergencies involving the safety of human life or the protection of property.”.

Memorandum.

TITLE XVI—LEGISLATIVE BRANCH INSPECTORS GENERAL INDEPENDENCE

SEC. 1601. SHORT TITLE.

This title may be cited as the “Legislative Branch Inspectors General Independence Act of 2019”.

SEC. 1602. PAY, LIMITS ON BONUSES, COUNSEL, AND AUTHORITIES.

(a) LIBRARY OF CONGRESS.—Section 1307 of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 185) is amended—

(1) in subsection (c)—

(A) in the subsection heading, by inserting “; PAY; LIMITS ON BONUSES; COUNSEL” after “REMOVAL”;

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

“(2) REMOVAL OR TRANSFER.—

“(A) IN GENERAL.—The Inspector General may be removed from office, or transferred to another position within, or another location of, the Library of Congress, by the Librarian of Congress.

“(B) NOTICE.—Not later than 30 days before the Librarian of Congress removes or transfers the Inspector General under subparagraph (A), the Librarian of Congress shall communicate in writing the reason for the removal or transfer to—

“(i) the Committee on House Administration and the Committee on Appropriations of the House of Representatives; and

“(ii) the Committee on Rules and Administration and the Committee on Appropriations of the Senate.

Legislative
Branch
Inspectors
General
Independence Act
of 2019.
2 USC 131 note.

Deadline.

“(C) APPLICABILITY.—Nothing in this paragraph shall prohibit a personnel action (except for removal or transfer) that is otherwise authorized by law.”; and

(C) by adding at the end the following:

“(3) PAY.—

“(A) IN GENERAL.—The position of Inspector General shall—

“(i) be classified as a position above GS–15 in accordance with section 5108 of title 5, United States Code; and

“(ii) have a rate of basic pay that is not less than the average rate of basic pay of all other employees in positions classified as above GS–15 of the Library of Congress calculated on an annual basis.

“(B) ADJUSTMENTS.—The Librarian of Congress shall establish the amount of the annual adjustment in the rate of basic pay for the Inspector General in an amount equal to the average of the annual adjustments in the rate of basic pay provided to all other employees in positions classified as above GS–15 of the Library of Congress, in a manner consistent with section 5376 of title 5, United States Code.

“(4) NO BONUSES.—The Inspector General may not receive any cash award or cash bonus, including a cash award under chapter 45 of title 5, United States Code.

“(5) COUNSEL.—The Inspector General shall, in accordance with applicable laws and regulations governing selections, appointments, and employment at the Library of Congress, obtain legal advice from a counsel reporting directly to the Inspector General or another Inspector General.”; and

(2) in subsection (d)(1), by striking “Sections 4” and all that follows through “and 7” and inserting “Sections 4, 5 (other than subsection (a)(13)), 6 (other than subsection (a)(7)), and 7”.

(b) OFFICE OF THE ARCHITECT OF THE CAPITOL.—Section 1301(c) of the Architect of the Capitol Inspector General Act of 2007 (2 U.S.C. 1808(c)) is amended—

(1) in the subsection heading, by inserting “; PAY; LIMITS ON BONUSES; COUNSEL” after “REMOVAL”;

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

“(2) REMOVAL OR TRANSFER.—

“(A) IN GENERAL.—The Inspector General may be removed from office, or transferred to another position within, or another location of, the Office of the Architect of the Capitol, by the Architect of the Capitol.

“(B) NOTICE.—Not later than 30 days before the Architect of the Capitol removes or transfers the Inspector General under subparagraph (A), the Architect of the Capitol shall communicate in writing the reason for the removal or transfer to—

“(i) the Committee on House Administration and the Committee on Appropriations of the House of Representatives; and

“(ii) the Committee on Rules and Administration and the Committee on Appropriations of the Senate.

Deadline.

“(C) APPLICABILITY.—Nothing in this paragraph shall prohibit a personnel action (except for removal or transfer) that is otherwise authorized by law.”; and

(3) by adding at the end the following:

“(4) NO BONUSES.—The Inspector General may not receive any cash award or cash bonus, including a cash award under chapter 45 of title 5, United States Code.

“(5) COUNSEL.—The Inspector General shall, in accordance with applicable laws and regulations governing selections, appointments, and employment at the Office of the Architect of the Capitol, obtain legal advice from a counsel reporting directly to the Inspector General or another Inspector General.”.

(c) GOVERNMENT PUBLISHING OFFICE.—

(1) IN GENERAL.—Section 3902 of title 44, United States Code, is amended—

(A) in the section heading, by inserting “; **pay; limits on bonuses; counsel**” after “**removal**”;

(B) by striking subsection (b) and inserting the following:

“(b)(1) The Inspector General may be removed from office, or transferred to another position within, or another location of, the Government Publishing Office, by the Director of the Government Publishing Office.

“(2) Not later than 30 days before the Director removes or transfers the Inspector General under paragraph (1), the Director shall communicate in writing the reason for the removal or transfer to—

Deadline.
Notification.

“(A) the Committee on House Administration and the Committee on Appropriations of the House of Representatives; and

“(B) the Committee on Rules and Administration and the Committee on Appropriations of the Senate.

“(3) Nothing in this subsection shall prohibit a personnel action (except for removal or transfer) that is otherwise authorized by law.”; and

(C) by adding at the end the following:

“(c)(1) The position of Inspector General shall be—

“(A) classified as a position as a senior level employee, in accordance with this title; and

“(B) have a rate of basic pay that is not less than the average rate of basic pay of all other senior level employees of the Government Publishing Office calculated on an annual basis.

“(2) The Director of the Government Publishing Office shall establish the amount of the annual adjustment in the rate of basic pay for the Inspector General in an amount equal to the average of the annual adjustments in the rate of basic pay provided to all other senior level employees of the Government Publishing Office, consistent with this title.

“(d) The Inspector General may not receive any cash award or cash bonus, including a cash award under chapter 45 of title 5.

“(e) The Inspector General shall, in accordance with applicable laws and regulations governing selections, appointments, and employment at the Government Publishing Office, obtain legal advice from a counsel reporting directly to the Inspector General or another Inspector General.”.

44 USC
prec. 3901.

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 39 of title 44, United States Code, is amended by striking the item relating to section 3902 and inserting the following:

“3902. Appointment of Inspector General; supervision; removal; pay; limits on bonuses; counsel.”.

SEC. 1603. LAW ENFORCEMENT AUTHORITY.

(a) **LIBRARY OF CONGRESS.**—Section 1307(d) of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 185(d)) is amended by adding at the end the following:

“(3) **LAW ENFORCEMENT AUTHORITY.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), any supervisory special agent under the Inspector General and any special agent supervised by such a supervisory special agent is authorized to—

“(i) make an arrest without a warrant while engaged in official duties as authorized under this section or any other statute for any offense against the United States committed in the presence of such supervisory special agent or special agent, or for any felony cognizable under the laws of the United States if such supervisory special agent or special agent has reasonable grounds to believe that the person to be arrested has committed or is committing such felony;

“(ii) seek and execute warrants for arrest, search of a premises, or seizure of evidence issued under the authority of the United States upon probable cause to believe that a violation has been committed; and

“(iii) carry a firearm while engaged in official duties as authorized under this section or any other statute.

“(B) **REQUIREMENTS TO EXERCISE AUTHORITY.**—

“(i) **REQUIRED CERTIFICATION.**—

“(I) **IN GENERAL.**—In order to exercise the authority under subparagraph (A), a supervisory special agent or a special agent supervised by such a supervisory special agent shall certify that he or she—

“(aa) is a citizen of the United States;

“(bb) has successfully completed a basic law enforcement training program or military or other equivalent; and

“(cc) is not prohibited from receiving a firearm under Federal law, including under section 922(g)(9) of title 18, United States Code, because of a conviction of a misdemeanor crime of domestic violence.

“(II) **ADDITIONAL REQUIREMENTS.**—After providing notice to the appropriate committees of Congress, the Inspector General may add requirements to the certification required under subclause (I), as determined appropriate by the Inspector General.

“(ii) **MAINTENANCE OF REQUIREMENTS.**—The Inspector General shall maintain firearms-related

requirements (including quarterly firearms qualifications) and use of force training requirements that, except to the extent the Inspector General determines necessary to effectively carry out the duties of the Office of the Inspector General, are in accordance with the Council of the Inspectors General on Integrity and Efficiency use of force policies, which incorporate Department of Justice guidelines.

“(iii) ELIGIBILITY DETERMINATION.—

“(I) IN GENERAL.—The Inspector General shall—

“(aa) determine whether an individual meets the requirements under this paragraph; and

“(bb) revoke any authority granted to an individual under subparagraph (A) if the individual is not in compliance with the requirements of this paragraph.

“(II) REAUTHORIZATION.—The Inspector General may reauthorize an individual to exercise the authority granted under subparagraph (A) if the Inspector General determines the individual has achieved compliance with the requirements under this paragraph.

“(III) LIMITATION ON APPEAL.—A revocation of the authority granted under subparagraph (A) shall not be subject to administrative, judicial, or other review, unless the revocation results in an adverse action. Such an adverse action may, at the election of the applicable individual, be reviewed in accordance with the otherwise applicable procedures.

“(C) SEMIANNUAL CERTIFICATION OF PROGRAM.—

“(i) IN GENERAL.—Before the first grant of authority under subparagraph (A), and semiannually thereafter as part of the report under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.), the Inspector General shall submit to the appropriate committees of Congress a written certification that adequate internal safeguards and management procedures exist that, except to the extent the Inspector General determines necessary to effectively carry out the duties of the Office of the Inspector General, are in compliance with standards established by the Council of the Inspectors General on Integrity and Efficiency, which incorporate Department of Justice guidelines, to ensure proper exercise of the powers authorized under this paragraph.

“(ii) SUSPENSION OF AUTHORITY.—The authority granted under this paragraph (including any grant of authority to an individual under subparagraph (A), without regard to whether the individual is in compliance with subparagraph (B)) may be suspended by the Inspector General if the Office of Inspector General fails to comply with the reporting and review requirements under clause (i) of this subparagraph or subparagraph (D). Any suspension of authority under this

Reports.

clause shall be reported to the appropriate committees of Congress.

Notification. “(D) PEER REVIEW.—To ensure the proper exercise of the law enforcement powers authorized under this paragraph, the Office of Inspector General shall submit to and participate in the external review process established by the Council of the Inspectors General on Integrity and Efficiency for ensuring that adequate internal safeguards and management procedures continue to exist. Under the review process, the exercise of the law enforcement powers by the Office of Inspector General shall be reviewed periodically by another Office of Inspector General or by a committee of Inspectors General. The results of each review shall be communicated in writing to the Inspector General, the Council of the Inspectors General on Integrity and Efficiency, and the appropriate committees of Congress.

“(E) ALLEGED MISCONDUCT.—Any allegation of misconduct by an individual granted authority under subparagraph (A) may be reviewed by the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency.

Definition. “(F) APPROPRIATE COMMITTEES OF CONGRESS.—In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committee on Rules and Administration and the Committee on Appropriations of the Senate; and

“(ii) the Committee on House Administration and the Committee on Appropriations of the House of Representatives.”.

(b) ARCHITECT OF THE CAPITOL.—Section 1301(d) of the Architect of the Capitol Inspector General Act of 2007 (2 U.S.C. 1808(d)) is amended by adding at the end the following:

“(3) LAW ENFORCEMENT AUTHORITY.—

“(A) IN GENERAL.—Subject to subparagraph (B), any supervisory special agent under the Inspector General and any special agent supervised by such a supervisory special agent is authorized to—

“(i) make an arrest without a warrant while engaged in official duties as authorized under this section or any other statute for any offense against the United States committed in the presence of such supervisory special agent or special agent, or for any felony cognizable under the laws of the United States if such supervisory special agent or special agent has reasonable grounds to believe that the person to be arrested has committed or is committing such felony;

“(ii) seek and execute warrants for arrest, search of a premises, or seizure of evidence issued under the authority of the United States upon probable cause to believe that a violation has been committed; and

“(iii) carry a firearm while engaged in official duties as authorized under this section or any other statute.

“(B) REQUIREMENTS TO EXERCISE AUTHORITY.—

“(i) REQUIRED CERTIFICATION.—

“(I) IN GENERAL.—In order to exercise the authority under subparagraph (A), a supervisory special agent or a special agent supervised by such a supervisory special agent shall certify that he or she—

“(aa) is a citizen of the United States;

“(bb) has successfully completed a basic law enforcement training program or military or other equivalent; and

“(cc) is not prohibited from receiving a firearm under Federal law, including under section 922(g)(9) of title 18, United States Code, because of a conviction of a misdemeanor crime of domestic violence.

“(II) ADDITIONAL REQUIREMENTS.—After providing notice to the appropriate committees of Congress, the Inspector General may add requirements to the certification required under subclause (I), as determined appropriate by the Inspector General.

Notification.

“(ii) MAINTENANCE OF REQUIREMENTS.—The Inspector General shall maintain firearms-related requirements (including quarterly firearms qualifications) and use of force training requirements that, except to the extent the Inspector General determines necessary to effectively carry out the duties of the Office of the Inspector General, are in accordance with the Council of the Inspectors General on Integrity and Efficiency use of force policies, which incorporate Department of Justice guidelines.

“(iii) ELIGIBILITY DETERMINATION.—

“(I) IN GENERAL.—The Inspector General shall—

“(aa) determine whether an individual meets the requirements under this paragraph; and

“(bb) revoke any authority granted to an individual under subparagraph (A) if the individual is not in compliance with the requirements of this paragraph.

“(II) REAUTHORIZATION.—The Inspector General may reauthorize an individual to exercise the authority granted under subparagraph (A) if the Inspector General determines the individual has achieved compliance with the requirements under this paragraph.

“(III) LIMITATION ON APPEAL.—A revocation of the authority granted under subparagraph (A) shall not be subject to administrative, judicial, or other review, unless the revocation results in an adverse action. Such an adverse action may, at the election of the applicable individual, be reviewed in accordance with the otherwise applicable procedures.

“(C) SEMIANNUAL CERTIFICATION OF PROGRAM.—

“(i) IN GENERAL.—Before the first grant of authority under subparagraph (A), and semiannually

Compliance.

thereafter as part of the report under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.), the Inspector General shall submit to the appropriate committees of Congress a written certification that adequate internal safeguards and management procedures exist that, except to the extent the Inspector General determines necessary to effectively carry out the duties of the Office of the Inspector General, are in compliance with standards established by the Council of the Inspectors General on Integrity and Efficiency, which incorporate Department of Justice guidelines, to ensure proper exercise of the powers authorized under this paragraph.

“(ii) **SUSPENSION OF AUTHORITY.**—The authority granted under this paragraph (including any grant of authority to an individual under subparagraph (A), without regard to whether the individual is in compliance with subparagraph (B)) may be suspended by the Inspector General if the Office of Inspector General fails to comply with the reporting and review requirements under clause (i) of this subparagraph or subparagraph (D). Any suspension of authority under this clause shall be reported to the appropriate committees of Congress.

“(D) **PEER REVIEW.**—To ensure the proper exercise of the law enforcement powers authorized under this paragraph, the Office of Inspector General shall submit to and participate in the external review process established by the Council of the Inspectors General on Integrity and Efficiency for ensuring that adequate internal safeguards and management procedures continue to exist. Under the review process, the exercise of the law enforcement powers by the Office of Inspector General shall be reviewed periodically by another Office of Inspector General or by a committee of Inspectors General. The results of each review shall be communicated in writing to the Inspector General, the Council of the Inspectors General on Integrity and Efficiency, and the appropriate committees of Congress.

“(E) **ALLEGED MISCONDUCT.**—Any allegation of misconduct by an individual granted authority under subparagraph (A) may be reviewed by the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency.

“(F) **APPROPRIATE COMMITTEES OF CONGRESS.**—In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committee on Rules and Administration and the Committee on Appropriations of the Senate; and

“(ii) the Committee on House Administration and the Committee on Appropriations of the House of Representatives.”.

(c) **GOVERNMENT PUBLISHING OFFICE.**—Section 3903 of title 44, United States Code, is amended by adding at the end the following:

Reports.

Definition.

“(c)(1) Subject to paragraph (2), any supervisory special agent under the Inspector General and any special agent supervised by such a supervisory special agent is authorized to—

“(A) make an arrest without a warrant while engaged in official duties as authorized under this chapter or any other statute for any offense against the United States committed in the presence of such supervisory special agent or special agent, or for any felony cognizable under the laws of the United States if such supervisory special agent or special agent has reasonable grounds to believe that the person to be arrested has committed or is committing such felony;

“(B) seek and execute warrants for arrest, search of a premises, or seizure of evidence issued under the authority of the United States upon probable cause to believe that a violation has been committed; and

“(C) carry a firearm while engaged in official duties as authorized under this chapter or any other statute.

“(2)(A)(i) In order to exercise the authority under paragraph (1), a supervisory special agent or a special agent supervised by such a supervisory special agent shall certify that he or she—

Certification.

“(I) is a citizen of the United States;

“(II) has successfully completed a basic law enforcement training program or military or other equivalent; and

“(III) is not prohibited from receiving a firearm under Federal law, including under section 922(g)(9) of title 18, United States Code, because of a conviction of a misdemeanor crime of domestic violence.

“(ii) After providing notice to the appropriate committees of Congress, the Inspector General may add requirements to the certification required under clause (i), as determined appropriate by the Inspector General.

Notification.

“(B) The Inspector General shall maintain firearms-related requirements (including quarterly firearms qualifications) and use of force training requirements that, except to the extent the Inspector General determines necessary to effectively carry out the duties of the Office of the Inspector General, are in accordance with the Council of the Inspectors General on Integrity and Efficiency use of force policies, which incorporate Department of Justice guidelines.

“(C)(i) The Inspector General shall—

“(I) determine whether an individual meets the requirements under this subsection; and

Determination.

“(II) revoke any authority granted to an individual under paragraph (1) if the individual is not in compliance with the requirements of this subsection.

“(ii) The Inspector General may reauthorize an individual to exercise the authority granted under paragraph (1) if the Inspector General determines the individual has achieved compliance with the requirements under this subsection.

Determination.

“(iii) A revocation of the authority granted under paragraph (1) shall not be subject to administrative, judicial, or other review, unless the revocation results in an adverse action. Such an adverse action may, at the election of the applicable individual, be reviewed in accordance with the otherwise applicable procedures.

“(3)(A) Before the first grant of authority under paragraph (1), and semiannually thereafter as part of the report under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.), the Inspector

Time period.
Certification.
Compliance.

General shall submit to the appropriate committees of Congress a written certification that adequate internal safeguards and management procedures exist that, except to the extent the Inspector General determines necessary to effectively carry out the duties of the Office of the Inspector General, are in compliance with standards established by the Council of the Inspectors General on Integrity and Efficiency, which incorporate Department of Justice guidelines, to ensure proper exercise of the powers authorized under this subsection.

Reports. “(B) The authority granted under this subsection (including any grant of authority to an individual under paragraph (1), without regard to whether the individual is in compliance with paragraph (2)) may be suspended by the Inspector General if the Office of Inspector General fails to comply with the reporting and review requirements under subparagraph (A) of this paragraph or paragraph (4). Any suspension of authority under this subparagraph shall be reported to the appropriate committees of Congress.

Review. “(4) To ensure the proper exercise of the law enforcement powers authorized under this subsection, the Office of Inspector General shall submit to and participate in the external review process established by the Council of the Inspectors General on Integrity and Efficiency for ensuring that adequate internal safeguards and management procedures continue to exist. Under the review process, the exercise of the law enforcement powers by the Office of Inspector General shall be reviewed periodically by another Office of Inspector General or by a committee of Inspectors General. The results of each review shall be communicated in writing to the Inspector General, the Council of the Inspectors General on Integrity and Efficiency, and the appropriate committees of Congress.

Notification. “(5) Any allegation of misconduct by an individual granted authority under paragraph (1) may be reviewed by the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency.

Definition. “(6) In this subsection, the term ‘appropriate committees of Congress’ means—

“(A) the Committee on Rules and Administration and the Committee on Appropriations of the Senate; and

“(B) the Committee on House Administration and the Committee on Appropriations of the House of Representatives.”.

SEC. 1604. BUDGET INDEPENDENCE.

(a) LIBRARY OF CONGRESS.—

(1) AUTHORITY.—Section 1307(d) of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 185(d)), as amended by section 1603 of this Act, is amended by adding at the end the following:

“(4) BUDGET INDEPENDENCE.—The Librarian of Congress shall include the annual budget request of the Inspector General in the budget of the Library of Congress without change.”.

(b) OFFICE OF THE ARCHITECT OF THE CAPITOL.—Section 1301(d) of the Architect of the Capitol Inspector General Act of 2007 (2 U.S.C. 1808(d)), as amended by section 1603 of this Act, is amended by adding at the end the following:

“(4) BUDGET INDEPENDENCE.—The Architect of the Capitol shall include the annual budget request of the Inspector General in the budget of the Office of the Architect of the Capitol without change.”.

(c) GOVERNMENT PUBLISHING OFFICE.—Section 3903 of title 44, United States Code, as amended by section 1603 of this Act, is amended by adding at the end the following:

“(d) The Director of the Government Publishing Office shall include the annual budget request of the Inspector General in the budget of the Government Publishing Office without change.”.

(d) SEPARATE ALLOCATIONS.—

(1) LEGISLATIVE BRANCH INSTRUMENTALITY DEFINED.—In this subsection, the term “legislative branch instrumentality” means the Library of Congress, the Office of the Architect of the Capitol, or the Government Publishing Office.

(2) ALLOCATION.—For fiscal year 2021, and each fiscal year thereafter, Congress shall provide, within the amounts made available for salaries and expenses of each legislative branch instrumentality, a separate allocation of amounts for salaries and expenses of the Office of the Inspector General of the covered legislative branch instrumentality.

SEC. 1605. HIRING AUTHORITY.

(a) LIBRARY OF CONGRESS.—Section 1307(d)(2) of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 185(d)(2)) is amended—

(1) by striking “The Inspector” and inserting the following:

“(A) IN GENERAL.—The Inspector”;

(2) in subparagraph (A), as so designated, by inserting “, without the supervision or approval of any other employee, office, or other entity within the Library of Congress,” after “is authorized”; and

(3) by adding at the end the following:

“(B) SECURITY AND SUITABILITY.—Appointments under the authority under subparagraph (A) shall be made consistent with personnel security and suitability requirements.

“(C) CONSULTANTS.—Any appointment of a consultant under the authority under subparagraph (A) shall be made consistent with section 6(a)(8) of the Inspector General Act of 1978 (5 U.S.C. App.).”.

(b) OFFICE OF THE ARCHITECT OF THE CAPITOL.—Section 1301(d)(2) of the Architect of the Capitol Inspector General Act of 2007 (2 U.S.C. 1808(d)(2)) is amended—

(1) by striking “The Inspector” and inserting the following:

“(A) IN GENERAL.—The Inspector”;

(2) in subparagraph (A), as so designated, by inserting “, without the supervision or approval of any other employee, office, or other entity within the Office of the Architect of the Capitol,” after “is authorized”; and

(3) by adding at the end the following:

“(B) SECURITY AND SUITABILITY.—Appointments under the authority under subparagraph (A) shall be made consistent with personnel security and suitability requirements.

“(C) CONSULTANTS.—Any appointment of a consultant under the authority under subparagraph (A) shall be made

consistent with section 6(a)(8) of the Inspector General Act of 1978 (5 U.S.C. App.).”.

(c) GOVERNMENT PUBLISHING OFFICE.—Section 3903(b) of title 44, United States Code, is amended—

(1) by inserting “(1)” before “The Inspector”;

(2) in paragraph (1), as so designated, by inserting “, without the supervision or approval of any other employee, office, or other entity within the Government Publishing Office,” after “is authorized”; and

(3) by adding at the end the following:

“(2) Appointments under the authority under paragraph (1) shall be made consistent with personnel security and suitability requirements.

“(3) Any appointment of a consultant under the authority under paragraph (1) shall be made consistent with section 6(a)(8) of the Inspector General Act of 1978 (5 U.S.C. App.).”.

TITLE XVII—MANAGING POLITICAL FUND ACTIVITY

2 USC 6131 note. **SEC. 1701. MANAGING POLITICAL FUND ACTIVITY.**

The Majority Leader and the Minority Leader may each designate up to 2 employees of their respective leadership office staff as designees referred to in the second sentence of paragraph 1 of rule XLI of the Standing Rules of the Senate.

TITLE XVIII—KENTUCKY WILDLANDS NATIONAL HERITAGE AREA STUDY

Kentucky
Wildlands
National
Heritage Area
Study Act.

SEC. 1801. SHORT TITLE.

This title may be cited as the “Kentucky Wildlands National Heritage Area Study Act”.

SEC. 1802. DEFINITIONS.

In this Act:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Kentucky Wildlands National Heritage Area.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of Kentucky.

(4) **STUDY AREA.**—The term “study area” means—

(A) Adair, Bath, Bell, Boyd, Breathitt, Carter, Casey, Clay, Clinton, Cumberland, Elliott, Floyd, Green, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lincoln, Magoffin, Martin, McCreary, Menifee, Metcalfe, Monroe, Morgan, Owsley, Perry, Pike, Pulaski, Rockcastle, Rowan, Russell, Wayne, Whitley, and Wolfe Counties in the State; and

(B) any other areas in the State that—

(i) have heritage aspects that are similar to the heritage aspects of the areas described in subparagraph (A); and

(ii) are adjacent to, or in the vicinity of, the areas described in that subparagraph.

SEC. 1803. STUDY.

(a) **IN GENERAL.**—The Secretary, in consultation with State and local historic preservation officers, State and local historical societies, State and local tourism offices, and other appropriate organizations and governmental agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as a National Heritage Area, to be known as the “Kentucky Wildlands National Heritage Area”.

Consultation.

(b) **REQUIREMENTS.**—The study shall include analysis, documentation, and determinations on whether the study area—

Analysis.
Determinations.

(1) has an assemblage of natural, historic, and cultural resources that—

(A) represent distinctive aspects of the heritage of the United States;

(B) are worthy of recognition, conservation, interpretation, and continuing use; and

(C) would be best managed—

(i) through partnerships among public and private entities; and

(ii) by linking diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(3) provides outstanding opportunities—

(A) to conserve natural, historic, cultural, or scenic features; and

(B) for recreation and education;

(4) contains resources that—

(A) are important to any identified themes of the study area; and

(B) retain a degree of integrity capable of supporting interpretation;

(5) includes residents, business interests, nonprofit organizations, and State and local governments that—

(A) are involved in the planning of the Heritage Area;

(B) have developed a conceptual financial plan that outlines the roles of all participants in the Heritage Area, including the Federal Government; and

(C) have demonstrated support for the designation of the Heritage Area;

(6) has a potential management entity to work in partnership with the individuals and entities described in paragraph (5) to develop the Heritage Area while encouraging State and local economic activity;

(7) could impact the rights of private property owners with respect to private property; and

(8) has a conceptual boundary map that is supported by the public.

SEC. 1804. REPORT.

Not later than 3 years after the date on which funds are first made available to carry out this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the findings of the study under section 1803; and

(2) any conclusions and recommendations of the Secretary.

Recommendations.

TITLE XIX—INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

SEC. 1901. INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.

The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end the following new section:

22 USC 286zz.

“SEC. 73. CAPITAL STOCK INCREASES.

“(a) INCREASES AUTHORIZED.—The United States Governor of the Bank is authorized—

“(1)(A) to vote in favor of a resolution to increase the capital stock of the Bank on a selective basis by 245,773 shares; and

“(B) to subscribe on behalf of the United States to 42,298 additional shares of the capital stock of the Bank, as part of the selective increase in the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to the extent or in such amounts as are provided in advance in appropriations Acts; and

“(2)(A) to vote in favor of a resolution to increase the capital stock of the Bank on a general basis by 230,500 shares; and

“(B) to subscribe on behalf of the United States to 38,662 additional shares of the capital stock of the Bank, as part of the general increase in the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to the extent or in such amounts as are provided in advance in appropriations Acts.

“(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—(1) In order to pay for the increase in the United States subscription to the Bank under subsection (a)(2)(B), there are authorized to be appropriated, without fiscal year limitation, \$4,663,990,370 for payment by the Secretary of the Treasury.

“(2) Of the amount authorized to be appropriated under paragraph (1), \$932,798,074 shall be for paid in shares of the Bank, and \$3,731,192,296 shall be for callable shares of the Bank.

“(3) In order to pay for the increase in the United States subscription to the Bank under subsection (a)(1)(B), there are authorized to be appropriated, without fiscal year limitation \$5,102,619,230 for payment by the Secretary of the Treasury.

“(4) Of the amount authorized to be appropriated under paragraph (3), \$306,157,153.80 shall be for paid in shares of the Bank, and \$4,796,462,076.20 shall be for callable shares of the Bank.”.

European Energy
Security and
Diversification
Act of 2019.

TITLE XX—EUROPEAN ENERGY SECU- RITY AND DIVERSIFICATION ACT OF 2019

22 USC 9501
note.

SEC. 2001. SHORT TITLE.

This title may be cited as the “European Energy Security and Diversification Act of 2019”.

SEC. 2002. DEFINITIONS.

22 USC 9561.

In this title:

(1) **EARLY-STAGE PROJECT SUPPORT.**—The term “early-stage project support” includes—

- (A) feasibility studies;
- (B) resource evaluations;
- (C) project appraisal and costing;
- (D) pilot projects;
- (E) commercial support, such as trade missions, reverse trade missions, technical workshops, international buyer programs, and international partner searchers to link suppliers to projects;
- (F) technical assistance and other guidance to improve the local regulatory environment and market frameworks to encourage transparent competition and enhance energy security; and
- (G) long-term energy sector planning.

(2) **LATE-STAGE PROJECT SUPPORT.**—The term “late-stage project support” includes debt financing, insurance, and transaction advisory services.

SEC. 2003. STATEMENT OF POLICY.

22 USC 9562.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States has economic and national security interests in assisting European and Eurasian countries achieve energy security through diversification of their energy sources and supply routes.

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

(1) to advance United States foreign policy and development goals by assisting European and Eurasian countries to reduce their dependence on energy resources from countries that use energy dependence for undue political influence, such as the Russian Federation, which has used natural gas to coerce, intimidate, and influence other countries;

(2) to promote the energy security of allies and partners of the United States by encouraging the development of accessible, transparent, and competitive energy markets that provide diversified sources, types, and routes of energy;

(3) to encourage United States public and private sector investment in European energy infrastructure projects to bridge the gap between energy security requirements and commercial demand in a way that is consistent with the region’s absorptive capacity; and

(4) to help facilitate the export of United States energy resources, technology, and expertise to global markets in a way that benefits the energy security of allies and partners of the United States, including in Europe and Eurasia.

SEC. 2004. PRIORITIZATION OF EFFORTS AND ASSISTANCE FOR ENERGY INFRASTRUCTURE PROJECTS IN EUROPE AND EURASIA.

22 USC 9563.

(a) **IN GENERAL.**—In pursuing the policy described in section 2003, the Secretary of State, in consultation with the Secretary of Energy and the heads of other relevant United States agencies, shall, as appropriate, prioritize and expedite the efforts of the Department of State and those agencies in supporting the efforts

Consultation.

of the European Commission and the governments of European and Eurasian countries to increase their energy security, including through—

(1) providing diplomatic and political support to the European Commission and those governments, as necessary—

(A) to facilitate international negotiations concerning cross-border infrastructure;

(B) to enhance Europe’s regulatory environment with respect to energy; and

(C) to develop accessible, transparent, and competitive energy markets supplied by diverse sources, types, and routes of energy; and

(2) providing support to improve European and Eurasian energy markets, including early-stage project support and late-stage project support for the construction or improvement of energy and related infrastructure, as necessary—

(A) to diversify the energy sources and supply routes of European and Eurasian countries;

(B) to enhance energy market integration across the region; and

(C) to increase competition within energy markets.

(b) PROJECT SELECTION.—

(1) IN GENERAL.—The agencies described in subsection (a) shall identify energy infrastructure projects that would be appropriate for United States assistance under this section.

(2) PROJECT ELIGIBILITY.—A project is eligible for United States assistance under this section if the project—

(A)(i) improves electricity transmission infrastructure, power generation through the use of a broad power mix (including fossil fuel and renewable energy), or energy efficiency; or

(ii) advances electricity storage projects, smart grid projects, distributed generation models, or other technological innovations, as appropriate; and

(B) is located in a European or Eurasian country.

(3) PREFERENCE.—In selecting among projects that are eligible under paragraph (2), the agencies described in subsection (a) shall give preference to projects that—

(A) link the energy systems of 2 or more European or Eurasian countries;

(B) have already been identified by the European Commission as being integral for the energy security of European countries;

(C) are expected to enhance energy market integration;

(D) can attract funding from the private sector, an international financial institution, the government of the country in which the project will be carried out, or the European Commission; or

(E) have the potential to use United States goods and services during project implementation.

(c) TYPES OF ASSISTANCE.—

(1) DIPLOMATIC AND POLITICAL SUPPORT.—The Secretary of State shall provide diplomatic and political support to the European Commission and the governments of European and Eurasian countries, as necessary, including by using the diplomatic and political influence and expertise of the Department of State to build the capacity of those countries to resolve

any impediments to the development of projects selected under subsection (b).

(2) EARLY-STAGE PROJECT SUPPORT.—The Director of the Trade and Development Agency shall provide early-stage project support with respect to projects selected under subsection (b), as necessary.

(3) LATE-STAGE PROJECT SUPPORT.—Agencies described in subsection (a) that provide late-stage project support shall do so with respect to projects selected under subsection (b), as necessary.

(d) FUNDING.—

(1) TRADE AND DEVELOPMENT AGENCY.—Section 661(f)(1)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(f)(1)(A)) is amended by striking “\$48,000,000 for fiscal year 2000” and inserting “\$79,500,000 for fiscal year 2020”.

(2) COUNTERING RUSSIAN INFLUENCE FUND.—Section 254 of the Countering Russian Influence in Europe and Eurasia Act of 2017 (22 U.S.C. 9543) is amended—

(A) in subsection (a), by striking “fiscal years 2018 and 2019” and inserting “fiscal years 2020, 2021, 2022, and 2023”; and

(B) in subsection (b), by adding at the end the following new paragraph:

“(7) To assist United States agencies that operate under the foreign policy guidance of the Secretary of State in providing assistance under section 2004 of the European Energy Security and Diversification Act of 2019.”

(e) EXCEPTION FROM CERTAIN LIMITATION UNDER BUILD ACT.—

(1) IN GENERAL.—For purposes of providing support for projects under this section—

(A) the United States International Development Finance Corporation may provide support for projects in countries with upper-middle-income economies or high-income economies (as those terms are defined by the World Bank);

(B) the restriction under section 1412(c)(2) of the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9612(c)(2)) shall not apply; and

(C) the Corporation shall restrict the provision of such support in a country described in subparagraph (A) unless—

(i) the President certifies to the appropriate congressional committees that such support furthers the national economic or foreign policy interests of the United States; and

(ii) such support is—

(I) designed to produce significant developmental outcomes or provide developmental benefits to the poorest population of that country; or

(II) necessary to preempt or counter efforts by a strategic competitor of the United States to secure significant political or economic leverage or acquire national security-sensitive technologies or infrastructure in a country that is an ally or partner of the United States.

President.
Certification.

(2) **DEFINITIONS.**—In this subsection, the terms “appropriate congressional committees” and “less developed country” have the meanings given those terms in section 1402 of the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9601).

President.
22 USC 9564.

SEC. 2005. PROGRESS REPORTS.

Not later than one year after the date of the enactment of this Act, and annually thereafter, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on progress made in providing assistance for projects under section 2004 that includes—

(1) a description of the energy infrastructure projects the United States has identified for such assistance; and

(2) for each such project—

(A) a description of the role of the United States in the project, including in early-stage project support and late-stage project support;

(B) the amount and form of any debt financing and insurance provided by the United States Government for the project;

(C) the amount and form of any early-stage project support; and

(D) an update on the progress made on the project as of the date of the report.

Taxpayer
Certainty and
Disaster Tax
Relief Act
of 2019.
26 USC 1 note.

DIVISION Q—REVENUE PROVISIONS

SECTION 1. SHORT TITLE; ETC.

(a) **SHORT TITLE.**—This division may be cited as the “Taxpayer Certainty and Disaster Tax Relief Act of 2019”.

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

Sec. 1. Short title; etc.

TITLE I—EXTENSION OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Tax Relief and Support for Families and Individuals

Sec. 101. Exclusion from gross income of discharge of qualified principal residence indebtedness.

Sec. 102. Treatment of mortgage insurance premiums as qualified residence interest.

Sec. 103. Reduction in medical expense deduction floor.

Sec. 104. Deduction of qualified tuition and related expenses.

Sec. 105. Black lung disability trust fund excise tax.

Subtitle B—Incentives for Employment, Economic Growth, and Community Development

Sec. 111. Indian employment credit.

Sec. 112. Railroad track maintenance credit.

Sec. 113. Mine rescue team training credit.

Sec. 114. Classification of certain race horses as 3-year property.

Sec. 115. 7-year recovery period for motorsports entertainment complexes.

Sec. 116. Accelerated depreciation for business property on Indian reservations.

Sec. 117. Expensing rules for certain productions.

Sec. 118. Empowerment zone tax incentives.

Sec. 119. American Samoa economic development credit.

Subtitle C—Incentives for Energy Production, Efficiency, and Green Economy Jobs

Sec. 121. Biodiesel and renewable diesel.

- Sec. 122. Second generation biofuel producer credit.
- Sec. 123. Nonbusiness energy property.
- Sec. 124. Qualified fuel cell motor vehicles.
- Sec. 125. Alternative fuel refueling property credit.
- Sec. 126. 2-wheeled plug-in electric vehicle credit.
- Sec. 127. Credit for electricity produced from certain renewable resources.
- Sec. 128. Production credit for Indian coal facilities.
- Sec. 129. Energy efficient homes credit.
- Sec. 130. Special allowance for second generation biofuel plant property.
- Sec. 131. Energy efficient commercial buildings deduction.
- Sec. 132. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
- Sec. 133. Extension and clarification of excise tax credits relating to alternative fuels.
- Sec. 134. Oil spill liability trust fund rate.

Subtitle D—Certain Provisions Expiring at the End of 2019

- Sec. 141. New markets tax credit.
- Sec. 142. Employer credit for paid family and medical leave.
- Sec. 143. Work opportunity credit.
- Sec. 144. Certain provisions related to beer, wine, and distilled spirits.
- Sec. 145. Look-thru rule for related controlled foreign corporations.
- Sec. 146. Credit for health insurance costs of eligible individuals.

TITLE II—DISASTER TAX RELIEF

- Sec. 201. Definitions.
- Sec. 202. Special disaster-related rules for use of retirement funds.
- Sec. 203. Employee retention credit for employers affected by qualified disasters.
- Sec. 204. Other disaster-related tax relief provisions.
- Sec. 205. Automatic extension of filing deadlines in case of certain taxpayers affected by Federally declared disasters.
- Sec. 206. Modification of the tax rate for the excise tax on investment income of private foundations.
- Sec. 207. Additional low-income housing credit allocations for qualified 2017 and 2018 California disaster areas.
- Sec. 208. Treatment of certain possessions.

TITLE III—OTHER PROVISIONS

- Sec. 301. Modification of income for purposes of determining tax-exempt status of certain mutual or cooperative telephone or electric companies.
- Sec. 302. Repeal of increase in unrelated business taxable income for certain fringe benefit expenses.

(c) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—EXTENSION OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Tax Relief and Support for Families and Individuals

SEC. 101. EXCLUSION FROM GROSS INCOME OF DISCHARGE OF QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.

(a) IN GENERAL.—Section 108(a)(1)(E) is amended by striking “January 1, 2018” each place it appears and inserting “January 1, 2021”. 26 USC 108.

(b) CONFORMING AMENDMENT.—Section 108(h)(2) is amended by inserting “and determined without regard to the substitution described in section 163(h)(3)(F)(i)(II)” after “clause (ii) thereof”.

26 USC 108 note. (c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to discharges of indebtedness after December 31, 2017.

SEC. 102. TREATMENT OF MORTGAGE INSURANCE PREMIUMS AS QUALIFIED RESIDENCE INTEREST.

26 USC 163. (a) **IN GENERAL.**—Section 163(h)(3)(E)(iv)(I) is amended by striking “December 31, 2017” and inserting “December 31, 2020”.

26 USC 163 note. (b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2017.

SEC. 103. REDUCTION IN MEDICAL EXPENSE DEDUCTION FLOOR.

Effective date.
Applicability. (a) **IN GENERAL.**—Section 213(f) is amended to read as follows:
“(f) **TEMPORARY SPECIAL RULE.**—In the case of taxable years beginning before January 1, 2021, subsection (a) shall be applied with respect to a taxpayer by substituting ‘7.5 percent’ for ‘10 percent’.”.

(b) **ALTERNATIVE MINIMUM TAX.**—Section 56(b)(1) is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), (E), and (F), as subparagraphs (B), (C), (D), and (E), respectively.

26 USC 56 note. (c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending after December 31, 2018.

SEC. 104. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) **IN GENERAL.**—Section 222(e) is amended by striking “December 31, 2017” and inserting “December 31, 2020”.

26 USC 222 note. (b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 105. BLACK LUNG DISABILITY TRUST FUND EXCISE TAX.

(a) **IN GENERAL.**—Section 4121(e)(2)(A) is amended by striking “December 31, 2018” and inserting “December 31, 2020”.

26 USC 4121 note. (b) **EFFECTIVE DATE.**—The amendment made by this section shall apply on and after the first day of the first calendar month beginning after the date of the enactment of this Act.

Subtitle B—Incentives for Employment, Economic Growth, and Community Development

SEC. 111. INDIAN EMPLOYMENT CREDIT.

(a) **IN GENERAL.**—Section 45A(f) is amended by striking “December 31, 2017” and inserting “December 31, 2020”.

26 USC 45A note. (b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 112. RAILROAD TRACK MAINTENANCE CREDIT.

(a) **IN GENERAL.**—Section 45G(f) is amended by striking “January 1, 2018” and inserting “January 1, 2023”.

Time period.
Deadline.
26 USC 45G note. (b) **SAFE HARBOR ASSIGNMENTS.**—Any assignment, including related expenditures paid or incurred, under section 45G(b)(2) of the Internal Revenue Code of 1986 for a taxable year beginning on or after January 1, 2018, and ending before January 1, 2020, shall be treated as effective as of the close of such taxable year

if made pursuant to a written agreement entered into no later than 90 days following the date of the enactment of this Act.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2017. 26 USC 45G note.

SEC. 113. MINE RESCUE TEAM TRAINING CREDIT.

(a) **IN GENERAL.**—Section 45N(e) is amended by striking “December 31, 2017” and inserting “December 31, 2020”. 26 USC 45N.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 45N note.

SEC. 114. CLASSIFICATION OF CERTAIN RACE HORSES AS 3-YEAR PROPERTY.

(a) **IN GENERAL.**—Section 168(e)(3)(A)(i) is amended—

(1) by striking “January 1, 2018” in subclause (I) and inserting “January 1, 2021”, and

(2) by striking “December 31, 2017” in subclause (II) and inserting “December 31, 2020”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2017. 26 USC 168 note.

SEC. 115. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) **IN GENERAL.**—Section 168(i)(15)(D) is amended by striking “December 31, 2017” and inserting “December 31, 2020”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2017. 26 USC 168 note.

SEC. 116. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATIONS.

(a) **IN GENERAL.**—Section 168(j)(9) is amended by striking “December 31, 2017” and inserting “December 31, 2020”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2017. 26 USC 168 note.

SEC. 117. EXPENSING RULES FOR CERTAIN PRODUCTIONS.

(a) **IN GENERAL.**—Section 181(g) is amended by striking “December 31, 2017” and inserting “December 31, 2020”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to productions commencing after December 31, 2017. 26 USC 181 note.

SEC. 118. EMPOWERMENT ZONE TAX INCENTIVES.

(a) **IN GENERAL.**—Section 1391(d)(1)(A)(i) is amended by striking “December 31, 2017” and inserting “December 31, 2020”.

(b) **TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.**—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation if, after the date of the enactment of this section, the entity which made such nomination amends the nomination to provide for a new termination date in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide. 26 USC 1391 note.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2017. 26 USC 1391 note.

SEC. 119. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

26 USC 30A note. (a) **IN GENERAL.**—Section 119(d) of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking “January 1, 2018” each place it appears and inserting “January 1, 2021”,

(2) by striking “first 12 taxable years” in paragraph (1) and inserting “first 15 taxable years”,

(3) by striking “first 6 taxable years” in paragraph (2) and inserting “first 9 taxable years”, and

(4) by adding at the end the following flush sentence: “In the case of a corporation described in subsection (a)(2), the Internal Revenue Code of 1986 shall be applied and administered without regard to the amendments made by section 401(d)(1) of the Tax Technical Corrections Act of 2018.”.

(b) **CONFORMING AMENDMENT.**—Section 119(e) of division A of the Tax Relief and Health Care Act of 2006 is amended by inserting “(as in effect before its repeal)” after “section 199 of the Internal Revenue Code of 1986”.

26 USC 30A note. (c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

Subtitle C—Incentives for Energy Production, Efficiency, and Green Economy Jobs

SEC. 121. BIODIESEL AND RENEWABLE DIESEL.

(a) **INCOME TAX CREDIT.**—

26 USC 40A. (1) **IN GENERAL.**—Section 40A(g) is amended by striking “December 31, 2017” and inserting “December 31, 2022”.

26 USC 40A note. (2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply to fuel sold or used after December 31, 2017.

(b) **EXCISE TAX INCENTIVES.**—

(1) **TERMINATION.**—

(A) **IN GENERAL.**—Section 6426(c)(6) is amended by striking “December 31, 2017” and inserting “December 31, 2022”.

(B) **PAYMENTS.**—Section 6427(e)(6)(B) is amended by striking “December 31, 2017” and inserting “December 31, 2022”.

26 USC 6426 note. (2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2017.

Time period.
Deadlines.
26 USC 6426 note. (3) **SPECIAL RULE.**—Notwithstanding any other provision of law, in the case of any biodiesel mixture credit properly determined under section 6426(c) of the Internal Revenue Code of 1986 for the period beginning on January 1, 2018, and ending with the close of the last calendar quarter beginning before the date of the enactment of this Act, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary’s delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time

Guidance.

submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

Time period.

SEC. 122. SECOND GENERATION BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Section 40(b)(6)(J)(i) is amended by striking “January 1, 2018” and inserting “January 1, 2021”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to qualified second generation biofuel production after December 31, 2017.

26 USC 40 note.

SEC. 123. NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C(g)(2) is amended by striking “December 31, 2017” and inserting “December 31, 2020”.

(b) TECHNICAL AMENDMENT.—Section 25C(d)(3) is amended—
(1) by striking “an energy factor of at least 2.0” in subparagraph (A) and inserting “a Uniform Energy Factor of at least 2.2”, and

(2) by striking “an energy factor” in subparagraph (D) and inserting “a Uniform Energy Factor”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2017.

26 USC 25C note.

SEC. 124. QUALIFIED FUEL CELL MOTOR VEHICLES.

(a) IN GENERAL.—Section 30B(k)(1) is amended by striking “December 31, 2017” and inserting “December 31, 2020”.

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

26 USC 30B note.

SEC. 125. ALTERNATIVE FUEL REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Section 30C(g) is amended by striking “December 31, 2017” and inserting “December 31, 2020”.

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

26 USC 30C note.

SEC. 126. 2-WHEELED PLUG-IN ELECTRIC VEHICLE CREDIT.

(a) IN GENERAL.—Section 30D(g)(3)(E)(ii) is amended by striking “January 1, 2018” and inserting “January 1, 2021”.

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

26 USC 30D note.

SEC. 127. CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—The following provisions of section 45(d) are each amended by striking “January 1, 2018” each place it appears and inserting “January 1, 2021”:

- (1) Paragraph (2)(A).
- (2) Paragraph (3)(A).
- (3) Paragraph (4)(B).
- (4) Paragraph (6).
- (5) Paragraph (7).

(6) Paragraph (9).

(7) Paragraph (11)(B).

26 USC 48. (b) EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—Section 48(a)(5)(C)(ii) is amended by striking “January 1, 2018 (January 1, 2020, in the case of any facility which is described in paragraph (1) of section 45(d))” and inserting “January 1, 2021”.

(c) APPLICATION OF EXTENSION TO WIND FACILITIES.—

(1) IN GENERAL.—Section 45(d)(1) is amended by striking “January 1, 2020” and inserting “January 1, 2021”.

Time periods.

(2) APPLICATION OF PHASEOUT PERCENTAGE.—

(A) IN GENERAL.—Section 45(b)(5) is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, and”, and by adding at the end the following new subparagraph:

“(D) in the case of any facility the construction of which begins after December 31, 2019, and before January 1, 2021, 40 percent.”.

(B) TREATMENT AS ENERGY PROPERTY.—Section 48(a)(5)(E) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) in the case of any facility the construction of which begins after December 31, 2019, and before January 1, 2021, 40 percent.”.

26 USC 45 note. (d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2018.

SEC. 128. PRODUCTION CREDIT FOR INDIAN COAL FACILITIES.

(a) IN GENERAL.—Section 45(e)(10)(A) is amended by striking “12-year period” each place it appears and inserting “15-year period”.

26 USC 45 note. (b) EFFECTIVE DATE.—The amendment made by this section shall apply to coal produced after December 31, 2017.

SEC. 129. ENERGY EFFICIENT HOMES CREDIT.

(a) IN GENERAL.—Section 45L(g) is amended by striking “December 31, 2017” and inserting “December 31, 2020”.

26 USC 45L note. (b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2017.

SEC. 130. SPECIAL ALLOWANCE FOR SECOND GENERATION BIOFUEL PLANT PROPERTY.

(a) IN GENERAL.—Section 168(l)(2)(D) is amended by striking “January 1, 2018” and inserting “January 1, 2021”.

26 USC 168 note. (b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2017.

SEC. 131. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) IN GENERAL.—Section 179D(h) is amended by striking “December 31, 2017” and inserting “December 31, 2020”.

26 USC 179D note. (b) EFFECTIVE DATES.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2017.

**SEC. 132. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT
FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR
QUALIFIED ELECTRIC UTILITIES.**

(a) IN GENERAL.—Section 451(k)(3) is amended by striking “January 1, 2018” and inserting “January 1, 2021”. 26 USC 451.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions after December 31, 2017. 26 USC 451 note.

**SEC. 133. EXTENSION AND CLARIFICATION OF EXCISE TAX CREDITS
RELATING TO ALTERNATIVE FUELS.**

(a) EXTENSION.—

(1) IN GENERAL.—Sections 6426(d)(5) and 6426(e)(3) are each amended by striking “December 31, 2017” and inserting “December 31, 2020”.

(2) OUTLAY PAYMENTS FOR ALTERNATIVE FUELS.—Section 6427(e)(6)(C) is amended by striking “December 31, 2017” and inserting “December 31, 2020”.

(3) SPECIAL RULE.—Notwithstanding any other provision of law, in the case of any alternative fuel credit properly determined under section 6426(d) of the Internal Revenue Code of 1986 for the period beginning on January 1, 2018, and ending with the close of the last calendar quarter beginning before the date of the enactment of this Act, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary’s delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

Time period.
Deadlines.
26 USC 6426
note.

Guidance.

Time period.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2017.

26 USC 6426
note.

**(b) CLARIFICATION OF RULES REGARDING ALTERNATIVE FUEL
MIXTURE CREDIT.—**

(1) IN GENERAL.—Paragraph (2) of section 6426(e) is amended by striking “mixture of alternative fuel” and inserting “mixture of alternative fuel (other than a fuel described in subparagraph (A), (C), or (F) of subsection (d)(2))”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to—

26 USC 6426
note.

(A) fuel sold or used on or after the date of the enactment of this Act, and

(B) fuel sold or used before such date of enactment, but only to the extent that claims for the credit under section 6426(e) of the Internal Revenue Code of 1986 with respect to such sale or use—

(i) have not been paid or allowed as of such date, and

(ii) were made on or after January 8, 2018.

26 USC 6426
note.

(3) NO INFERENCE.—Nothing contained in this subsection or the amendments made by this subsection shall be construed to create any inference as to a change in law or guidance in effect prior to enactment of this subsection.

SEC. 134. OIL SPILL LIABILITY TRUST FUND RATE.

26 USC 4611.

(a) IN GENERAL.—Section 4611(f)(2) is amended by striking “December 31, 2018” and inserting “December 31, 2020”.

26 USC 4611
note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply on and after the first day of the first calendar month beginning after the date of the enactment of this Act.

Subtitle D—Certain Provisions Expiring at the End of 2019

SEC. 141. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Section 45D(f)(1) is amended by striking “and” at the end of subparagraph (F), by striking the period at the end of subparagraph (G) and inserting “, and”, and by adding at the end the following new subparagraph:

“(H) \$5,000,000,000 for 2020.”.

26 USC 45D
note.

(b) CARRYOVER OF UNUSED LIMITATION.—Section 45D(f)(3) is amended by striking “2024” and inserting “2025”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2019.

SEC. 142. EMPLOYER CREDIT FOR PAID FAMILY AND MEDICAL LEAVE.

26 USC 45S note.

(a) IN GENERAL.—Section 45S(i) is amended by striking “December 31, 2019” and inserting “December 31, 2020”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to wages paid in taxable years beginning after December 31, 2019.

SEC. 143. WORK OPPORTUNITY CREDIT.

26 USC 51 note.

(a) IN GENERAL.—Section 51(c)(4) is amended by striking “December 31, 2019” and inserting “December 31, 2020”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after December 31, 2019.

SEC. 144. CERTAIN PROVISIONS RELATED TO BEER, WINE, AND DISTILLED SPIRITS.

(a) EXEMPTION FOR AGING PROCESS OF BEER, WINE, AND DISTILLED SPIRITS.—

26 USC 263A
note.

(1) IN GENERAL.—Section 263A(f)(4)(B) is amended by striking “December 31, 2019” and inserting “December 31, 2020”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to interest costs paid or accrued after December 31, 2019.

(b) REDUCED RATE OF EXCISE TAX ON BEER.—

(1) IN GENERAL.—Paragraphs (1)(C) and (2)(A) of section 5051(a) are each amended by striking “January 1, 2020” and inserting “January 1, 2021”.

- (2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to beer removed after December 31, 2019. 26 USC 5051 note.
- (c) TRANSFER OF BEER BETWEEN BONDED FACILITIES.—
- (1) IN GENERAL.—Section 5414(b)(3) is amended by striking “December 31, 2019” and inserting “December 31, 2020”. 26 USC 5414.
- (2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to calendar quarters beginning after December 31, 2019. 26 USC 5414 note.
- (d) REDUCED RATE OF EXCISE TAX ON CERTAIN WINE.—
- (1) IN GENERAL.—Section 5041(c)(8)(A) is amended by striking “January 1, 2020” and inserting “January 1, 2021”.
- (2) CONFORMING AMENDMENT.—The heading of section 5041(c)(8) is amended by striking “SPECIAL RULE FOR 2018 AND 2019” and inserting “TEMPORARY SPECIAL RULE”.
- (3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to wine removed after December 31, 2019. 26 USC 5041 note.
- (e) ADJUSTMENT OF ALCOHOL CONTENT LEVEL FOR APPLICATION OF EXCISE TAXES.—
- (1) IN GENERAL.—Paragraphs (1) and (2) of section 5041(b) are each amended by striking “January 1, 2020” and inserting “January 1, 2021”.
- (2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to wine removed after December 31, 2019. 26 USC 5041 note.
- (f) DEFINITION OF MEAD AND LOW ALCOHOL BY VOLUME WINE.—
- (1) IN GENERAL.—Section 5041(h)(3) is amended by striking “December 31, 2019” and inserting “December 31, 2020”.
- (2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to wine removed after December 31, 2019. 26 USC 5041 note.
- (g) REDUCED RATE OF EXCISE TAX ON CERTAIN DISTILLED SPIRITS.—
- (1) IN GENERAL.—Section 5001(c)(4) is amended by striking “December 31, 2019” and inserting “December 31, 2020”.
- (2) CONFORMING AMENDMENT.—The heading of section 5001(c) is amended by striking “REDUCED RATE FOR 2018 AND 2019” and inserting “TEMPORARY REDUCED RATE”.
- (3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distilled spirits removed after December 31, 2019. 26 USC 5001 note.
- (h) BULK DISTILLED SPIRITS.—
- (1) IN GENERAL.—Section 5212 is amended by striking “January 1, 2020” and inserting “January 1, 2021”.
- (2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to distilled spirits transferred in bond after December 31, 2019. 26 USC 5212 note.
- (i) SIMPLIFICATION OF RULES REGARDING RECORDS, STATEMENTS, AND RETURNS.—
- (1) IN GENERAL.—Section 5555(a) is amended by striking “January 1, 2020” and inserting “January 1, 2021”.
- (2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to calendar quarters beginning after December 31, 2019. 26 USC 5555 note.
- (j) TECHNICAL CORRECTION.—
- (1) IN GENERAL.—Section 5041(c)(8) is amended by adding at the end the following new subparagraph:
- “(C) APPLICATION OF CERTAIN RULES.—Paragraphs (3) and (6) shall be applied by substituting ‘paragraph (1) or (8)’ for ‘paragraph (1)’ each place it appears therein.”.

26 USC 5041
note.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall take effect as if included in section 13804 of Public Law 115-97.

SEC. 145. LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

26 USC 954.

(a) **IN GENERAL.**—Section 954(c)(6)(C) is amended by striking “January 1, 2020” and inserting “January 1, 2021”.

26 USC 954 note.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2019, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 146. CREDIT FOR HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS.

26 USC 35 note.

(a) **IN GENERAL.**—Section 35(b)(1)(B) is amended by striking “January 1, 2020” and inserting “January 1, 2021”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to months beginning after December 31, 2019.

TITLE II—DISASTER TAX RELIEF

SEC. 201. DEFINITIONS.

For purposes of this title—

Time period.

(1) **QUALIFIED DISASTER AREA.**—

(A) **IN GENERAL.**—The term “qualified disaster area” means any area with respect to which a major disaster was declared, during the period beginning on January 1, 2018, and ending on the date which is 60 days after the date of the enactment of this Act, by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act if the incident period of the disaster with respect to which such declaration is made begins on or before the date of the enactment of this Act.

(B) **DENIAL OF DOUBLE BENEFIT.**—Such term shall not include the California wildfire disaster area (as defined in section 20101 of subdivision 2 of division B of the Bipartisan Budget Act of 2018).

Time period.

(2) **QUALIFIED DISASTER ZONE.**—The term “qualified disaster zone” means that portion of any qualified disaster area which was determined by the President, during the period beginning on January 1, 2018, and ending on the date which is 60 days after the date of the enactment of this Act, to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of the qualified disaster with respect to such disaster area.

(3) **QUALIFIED DISASTER.**—The term “qualified disaster” means, with respect to any qualified disaster area, the disaster by reason of which a major disaster was declared with respect to such area.

Time period.

(4) **INCIDENT PERIOD.**—The term “incident period” means, with respect to any qualified disaster, the period specified by the Federal Emergency Management Agency as the period during which such disaster occurred (except that for purposes

of this title such period shall not be treated as beginning before January 1, 2018, or ending after the date which is 30 days after the date of the enactment of this Act).

SEC. 202. SPECIAL DISASTER-RELATED RULES FOR USE OF RETIREMENT FUNDS.

(a) TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.—

(1) **IN GENERAL.**—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified disaster distribution.

(2) AGGREGATE DOLLAR LIMITATION.—

(A) **IN GENERAL.**—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified disaster distributions for any taxable year shall not exceed the excess (if any) of—

(i) \$100,000, over

(ii) the aggregate amounts treated as qualified disaster distributions received by such individual for all prior taxable years.

(B) **TREATMENT OF PLAN DISTRIBUTIONS.**—If a distribution to an individual would (without regard to subparagraph (A)) be a qualified disaster distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified disaster distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds \$100,000.

(C) **CONTROLLED GROUP.**—For purposes of subparagraph (B), the term “controlled group” means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

(D) **SPECIAL RULE FOR INDIVIDUALS AFFECTED BY MORE THAN ONE DISASTER.**—The limitation of subparagraph (A) shall be applied separately with respect to distributions made with respect to each qualified disaster.

(3) AMOUNT DISTRIBUTED MAY BE REPAID.—

(A) **IN GENERAL.**—Any individual who receives a qualified disaster distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make 1 or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), of the Internal Revenue Code of 1986, as the case may be.

(B) **TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.**—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a qualified disaster distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of

Definition.

Applicability.

Deadlines.

Time period.

the contribution, be treated as having received the qualified disaster distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(C) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a qualified disaster distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified disaster distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) DEFINITIONS.—For purposes of this subsection—

(A) QUALIFIED DISASTER DISTRIBUTION.—Except as provided in paragraph (2), the term “qualified disaster distribution” means any distribution from an eligible retirement plan made—

Time period.

(i) on or after the first day of the incident period of a qualified disaster and before the date which is 180 days after the date of the enactment of this Act, and

(ii) to an individual whose principal place of abode at any time during the incident period of such qualified disaster is located in the qualified disaster area with respect to such qualified disaster and who has sustained an economic loss by reason of such qualified disaster.

(B) ELIGIBLE RETIREMENT PLAN.—The term “eligible retirement plan” shall have the meaning given such term by section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(5) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.—

(A) IN GENERAL.—In the case of any qualified disaster distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable-year period beginning with such taxable year.

Applicability.

(B) SPECIAL RULE.—For purposes of subparagraph (A), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(6) SPECIAL RULES.—

(A) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified disaster distributions shall not be treated as eligible rollover distributions.

(B) QUALIFIED DISASTER DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes the Internal Revenue Code of 1986, a qualified disaster distribution shall be treated as meeting the requirements

of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

(b) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.— Definitions.

(1) RECONTRIBUTIONS.—

(A) IN GENERAL.—Any individual who received a qualified distribution may, during the applicable period, make 1 or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), of such Code, as the case may be.

(B) TREATMENT OF REPAYMENTS.—Rules similar to the rules of subparagraphs (B) and (C) of subsection (a)(3) shall apply for purposes of this subsection. Applicability.

(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection, the term “qualified distribution” means any distribution—

(A) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F), of the Internal Revenue Code of 1986,

(B) which was to be used to purchase or construct a principal residence in a qualified disaster area, but which was not so used on account of the qualified disaster with respect to such area, and

(C) which was received during the period beginning on the date which is 180 days before the first day of the incident period of such qualified disaster and ending on the date which is 30 days after the last day of such incident period. Time period.

(3) APPLICABLE PERIOD.—For purposes of this subsection, the term “applicable period” means, in the case of a principal residence in a qualified disaster area with respect to any qualified disaster, the period beginning on the first day of the incident period of such qualified disaster and ending on the date which is 180 days after the date of the enactment of this Act.

(c) LOANS FROM QUALIFIED PLANS.—

(1) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual made during the 180-day period beginning on the date of the enactment of this Act—

Time periods.

(A) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting “\$100,000” for “\$50,000”, and

(B) clause (ii) of such section shall be applied by substituting “the present value of the nonforfeitable accrued benefit of the employee under the plan” for “one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan”.

(2) **DELAY OF REPAYMENT.**—In the case of a qualified individual (with respect to any qualified disaster) with an outstanding loan (on or after the first day of the incident period of such qualified disaster) from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986)—

(A) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning on the first day of the incident period of such qualified disaster and ending on the date which is 180 days after the last day of such incident period, such due date shall be delayed for 1 year (or, if later, until the date which is 180 days after the date of the enactment of this Act),

(B) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under subparagraph (A) and any interest accruing during such delay, and

(C) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, the period described in subparagraph (A) of this paragraph shall be disregarded.

Definition.

(3) **QUALIFIED INDIVIDUAL.**—For purposes of this subsection, the term “qualified individual” means any individual—

(A) whose principal place of abode at any time during the incident period of any qualified disaster is located in the qualified disaster area with respect to such qualified disaster, and

(B) who has sustained an economic loss by reason of such qualified disaster.

(d) **PROVISIONS RELATING TO PLAN AMENDMENTS.**—

(1) **IN GENERAL.**—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) **AMENDMENTS TO WHICH SUBSECTION APPLIES.**—

(A) **IN GENERAL.**—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any provision of this section, or pursuant to any regulation issued by the Secretary or the Secretary of Labor under any provision of this section, and

Effective date.

(ii) on or before the last day of the first plan year beginning on or after January 1, 2020, or such later date as the Secretary may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) **CONDITIONS.**—This subsection shall not apply to any amendment unless—

Time period.

(i) during the period—

(I) beginning on the date that this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by this section or such

regulation, the effective date specified by the plan),
and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 203. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY QUALIFIED DISASTERS.

(a) **IN GENERAL.**—For purposes of section 38 of the Internal Revenue Code of 1986, in the case of an eligible employer, the 2018 through 2019 qualified disaster employee retention credit shall be treated as a credit listed at the end of subsection (b) of such section. For purposes of this subsection, the 2018 through 2019 qualified disaster employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. The amount of qualified wages with respect to any employee which may be taken into account under this subsection by the employer for any taxable year shall not exceed \$6,000 (reduced by the amount of qualified wages with respect to such employee which may be so taken into account for any prior taxable year).

(b) **DEFINITIONS.**—For purposes of this section—

(1) **ELIGIBLE EMPLOYER.**—The term “eligible employer” means any employer—

(A) which conducted an active trade or business in a qualified disaster zone at any time during the incident period of the qualified disaster with respect to such qualified disaster zone, and

(B) with respect to whom the trade or business described in subparagraph (A) is inoperable at any time during the period beginning on the first day of the incident period of such qualified disaster and ending on the date of the enactment of this Act, as a result of damage sustained by reason of such qualified disaster.

(2) **ELIGIBLE EMPLOYEE.**—The term “eligible employee” means with respect to an eligible employer an employee whose principal place of employment with such eligible employer (determined immediately before the qualified disaster referred to in paragraph (1)) was in the qualified disaster zone referred to in such paragraph.

(3) **QUALIFIED WAGES.**—The term “qualified wages” means wages (as defined in section 51(c)(1) of the Internal Revenue Code of 1986, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee at any time on or after the date on which the trade or business described in paragraph (1) first became inoperable at the principal place of employment of the employee (determined immediately before the qualified disaster referred to in such paragraph) and before the earlier of—

(A) the date on which such trade or business has resumed significant operations at such principal place of employment, or

Time period.

(B) the date which 150 days after the last day of the incident period of the qualified disaster referred to in paragraph (1).

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

(c) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of sections 51(i)(1), 52, and 280C(a), of the Internal Revenue Code of 1986, shall apply.

(d) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this section for any period with respect to any employer if such employer is allowed a credit under section 51 of the Internal Revenue Code of 1986 with respect to such employee for such period.

SEC. 204. OTHER DISASTER-RELATED TAX RELIEF PROVISIONS.

(a) TEMPORARY INCREASE IN LIMITATION ON QUALIFIED CONTRIBUTIONS.—

(1) SUSPENSION OF CURRENT LIMITATION.—Except as otherwise provided in paragraph (2), qualified contributions shall be disregarded in applying subsections (b) and (d) of section 170 of the Internal Revenue Code of 1986.

(2) APPLICATION OF INCREASED LIMITATION.—For purposes of section 170 of the Internal Revenue Code of 1986—

(A) INDIVIDUALS.—In the case of an individual—

(i) LIMITATION.—Any qualified contribution shall be allowed as a deduction only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in subparagraph (H) of section 170(b)(1) of such Code) over the amount of all other charitable contributions allowed under section 170(b)(1) of such Code.

(ii) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of clause (i), such excess shall be added to the excess described in section 170(b)(1)(G)(ii).

(B) CORPORATIONS.—In the case of a corporation—

(i) LIMITATION.—Any qualified contribution shall be allowed as a deduction only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(ii) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(2) of such Code) exceeds the limitation of clause (i), such excess shall be appropriately taken into account under section 170(d)(2) subject to the limitations thereof.

(3) QUALIFIED CONTRIBUTIONS.—

(A) **IN GENERAL.**—For purposes of this subsection, the term “qualified contribution” means any charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) if—

Definition.

(i) such contribution—

(I) is paid, during the period beginning on January 1, 2018, and ending on the date which is 60 days after the date of the enactment of this Act, in cash to an organization described in section 170(b)(1)(A) of such Code, and

Time period.

(II) is made for relief efforts in one or more qualified disaster areas,

(ii) the taxpayer obtains from such organization contemporaneous written acknowledgment (within the meaning of section 170(f)(8) of such Code) that such contribution was used (or is to be used) for relief efforts described in clause (i)(II), and

(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

(B) **EXCEPTION.**—Such term shall not include a contribution by a donor if the contribution is—

(i) to an organization described in section 509(a)(3) of the Internal Revenue Code of 1986, or

(ii) for the establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2) of such Code).

(C) **APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.**—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.

(b) **SPECIAL RULES FOR QUALIFIED DISASTER-RELATED PERSONAL CASUALTY LOSSES.**—

Definitions.

(1) **IN GENERAL.**—If an individual has a net disaster loss for any taxable year—

(A) the amount determined under section 165(h)(2)(A)(ii) of the Internal Revenue Code of 1986 shall be equal to the sum of—

(i) such net disaster loss, and

(ii) so much of the excess referred to in the matter preceding clause (i) of section 165(h)(2)(A) of such Code (reduced by the amount in clause (i) of this subparagraph) as exceeds 10 percent of the adjusted gross income of the individual,

(B) section 165(h)(1) of such Code shall be applied by substituting “\$500” for “\$500 (\$100 for taxable years beginning after December 31, 2009)”,

(C) the standard deduction determined under section 63(c) of such Code shall be increased by the net disaster loss, and

(D) section 56(b)(1)(E) of such Code (section 56(b)(1)(D) of such Code in the case of taxable years ending after December 31, 2018) shall not apply to so much of the standard deduction as is attributable to the increase under subparagraph (C) of this paragraph.

(2) **NET DISASTER LOSS.**—For purposes of this subsection, the term “net disaster loss” means the excess of qualified disaster-related personal casualty losses over personal casualty

gains (as defined in section 165(h)(3)(A) of the Internal Revenue Code of 1986).

(3) **QUALIFIED DISASTER-RELATED PERSONAL CASUALTY LOSSES.**—For purposes of this subsection, the term “qualified disaster-related personal casualty losses” means losses described in section 165(c)(3) of the Internal Revenue Code of 1986 which arise in a qualified disaster area on or after the first day of the incident period of the qualified disaster to which such area relates, and which are attributable to such qualified disaster.

Definitions.

(c) **SPECIAL RULE FOR DETERMINING EARNED INCOME.**—

(1) **IN GENERAL.**—In the case of a qualified individual, if the earned income of the taxpayer for the applicable taxable year is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(A) such earned income for the preceding taxable year, for

(B) such earned income for the applicable taxable year.

(2) **QUALIFIED INDIVIDUAL.**—For purposes of this subsection, the term “qualified individual” means any individual whose principal place of abode at any time during the incident period of any qualified disaster was located—

(A) in the qualified disaster zone with respect to such qualified disaster, or

(B) in the qualified disaster area with respect to such qualified disaster (but outside the qualified disaster zone with respect to such qualified disaster) and such individual was displaced from such principal place of abode by reason of such qualified disaster.

(3) **APPLICABLE TAXABLE YEAR.**—For purposes of this subsection, the term “applicable taxable year” means—

(A) in the case of a qualified individual other than an individual described in subparagraph (B), any taxable year which includes any portion of the incident period of the qualified disaster to which the qualified disaster area referred to in paragraph (2)(A) relates, or

(B) in the case of a qualified individual described in subparagraph (B) of paragraph (2), any taxable year which includes any portion of the period described in such subparagraph.

(4) **EARNED INCOME.**—For purposes of this subsection, the term “earned income” has the meaning given such term under section 32(c) of the Internal Revenue Code of 1986.

(5) **SPECIAL RULES.**—

(A) **APPLICATION TO JOINT RETURNS.**—For purposes of paragraph (1), in the case of a joint return for an applicable taxable year—

(i) such paragraph shall apply if either spouse is a qualified individual, and

(ii) the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

(B) **UNIFORM APPLICATION OF ELECTION.**—Any election made under paragraph (1) shall apply with respect to both

sections 24(d) and 32 of the Internal Revenue Code of 1986.

(C) **ERRORS TREATED AS MATHEMATICAL ERROR.**—For purposes of section 6213 of the Internal Revenue Code of 1986, an incorrect use on a return of earned income pursuant to paragraph (1) shall be treated as a mathematical or clerical error.

(D) **NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.**—Except as otherwise provided in this subsection, the Internal Revenue Code of 1986 shall be applied without regard to any substitution under paragraph (1).

SEC. 205. AUTOMATIC EXTENSION OF FILING DEADLINES IN CASE OF CERTAIN TAXPAYERS AFFECTED BY FEDERALLY DECLARED DISASTERS.

(a) **IN GENERAL.**—Section 7508A is amended by adding at the end the following new subsection:

“(d) **MANDATORY 60-DAY EXTENSION.**—

“(1) **IN GENERAL.**—In the case of any qualified taxpayer, the period—

“(A) beginning on the earliest incident date specified in the declaration to which the disaster area referred to in paragraph (2) relates, and

“(B) ending on the date which is 60 days after the latest incident date so specified, shall be disregarded in the same manner as a period specified under subsection (a).

“(2) **QUALIFIED TAXPAYER.**—For purposes of this subsection, the term ‘qualified taxpayer’ means—

Definition.

“(A) any individual whose principal residence (for purposes of section 1033(h)(4)) is located in a disaster area,

“(B) any taxpayer if the taxpayer’s principal place of business (other than the business of performing services as an employee) is located in a disaster area,

“(C) any individual who is a relief worker affiliated with a recognized government or philanthropic organization and who is assisting in a disaster area,

“(D) any taxpayer whose records necessary to meet a deadline for an act described in section 7508(a)(1) are maintained in a disaster area,

“(E) any individual visiting a disaster area who was killed or injured as a result of the disaster, and

“(F) solely with respect to a joint return, any spouse of an individual described in any preceding subparagraph of this paragraph.

“(3) **DISASTER AREA.**—For purposes of this subsection, the term ‘disaster area’ has the meaning given such term under subparagraph (B) of section 165(i)(5) with respect to a Federally declared disaster (as defined in subparagraph (A) of such section).

Definition.

“(4) **APPLICATION TO RULES REGARDING PENSIONS.**—In the case of any person described in subsection (b), a rule similar to the rule of paragraph (1) shall apply for purposes of subsection (b) with respect to—

“(A) making contributions to a qualified retirement plan (within the meaning of section 4974(c)) under section 219(f)(3), 404(a)(6), 404(h)(1)(B), or 404(m)(2),

“(B) making distributions under section 408(d)(4),

“(C) recharacterizing contributions under section 408A(d)(6), and

“(D) making a rollover under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3).

“(5) COORDINATION WITH PERIODS SPECIFIED BY THE SECRETARY.—Any period described in paragraph (1) with respect to any person (including by reason of the application of paragraph (4)) shall be in addition to (or concurrent with, as the case may be) any period specified under subsection (a) or (b) with respect to such person.”.

26 USC 7508A
note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to federally declared disasters declared after the date of the enactment of this Act.

SEC. 206. MODIFICATION OF THE TAX RATE FOR THE EXCISE TAX ON INVESTMENT INCOME OF PRIVATE FOUNDATIONS.

(a) IN GENERAL.—Section 4940(a) is amended by striking “2 percent” and inserting “1.39 percent”.

(b) ELIMINATION OF REDUCED TAX WHERE FOUNDATION MEETS CERTAIN DISTRIBUTION REQUIREMENTS.—Section 4940 is amended by striking subsection (e).

26 USC 4940
note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 207. ADDITIONAL LOW-INCOME HOUSING CREDIT ALLOCATIONS FOR QUALIFIED 2017 AND 2018 CALIFORNIA DISASTER AREAS.

(a) IN GENERAL.—For purposes of section 42 of the Internal Revenue Code of 1986, the State housing credit ceiling for California for calendar year 2020 shall be increased by the lesser of—

(1) the aggregate housing credit dollar amount allocated by the State housing credit agencies of California for such calendar year to buildings located in qualified 2017 and 2018 California disaster areas, or

(2) 50 percent of the sum of the State housing credit ceilings for California for calendar years 2017 and 2018.

(b) ALLOCATIONS TREATED AS MADE FIRST FROM ADDITIONAL ALLOCATION FOR PURPOSES OF DETERMINING CARRYOVER.—For purposes of determining the unused State housing credit ceiling for any calendar year under section 42(h)(3)(C) of the Internal Revenue Code of 1986, any increase in the State housing credit ceiling under subsection (a) shall be treated as an amount described in clause (ii) of such section.

(c) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED 2017 AND 2018 CALIFORNIA DISASTER AREAS.—The term “qualified 2017 and 2018 California disaster areas” means any area in California which was determined by the President (before January 1, 2019) to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of a major disaster the incident period of which begins or ends in calendar year 2017 or 2018. Notwithstanding section 201, for purposes of the preceding sentence, the term “incident period” means the period specified by the Federal Emergency Management Agency as the period during which the disaster occurred.

(2) OTHER DEFINITIONS.—Terms used in this section which are also used in section 42 of the Internal Revenue Code of 1986 shall have the same meaning in this section as in such section 42.

SEC. 208. TREATMENT OF CERTAIN POSSESSIONS.

(a) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary of the Treasury shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this title. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(b) PAYMENTS TO OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the provisions of this title if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to its residents.

(c) MIRROR CODE TAX SYSTEM.—For purposes of this section, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

Definition.

(d) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this section shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

TITLE III—OTHER PROVISIONS

SEC. 301. MODIFICATION OF INCOME FOR PURPOSES OF DETERMINING TAX-EXEMPT STATUS OF CERTAIN MUTUAL OR COOPERATIVE TELEPHONE OR ELECTRIC COMPANIES.

(a) IN GENERAL.—Section 501(c)(12) is amended by adding at the end the following new subparagraph:

26 USC 501.

“(J) In the case of a mutual or cooperative telephone or electric company described in this paragraph, subparagraph (A) shall be applied without taking into account any income received or accrued from—

Applicability.

“(i) any grant, contribution, or assistance provided pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act or any similar grant, contribution, or assistance by any local, State, or regional governmental entity for the purpose of relief, recovery, or restoration from, or preparation for, a disaster or emergency, or

“(ii) any grant or contribution by any governmental entity (other than a contribution in aid of construction

or any other contribution as a customer or potential customer) the purpose of which is substantially related to providing, constructing, restoring, or relocating electric, communication, broadband, internet, or other utility facilities or services.”.

26 USC 501 note. (b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 302. REPEAL OF INCREASE IN UNRELATED BUSINESS TAXABLE INCOME FOR CERTAIN FRINGE BENEFIT EXPENSES.

26 USC 512. (a) **IN GENERAL.**—Section 512(a) is amended by striking paragraph (7).

26 USC 512 note. (b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in the amendments made by section 13703 of Public Law 115–97.

Approved December 20, 2019.

LEGISLATIVE HISTORY—H.R. 1865:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Oct. 28, considered and passed House.

Nov. 12, considered and passed Senate, amended.

Dec. 17, House concurred in Senate amendment with an amendment. Senate considered House amendment.

Dec. 19, Senate concurred in House amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2019):

Dec. 20, Presidential statement.

Public Law 116–95
116th Congress

An Act

To reauthorize the West Valley demonstration project, and for other purposes.

Dec. 20, 2019

[H.R. 1138]

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

SECTION 1. WEST VALLEY DEMONSTRATION PROJECT.

(a) REAUTHORIZATION.—Section 3(a) of the West Valley Demonstration Project Act (Public Law 96–368; 42 U.S.C. 2021a note) is amended by striking “\$5,000,000 for the fiscal year ending September 30, 1981” and inserting “\$75,000,000 for each of fiscal years 2020 through 2026”.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report that describes—

(1) the volumes, origins, and types of radioactive waste at the Western New York Service Center in West Valley, New York;

(2) what options have been identified for disposal of each such type of radioactive waste;

(3) what is known about the costs of, and timeframes for, each such option;

(4) the benefits and challenges of each such option, according to the State of New York and the Department of Energy; and

(5) as of the date of enactment of this Act—

(A) how much has been spent on the disposal of radioactive waste associated with the demonstration project prescribed by section 2(a) of the West Valley Demonstration Project Act; and

(B) what volumes and types of radioactive waste have been disposed of from the Western New York Service Center.

Approved December 20, 2019.

LEGISLATIVE HISTORY—H.R. 1138:

SENATE REPORTS: No. 116–69 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 165 (2019):

Mar. 5, considered and passed House.

Dec. 2, considered and passed Senate.

Public Law 116–96
116th Congress

An Act

Dec. 20, 2019
[H.R. 2333]

To direct the Comptroller General of the United States to conduct an assessment of the responsibilities, workload, and vacancy rates of Department of Veterans Affairs suicide prevention coordinators, and for other purposes.

Support for
Suicide
Prevention
Coordinators Act.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Support for Suicide Prevention Coordinators Act”.

SEC. 2. COMPTROLLER GENERAL ASSESSMENT OF RESPONSIBILITIES, WORKLOAD, AND VACANCY RATES OF DEPARTMENT OF VETERANS AFFAIRS SUICIDE PREVENTION COORDINATORS.

Determination.

(a) **ASSESSMENT REQUIRED.**—The Comptroller General of the United States shall conduct an assessment of the responsibilities, workload, training, and vacancy rates of Department of Veterans Affairs suicide prevention coordinators. Such assessment shall include a determination of—

(1) the extent to which the use and staffing of suicide prevention coordinators varies between Department facilities; and

(2) the extent to which the Secretary provides oversight of suicide prevention coordinators.

(b) **REPORT TO CONGRESS.**—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report containing the findings of the assessment required by subsection (a).

Approved December 20, 2019.

LEGISLATIVE HISTORY—H.R. 2333:

HOUSE REPORTS: No. 116–70 (Comm. on Veterans’ Affairs).

CONGRESSIONAL RECORD, Vol. 165 (2019):

May 21, considered and passed House.

Dec. 11, considered and passed Senate.

Public Law 116–97
116th Congress

An Act

To designate the Large Synoptic Survey Telescope as the “Vera C. Rubin Observatory”.

Dec. 20, 2019
[H.R. 3196]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Vera C. Rubin Observatory Designation Act”.

Vera C. Rubin
Observatory
Designation Act.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Dr. Vera Rubin was born July 23, 1928, to Philip and Rose Applebaum Cooper.

(2) Dr. Rubin pursued her graduate studies at Cornell University and Georgetown University, earning her Ph.D. in Physics in 1954.

(3) Dr. Rubin’s Ph.D. thesis on galaxy motions provided supporting evidence that galaxies are not uniformly distributed, but exist in clusters.

(4) Dr. Rubin continued to study the motions of galaxies, first as research associate and assistant professor at Georgetown University, and then as a member of the staff at the Carnegie Institution of Washington Department of Terrestrial Magnetism.

(5) Dr. Rubin faced barriers throughout her career because of her gender.

(6) For instance, one of the world’s leading astronomy facilities at the time, the Palomar Observatory, did not permit women. Dr. Rubin persisted and was finally allowed to observe at Palomar in 1965, the first woman officially allowed to do so.

(7) In 1970, Dr. Rubin published measurements of the Andromeda galaxy showing stars and gas orbiting the galaxy’s center too fast to be explained by the amount of mass associated with the light output of the stars.

(8) In the years that followed, Dr. Rubin and her collaborators used their observations, in conjunction with the work by earlier astronomers on the rotation of stars in spiral galaxies, to provide some of the best evidence for the existence of dark matter.

(9) This work contributed to a major shift in the conventional view of the universe, from one dominated by ordinary matter such as what produces the light of stars, to one dominated by dark matter.

(10) Dr. Rubin was elected to the National Academy of Sciences in 1981, the second woman astronomer to be so honored.

(11) Dr. Rubin was awarded the President’s National Medal of Science in 1993 “for her pioneering research programs in observational cosmology which demonstrated that much of the matter in the universe is dark, and for significant contributions to the realization that the universe is more complex and more mysterious than had been imagined”.

(12) Dr. Rubin was an outspoken advocate for the equal treatment and representation of women in science, and she served as a mentor, supporter, and role model to many women astronomers throughout her life.

(13) The Large Synoptic Survey Telescope, funded jointly by the National Science Foundation and the Department of Energy, will honor the legacy of Dr. Rubin and her colleagues to probe the nature of dark matter by mapping and cataloging billions of galaxies through space and time.

SEC. 3. DESIGNATION.

The Large Synoptic Survey Telescope shall be known and designated as the “Vera C. Rubin Observatory”.

SEC. 4. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility described in section 3 shall be deemed to be a reference to the “Vera C. Rubin Observatory”.

Approved December 20, 2019.

LEGISLATIVE HISTORY—H.R. 3196:

HOUSE REPORTS: No. 116–132 (Comm. on Science, Space, and Technology).

CONGRESSIONAL RECORD, Vol. 165 (2019):

July 23, considered and passed House.

Dec. 18, considered and passed Senate.

Public Law 116–98
116th Congress

An Act

To accelerate the income tax benefits for charitable cash contributions for the relief of the families of victims of the mass shooting in Virginia Beach, Virginia, on May 31, 2019.

Dec. 20, 2019

[H.R. 4566]

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

Virginia Beach
Strong Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Virginia Beach Strong Act”.

SEC. 2. SPECIAL RULES FOR CONTRIBUTIONS FOR RELIEF OF THE FAMILIES OF THE MASS SHOOTING IN VIRGINIA BEACH.

(a) **CLARIFICATION THAT CONTRIBUTION WILL NOT FAIL TO QUALIFY AS A CHARITABLE CONTRIBUTION.**—A cash contribution made for the relief of the families of the dead or wounded victims of the mass shooting in Virginia Beach, Virginia, on May 31, 2019, shall not fail to be treated as a charitable contribution for purposes of section 170 of the Internal Revenue Code of 1986 merely because such contribution is for the exclusive benefit of such families. The preceding sentence shall apply to contributions made on or after May 31, 2019.

Time periods.

(b) **CLARIFICATION THAT PAYMENTS BY CHARITABLE ORGANIZATIONS TO FAMILIES TREATED AS EXEMPT PAYMENTS.**—For purposes of the Internal Revenue Code of 1986, payments made on or after May 31, 2019, and on or before June 1, 2021, to the spouse or any dependent (as defined in section 152 of such Code) of the dead or wounded victims of the mass shooting in Virginia Beach, Virginia, on May 31, 2019, by an organization which (determined without regard to any such payments) would be an organization exempt from tax under section 501(a) of such Code shall—

Time periods.

(1) be treated as related to the purpose or function constituting the basis for such organization’s exemption under such section; and

(2) shall not be treated as inuring to the benefit of any private individual,

if such payments are made in good faith using a reasonable and objective formula which is consistently applied with respect to such victims.

Approved December 20, 2019.

LEGISLATIVE HISTORY—H.R. 4566:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Dec. 9, considered and passed House.

Dec. 10, considered and passed Senate.

Public Law 116–99
116th Congress

An Act

Dec. 20, 2019

[S. 50]

To authorize the Secretary of the Interior to assess sanitation and safety conditions at Bureau of Indian Affairs facilities that were constructed to provide affected Columbia River Treaty tribes access to traditional fishing grounds and expend funds on construction of facilities and structures to improve those conditions, and for other purposes.

Columbia River
In-Lieu and
Treaty Fishing
Access Sites
Improvement
Act.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act”.

SEC. 2. SANITATION AND SAFETY CONDITIONS AT CERTAIN BUREAU OF INDIAN AFFAIRS FACILITIES.

Consultation.

(a) **ASSESSMENT OF CONDITIONS.**—The Secretary of the Interior, acting through the Bureau of Indian Affairs, in consultation with the affected Columbia River Treaty tribes, may assess current sanitation and safety conditions on lands held by the United States for the benefit of the affected Columbia River Treaty tribes, including all permanent Federal structures and improvements on those lands, that were set aside to provide affected Columbia River Treaty tribes access to traditional fishing grounds—

(1) in accordance with the Act of March 2, 1945 (59 Stat. 10, chapter 19) (commonly known as the “River and Harbor Act of 1945”); or

(2) in accordance with title IV of Public Law 100–581 (102 Stat. 2944).

(b) **EXCLUSIVE AUTHORIZATION; CONTRACTS.**—The Secretary of the Interior, acting through the Bureau of Indian Affairs—

(1) subject to paragraph (2)(B), shall be the only Federal agency authorized to carry out the activities described in this section; and

(2) may delegate the authority to carry out activities described in paragraphs (1) and (2) of subsection (d)—

(A) through one or more contracts entered into with an Indian Tribe or Tribal organization under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.); or

(B) to include other Federal agencies that have relevant expertise.

(c) **DEFINITION OF AFFECTED COLUMBIA RIVER TREATY TRIBES.**—In this section, the term “affected Columbia River Treaty tribes” means the Nez Perce Tribe, the Confederated Tribes of Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs

Reservation of Oregon, and the Confederated Tribes and Bands of the Yakama Nation.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of the Interior \$11,000,000 for the period of fiscal years 2020 through 2025, to remain available until expended—

(1) for improvements to existing structures and infrastructure to improve sanitation and safety conditions assessed under subsection (a); and

(2) to improve access to electricity, sewer, and water infrastructure, where feasible, to reflect needs for sanitary and safe use of facilities referred to in subsection (a).

SEC. 3. STUDY OF ASSESSMENT AND IMPROVEMENT ACTIVITIES.

The Comptroller General of the United States, in consultation with the Committee on Indian Affairs of the Senate, shall—

Consultation.

(1) conduct a study to evaluate whether the sanitation and safety conditions on lands held by the United States for the benefit of the affected Columbia River Treaty tribes (as defined in section 2(c)) have improved as a result of the activities authorized in section 2; and

Evaluation.

(2) prepare and submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the results of that study.

Reports.

Approved December 20, 2019.

LEGISLATIVE HISTORY—S. 50 (H.R. 91):

SENATE REPORTS: No. 116–7 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 165 (2019):

June 27, considered and passed Senate.

Dec. 16, considered and passed House.

Public Law 116–100
116th Congress

An Act

Dec. 20, 2019
[S. 216]

To provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.

Spokane Tribe of
Indians of the
Spokane
Reservation
Equitable
Compensation
Act.
Washington.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Spokane Tribe of Indians of the Spokane Reservation Equitable Compensation Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) from 1927 to 1931, at the direction of Congress, the Corps of Engineers investigated the Columbia River and its tributaries to determine sites at which power could be produced at low cost;

(2) under section 10(e) of the Federal Power Act (16 U.S.C. 803(e)), when licenses are issued involving tribal land within an Indian reservation, a reasonable annual charge shall be fixed for the use of the land, subject to the approval of the Indian tribe having jurisdiction over the land;

(3) in August 1933, the Columbia Basin Commission, an agency of the State of Washington, received a preliminary permit from the Federal Power Commission for water power development at the Grand Coulee site;

(4) had the Columbia Basin Commission or a private entity developed the site, the Spokane Tribe would have been entitled to a reasonable annual charge for the use of the land of the Spokane Tribe;

(5) in the mid-1930s, the Federal Government, which is not subject to licensing under the Federal Power Act (16 U.S.C. 792 et seq.)—

(A) federalized the Grand Coulee Dam project; and

(B) began construction of the Grand Coulee Dam;

(6) when the Grand Coulee Dam project was federalized, the Federal Government recognized that—

(A) development of the project affected the interests of the Spokane Tribe and the Confederated Tribes of the Colville Reservation; and

(B) it would be appropriate for the Spokane and Colville Tribes to receive a share of revenue from the disposition of power produced at Grand Coulee Dam;

(7) in the Act of June 29, 1940 (16 U.S.C. 835d et seq.), Congress—

(A) granted to the United States—

(i) in aid of the construction, operation, and maintenance of the Columbia Basin Project, all the right, title, and interest of the Spokane Tribe and Colville Tribes in and to the tribal and allotted land within the Spokane and Colville Reservations, as designated by the Secretary of the Interior from time to time; and

(ii) other interests in that land as required and as designated by the Secretary for certain construction activities undertaken in connection with the project; and

(B) provided that compensation for the land and other interests was to be determined by the Secretary in such amounts as the Secretary determined to be just and equitable;

(8) pursuant to that Act, the Secretary paid—

(A) to the Spokane Tribe, \$4,700; and

(B) to the Confederated Tribes of the Colville Reservation, \$63,000;

(9) in 1994, following litigation under the Act of August 13, 1946 (commonly known as the “Indian Claims Commission Act” (60 Stat. 1049, chapter 959; former 25 U.S.C. 70 et seq.)), Congress ratified the Colville Settlement Agreement, which required—

(A) for past use of the land of the Colville Tribes, a payment of \$53,000,000; and

(B) for continued use of the land of the Colville Tribes, annual payments of \$15,250,000, adjusted annually based on revenues from the sale of electric power from the Grand Coulee Dam project and transmission of that power by the Bonneville Power Administration;

(10) the Spokane Tribe, having suffered harm similar to that suffered by the Colville Tribes, did not file a claim within the 5-year statute of limitations under the Indian Claims Commission Act;

(11) neither the Colville Tribes nor the Spokane Tribe filed claims for compensation for use of the land of the respective tribes with the Commission prior to August 13, 1951, but both tribes filed unrelated land claims prior to August 13, 1951;

(12) in 1976, over objections by the United States, the Colville Tribes were successful in amending the 1951 Claims Commission land claims to add the Grand Coulee claim of the Colville Tribes;

(13) the Spokane Tribe had no such claim to amend, having settled the Claims Commission land claims of the Spokane Tribe with the United States in 1967;

(14) the Spokane Tribe has suffered significant harm from the construction and operation of Grand Coulee Dam;

(15) Spokane tribal acreage taken by the United States for the construction of Grand Coulee Dam equaled approximately 39 percent of Colville tribal acreage taken for construction of the dam;

(16) the payments and delegation made pursuant to this Act constitute fair and equitable compensation for the past

and continued use of Spokane tribal land for the production of hydropower at Grand Coulee Dam; and

(17) by vote of the Spokane tribal membership, the Spokane Tribe has resolved that the payments and delegation made pursuant to this Act constitute fair and equitable compensation for the past and continued use of Spokane tribal land for the production of hydropower at Grand Coulee Dam.

SEC. 3. PURPOSE.

The purpose of this Act is to provide fair and equitable compensation to the Spokane Tribe for the use of the land of the Spokane Tribe for the generation of hydropower by the Grand Coulee Dam.

SEC. 4. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Bonneville Power Administration or the head of any successor agency, corporation, or entity that markets power produced at Grand Coulee Dam.

(2) COLVILLE SETTLEMENT AGREEMENT.—The term “Colville Settlement Agreement” means the Settlement Agreement entered into between the United States and the Colville Tribes, signed by the United States on April 21, 1994, and by the Colville Tribes on April 16, 1994, to settle the claims of the Colville Tribes in Docket 181–D of the Indian Claims Commission, which docket was transferred to the United States Court of Federal Claims.

(3) COLVILLE TRIBES.—The term “Colville Tribes” means the Confederated Tribes of the Colville Reservation.

(4) COMPUTED ANNUAL PAYMENT.—The term “Computed Annual Payment” means the payment calculated under paragraph 2.b. of the Colville Settlement Agreement, without regard to any increase or decrease in the payment under section 2.d. of the agreement.

(5) CONFEDERATED TRIBES ACT.—The term “Confederated Tribes Act” means the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103–436; 108 Stat. 4577).

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(7) SPOKANE BUSINESS COUNCIL.—The term “Spokane Business Council” means the governing body of the Spokane Tribe under the constitution of the Spokane Tribe.

(8) SPOKANE TRIBE.—The term “Spokane Tribe” means the Spokane Tribe of Indians of the Spokane Reservation, Washington.

SEC. 5. PAYMENTS BY ADMINISTRATOR.

Effective date.

(a) INITIAL PAYMENT.—On March 1, 2022, the Administrator shall pay to the Spokane Tribe an amount equal to 25 percent of the Computed Annual Payment for fiscal year 2021.

Deadlines.

(b) SUBSEQUENT PAYMENTS.—

(1) IN GENERAL.—Not later than March 1, 2023, and March 1 of each year thereafter through March 1, 2029, the Administrator shall pay the Spokane Tribe an amount equal to 25 percent of the Computed Annual Payment for the preceding fiscal year.

(2) MARCH 1, 2030, AND SUBSEQUENT YEARS.—Not later than March 1, 2030, and March 1 of each year thereafter, the Administrator shall pay the Spokane Tribe an amount equal to 32 percent of the Computed Annual Payment for the preceding fiscal year.

SEC. 6. TREATMENT AFTER AMOUNTS ARE PAID.

(a) USE OF PAYMENTS.—Payments made to the Spokane Business Council or Spokane Tribe under section 5 may be used or invested by the Spokane Business Council in the same manner and for the same purposes as other Spokane Tribe governmental amounts.

(b) NO TRUST RESPONSIBILITY OF THE SECRETARY.—Neither the Secretary nor the Administrator shall have any trust responsibility for the investment, supervision, administration, or expenditure of any amounts after the date on which the funds are paid to the Spokane Business Council or Spokane Tribe under section 5.

(c) TREATMENT OF FUNDS FOR CERTAIN PURPOSES.—The payments of all amounts to the Spokane Business Council and Spokane Tribe under section 5, and the interest and income generated by those amounts, shall be treated in the same manner as payments under section 6 of the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (100 Stat. 677).

(d) TRIBAL AUDIT.—After the date on which amounts are paid to the Spokane Business Council or Spokane Tribe under section 5, the amounts shall—

- (1) constitute Spokane Tribe governmental amounts; and
- (2) be subject to an annual tribal government audit.

SEC. 7. REPAYMENT CREDIT.

(a) IN GENERAL.—The Administrator shall deduct from the interest payable to the Secretary of the Treasury from net proceeds (as defined in section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k))—

(1) in fiscal year 2030, \$2,700,000; and

(2) in each subsequent fiscal year in which the Administrator makes a payment under section 5, \$2,700,000.

(b) CREDITING.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each deduction made under this section for the fiscal year shall be—

(A) a credit to the interest payments otherwise payable by the Administrator to the Secretary of the Treasury during the fiscal year in which the deduction is made; and

(B) allocated pro rata to all interest payments on debt associated with the generation function of the Federal Columbia River Power System that are due during the fiscal year.

(2) DEDUCTION GREATER THAN AMOUNT OF INTEREST.—If, in an applicable fiscal year under paragraph (1), the deduction is greater than the amount of interest due on debt associated with the generation function for the fiscal year, the amount of the deduction that exceeds the interest due on debt associated with the generation function shall be allocated pro rata to all other interest payments due during the fiscal year.

Applicability.

(3) CREDIT.—To the extent that a deduction exceeds the total amount of interest described in paragraphs (1) and (2), the deduction shall be applied as a credit against any other payments that the Administrator makes to the Secretary of the Treasury.

SEC. 8. EXTINGUISHMENT OF CLAIMS.

On the date that payment under section 5(a) is made to the Spokane Tribe, all monetary claims that the Spokane Tribe has or may have against the United States to a fair share of the annual hydropower revenues generated by the Grand Coulee Dam project for the past and continued use of land of the Spokane Tribe for the production of hydropower at Grand Coulee Dam shall be extinguished.

SEC. 9. ADMINISTRATION.

Nothing in this Act establishes any precedent or is binding on the Southwestern Power Administration, Western Area Power Administration, or Southeastern Power Administration.

Approved December 20, 2019.

LEGISLATIVE HISTORY—S. 216:

SENATE REPORTS: No. 116–4 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 165 (2019):

June 27, considered and passed Senate.

Dec. 16, considered and passed House.

Public Law 116–101
116th Congress

An Act

To amend the Native American Programs Act of 1974 to provide flexibility and reauthorization to ensure the survival and continuing vitality of Native American languages.

Dec. 20, 2019

[S. 256]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Esther Martinez Native American Languages Programs Reauthorization Act”.

SEC. 2. NATIVE AMERICAN LANGUAGES GRANT PROGRAM.

Section 803C of the Native American Programs Act of 1974 (42 U.S.C. 2991b–3) is amended—

(1) in subsection (b)(7)—

(A) in subparagraph (A)(i), by striking “10” and inserting “5”; and

(B) in subparagraph (B)(i), by striking “15” and inserting “10”; and

(2) in subsection (e)(2)—

(A) by striking “or 3-year basis” and inserting “3-year, 4-year, or 5-year basis”; and

(B) by inserting “, 4-year, or 5-year” after “on a 3-year”.

SEC. 3. REAUTHORIZATION OF NATIVE AMERICAN LANGUAGES PROGRAM.

(a) IN GENERAL.—Section 816(e) of the Native American Programs Act of 1974 (42 U.S.C. 2992d(e)) is amended by striking “such sums” and all that follows through the period at the end and inserting “\$13,000,000 for each of fiscal years 2020 through 2024.”.

Esther Martinez
Native American
Languages
Programs
Reauthorization
Act.
42 USC 2991
note.

(b) TECHNICAL CORRECTION.—Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended in subsections (a) and (b) by striking “subsection (e)” each place it appears and inserting “subsection (d)”.

Approved December 20, 2019.

LEGISLATIVE HISTORY—S. 256:

SENATE REPORTS: No. 116–11 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 165 (2019):

June 27, considered and passed Senate.

Dec. 9, considered and passed House.

Public Law 116–102
116th Congress

An Act

To direct the National Science Foundation to support STEM education research focused on early childhood.

Dec. 24, 2019
[S. 737]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Building Blocks of STEM Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The National Science Foundation is a large investor in STEM education and plays a key role in setting research and policy agendas.

(2) While studies have found that children who engage in scientific activities from an early age develop positive attitudes toward science and are more likely to pursue STEM expertise and careers later on, the majority of current research focuses on increasing STEM opportunities for middle school-aged children and older.

(3) Women remain widely underrepresented in the STEM workforce, and this disparity extends down through all levels of education.

SEC. 3. SUPPORTING EARLY CHILDHOOD AND ELEMENTARY STEM EDUCATION RESEARCH.

In awarding grants under the Discovery Research PreK–12 program, the Director of the National Science Foundation shall consider the age distribution of a STEM education research and development project to improve the focus of research and development on elementary and prekindergarten education.

SEC. 4. SUPPORTING FEMALE STUDENTS IN PREKINDERGARTEN THROUGH ELEMENTARY SCHOOL IN STEM EDUCATION.

Section 305(d) of the American Innovation and Competitiveness Act (42 U.S.C. 1862s–5(d)) is amended by adding at the end the following:

“(3) RESEARCH.—As a component of improving participation of women in STEM fields, research funded by a grant under this subsection may include research on—

“(A) the role of teacher training and professional development, including effective incentive structures to encourage teachers to participate in such training and professional development, in encouraging or discouraging female students in prekindergarten through elementary school from participating in STEM activities;

Building Blocks
of STEM Act.
42 USC 1861
note.

42 USC 1862s–5
note.

42 USC 1862s–5
note.

“(B) the role of teachers in shaping perceptions of STEM in female students in prekindergarten through elementary school and discouraging such students from participating in STEM activities;

“(C) the role of other facets of the learning environment on the willingness of female students in prekindergarten through elementary school to participate in STEM activities, including learning materials and textbooks, seating arrangements, use of media and technology, classroom culture, and composition of students during group work;

“(D) the role of parents and other caregivers in encouraging or discouraging female students in prekindergarten through elementary school from participating in STEM activities;

“(E) the types of STEM activities that encourage greater participation by female students in prekindergarten through elementary school;

“(F) the role of mentorship and best practices in finding and utilizing mentors; and

“(G) the role of informal and after-school STEM learning opportunities on the perception of and participation in STEM activities of female students in prekindergarten through elementary school.”.

SEC. 5. SUPPORTING FEMALE STUDENTS IN PREKINDERGARTEN THROUGH ELEMENTARY SCHOOL IN COMPUTER SCIENCE EDUCATION.

Section 310(b) of the American Innovation and Competitiveness Act (42 U.S.C. 1862s–7(b)) is amended by adding at the end the following:

“(3) USES OF FUNDS.—The tools and models described in paragraph (2)(C) may include—

“(A) offering training and professional development programs, including summer or academic year institutes or workshops, designed to strengthen the capabilities of prekindergarten and elementary school teachers and to familiarize such teachers with the role of bias against female students in the classroom;

“(B) offering innovative pre-service and in-service programs that instruct teachers on female-inclusive practices for teaching computing concepts;

“(C) developing distance learning programs for teachers or students, including developing curricular materials, play-based computing activities, and other resources for the in-service professional development of teachers that are made available to teachers through the Internet;

“(D) developing or adapting prekindergarten and elementary school computer science curricular materials that incorporate contemporary research on the science of learning, particularly with respect to female inclusion;

“(E) developing and offering female-inclusive computer science enrichment programs for students, including after-school and summer programs;

“(F) providing mentors for female students in prekindergarten through elementary school to support such students in participating in computer science activities;

“(G) engaging female students in prekindergarten through elementary school, and their guardians (if such communication takes place on school premises during otherwise-scheduled conferences or formal conversations between teachers and guardians) about—

“(i) the difficulties faced by female students with regard to maintaining an interest in participating in computer science activities; and

“(ii) the potential positive career benefits of engaging in such activities;

“(H) acquainting female students in prekindergarten through elementary school with careers in computer science and encouraging such students to consider careers in the computer science field; and

“(I) developing tools to evaluate activities conducted under this subsection, including reports for evaluating the effectiveness of activities under this section.”.

Approved December 24, 2019.

LEGISLATIVE HISTORY—S. 737 (H.R. 1665):

SENATE REPORTS: No. 116–78 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 165 (2019):

Sept. 26, considered and passed Senate.

Dec. 9, considered and passed House.

Public Law 116–103
116th Congress

An Act

Dec. 30, 2019
[H.R. 150]

Grant Reporting
Efficiency and
Agreements
Transparency Act
of 2019.
31 USC 6401
note.

To modernize Federal grant reporting, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Grant Reporting Efficiency and Agreements Transparency Act of 2019” or the “GREAT Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Definitions.
- Sec. 4. Data standards for grant reporting.
- Sec. 5. Single Audit Act.
- Sec. 6. Consolidation of assistance-related information; publication of public information as open data.
- Sec. 7. Evaluation of nonproprietary identifiers.
- Sec. 8. Rule of construction.
- Sec. 9. No additional funds authorized.

31 USC 6401
note.

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) modernize reporting by recipients of Federal grants and cooperative agreements by creating and imposing data standards for the information that those recipients are required by law to report to the Federal Government;

(2) implement the recommendation by the Director of the Office of Management and Budget contained in the report submitted under section 5(b)(6) of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) relating to the development of a “comprehensive taxonomy of standard definitions for core data elements required for managing Federal financial assistance awards”;

(3) reduce burden and compliance costs of recipients of Federal grants and cooperative agreements by enabling technology solutions, existing or yet to be developed, for use in both the public and private sectors to better manage the data that recipients already provide to the Federal Government; and

(4) strengthen oversight and management of Federal grants and cooperative agreements by agencies by consolidating the collection and display of and access to open data that has been standardized and, where appropriate, increasing transparency to the public.

SEC. 3. DEFINITIONS.

In this Act, the terms “agency”, “Director”, “Federal award”, and “Secretary” have the meanings given those terms in section 6401 of title 31, United States Code, as added by section 4(a) of this Act.

31 USC 6401
note.

SEC. 4. DATA STANDARDS FOR GRANT REPORTING.

(a) AMENDMENT.—Subtitle V of title 31, United States Code, is amended by inserting after chapter 63 the following:

31 USC
prec. 6401.

**“CHAPTER 64—DATA STANDARDS FOR GRANT
REPORTING**

“Sec.

“6401. Definitions.

“6402. Data standards for grant reporting.

“6403. Guidance applying data standards for grant reporting.

“6404. Agency requirements.

“§ 6401. Definitions

31 USC 6401.

“In this chapter:

“(1) AGENCY.—The term ‘agency’ has the meaning given the term in section 552(f) of title 5.

“(2) CORE DATA ELEMENTS.—The term ‘core data elements’ means data elements relating to financial management, administration, or management that—

“(A) are not program-specific in nature or program-specific outcome measures, as defined in section 1115(h) of this title; and

“(B) are required by agencies for all or the vast majority of recipients of Federal awards for purposes of reporting.

“(3) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.

“(4) EXECUTIVE DEPARTMENT.—The term ‘Executive department’ has the meaning given the term in section 101 of title 5.

“(5) FEDERAL AWARD.—The term ‘Federal award’—

“(A) means the transfer of anything of value for a public purpose of support or stimulation authorized by a law of the United States, including financial assistance and Government facilities, services, and property;

“(B) includes a grant, a subgrant, a cooperative agreement, or any other transaction; and

“(C) does not include a transaction or agreement—

“(i) that provides for conventional public information services or procurement of property or services for the direct benefit or use of the Government; or

“(ii) that provides only—

“(I) direct Government cash assistance to an individual;

“(II) a subsidy;

“(III) a loan;

“(IV) a loan guarantee; or

“(V) insurance.

“(6) SECRETARY.—The term ‘Secretary’ means the head of the standard-setting agency.

“(7) STANDARD-SETTING AGENCY.—The term ‘standard-setting agency’ means the Executive department designated under section 6402(a)(1).

“(8) STATE.—The term ‘State’ means each State of the United States, the District of Columbia, each commonwealth, territory, or possession of the United States, and each federally recognized Indian Tribe.

31 USC 6402.

“§ 6402. Data standards for grant reporting

“(a) IN GENERAL.—

“(1) DESIGNATION OF STANDARD-SETTING AGENCY.—The Director shall designate the Executive department that administers the greatest number of programs under which Federal awards are issued in a calendar year as the standard-setting agency.

Deadline.

“(2) ESTABLISHMENT OF STANDARDS.—Not later than 2 years after the date of enactment of this chapter, the Secretary and the Director shall establish Governmentwide data standards for information reported by recipients of Federal awards.

“(3) DATA ELEMENTS.—The data standards established under paragraph (2) shall include, at a minimum—

“(A) standard definitions for data elements required for managing Federal awards; and

“(B) unique identifiers for Federal awards and recipients of Federal awards that can be consistently applied Governmentwide.

“(b) SCOPE.—The data standards established under subsection (a)—

“(1) shall include core data elements;

“(2) may cover information required by law to be reported to any agency by recipients of Federal awards, including audit-related information reported under chapter 75 of this title; and

“(3) may not be used by the Director or any agency to require the collection of any data not otherwise required under Federal law.

“(c) REQUIREMENTS.—The data standards established under subsection (a) shall, to the extent reasonable and practicable—

“(1) render information reported by recipients of Federal awards fully searchable and machine-readable;

“(2) be nonproprietary;

“(3) incorporate standards developed and maintained by voluntary consensus standards bodies;

“(4) be consistent with and implement applicable accounting and reporting principles; and

“(5) incorporate the data standards established under the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note).

“(d) CONSULTATION.—In establishing the data standards under subsection (a), the Secretary and the Director shall consult with—

“(1) the Secretary of the Treasury to ensure that the data standards established under subsection (a) incorporate the data standards established under the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note);

“(2) the head of each agency that issues Federal awards;

“(3) recipients of Federal awards and organizations representing recipients of Federal awards;

“(4) private sector experts;

“(5) members of the public, including privacy experts, privacy advocates, auditors, and industry stakeholders; and

“(6) State and local governments.

“§ 6403. Guidance applying data standards for grant reporting 31 USC 6403.

“(a) IN GENERAL.—Not later than 3 years after the date of enactment of this chapter— Deadline.

“(1) the Secretary and the Director shall jointly issue guidance to all agencies directing the agencies to apply the data standards established under section 6402(a) to all applicable reporting by recipients of Federal awards; and

“(2) the Director shall prescribe guidance applying the data standards established under section 6402(a) to audit-related information reported under chapter 75 of this title.

“(b) GUIDANCE.—The guidance issued under subsection (a) shall—

“(1) to the extent reasonable and practicable—

“(A) minimize the disruption of existing reporting practices of, and not increase the reporting burden on, agencies or recipients of Federal awards; and

“(B) explore opportunities to implement modern technologies in reporting relating to Federal awards;

“(2) allow the Director to permit exceptions for classes of Federal awards, including exceptions for Federal awards granted to Indian Tribes and Tribal organizations consistent with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), if the Director publishes a list of those exceptions and submits the list to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives; and Lists.

“(3) take into consideration the consultation required under section 6402(d).

“(c) UPDATING GUIDANCE.—

“(1) IN GENERAL.—Not less frequently than once every 10 years, the Director shall update the guidance issued under subsection (a). Time periods.

“(2) PROCEDURES.—In updating guidance under paragraph (1), the Director shall, to the maximum extent practicable, follow the procedures for the development of the data standards and guidance prescribed under this section and section 6402.

“§ 6404. Agency requirements 31 USC 6404.

“Not later than 1 year after the date on which guidance is issued or updated under subsection (b) or (c), respectively, of section 6403, the head of each agency shall— Deadline.

“(1) ensure that all of the Federal awards that the agency issues use data standards for all future information collection requests; and

“(2) amend existing information collection requests under chapter 35 of title 44 (commonly known as the ‘Paperwork Reduction Act’) to comply with the data standards established under section 6402 of this chapter, in accordance with the guidance issued by the Secretary and the Director under section 6403 of this chapter.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of chapters for subtitle V of title 31, United States Code, is amended by inserting after the item relating to chapter 63 the following: **“64. Data standards for grant reporting 6401”**.

SEC. 5. SINGLE AUDIT ACT.

(a) **AMENDMENTS.**—

(1) **AUDIT REQUIREMENTS.**—Section 7502(h) of title 31, United States Code, is amended, in the matter preceding paragraph (1), by inserting “in an electronic form in accordance with the data standards established under chapter 64 and” after “the reporting package,”.

(2) **REGULATIONS.**—Section 7505 of title 31, United States Code, is amended by adding at the end the following:

“(d) Such guidance shall require audit-related information reported under this chapter to be reported in an electronic form in accordance with the data standards established under chapter 64.”.

Deadline.
31 USC 7505
note.

(b) **GUIDANCE.**—Not later than 3 years after the date of enactment of this Act, the Director shall issue guidance requiring audit-related information reported under chapter 75 of title 31, United States Code, to be reported in an electronic form consistent with the data standards established under chapter 64 of that title, as added by section 4(a) of this Act.

31 USC 6402
note.

SEC. 6. CONSOLIDATION OF ASSISTANCE-RELATED INFORMATION; PUBLICATION OF PUBLIC INFORMATION AS OPEN DATA.

Deadline.

(a) **COLLECTION OF INFORMATION.**—Not later than 5 years after the date of enactment of this Act, the Secretary and the Director shall, using the data standards established under chapter 64 of title 31, United States Code, as added by section 4(a) of this Act, enable the collection, public display, and maintenance of Federal award information as a Governmentwide data set, subject to reasonable restrictions established by the Director to ensure protection of personally identifiable information and otherwise sensitive information.

Website.

(b) **PUBLICATION OF INFORMATION.**—The Secretary and the Director shall require the publication of data reported by recipients of Federal awards that is collected from all agencies on a single public portal, which may be an existing Governmentwide website, as determined appropriate by the Director.

(c) **FOIA.**—Nothing in this section shall require the disclosure to the public of information that would be exempt from disclosure under section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”).

31 USC 6402
note.

SEC. 7. EVALUATION OF NONPROPRIETARY IDENTIFIERS.

(a) **DETERMINATION REQUIRED.**—The Director and the Secretary shall determine whether to use nonproprietary identifiers described in section 6402(a)(3)(B) of title 31, United States Code, as added by section 4(a) of this Act.

(b) **FACTORS TO BE CONSIDERED.**—In making the determination under subsection (a), the Director and the Secretary shall consider factors such as accessibility and cost to recipients of Federal awards, agencies that issue Federal awards, private sector experts, and members of the public, including privacy experts, privacy advocates, transparency experts, and transparency advocates.

(c) PUBLICATION AND REPORT ON DETERMINATION.—Not later than the earlier of 1 year after the date of enactment of this Act or the date on which the Director and the Secretary establish data standards under section 6402(a)(2) of title 31, United States Code, as added by section 4(a) of this Act, the Director and the Secretary shall publish and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report explaining the reasoning for the determination made under subsection (a).

SEC. 8. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, shall be construed to require the collection of data that is not otherwise required under any Federal law, rule, or regulation.

31 USC 6401
note.

SEC. 9. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized.

Approved December 30, 2019.

LEGISLATIVE HISTORY—H.R. 150:

SENATE REPORTS: No. 116–96 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 165 (2019):

Jan. 15, 17, considered and passed House.

Oct. 21, considered and passed Senate, amended.

Dec. 16, House concurred in Senate amendment.

Public Law 116–104
116th Congress

An Act

Dec. 30, 2019

[H.R. 777]

Debbie Smith
Reauthorization
Act of 2019.
34 USC 10101
note.

To reauthorize programs authorized under the Debbie Smith Act of 2004.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Debbie Smith Reauthorization Act of 2019”.

SEC. 2. REAUTHORIZATION.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (34 U.S.C. 40701) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “including” and inserting “prioritizing, to the extent practicable consistent with public safety considerations”; and

(B) in paragraph (8), by striking “including” and inserting “in particular,”;

(2) in subsection (b)—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(8) provide assurances that the DNA section of the laboratory to be used to conduct DNA analyses has a written policy that prioritizes the analysis of, to the extent practicable consistent with public safety considerations, samples from homicides and sexual assaults.”;

(3) in subsection (c)(3)—

(A) in subparagraph (B), by striking “2014 through 2019” and inserting “2019 through 2024”; and

(B) in subparagraph (C), by striking “2014 through 2019” and inserting “2019 through 2024”; and

(4) in subsection (j), by striking “2015 through 2019” and inserting “2019 through 2024”.

SEC. 3. TRAINING AND EDUCATION.

Section 303(b) of the DNA Sexual Assault Justice Act of 2004 (34 U.S.C. 40722(b)) is amended by striking “2015 through 2019” and inserting “2019 through 2024”.

SEC. 4. SEXUAL ASSAULT FORENSIC EXAM GRANTS.

Section 304(d) of the DNA Sexual Assault Justice Act of 2004 (34 U.S.C. 40723(d)) is amended by striking “2015 through 2019” and inserting “2019 through 2024”.

Approved December 30, 2019.

LEGISLATIVE HISTORY—H.R. 777 (S. 820):

CONGRESSIONAL RECORD, Vol. 165 (2019):

Oct. 23, considered and passed House.

Dec. 17, considered and passed Senate.

Public Law 116–105
116th Congress

An Act

Dec. 30, 2019
[S. 151]

To deter criminal robocall violations and improve enforcement of section 227(b) of the Communications Act of 1934, and for other purposes.

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

Pallone-Thune
Telephone
Robocall Abuse
Criminal
Enforcement and
Deterrence Act
47 USC 609 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act” or the “Pallone-Thune TRACED Act”.

47 USC 227 note.

SEC. 2. COMMISSION DEFINED.

In this Act, the term “Commission” means the Federal Communications Commission.

SEC. 3. FORFEITURE.

(a) IN GENERAL.—Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) in subsection (b), by adding at the end the following:
“(4) CIVIL FORFEITURE.—

“(A) IN GENERAL.—Any person that is determined by the Commission, in accordance with paragraph (3) or (4) of section 503(b), to have violated this subsection shall be liable to the United States for a forfeiture penalty pursuant to section 503(b)(1). Paragraph (5) of section 503(b) shall not apply in the case of a violation of this subsection. A forfeiture penalty under this subparagraph shall be in addition to any other penalty provided for by this Act. The amount of the forfeiture penalty determined under this subparagraph shall be determined in accordance with subparagraphs (A) through (F) of section 503(b)(2).

“(B) VIOLATION WITH INTENT.—Any person that is determined by the Commission, in accordance with paragraph (3) or (4) of section 503(b), to have violated this subsection with the intent to cause such violation shall be liable to the United States for a forfeiture penalty pursuant to section 503(b)(1). Paragraph (5) of section 503(b) shall not apply in the case of a violation of this subsection. A forfeiture penalty under this subparagraph shall be in addition to any other penalty provided for by this Act. The amount of the forfeiture penalty determined under this subparagraph shall be equal to an amount determined in accordance with subparagraphs (A) through (F) of section 503(b)(2) plus an additional penalty not to exceed \$10,000.

Determination.

“(C) RECOVERY.—Any forfeiture penalty determined under subparagraph (A) or (B) shall be recoverable under section 504(a).

“(D) PROCEDURE.—No forfeiture liability shall be determined under subparagraph (A) or (B) against any person unless such person receives the notice required by section 503(b)(3) or section 503(b)(4).

“(E) STATUTE OF LIMITATIONS.—Notwithstanding paragraph (6) of section 503(b), no forfeiture penalty shall be determined or imposed against any person—

“(i) under subparagraph (A) if the violation charged occurred more than 1 year prior to the date of issuance of the required notice or notice of apparent liability; or

“(ii) under subparagraph (B) if the violation charged occurred more than 4 years prior to the date of issuance of the required notice or notice of apparent liability.

“(F) RULE OF CONSTRUCTION.—Notwithstanding any law to the contrary, the Commission may not determine or impose a forfeiture penalty on a person under both subparagraphs (A) and (B) based on the same conduct.”; (2) in subsection (e)(5)(A)—

(A) in clause (ii), by adding at the end the following: “Paragraph (5) of section 503(b) shall not apply in the case of a violation of this subsection.”; and

(B) in clause (iv)—

(i) in the heading, by striking “2-YEAR” and inserting “4-YEAR”; and

(ii) by striking “2 years” and inserting “4 years”; and

(3) by striking subsection (h) and inserting the following:

“(h) ANNUAL REPORT TO CONGRESS ON ROBOCALLS AND TRANSMISSION OF MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.—

“(1) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this subsection, and annually thereafter, the Commission, after consultation with the Federal Trade Commission, shall submit to Congress a report regarding enforcement by the Commission of subsections (b), (c), (d), and (e) during the preceding calendar year.

“(2) MATTERS FOR INCLUSION.—Each report required by paragraph (1) shall include the following:

“(A) The number of complaints received by the Commission during each of the preceding 5 calendar years, for each of the following categories:

“(i) Complaints alleging that a consumer received a call in violation of subsection (b) or (c).

“(ii) Complaints alleging that a consumer received a call in violation of the standards prescribed under subsection (d).

“(iii) Complaints alleging that a consumer received a call in connection with which misleading or inaccurate caller identification information was transmitted in violation of subsection (e).

“(B) The number of citations issued by the Commission pursuant to section 503(b) during the preceding calendar

Time periods.

year to enforce subsection (d), and details of each such citation.

“(C) The number of notices of apparent liability issued by the Commission pursuant to section 503(b) during the preceding calendar year to enforce subsections (b), (c), (d), and (e), and details of each such notice including any proposed forfeiture amount.

“(D) The number of final orders imposing forfeiture penalties issued pursuant to section 503(b) during the preceding calendar year to enforce such subsections, and details of each such order including the forfeiture imposed.

“(E) The amount of forfeiture penalties or criminal fines collected, during the preceding calendar year, by the Commission or the Attorney General for violations of such subsections, and details of each case in which such a forfeiture penalty or criminal fine was collected.

Proposal.

“(F) Proposals for reducing the number of calls made in violation of such subsections.

Analysis.
Recommendations.

“(G) An analysis of the contribution by providers of interconnected VoIP service and non-interconnected VoIP service that discount high-volume, unlawful, short-duration calls to the total number of calls made in violation of such subsections, and recommendations on how to address such contribution in order to decrease the total number of calls made in violation of such subsections.

“(3) NO ADDITIONAL REPORTING REQUIRED.—The Commission shall prepare the report required by paragraph (1) without requiring the provision of additional information from providers of telecommunications service or voice service (as defined in section 4(a) of the Pallone-Thune TRACED Act).”

47 USC 227 note.

(b) APPLICABILITY.—The amendments made by this section shall not affect any action or proceeding commenced before and pending on the date of the enactment of this Act.

47 USC 227 note.

(c) DEADLINE FOR REGULATIONS.—The Commission shall prescribe regulations to implement the amendments made by this section not later than 270 days after the date of the enactment of this Act.

47 USC 227b.

SEC. 4. CALL AUTHENTICATION.

(a) DEFINITIONS.—In this section:

(1) STIR/SHAKEN AUTHENTICATION FRAMEWORK.—The term “STIR/SHAKEN authentication framework” means the secure telephone identity revisited and signature-based handling of asserted information using tokens standards proposed by the information and communications technology industry.

(2) VOICE SERVICE.—The term “voice service”—

(A) means any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North American Numbering Plan adopted by the Commission under section 251(e)(1) of the Communications Act of 1934 (47 U.S.C. 251(e)(1)); and

(B) includes—

(i) transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine; and

(ii) without limitation, any service that enables real-time, two-way voice communications, including any service that requires internet protocol-compatible customer premises equipment (commonly known as “CPE”) and permits out-bound calling, whether or not the service is one-way or two-way voice over internet protocol.

(b) AUTHENTICATION FRAMEWORKS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), and in accordance with paragraph (6), not later than 18 months after the date of the enactment of this Act, the Commission shall—

Deadline.
Requirements.

(A) require a provider of voice service to implement the STIR/SHAKEN authentication framework in the internet protocol networks of the provider of voice service; and

(B) require a provider of voice service to take reasonable measures to implement an effective call authentication framework in the non-internet protocol networks of the provider of voice service.

(2) IMPLEMENTATION.—The Commission shall not take the action described in paragraph (1) with respect to a provider of voice service if the Commission determines, not later than 12 months after the date of the enactment of this Act, that such provider of voice service—

Determination.
Deadline.

(A) in internet protocol networks—

(i) has adopted the STIR/SHAKEN authentication framework for calls on the internet protocol networks of the provider of voice service;

(ii) has agreed voluntarily to participate with other providers of voice service in the STIR/SHAKEN authentication framework;

(iii) has begun to implement the STIR/SHAKEN authentication framework; and

(iv) will be capable of fully implementing the STIR/SHAKEN authentication framework not later than 18 months after the date of the enactment of this Act; and

Deadline.

(B) in non-internet protocol networks—

(i) has taken reasonable measures to implement an effective call authentication framework; and

(ii) will be capable of fully implementing an effective call authentication framework not later than 18 months after the date of the enactment of this Act.

(3) IMPLEMENTATION REPORT.—Not later than 12 months after the date of the enactment of this Act, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the determination required under paragraph (2), which shall include—

(A) an analysis of the extent to which providers of voice service have implemented the call authentication frameworks described in subparagraphs (A) and (B) of paragraph (1), including whether the availability of necessary equipment and equipment upgrades has impacted such implementation; and

Analysis.

Assessment.	(B) an assessment of the efficacy of the call authentication frameworks described in subparagraphs (A) and (B) of paragraph (1) in addressing all aspects of call authentication.
Deadline. Time period. Public information.	(4) REVIEW AND REVISION OR REPLACEMENT.—Not later than 3 years after the date of the enactment of this Act, and every 3 years thereafter, the Commission, after public notice and an opportunity for comment, shall—
Assessment.	(A) assess the efficacy of the technologies used for call authentication frameworks implemented under this section;
Determination.	(B) based on the assessment under subparagraph (A), revise or replace the call authentication frameworks under this section if the Commission determines it is in the public interest to do so; and
Reports.	(C) submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the assessment under subparagraph (A) and on any actions to revise or replace the call authentication frameworks under subparagraph (B). (5) EXTENSION OF IMPLEMENTATION DEADLINE.— (A) BURDENS AND BARRIERS TO IMPLEMENTATION.—Not later than 12 months after the date of the enactment of this Act, and as appropriate thereafter, the Commission—
Assessment.	(i) shall assess any burdens or barriers to the implementation required by paragraph (1), including— (I) for providers of voice service to the extent the networks of such providers use time-division multiplexing; (II) for small providers of voice service and those in rural areas; and (III) the inability to purchase or upgrade equipment to support the call authentication frameworks under this section, or lack of availability of such equipment; and (ii) in connection with an assessment under clause (i), may, upon a public finding of undue hardship, delay required compliance with the 18-month time period described in paragraph (1), for a reasonable period of time, for a provider or class of providers of voice service, or type of voice calls, as necessary for that provider or class of providers or type of calls to participate in the implementation in order to address the identified burdens and barriers. (B) DELAY OF COMPLIANCE REQUIRED FOR CERTAIN NON-INTERNET PROTOCOL NETWORKS.—Subject to subparagraphs (C) through (F), for any provider or class of providers of voice service, or type of voice calls, only to the extent that such a provider or class of providers of voice service, or type of voice calls, materially relies on a non-internet protocol network for the provision of such service or calls, the Commission shall grant a delay of required compliance under subparagraph (A)(ii) until a call authentication protocol has been developed for calls delivered over non-internet protocol networks and is reasonably available.

(C) ROBOCALL MITIGATION PROGRAM.—

(i) PROGRAM REQUIRED.—During the time of a delay of compliance granted under subparagraph (A)(ii), the Commission shall require, pursuant to the authority of the Commission, that any provider subject to such delay shall implement an appropriate robocall mitigation program to prevent unlawful robocalls from originating on the network of the provider.

(ii) ADDITIONAL REQUIREMENTS.—If the consortium registered under section 13(d) identifies a provider of voice service that is subject to a delay of compliance granted under subparagraph (A)(ii) as repeatedly originating large-scale unlawful robocall campaigns, the Commission shall require such provider to take action to ensure that such provider does not continue to originate such calls.

(iii) MINIMIZATION OF BURDEN.—The Commission shall make reasonable efforts to minimize the burden of any robocall mitigation required pursuant to clause (ii), which may include prescribing certain specific robocall mitigation practices for providers of voice service that have repeatedly originated large-scale unlawful robocall campaigns.

(D) FULL PARTICIPATION.—The Commission shall take reasonable measures to address any issues in an assessment under subparagraph (A)(i) and enable as promptly as reasonable full participation of all classes of providers of voice service and types of voice calls to receive the highest level of trust. Such measures shall include, without limitation, as appropriate, limiting or terminating a delay of compliance granted to a provider under subparagraph (B) if the Commission determines in such assessment that the provider is not making reasonable efforts to develop the call authentication protocol described in such subparagraph.

Determination.

(E) ALTERNATIVE METHODOLOGIES.—The Commission shall identify, in consultation with small providers of voice service and those in rural areas, alternative effective methodologies to protect customers from unauthenticated calls during any delay of compliance granted under subparagraph (A)(ii).

Consultation.

(F) REVISION OF DELAY OF COMPLIANCE.—Not less frequently than annually after the first delay of compliance is granted under subparagraph (A)(ii), the Commission—

Time period.

(i) shall consider revising or extending any delay of compliance granted under subparagraph (A)(ii);

(ii) may revise such delay of compliance; and

(iii) shall issue a public notice with regard to whether such delay of compliance remains necessary, including—

Public information.

(I) why such delay of compliance remains necessary; and

(II) when the Commission expects to achieve the goal of full participation as described in subparagraph (D).

(6) NO ADDITIONAL COST TO CONSUMERS OR SMALL BUSINESS CUSTOMERS.—The Commission shall prohibit providers of voice

service from adding any additional line item charges to consumer or small business customer subscribers for the effective call authentication technology required under paragraph (1).

Deadline.

(7) **ACCURATE IDENTIFICATION.**—Not later than 12 months after the date of the enactment of this Act, the Commission shall issue best practices that providers of voice service may use as part of the implementation of effective call authentication frameworks under paragraph (1) to take steps to ensure the calling party is accurately identified.

(c) **SAFE HARBOR AND OTHER REGULATIONS.**—

Deadline.

(1) **IN GENERAL.**—Consistent with the regulations prescribed under subsection (j) of section 227 of the Communications Act of 1934 (47 U.S.C. 227), as added by section 10, the Commission shall, not later than 1 year after the date of the enactment of this Act, promulgate rules—

(A) establishing when a provider of voice service may block a voice call based, in whole or in part, on information provided by the call authentication frameworks under subsection (b), with no additional line item charge;

(B) establishing a safe harbor for a provider of voice service from liability for unintended or inadvertent blocking of calls or for the unintended or inadvertent misidentification of the level of trust for individual calls based, in whole or in part, on information provided by the call authentication frameworks under subsection (b);

(C) establishing a process to permit a calling party adversely affected by the information provided by the call authentication frameworks under subsection (b) to verify the authenticity of the calling party's calls; and

(D) ensuring that calls originating from a provider of voice service in an area where the provider is subject to a delay of compliance with the time period described in subsection (b)(1) are not unreasonably blocked because the calls are not able to be authenticated.

(2) **CONSIDERATIONS.**—In establishing the safe harbor under paragraph (1), consistent with the regulations prescribed under subsection (j) of section 227 of the Communications Act of 1934 (47 U.S.C. 227), as added by section 10, the Commission shall consider limiting the liability of a provider of voice service based on the extent to which the provider of voice service—

(A) blocks or identifies calls based, in whole or in part, on the information provided by the call authentication frameworks under subsection (b);

(B) implemented procedures based, in whole or in part, on the information provided by the call authentication frameworks under subsection (b); and

(C) used reasonable care, including making all reasonable efforts to avoid blocking emergency public safety calls.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall preclude the Commission from initiating a rulemaking pursuant to its existing statutory authority.

SEC. 5. INTERAGENCY WORKING GROUP.

Consultation.
Study.

(a) **IN GENERAL.**—The Attorney General, in consultation with the Chairman of the Commission, shall convene an interagency working group to study Government prosecution of violations of section 227(b) of the Communications Act of 1934 (47 U.S.C. 227(b)).

(b) DUTIES.—In carrying out the study under subsection (a), the interagency working group shall—

(1) determine whether, and if so how, any Federal laws, including regulations, policies, and practices, or budgetary or jurisdictional constraints inhibit the prosecution of such violations;

(2) identify existing and potential Federal policies and programs that encourage and improve coordination among Federal departments and agencies and States, and between States, in the prevention and prosecution of such violations;

(3) identify existing and potential international policies and programs that encourage and improve coordination between countries in the prevention and prosecution of such violations; and

(4) consider—

(A) the benefit and potential sources of additional resources for the Federal prevention and prosecution of criminal violations of that section;

(B) whether to establish memoranda of understanding regarding the prevention and prosecution of such violations between—

(i) the States;

(ii) the States and the Federal Government; and

(iii) the Federal Government and a foreign government;

(C) whether to establish a process to allow States to request Federal subpoenas from the Commission;

(D) whether extending civil enforcement authority to the States would assist in the successful prevention and prosecution of such violations;

(E) whether increased forfeiture and imprisonment penalties are appropriate, such as extending imprisonment for such a violation to a term longer than 2 years;

(F) whether regulation of any entity that enters into a business arrangement with a common carrier regulated under title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) for the specific purpose of carrying, routing, or transmitting a call that constitutes such a violation would assist in the successful prevention and prosecution of such violations; and

(G) the extent to which, if any, Department of Justice policies to pursue the prosecution of violations causing economic harm, physical danger, or erosion of an inhabitant's peace of mind and sense of security inhibit the prevention or prosecution of such violations.

(c) MEMBERS.—The interagency working group shall be composed of such representatives of Federal departments and agencies as the Attorney General considers appropriate, such as—

(1) the Department of Commerce;

(2) the Department of State;

(3) the Department of Homeland Security;

(4) the Commission;

(5) the Federal Trade Commission; and

(6) the Bureau of Consumer Financial Protection.

(d) NON-FEDERAL STAKEHOLDERS.—In carrying out the study under subsection (a), the interagency working group shall consult

Consultation.
Determination.

with such non-Federal stakeholders as the Attorney General determines have the relevant expertise, including the National Association of Attorneys General.

(e) REPORT TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the interagency working group shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the study under subsection (a), including—

Recommendations.

(1) any recommendations regarding the prevention and prosecution of such violations; and

(2) a description of what progress, if any, relevant Federal departments and agencies have made in implementing the recommendations under paragraph (1).

47 USC 227b–1.

SEC. 6. ACCESS TO NUMBER RESOURCES.

(a) IN GENERAL.—

Deadline.
Determination.

(1) EXAMINATION OF FCC POLICIES.—Not later than 180 days after the date of the enactment of this Act, the Commission shall commence a proceeding to determine how Commission policies regarding access to number resources, including number resources for toll-free and non-toll-free telephone numbers, could be modified, including by establishing registration and compliance obligations, and requirements that providers of voice service given access to number resources take sufficient steps to know the identity of the customers of such providers, to help reduce access to numbers by potential perpetrators of violations of section 227(b) of the Communications Act of 1934 (47 U.S.C. 227(b)).

(2) REGULATIONS.—If the Commission determines under paragraph (1) that modifying the policies described in that paragraph could help achieve the goal described in that paragraph, the Commission shall prescribe regulations to implement those policy modifications.

Penalties.

(b) AUTHORITY.—Any person who knowingly, through an employee, agent, officer, or otherwise, directly or indirectly, by or through any means or device whatsoever, is a party to obtaining number resources, including number resources for toll-free and non-toll-free telephone numbers, from a common carrier regulated under title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), in violation of a regulation prescribed under subsection (a), shall, notwithstanding section 503(b)(5) of the Communications Act of 1934 (47 U.S.C. 503(b)(5)), be subject to a forfeiture penalty under section 503(b) of that Act (47 U.S.C. 503(b)). A forfeiture penalty under this subsection shall be in addition to any other penalty provided for by law.

47 USC 227 note.

SEC. 7. PROTECTIONS FROM SPOOFED CALLS.

Deadline.
Regulations.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and consistent with the call authentication frameworks under section 4, the Commission shall initiate a rulemaking to help protect a subscriber from receiving unwanted calls or text messages from a caller using an unauthenticated number.

(b) CONSIDERATIONS.—In promulgating rules under subsection (a), the Commission shall consider—

(1) the Government Accountability Office report on combating the fraudulent provision of misleading or inaccurate caller identification information required by section 503(c) of

division P of the Consolidated Appropriations Act, 2018 (Public Law 115–141);

(2) the best means of ensuring that a subscriber or provider has the ability to block calls from a caller using an unauthenticated North American Numbering Plan number;

(3) the impact on the privacy of a subscriber from unauthenticated calls;

(4) the effectiveness in verifying the accuracy of caller identification information; and

(5) the availability and cost of providing protection from the unwanted calls or text messages described in subsection (a).

SEC. 8. CONSUMER PROTECTIONS FOR EXEMPTIONS.

(a) IN GENERAL.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)) is amended—

(1) in subparagraph (G)(ii), by striking “; and” and inserting a semicolon;

(2) in subparagraph (H), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(I) shall ensure that any exemption under subparagraph (B) or (C) contains requirements for calls made in reliance on the exemption with respect to—

“(i) the classes of parties that may make such calls;

“(ii) the classes of parties that may be called; and

“(iii) the number of such calls that a calling party may make to a particular called party.”.

(b) DEADLINE FOR REGULATIONS.—In the case of any exemption issued under subparagraph (B) or (C) of section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)) before the date of the enactment of this Act, the Commission shall, not later than 1 year after such date of enactment, prescribe such regulations, or amend such existing regulations, as necessary to ensure that such exemption contains each requirement described in subparagraph (I) of such section, as added by subsection (a). To the extent such an exemption contains such a requirement before such date of enactment, nothing in this section or the amendments made by this section shall be construed to require the Commission to prescribe or amend regulations relating to such requirement.

47 USC 227 note.

SEC. 9. REPORT ON REASSIGNED NUMBER DATABASE.

(a) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress, and make publicly available on the website of the Commission, a report on the status of the efforts of the Commission pursuant to the Second Report and Order in the matter of Advanced Methods to Target and Eliminate Unlawful Robocalls (CG Docket No. 17–59; FCC 18–177; adopted on December 12, 2018).

Public
information.
Web posting.

(b) CONTENTS.—The report required by subsection (a) shall describe the efforts of the Commission, as described in such Second Report and Order, to ensure—

(1) the establishment of a database of telephone numbers that have been disconnected, in order to provide a person making calls subject to section 227(b) of the Communications Act of 1934 (47 U.S.C. 227(b)) with comprehensive and timely information to enable such person to avoid making calls without

the prior express consent of the called party because the number called has been reassigned;

(2) that a person who wishes to use any safe harbor provided pursuant to such Second Report and Order with respect to making calls must demonstrate that, before making the call, the person appropriately checked the most recent update of the database and the database reported that the number had not been disconnected; and

(3) that if the person makes the demonstration described in paragraph (2), the person will be shielded from liability under section 227(b) of the Communications Act of 1934 (47 U.S.C. 227(b)) should the database return an inaccurate result.

SEC. 10. STOP ROBOCALLS.

(a) INFORMATION SHARING REGARDING ROBOCALL AND SPOOFING VIOLATIONS.—Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended by adding at the end the following:

“(i) INFORMATION SHARING.—

“(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this subsection, the Commission shall prescribe regulations to establish a process that streamlines the ways in which a private entity may voluntarily share with the Commission information relating to—

“(A) a call made or a text message sent in violation of subsection (b); or

“(B) a call or text message for which misleading or inaccurate caller identification information was caused to be transmitted in violation of subsection (e).

“(2) TEXT MESSAGE DEFINED.—In this subsection, the term ‘text message’ has the meaning given such term in subsection (e)(8).”.

(b) ROBOCALL BLOCKING SERVICE.—Section 227 of the Communications Act of 1934 (47 U.S.C. 227), as amended by subsection (a), is further amended by adding at the end the following:

“(j) ROBOCALL BLOCKING SERVICE.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this subsection, the Commission shall take a final agency action to ensure the robocall blocking services provided on an opt-out or opt-in basis pursuant to the Declaratory Ruling of the Commission in the matter of Advanced Methods to Target and Eliminate Unlawful Robocalls (CG Docket No. 17–59; FCC 19–51; adopted on June 6, 2019)—

“(A) are provided with transparency and effective redress options for both—

“(i) consumers; and

“(ii) callers; and

“(B) are provided with no additional line item charge to consumers and no additional charge to callers for resolving complaints related to erroneously blocked calls; and

“(C) make all reasonable efforts to avoid blocking emergency public safety calls.

“(2) TEXT MESSAGE DEFINED.—In this subsection, the term ‘text message’ has the meaning given such term in subsection (e)(8).”.

(c) STUDY ON INFORMATION REQUIREMENTS FOR CERTAIN VOIP SERVICE PROVIDERS.—

Deadline.
Regulations.

Deadline.

(1) **IN GENERAL.**—The Commission shall conduct a study regarding whether to require a provider of covered VoIP service to—

(A) provide to the Commission contact information for such provider and keep such information current; and

(B) retain records relating to each call transmitted over the covered VoIP service of such provider that are sufficient to trace such call back to the source of such call.

(2) **REPORT TO CONGRESS.**—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on the results of the study conducted under paragraph (1).

(3) **COVERED VOIP SERVICE DEFINED.**—In this subsection, the term “covered VoIP service” means a service that—

(A) is an interconnected VoIP service (as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153)); or

(B) would be an interconnected VoIP service (as so defined) except that the service permits users to terminate calls to the public switched telephone network but does not permit users to receive calls that originate on the public switched telephone network.

(d) **TRANSITIONAL RULE REGARDING DEFINITION OF TEXT MESSAGE.**—Paragraph (2) of subsection (i) of section 227 of the Communications Act of 1934 (47 U.S.C. 227), as added by subsection (a) of this section, and paragraph (2) of subsection (j) of such section 227, as added by subsection (b) of this section, shall apply before the effective date of the amendment made to subsection (e)(8) of such section 227 by subparagraph (C) of section 503(a)(2) of division P of the Consolidated Appropriations Act, 2018 (Public Law 115–141) as if such amendment was already in effect.

Applicability.
47 USC 227 note.

SEC. 11. PROVISION OF EVIDENCE OF CERTAIN ROBOCALL VIOLATIONS TO ATTORNEY GENERAL.

47 USC 227b–2.

(a) **IN GENERAL.**—If the Chief of the Enforcement Bureau of the Commission obtains evidence that suggests a willful, knowing, and repeated robocall violation with an intent to defraud, cause harm, or wrongfully obtain anything of value, the Chief of the Enforcement Bureau shall provide such evidence to the Attorney General.

(b) **REPORT TO CONGRESS.**—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Commission shall publish on its website and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

Web posting.

(1) states the number of instances during the preceding year in which the Chief of the Enforcement Bureau provided the evidence described in subsection (a) to the Attorney General; and

(2) contains a general summary of the types of robocall violations to which such evidence relates.

(c) **RULES OF CONSTRUCTION.**—Nothing in this section shall be construed to affect the ability of the Commission or the Chief of the Enforcement Bureau under other law—

(1) to refer a matter to the Attorney General; or

(2) to pursue or continue pursuit of an enforcement action in a matter with respect to which the Chief of the Enforcement Bureau provided the evidence described in subsection (a) to the Attorney General.

(d) **ROBOCALL VIOLATION DEFINED.**—In this section, the term “robocall violation” means a violation of subsection (b) or (e) of section 227 of the Communications Act of 1934 (47 U.S.C. 227).

47 USC 227 note. **SEC. 12. PROTECTION FROM ONE-RING SCAMS.**

Deadline.

(a) **INITIATION OF PROCEEDING.**—Not later than 120 days after the date of the enactment of this Act, the Commission shall initiate a proceeding to protect called parties from one-ring scams.

(b) **MATTERS TO BE CONSIDERED.**—As part of the proceeding required by subsection (a), the Commission shall consider how the Commission can—

Consultation.

(1) work with Federal and State law enforcement agencies to address one-ring scams;

(2) work with the governments of foreign countries to address one-ring scams;

(3) in consultation with the Federal Trade Commission, better educate consumers about how to avoid one-ring scams;

(4) incentivize voice service providers to stop calls made to perpetrate one-ring scams from being received by called parties, including consideration of adding identified one-ring scam type numbers to the Commission’s existing list of permissible categories for carrier-initiated blocking;

(5) work with entities that provide call-blocking services to address one-ring scams; and

(6) establish obligations on international gateway providers that are the first point of entry for these calls into the United States, including potential requirements that such providers verify with the foreign originator the nature or purpose of calls before initiating service.

Web posting.

(c) **REPORT TO CONGRESS.**—Not later than 1 year after the date of the enactment of this Act, the Commission shall publish on its website and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of the proceeding required by subsection (a).

(d) **DEFINITIONS.**—In this section:

(1) **ONE-RING SCAM.**—The term “one-ring scam” means a scam in which a caller makes a call and allows the call to ring the called party for a short duration, in order to prompt the called party to return the call, thereby subjecting the called party to charges.

(2) **STATE.**—The term “State” has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

Applicability.

(3) **VOICE SERVICE.**—The term “voice service” has the meaning given such term in section 227(e)(8) of the Communications Act of 1934 (47 U.S.C. 227(e)(8)). This paragraph shall apply before the effective date of the amendment made to such section by subparagraph (C) of section 503(a)(2) of division P of the Consolidated Appropriations Act, 2018 (Public Law 115–141) as if such amendment was already in effect.

SEC. 13. ANNUAL ROBOCALL REPORT.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Commission shall make publicly available on the website of the Commission, and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report on the status of private-led efforts to trace back the origin of suspected unlawful robocalls by the registered consortium and the participation of voice service providers in such efforts.

Public
information.
Web posting.

(b) **CONTENTS OF REPORT.**—The report required under subsection (a) shall include, at minimum, the following:

(1) A description of private-led efforts to trace back the origin of suspected unlawful robocalls by the registered consortium and the actions taken by the registered consortium to coordinate with the Commission.

(2) A list of voice service providers identified by the registered consortium that participated in private-led efforts to trace back the origin of suspected unlawful robocalls through the registered consortium.

Lists.

(3) A list of each voice service provider that received a request from the registered consortium to participate in private-led efforts to trace back the origin of suspected unlawful robocalls and refused to participate, as identified by the registered consortium.

Lists.

(4) The reason, if any, each voice service provider identified by the registered consortium provided for not participating in private-led efforts to trace back the origin of suspected unlawful robocalls.

(5) A description of how the Commission may use the information provided to the Commission by voice service providers or the registered consortium that have participated in private-led efforts to trace back the origin of suspected unlawful robocalls in the enforcement efforts by the Commission.

(c) **ADDITIONAL INFORMATION.**—Not later than 210 days after the date of the enactment of this Act, and annually thereafter, the Commission shall issue a notice to the public seeking additional information from voice service providers and the registered consortium of private-led efforts to trace back the origin of suspected unlawful robocalls necessary for the report by the Commission required under subsection (a).

Public
information.

(d) **REGISTRATION OF CONSORTIUM OF PRIVATE-LED EFFORTS TO TRACE BACK THE ORIGIN OF SUSPECTED UNLAWFUL ROBOCALLS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Commission shall issue rules to establish a registration process for the registration of a single consortium that conducts private-led efforts to trace back the origin of suspected unlawful robocalls. The consortium shall meet the following requirements:

Requirements.

(A) Be a neutral third party competent to manage the private-led effort to trace back the origin of suspected unlawful robocalls in the judgement of the Commission.

(B) Maintain a set of written best practices about the management of such efforts and regarding providers of voice services' participation in private-led efforts to trace back the origin of suspected unlawful robocalls.

(C) Consistent with section 222(d)(2) of the Communications Act of 1934 (47 U.S.C. 222(d)(2)), any private-led efforts to trace back the origin of suspected unlawful robocalls conducted by the third party focus on “fraudulent, abusive, or unlawful” traffic.

Notice.

(D) File a notice with the Commission that the consortium intends to conduct private-led efforts to trace back in advance of such registration.

Deadline.
Public
information.

(2) ANNUAL NOTICE BY THE COMMISSION SEEKING REGISTRATIONS.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Commission shall issue a notice to the public seeking the registration described in paragraph (1).

(e) LIST OF VOICE SERVICE PROVIDERS.—The Commission may publish a list of voice service providers and take appropriate enforcement action based on information obtained from the consortium about voice service providers that refuse to participate in private-led efforts to trace back the origin of suspected unlawful robocalls, and other information the Commission may collect about voice service providers that are found to originate or transmit substantial amounts of unlawful robocalls.

(f) DEFINITIONS.—In this section:

(1) PRIVATE-LED EFFORT TO TRACE BACK.—The term “private-led effort to trace back” means an effort made by the registered consortium of voice service providers to establish a methodology for determining the origin of a suspected unlawful robocall.

(2) REGISTERED CONSORTIUM.—The term “registered consortium” means the consortium registered under subsection (d).

(3) SUSPECTED UNLAWFUL ROBOCALL.—The term “suspected unlawful robocall” means a call that the Commission or a voice service provider reasonably believes was made in violation of subsection (b) or (e) of section 227 of the Communications Act of 1934 (47 U.S.C. 227).

(4) VOICE SERVICE.—The term “voice service”—

(A) means any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North American Numbering Plan adopted by the Commission under section 251(e)(1) of the Communications Act of 1934 (47 U.S.C. 251(e)(1)); and

(B) includes—

(i) transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine; and

(ii) without limitation, any service that enables real-time, two-way voice communications, including any service that requires internet protocol-compatible customer premises equipment (commonly known as “CPE”) and permits out-bound calling, whether or not the service is one-way or two-way voice over internet protocol.

47 USC 227 note. **SEC. 14. HOSPITAL ROBOCALL PROTECTION GROUP.**

Deadline.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Commission shall establish an

advisory committee to be known as the “Hospital Robocall Protection Group”.

(b) MEMBERSHIP.—The Group shall be composed only of the following members:

(1) An equal number of representatives from each of the following:

(A) Voice service providers that serve hospitals.

(B) Companies that focus on mitigating unlawful robocalls.

(C) Consumer advocacy organizations.

(D) Providers of one-way voice over internet protocol services described in subsection (e)(3)(B)(ii).

(E) Hospitals.

(F) State government officials focused on combating unlawful robocalls.

(2) One representative of the Commission.

(3) One representative of the Federal Trade Commission.

(c) ISSUANCE OF BEST PRACTICES.—Not later than 180 days after the date on which the Group is established under subsection (a), the Group shall issue best practices regarding the following: Deadline.

(1) How voice service providers can better combat unlawful robocalls made to hospitals.

(2) How hospitals can better protect themselves from such calls, including by using unlawful robocall mitigation techniques.

(3) How the Federal Government and State governments can help combat such calls.

(d) PROCEEDING BY FCC.—Not later than 180 days after the date on which the best practices are issued by the Group under subsection (c), the Commission shall conclude a proceeding to assess the extent to which the voluntary adoption of such best practices can be facilitated to protect hospitals and other institutions. Deadline.
Assessment.

(e) DEFINITIONS.—In this section:

(1) GROUP.—The term “Group” means the Hospital Robocall Protection Group established under subsection (a).

(2) STATE.—The term “State” has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(3) VOICE SERVICE.—The term “voice service”—

(A) means any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North American Numbering Plan adopted by the Commission under section 251(e)(1) of the Communications Act of 1934 (47 U.S.C. 251(e)(1)); and

(B) includes—

(i) transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine; and

(ii) without limitation, any service that enables real-time, two-way voice communications, including any service that requires internet protocol-compatible customer premises equipment (commonly known as “CPE”) and permits out-bound calling, whether or not the service is one-way or two-way voice over internet protocol.

SEC. 15. SEPARABILITY CLAUSE.

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

Approved December 30, 2019.

LEGISLATIVE HISTORY—S. 151:

SENATE REPORTS: No. 116–41 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 165 (2019):

May 23, considered and passed Senate.

Dec. 4, considered and passed House, amended.

Dec. 19, Senate concurred in House amendment.

Public Law 116–106
116th Congress

An Act

To amend title 38, United States Code, to ensure the Secretary of Veterans Affairs permits the display of Fallen Soldier Displays in national cemeteries.

Jan. 7, 2020

[H.R. 1424]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fallen Warrior Battlefield Cross Memorial Act”.

Fallen Warrior
Battlefield Cross
Memorial Act.
38 USC 101 note.

SEC. 2. AUTHORIZATION FOR FALLEN SOLDIER DISPLAYS IN NATIONAL CEMETERIES.

Section 2403 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) Subject to standards established by the Secretary, the Secretary shall permit the display of a Fallen Soldier Display in any national cemetery.

“(2) In this subsection, the term ‘Fallen Soldier Display’ means a memorial monument in honor of fallen members of the Armed Forces that may include a replica of an inverted rifle, boots, helmets, and identification tag.”.

Definition.

Approved January 7, 2020.

LEGISLATIVE HISTORY—H.R. 1424:

CONGRESSIONAL RECORD, Vol. 165 (2019):

Nov. 12, considered and passed House.

Dec. 19, considered and passed Senate.

Public Law 116–107
116th Congress

An Act

Jan. 17, 2020
[H.R. 2385]

To permit the Secretary of Veterans Affairs to establish a grant program to conduct cemetery research and produce educational materials for the Veterans Legacy Program.

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

38 USC 2400
note.

SECTION 1. GRANTS FOR CEMETERY RESEARCH AND THE PRODUCTION OF EDUCATIONAL MATERIALS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may establish a grant program to conduct cemetery research and produce educational materials for the Veterans Legacy Program.

Determinations.

(2) ELIGIBLE RECIPIENTS.—The Secretary may award a grant under this section to any of the following entities:

(A) An institution of higher learning.

(B) A local education agency.

(C) A non-profit entity that the Secretary determines has a demonstrated history of community engagement.

(D) Another recipient the Secretary determines to be appropriate.

(3) USE OF FUNDS.—A recipient of a grant under this section may use the grant amount to—

(A) conduct research related to national, State, or Tribal veterans' cemeteries;

(B) produce education materials that teach about the history of veterans interred in national, State, or Tribal veterans' cemeteries; and

(C) promote community engagement with the histories of veterans interred in national, State, or Tribal veterans' cemeteries.

(4) MAXIMUM AMOUNT.—A grant awarded under this section may not exceed \$500,000.

(b) REGULATIONS.—If the Secretary establishes a grant program under this section, the Secretary shall prescribe regulations regarding—

Evaluation.

(1) the evaluation of applications for grants under the program; and

(2) administration of the program.

Determination.

(c) REPORT REQUIRED.—Not later than 2 years after the Secretary establishes a grant program under this section, the Secretary shall submit to the committees on Veterans' Affairs of the House

of Representatives and the Senate a report regarding the determination of the Secretary whether the grant program is a financially effective means to promote the purposes in subsection (a)(3).

(d) DEFINITIONS.—In this section:

(1) The term “Veterans Legacy Program” means the program of the National Cemetery Administration that is responsible for providing engagement and educational tools and opportunities to the public regarding the service and sacrifice of veterans interred in national, State, or Tribal veterans’ cemeteries.

(2) The term “institution of higher learning” has the meaning given that term in section 3452(f) of title 38, United States Code.

(3) The term “local educational agency” has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

Approved January 17, 2020.

LEGISLATIVE HISTORY—H.R. 2385:

HOUSE REPORTS: No. 116–179 (Comm. on Veterans’ Affairs).

CONGRESSIONAL RECORD, Vol. 165 (2019):

Oct. 15, considered and passed House.

Dec. 19, considered and passed Senate.

Public Law 116–108
116th Congress

An Act

Jan. 24, 2020
[H.R. 2476]

To amend the Homeland Security Act of 2002 to provide funding to secure nonprofit facilities from terrorist attacks, and for other purposes.

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

Securing
American
Nonprofit
Organizations
Against
Terrorism Act
of 2019.
6 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Securing American Nonprofit Organizations Against Terrorism Act of 2019”.

SEC. 2. NONPROFIT SECURITY GRANT PROGRAM.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

6 USC 609a.

“SEC. 2009. NONPROFIT SECURITY GRANT PROGRAM.

“(a) ESTABLISHMENT.—There is established in the Department a program to be known as the ‘Nonprofit Security Grant Program’ (in this section referred to as the ‘Program’). Under the Program, the Secretary, acting through the Administrator, shall make grants to eligible nonprofit organizations described in subsection (b), through the State in which such organizations are located, for target hardening and other security enhancements to protect against terrorist attacks.

“(b) ELIGIBLE RECIPIENTS.—Eligible nonprofit organizations described in this subsection (a) are organizations that are—

“(1) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

“(2) determined to be at risk of a terrorist attack by the Administrator.

“(c) PERMITTED USES.—The recipient of a grant under this section may use such grant for any of the following uses:

“(1) Target hardening activities, including physical security enhancement equipment and inspection and screening systems.

“(2) Fees for security training relating to physical security and cybersecurity, target hardening, terrorism awareness, and employee awareness.

“(3) Any other appropriate activity, including cybersecurity resilience activities, as determined by the Administrator.

“(d) PERIOD OF PERFORMANCE.—The Administrator shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.

“(e) REPORT.—The Administrator shall annually for each of fiscal years 2020 through 2024 submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing information on the expenditure by each grant recipient of grant funds made under this section.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated \$75 million for each of fiscal years 2020 through 2024 to carry out this section.

“(2) SPECIFICATION.—Of the amounts authorized to be appropriated pursuant to paragraph (1)—

“(A) \$50 million is authorized for eligible recipients located in jurisdictions that receive funding under section 2003; and

“(B) \$25 million is authorized for eligible recipients in jurisdictions not receiving funding under section 2003.”.

(b) CONFORMING AMENDMENT.—Subsection (a) of section 2002 of the Homeland Security Act of 2002 (6 U.S.C. 603) is amended by striking “sections 2003 and 2004” and inserting “sections 2003, 2004, and 2009”.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2008 the following new item:

“Sec. 2009. Nonprofit security grant program.”.

Approved January 24, 2020.

LEGISLATIVE HISTORY—H.R. 2476 (S. 1539):

HOUSE REPORTS: No. 116–92 (Comm. on Homeland Security).

SENATE REPORTS: No. 116–89 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 1539.

CONGRESSIONAL RECORD, Vol. 165 (2019):

June 10, considered and passed House.

Dec. 19, considered and passed Senate.

CONCURRENT RESOLUTIONS

FIRST SESSION, ONE HUNDRED SIXTEENTH CONGRESS

JOINT SESSION

Feb. 4, 2019
[H. Con. Res. 9]

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, February 5, 2019, at 9:00 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Agreed to February 4, 2019.

ENROLLMENT CORRECTION—H.J. RES. 31

Feb. 14, 2019
[S. Con. Res. 4]

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the joint resolution H.J. Res. 31, the Clerk of the House of Representatives shall amend the long title so as to read: “Making consolidated appropriations for the fiscal year ending September 30, 2019, and for other purposes.”.

Agreed to February 14, 2019.

ENROLLMENT CORRECTIONS—S. 47

Feb. 27, 2019
[H. Con. Res. 21]

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill S. 47, the Secretary of the Senate shall make the following corrections:

(1) Strike subsection (a) of section 1 and insert the following: “(a) **SHORT TITLE.**—This Act may be cited as the ‘John D. Dingell, Jr. Conservation, Management, and Recreation Act.’”.

(2) Strike the header of section 9003 and insert “**JOHN S. MCCAIN III 21ST CENTURY CONSERVATION SERVICE CORPS ACT**” (and conform the table of sections accordingly).

Agreed to February 27, 2019.

POCKET VERSION OF THE UNITED STATES
CONSTITUTION—SENATE PRINT

Apr. 9, 2019
[S. Con. Res. 7]

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. POCKET VERSION OF THE CONSTITUTION OF THE UNITED STATES.

(a) **IN GENERAL.**—The 26th edition of the pocket version of the Constitution of the United States shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) **ADDITIONAL COPIES.**—In addition to the usual number, there shall be printed the lesser of—

(1) 480,500 copies of the document, of which 255,500 copies shall be for the use of the House of Representatives, 200,000 copies shall be for the use of the Senate, and 25,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of \$226,250, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

(c) DISTRIBUTION.—The copies of the document printed for the use of the House of Representatives and the Senate under subsection (a) shall be distributed in accordance with—

(1) a distribution plan approved by the chair and ranking minority member of the Committee on House Administration of the House of Representatives, in the case of the copies printed for the use of the House of Representatives; and

(2) a distribution plan approved by the chair and ranking minority member of the Committee on Rules and Administration of the Senate, in the case of the copies printed for the use of the Senate.

Agreed to April 9, 2019.

Apr. 10, 2019
[H. Con. Res. 16]

NATIONAL PEACE OFFICERS MEMORIAL SERVICE AND NATIONAL HONOR GUARD AND PIPE BAND EXHIBITION—CAPITOL GROUNDS AUTHORIZATION

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF THE CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS MEMORIAL SERVICE.

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the 38th Annual National Peace Officers Memorial Service (in this resolution referred to as the “Memorial Service”), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2018.

(b) DATE OF MEMORIAL SERVICE.—The Memorial Service shall be held on May 15, 2019, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate, with preparation for the event to begin on May 11, 2019, and takedown completed on May 16, 2019.

SEC. 2. USE OF THE CAPITOL GROUNDS FOR NATIONAL HONOR GUARD AND PIPE BAND EXHIBITION.

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the National Honor Guard and Pipe Band Exhibition (in this resolution referred to as the “Exhibition”), on the Capitol Grounds, in order to allow law enforcement representatives to

exhibit their ability to demonstrate Honor Guard programs and provide for a bagpipe exhibition.

(b) **DATE OF EXHIBITION.**—The Exhibition shall be held on May 14, 2019, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 3. TERMS AND CONDITIONS.

(a) **IN GENERAL.**—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

- (1) free of admission charge and open to the public; and
- (2) arranged not to interfere with the needs of Congress.

(b) **EXPENSES AND LIABILITIES.**—The sponsors of the Memorial Service and Exhibition shall assume full responsibility for all expenses and liabilities incident to all activities associated with the events.

SEC. 4. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsors referred to in section 3(b) are authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the Memorial Service and Exhibition.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the events.

Agreed to April 10, 2019.

**SOAP BOX DERBY RACES—CAPITOL GROUNDS
AUTHORIZATION**

Apr. 10, 2019
[H. Con. Res. 19]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR SOAP BOX DERBY RACES.

(a) **IN GENERAL.**—The Greater Washington Soap Box Derby Association (in this resolution referred to as the “sponsor”) shall be permitted to sponsor a public event, soap box derby races (in this resolution referred to as the “event”), on the Capitol Grounds.

(b) **DATE OF EVENT.**—The event shall be held on June 15, 2019, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) **IN GENERAL.**—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

- (1) free of admission charge and open to the public; and
- (2) arranged not to interfere with the needs of Congress.

(b) **EXPENSES AND LIABILITIES.**—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make such additional arrangements as may be required to carry out the event.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

Agreed to April 10, 2019.

**HOLOCAUST DAYS OF REMEMBRANCE
CEREMONY—EMANCIPATION HALL
AUTHORIZATION**

Apr. 11, 2019
[H. Con. Res. 31]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

Emancipation Hall in the Capitol Visitor Center is authorized to be used on April 29, 2019, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Agreed to April 11, 2019.

**GEORGE HERBERT WALKER BUSH EULOGIES
AND ENCOMIUMS—HOUSE PRINT**

May 22, 2019
[S. Con. Res. 6]

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. COMMEMORATIVE DOCUMENT AUTHORIZED.

(a) **IN GENERAL.**—A commemorative document in memory of the late President of the United States, George Herbert Walker Bush,

shall be printed as a House document, with illustrations and suitable binding, under the direction of the Joint Committee on Printing.

(b) CONTENTS.—The document shall consist of the eulogies and encomiums for George Herbert Walker Bush, as expressed in the Senate and the House of Representatives, together with the texts of each of the following:

(1) The state funeral ceremony at the United States Capitol Rotunda.

(2) The national funeral service held at the Washington National Cathedral, Washington, District of Columbia.

(3) The memorial service held at St. Martin's Episcopal Church, Houston, Texas.

(4) The interment ceremony at the George Herbert Walker Bush Presidential Library Center, College Station, Texas.

SEC. 2. PRINTING OF DOCUMENT.

In addition to the usual number of copies printed, there shall be printed the lesser of—

(1) 32,500 copies of the commemorative document, of which 22,150 copies shall be for the use of the House of Representatives and 10,350 copies shall be for the use of the Senate; or

(2) such number of copies of the commemorative document that does not exceed a production and printing cost of \$1,000,000, with distribution of the copies to be allocated in the same proportion as described in paragraph (1).

Agreed to May 22, 2019.

**KING KAMEHAMEHA I—BIRTHDAY
CELEBRATION—EMANCIPATION HALL
AUTHORIZATION**

May 22, 2019
[S. Con. Res. 14]

Resolved by the Senate (the House of Representatives concurring),

**SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO CELEBRATE
BIRTHDAY OF KING KAMEHAMEHA I.**

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used on June 9, 2019, for an event to celebrate the birthday of King Kamehameha I.

(b) PREPARATIONS.—Physical preparations for the conduct of the event described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to May 22, 2019.

ENROLLMENT CORRECTION—H.R. 2157

June 4, 2019
[H. Con. Res. 45]

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H.R. 2157, the Clerk

133 STAT. 3304 CONCURRENT RESOLUTIONS—JULY 31, 2019

of the House of Representatives shall make the following correction: In section 1207, strike “May 31, 2019” each place such term appears and insert “June 14, 2019”.

Agreed to June 4, 2019.

July 31, 2019
[H. Con. Res. 53]

FIRST AFRICAN SLAVES ARRIVAL—400TH
ANNIVERSARY COMMEMORATION—
EMANCIPATION HALL AUTHORIZATION

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT COMMEMORATING 400TH ANNIVERSARY OF ARRIVAL OF FIRST AFRICAN SLAVES.

Emancipation Hall in the Capitol Visitor Center is authorized to be used on September 9, 2019, for an event to commemorate the 400th anniversary of the arrival of the first African slaves to the territory that would become the United States. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Agreed to July 31, 2019.

Sept. 9, 2019
[H. Con. Res. 57]

FIRST AFRICAN SLAVES ARRIVAL—400TH
ANNIVERSARY COMMEMORATION—
EMANCIPATION HALL AUTHORIZATION

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT COMMEMORATING 400TH ANNIVERSARY OF ARRIVAL OF FIRST AFRICAN SLAVES.

Emancipation Hall in the Capitol Visitor Center is authorized to be used on September 10, 2019, for an event to commemorate the 400th anniversary of the arrival of the first African slaves to the territory that would become the United States. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Agreed to September 9, 2019.

Oct. 21, 2019
[S. Con. Res. 27]

ELIJAH E. CUMMINGS MEMORIAL SERVICES—
CATAFALQUE AUTHORIZATION

Resolved by the Senate (the House of Representatives concurring), That the Architect of the Capitol is authorized and directed

CONCURRENT RESOLUTIONS—DEC. 19, 2019 133 STAT. 3305

to transfer the catafalque which is situated in the Exhibition Hall of the Capitol Visitor Center to the House wing of the Capitol so that such catafalque may be used in connection with services to be conducted there for the Honorable Elijah E. Cummings, late a Representative from the State of Maryland.

Agreed to October 21, 2019.

ENROLLMENT CORRECTIONS—H.R. 2423

Nov. 14, 2019
[H. Con. Res. 72]

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H.R. 2423, the Clerk of the House of Representatives shall make the following corrections:

- (1) In section 2(a)(3), strike “Carrie Chapman Cat” and insert “Carrie Chapman Catt”.
- (2) In section 4(a)(2)(C), strike the period after “Unum” and insert a period after the closed quotation mark at the end.

Agreed to November 14, 2019.

ENROLLMENT CORRECTIONS—H.R. 3055

Nov. 21, 2019
[H. Con. Res. 75]

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 3055, the Clerk of the House of Representatives shall make the following corrections:

- (1) Amend the long title so as to read: “Making further continuing appropriations for fiscal year 2020, and for other purposes.”.
- (2) Redesignate the second subsection (a) of section 1703 as subsection (b).

Agreed to November 21, 2019.

ENROLLMENT CORRECTION—H.R. 1158

Dec. 19, 2019
[H. Con. Res. 81]

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 1158, the Clerk of the House of Representatives shall make the following correction: Amend the long title so as to read: “Making consolidated appropriations for the fiscal year ending September 30, 2020, and for other purposes.”.

Agreed to December 19, 2019.

Dec. 19, 2019
[H. Con. Res. 82]

ENROLLMENT CORRECTIONS—H.R. 1865

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 1865, the Clerk of the House of Representatives shall make the following corrections:

(1) Amend the long title so as to read: “Making further consolidated appropriations for the fiscal year ending September 30, 2020, and for other purposes.”.

(2) Strike the first section 1 immediately following the enacting clause and all that follows through section 9.

(3) In section 101 of title I of division P, strike the matter in quotes and insert “Platte River Recovery Implementation Program Extension Act”.

(4) In the table of contents for subtitle F of title I of division N, strike the item relating to section 601.

(5) Strike section 601 of subtitle F of title I of division N.

Agreed to December 19, 2019.

PROCLAMATIONS

Proclamation 9836 of January 15, 2019**Religious Freedom Day, 2019**

By the President of the United States of America

A Proclamation

On Religious Freedom Day, we celebrate our Nation's long-standing commitment to freedom of conscience and the freedom to profess one's own faith. The right to religious freedom is innate to the dignity of every human person and is foundational to the pursuit of truth.

The Pilgrims who landed at Plymouth shared an experience common to many of America's first settlers: they had fled their home countries to escape religious persecution. Aware of this history, our Nation's Founding Fathers readily understood that a just government must respect the deep yearning for truth and openness to the transcendent that are part of the human spirit. For this reason, from the beginning, our constitutional republic has endeavored to protect a robust understanding of religious freedom. On January 16, 1786, Virginia enacted the Statute for Religious Freedom to protect the right of individual conscience and religious exercise and to prohibit the compulsory support of any church. Authored by Thomas Jefferson, the statute set forth the principle that religious liberty is an inherent right and not a gift of the state. Jefferson's statute served as the inspiration and model for the legal architecture of the conscience protections in the First Amendment, drafted by James Madison just a few years later.

Unfortunately, the fundamental human right to religious freedom is under attack. Efforts to circumscribe religious freedom—or to separate it from adjoining civil liberties, like property rights or free speech—are on the rise. Over time, legislative and political attacks on religious freedom have given way to actual violence. Last October, we witnessed a horrific attack on the Tree of Life Synagogue in Pittsburgh, Pennsylvania—the deadliest attack on the Jewish community in our Nation's history. Tragically, attacks on people of faith and their houses of worship have increased in frequency in recent years.

My Administration is taking action to protect religious liberty and to seek justice against those who seek to abridge it. The Department of Justice is aggressively prosecuting those who use violence or threats to interfere with the religious freedom of their fellow Americans. In January of 2018, the Justice Department announced a religious liberty update to the Justice Manual, raising the profile of religious liberty cases. Also in January of 2018, the Department of Health and Human Services undertook major policy changes to protect religious freedom, including forming a new Conscience and Religious Freedom Division within the Department's Office for Civil Rights and proposing a comprehensive new conscience protection regulation to reinvigorate enforcement of religious freedom laws within existing health care programs.

Around the globe today, people are being persecuted for their faith by authoritarian dictatorships, terrorist groups, and other intolerant individuals. To address this tragic reality, last July, at my request, the Secretary of State convened the first-ever Ministerial to Advance Religious Freedom. We are listening to the voices of those risking their lives for their religious beliefs, and we are listening to the families of people who have died fighting for their fundamental right of conscience.

Our Nation was founded on the premise that a just government abides by the “Laws of Nature and of Nature’s God.” As the Founders recognized, the Constitution protects religious freedom to secure the rights endowed to man by his very nature. On this day, we recognize this history and affirm our commitment to the preservation of religious freedom.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 16, 2019, as Religious Freedom Day. I call on all Americans to commemorate this day with events and activities that remind us of our shared heritage of religious liberty and that teach us how to secure this blessing both at home and around the world.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of January, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9837 of January 18, 2019

National School Choice Week, 2019

By the President of the United States of America

A Proclamation

A great education provides students with a foundation to pursue the American Dream of a hopeful and prosperous future. During National School Choice Week, we reaffirm our commitment to enable all students to pursue the education that will best equip them for success in work and life.

Every child deserves the chance to flourish in an educational environment that best leverages their unique learning style, cultivates their talent, and develops the skills needed to succeed in an ever-changing world. Likewise, teachers deserve the chance to innovate in the classroom and do their best work. Yet, today’s system often falls short of what students and teachers need and deserve, and often makes it too hard for families and educators to create the best learning experience for each child. The results tell the unfortunate story: recent international surveys ranked the United States 24th in reading, 25th in science, and 40th in math. These results were not the result of incapable children; they were the consequence of the limitations imposed by a largely one-size-fits-all approach to education.

Education should inspire wonder, stimulate curiosity, and spark a lifelong desire in our children to learn and grow. Increased educational options—including through out-of-zone public schools, public charter schools, magnet schools, sectarian and secular private schools, home schools, and online education programs—have expanded opportunities for students regardless of background or economic status. We should all work to ensure all children receive great educations, regardless of where they live, how much their family makes, or how they best learn.

My Administration knows that choice in education plays a vital role in the success of our children and our country. The number of students receiving a D.C. Opportunity Scholarship has increased by nearly 50 percent under my Administration. In last year's enactment of the historic *Tax Cuts and Jobs Act*, we improved 529 plans so that they may cover elementary and secondary school tuition. Family demand for public charter schools has continued to grow. And, importantly, we have encouraged States, local communities, and families to refocus education policy where it belongs—on what is best for each child.

We commend our Nation's families, teachers, school leaders, and all those who nobly dedicate their lives to educating the next generation. My Administration will continue to stand with students and their families in the fight for the best educational opportunities for their children.

As our Nation celebrates National School Choice Week, I encourage families to explore new educational opportunities; I urge educators to develop imaginative and innovative pathways to learning; and I challenge students to passionately pursue their goals and dreams with discipline, integrity, and unyielding determination. Lastly, I urge lawmakers in Congress and in the States to embrace and expand education choice, which will strengthen our students, families, educators, communities, and ultimately, our great Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 20 to January 26, 2019, as National School Choice Week.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of January, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9838 of January 18, 2019

National Sanctity of Human Life Day, 2019

By the President of the United States of America

A Proclamation

Today marks the 46th year since the United States Supreme Court's decision in *Roe v. Wade*. On this day, National Sanctity of Human Life Sunday, we mourn the lives cut short, and the tremendous promise lost, as a result of abortion. As a Nation, we must resolve to protect innocent human life at every stage.

As President, I am committed to defending the Right to Life. During my first week in office, I reinstated the Mexico City Policy, which prevents foreign aid from being used to fund or support the global abortion industry. We are also working to end the abhorrent practice of elective late-term abortion, a practice allowed in only seven countries around the world.

At home, we have issued a proposed regulation to implement the Title X prohibition on funding programs that include abortion as a method of family planning. I am supporting the effort in the United States Senate to make permanent the Hyde Amendment, which has been added year after year to spending bills and prevents taxpayer funding for abortion. And I have explicitly informed the Congress that I will veto any legislation that weakens existing Federal protections for human life.

My Administration has repeatedly demonstrated its respect for human life and conscience at all stages. We have finalized conscience exemptions from the contraceptive mandate to protect employers like Little Sisters of the Poor from being forced to choose between violating their religious beliefs and shutting their doors. We also increased the child tax credit, making it financially easier for mothers to care for their children after birth, while supporting the loving choices of adoption and foster care.

As the opioid crisis severely affects our country, especially women and babies, we are redoubling our efforts to help children born with Neonatal Abstinence Syndrome. And we must do everything within our power to protect the sanctity of life for the most vulnerable and defenseless among us, including people with disabilities. Americans with disabilities like Down syndrome are an inspiration, and their example of joy and perseverance enriches our lives.

Our Constitution and our laws contain many protections for innocent life, and I have worked hard for the confirmation and appointment of judges—including two outstanding Supreme Court justices—committed to the rule of law.

We commend the pro-life movement for the tremendous efforts it has made to prevent the deaths of innocent unborn children, including through the annual March for Life. For more than 46 years, courageous and faithful citizens, many from college campuses and high schools across our country, have extended big hearts and hands of compassion to young women experiencing unexpected pregnancies. For decades, they have prayed passionately and stood tirelessly for the sanctity of life, speaking up for those who cannot speak for themselves. We honor, too, the many men and women who share the precious gifts of life and family by adopting babies and children, welcoming them into their homes and hearts.

Today, we recommit ourselves to protecting innocent life every day and at every stage. We must continue to be a country that shows respect for the dignity and worth of every person at every stage of life.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 20, 2019, as National Sanctity of Human Life Day. Today I call on the Congress to join me in protecting and defending the dignity of every human life, including those not yet born. I call on the American people to continue to care for women in unexpected pregnancies and to support adoption and foster care in a more meaningful way, so every child can have a loving home. And finally, I ask every citizen of this great Nation to listen to the sound of silence caused by a generation lost to us, and then to raise their voices for all those affected by abortion, both seen and unseen.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of January, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9839 of January 18, 2019

Martin Luther King, Jr., Federal Holiday, 2019

By the President of the United States of America

A Proclamation

One hundred years after President Abraham Lincoln issued the Emancipation Proclamation, the great Reverend Dr. Martin Luther King, Jr., took to the steps of the Lincoln Memorial and shared his vision of an America lifted from the “quicksands of racial injustice to the solid rock of brotherhood.” His extraordinary message that momentous day in August of 1963 stirred to action Americans of every race and creed, and it continues to reverberate in the hearts and minds of patriotic citizens across our great land. Today, as we pause to mark the life and legacy of Dr. Martin Luther King, Jr., we recommit ourselves to the advancement of equality and justice for all Americans, and to the full realization of his worthy dream.

In the United States of America, every citizen should have the opportunity to build a better and brighter future, and, as President, I am committed to expanding opportunity for all Americans. We have added more than 5 million new jobs to the economy over the past 2 years and unemployment rates for African Americans, Hispanic Americans, Asian Americans, and Americans without a high school degree have reached record lows.

Importantly, we have also worked tirelessly to reform our Nation’s criminal justice system, so that those who have been incarcerated and paid their debt to society are given a second chance at life. Last year, I was proud to sign into law the First Step Act, which will prepare inmates to successfully rejoin society and effect commonsense reforms to make our justice system fairer for all Americans. Through recidivism reduction programs that provide vocational training, education, and mental healthcare, non-violent offenders can have a chance at redemption and an opportunity to fulfill a better destiny.

We have also made great strides as a Nation, but we acknowledge that more work must be done for, in the words of Dr. King, “justice to roll down like waters and righteousness like a mighty stream.” United as one American family, we will not rest—and we will never be satisfied—until the promise of this great Nation is accessible to each American in each new generation. More than half a century after Dr. King’s March on Washington for Jobs and Freedom, our Nation is mindful of its past, and we look forward to the future with unwavering optimism, inspired by the legacy of Dr. King and informed by his wisdom and vision. May the memory of Dr. Martin Luther King, Jr., and the efforts we have made to fully effectuate his dream, remind us that faith and love unite us together as one great American family.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 21, 2019, as the Martin Luther King, Jr., Federal Holiday. On this day, I encourage all Americans to recommit themselves to Dr. King's dream by engaging in acts of service to others, to their community, and to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of January, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9840 of January 31, 2019

American Heart Month, 2019

By the President of the United States of America

A Proclamation

Heart disease is America's most prolific killer, responsible for one in four deaths in the United States each year. American Heart Month is an opportunity to remember the loved ones lost to this deadly disease, raise awareness of the warning signs and symptoms of heart disease and heart attacks, and commit to a lifestyle that improves overall heart health.

Although heart disease has persisted as the leading cause of death among Americans for nearly a century, we are steadily eroding its grip on our health. Heart disease claims a smaller and smaller percentage of our loved ones than it did at its height in the 1960s. Through technological advancements and decades of scientific research, we have learned a tremendous amount about the causes of heart disease. We now know that smoking, high blood pressure, high cholesterol, lack of physical activity, obesity, diabetes, and prediabetes are some of the leading factors that can contribute to our risk for heart disease. Most importantly, we have learned that it is never too late or too early to improve your heart health. Small changes—undertaken at any time—such as committing to a healthy diet and regular exercise can make a big difference.

Last November, the Department of Health and Human Services released the second edition of “Physical Activity Guidelines for Americans,” which outlines the importance of physical exercise and provides information on how adults and children can live more active lives and improve their cardiovascular health. Nearly 80 percent of adult Americans, however, fail to meet the key guidelines for both aerobic and muscle strengthening activity. The guidelines recommend that adults get at least two and a half hours per week of moderate aerobic physical activity and muscle-strengthening activities over two or more days each week. Children ages 6 through 17 should get 60 minutes or more of moderate to vigorous physical activity each day. As the risk for heart disease increases with age, it is vital to deter this deadly disease by taking steps to stay physically active throughout life, maintain a

healthy body weight, and promote overall heart health, including by eating a well-balanced diet and abstaining from tobacco products.

This month, I encourage all Americans to prioritize their health and educate themselves about heart disease. Through our continued efforts as a Nation and as individuals, we can work to reduce the chance of heart disease and ensure both present and future generations of Americans live healthier and fuller lives.

In acknowledgement of the importance of the ongoing fight against heart disease, the Congress, by Joint Resolution approved on December 30, 1963, as amended (36 U.S.C. 101), has requested that the President issue an annual proclamation designating February as American Heart Month.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim February 2019 as American Heart Month. The First Lady and I encourage all Americans to participate in National Wear Red Day on February 1, 2019, to raise awareness and reaffirm our commitment to fighting heart disease. I also invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in recognizing and reaffirming our commitment to fighting heart disease.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of January, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9841 of January 31, 2019

National African American History Month, 2019

By the President of the United States of America

A Proclamation

In the year 1619, a Dutch trading ship sailed into the Chesapeake Bay and dropped anchor at Point Comfort, Virginia. The vessel's arrival marked the beginning of the unscrupulous slave trade in the American colonies. It was from this immoral origin—and through inhuman conditions, discrimination, and prolonged hardship—that emerged the vibrant culture, singular accomplishments, and groundbreaking triumphs that we honor and celebrate during National African American History Month.

National African American History Month is an occasion to rediscover the enduring stories of African Americans and the gifts of freedom, purpose, and opportunity they have bestowed on future generations. It is also a time to commemorate the countless contributions of African Americans, many of whom lived through and surmounted the scourge of segregation, racial prejudice, and discrimination to enrich every fiber of American life. Their examples of heroism, patriotism, and enterprise have given people of all backgrounds confidence, courage, and faith to pursue their own dreams.

This year's theme, "Black Migrations," highlights the challenges and successes of African Americans as they moved from farms in the agricultural South to centers of industry in the North, Midwest, and West—especially the migrations that occurred in the twentieth century. Through these migrations, millions of African Americans reshaped the demographic landscape of America, starting new lives in cities such as Philadelphia, Detroit, Chicago, and New York City.

In that time of great change, inspirational leaders, such as Annie Turnbo Malone, charted a new path for many African American men and women. Annie Malone, the daughter of former slaves, became one of the most successful entrepreneurs in America at the turn of the century, and provided opportunities for African Americans to pursue meaningful careers. Through mentorship and education, she empowered others to start their own businesses. She is one of many inspirational African Americans in an era that also produced luminaries such as Mary McLeod Bethune and Booker T. Washington, both of whom encouraged and emboldened disenfranchised black students to push through obstacles and realize their God-given potential.

American history brims with the stories of African Americans who forever changed their communities and our country. We will, for example, never forget the legendary "Queen of Soul," Aretha Franklin, whose unforgettable voice transcended genre and left music transformed, and whose broad appeal in an era of deep division helped to bridge racial divides. Another trailblazer, baseball legend Jackie Robinson, known ubiquitously in Major League Baseball as "42," shattered institutional racism in American athletics when he became the first African-American player to appear in a big league game. Over his career, his exceptional talent and noble character in the face of racial hatred undermined the twin false ideologies of segregation and racial inequality. The spirit and determination of these and other African American heroes make our Nation proud and define what it means to be American.

National African American History Month is a call to each and every citizen of our great land to reflect on the cultural, scientific, political, and economic contributions of African Americans, which are woven throughout American society. We remember, learn from, and build on the past, so that, together, we can build a better and more prosperous future for all Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 2019 as National African American History Month. I call upon public officials, educators, librarians, and all the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of January, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9842 of February 7, 2019**Addressing Mass Migration Through the Southern Border
of the United States***By the President of the United States of America**A Proclamation*

In Proclamation 9822 of November 9, 2018 (Addressing Mass Migration Through the Southern Border of the United States), I found that our immigration and asylum system is in crisis as a consequence of the mass migration of aliens across the border between the United States and Mexico (southern border). Accordingly, pursuant to sections 212(f) and 215(a) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(f) and 1185(a), respectively), I found that the unlawful entry of aliens through that border is detrimental to the interests of the United States and suspended and limited entry of such aliens. I exempted from the scope of Proclamation 9822 any alien who entered the United States at a port of entry and properly presented for inspection, as well as any lawful permanent resident of the United States.

Section 2(d) of Proclamation 9822 directed the Secretary of State, the Attorney General, and the Secretary of Homeland Security jointly to submit to me a recommendation on whether an extension or renewal of the suspension and limitation on entry in Proclamation 9822 is in the interests of the United States. Those officials have now jointly recommended extending the suspension and limitation for an additional 90 days.

As that recommendation reflects, the problem of large numbers of aliens traveling through Mexico to enter our country unlawfully or without proper documentation has not materially improved, and indeed in several respects has worsened, since November 9, 2018. An average of approximately 2,000 inadmissible aliens continue to enter the United States each day at our southern border. And large, organized groups of aliens continue to travel through Mexico towards the United States with the reported intention to enter the United States unlawfully or without proper documentation.

The ability of the United States to address those problems has also been hampered by a nationwide injunction issued by a United States District Judge in the Northern District of California. That injunction currently prevents the Attorney General and the Secretary of Homeland Security from implementing an interim final rule that would render any alien who enters the country in contravention of a proclamation limiting or suspending entry at the southern border, including Proclamation 9822, ineligible to be granted asylum. The United States is appealing that injunction. Should the injunction be lifted, aliens who enter the United States unlawfully through the southern border in contravention of this proclamation will be ineligible to be granted asylum under that interim final rule.

As President, I must act to protect the national interest, and to maintain an effectively functioning asylum system for legitimate asylum seekers who demonstrate that they have fled persecution and warrant the many special benefits associated with being granted asylum. In view of the foregoing circumstances, and the joint recommendation from the Secretary of State, the Attorney General, and the Secretary of

Homeland Security, I have determined to extend the suspension and limitation, as set forth below, on entry into the United States through the southern border established by Proclamation 9822.

NOW, THEREFORE, I, DONALD J. TRUMP, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the INA, hereby find that, absent the measures set forth in this proclamation, the entry into the United States of persons described in section 1 of this proclamation would be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Suspension and Limitation on Entry.* The entry of any alien into the United States across the international boundary between the United States and Mexico is hereby suspended and limited, subject to section 2 of this proclamation. That suspension and limitation shall expire 90 days after the date of this proclamation or the date on which an agreement permits the United States to remove aliens to Mexico in compliance with the terms of section 208(a)(2)(A) of the INA (8 U.S.C. 1158(a)(2)(A)), whichever is earlier.

Sec. 2. *Scope and Implementation of Suspension and Limitation on Entry.* (a) The suspension and limitation on entry pursuant to section 1 of this proclamation shall apply only to aliens who enter the United States after the date of this proclamation.

(b) The suspension and limitation on entry pursuant to section 1 of this proclamation shall not apply to any alien who enters the United States at a port of entry and properly presents for inspection, or to any lawful permanent resident of the United States.

(c) Nothing in this proclamation shall limit an alien entering the United States from being considered for withholding of removal under section 241(b)(3) of the INA (8 U.S.C. 1231(b)(3)) or protection pursuant to the regulations promulgated under the authority of the implementing legislation regarding the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or limit the statutory processes afforded to unaccompanied alien children upon entering the United States under section 279 of title 6, United States Code, and section 1232 of title 8, United States Code.

(d) No later than 75 days after the date of this proclamation, the Secretary of State, the Attorney General, and the Secretary of Homeland Security shall jointly submit to the President, through the Assistant to the President for National Security Affairs, a recommendation on whether an extension or renewal of the suspension or limitation on entry in section 1 of this proclamation is in the interests of the United States.

Sec. 3. *Interdiction.* The Secretary of State and the Secretary of Homeland Security shall continue to consult with the Government of Mexico regarding appropriate steps—consistent with applicable law and the foreign policy, national security, and public-safety interests of the United States—to address the approach of large groups of aliens traveling through Mexico with the intent of entering the United States unlawfully, including efforts to deter, dissuade, and return such aliens before they physically enter United States territory through the southern border.

Sec. 4. *Severability.* It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its other provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid because of the failure to follow certain procedures, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 5. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of February, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9843 of February 8, 2019

Death of John David Dingell, Jr.

*By the President of the United States of America
A Proclamation*

As a mark of respect for the memory and longstanding service of former Representative John David Dingell, Jr., of Michigan—the longest-serving Member of Congress in our Nation’s history—I hereby order, by the authority vested in me by the Constitution and the laws of the United States of America, that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, February 9, 2019. I also direct that the flag shall be flown at half-staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of February, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9844 of February 15, 2019

Declaring a National Emergency Concerning the Southern Border of the United States

By the President of the United States of America

A Proclamation

The current situation at the southern border presents a border security and humanitarian crisis that threatens core national security interests and constitutes a national emergency. The southern border is a major entry point for criminals, gang members, and illicit narcotics. The problem of large-scale unlawful migration through the southern border is long-standing, and despite the executive branch's exercise of existing statutory authorities, the situation has worsened in certain respects in recent years. In particular, recent years have seen sharp increases in the number of family units entering and seeking entry to the United States and an inability to provide detention space for many of these aliens while their removal proceedings are pending. If not detained, such aliens are often released into the country and are often difficult to remove from the United States because they fail to appear for hearings, do not comply with orders of removal, or are otherwise difficult to locate. In response to the directive in my April 4, 2018, memorandum and subsequent requests for support by the Secretary of Homeland Security, the Department of Defense has provided support and resources to the Department of Homeland Security at the southern border. Because of the gravity of the current emergency situation, it is necessary for the Armed Forces to provide additional support to address the crisis.

NOW, THEREFORE, I, DONALD J. TRUMP, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*), hereby declare that a national emergency exists at the southern border of the United States, and that section 12302 of title 10, United States Code, is invoked and made available, according to its terms, to the Secretaries of the military departments concerned, subject to the direction of the Secretary of Defense in the case of the Secretaries of the Army, Navy, and Air Force. To provide additional authority to the Department of Defense to support the Federal Government's response to the emergency at the southern border, I hereby declare that this emergency requires use of the Armed Forces and, in accordance with section 301 of the National Emergencies Act (50 U.S.C. 1631), that the construction authority provided in section 2808 of title 10, United States Code, is invoked and made available, according to its terms, to the Secretary of Defense and, at the discretion of the Secretary of Defense, to the Secretaries of the military departments. I hereby direct as follows:

Section 1. The Secretary of Defense, or the Secretary of each relevant military department, as appropriate and consistent with applicable law, shall order as many units or members of the Ready Reserve to active duty as the Secretary concerned, in the Secretary's discretion, determines to be appropriate to assist and support the activities of the Secretary of Homeland Security at the southern border.

Sec. 2. The Secretary of Defense, the Secretary of the Interior, the Secretary of Homeland Security, and, subject to the discretion of the Secretary of Defense, the Secretaries of the military departments, shall take all appropriate actions, consistent with applicable law, to use or support the use of the authorities herein invoked, including, if necessary, the transfer and acceptance of jurisdiction over border lands.

Sec. 3. This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of February, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9845 of March 1, 2019

American Red Cross Month, 2019

*By the President of the United States of America
A Proclamation*

Guided by her passionate devotion to humanity, Clara Barton founded the American Red Cross in 1881 as a charitable organization to provide services to people in need. After 138 years, her historic legacy of selfless service still inspires hundreds of thousands of Americans to give their time, resources, and energy to help people in the United States and around the world, aiding those facing natural disasters, donating and supplying blood, and serving our military families. During American Red Cross Month, we recognize and honor the lifesaving work of the dedicated employees and volunteers of the American Red Cross, as well as the remarkable kindness of the American people who give so generously to this organization.

Each year, the American Red Cross provides care, relief, and comfort to Americans who are suffering from natural disasters. Just last year, massive wildfires and major hurricanes caused catastrophic damage, taking numerous lives and leaving communities scarred and families forever changed. In California alone, residents faced some of the most destructive wildfires in their State's history. Through all of these, thousands of American Red Cross volunteers mobilized to provide around-the-clock shelter for victims, work with government and community partners to serve millions of meals and snacks, and distribute other emergency supplies and relief items.

The American Red Cross also maintains a strong presence throughout the world. As part of the world's largest humanitarian network, the organization helps people in some of the most at-risk communities. Last year, the American Red Cross deployed emergency responders to disaster zones in 7 countries and sent humanitarian aid, including financial assistance and lifesaving supplies, to more than 18 countries. In the wake of emergencies and disasters, American Red Cross volunteers work tirelessly to ensure that those affected are able to receive the best possible help during the most challenging of times.

As the single largest supplier of blood products in the country, the American Red Cross is critical in processing, distributing, and ensuring the safety of our Nation's blood supply. Through its collection of more than 4.7 million blood donations and more than 900,000 platelet donations each year, the organization helps accident and burn victims, heart surgery patients, and those receiving cancer treatments. In the aftermath of the tragic shootings that occurred last year in Parkland, Florida; Santa Fe, Texas; Pittsburgh, Pennsylvania; and Thousand Oaks, California, the American Red Cross provided blood and blood products to the injured and wounded. Every year, nearly 2.7 million compassionate volunteer donors give blood and platelet donations that make these lifesaving services possible.

For more than a century, the American Red Cross has maintained a strong partnership with the brave men and women of our Armed Forces. Each day, the American Red Cross serves military personnel and veterans by providing 24/7 global emergency communication services and support in healthcare facilities across the country and around the globe. Since 2001, the American Red Cross has served more than one million military families, helping them cope with the challenges of deployment and supporting combat veterans as they return and transition back into civilian life.

President Herbert Hoover said: "The greater glory of the Red Cross belongs to the people themselves. It is a living embodiment of their heart and soul." This month, we acknowledge the indispensable value of the American Red Cross, the numerous ways in which the organization's endeavors enhance the well-being of Americans and others worldwide, and the generosity of all those who support its important mission.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America and Honorary Chairman of the American Red Cross, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2019 as American Red Cross Month. I encourage all Americans to observe this month with appropriate programs, ceremonies, and activities, and to support the work of the American Red Cross and their local chapters.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9846 of March 1, 2019**Irish-American Heritage Month, 2019***By the President of the United States of America**A Proclamation*

During Irish-American Heritage Month, we celebrate the indispensable contributions Irish Americans have made to every chapter of our Nation's history. Generations of Irish immigrants have carried to our shores character, culture, and values that continue to play pivotal roles in the strength and success of America.

Irish Americans helped define and defend our great Nation in its earliest days. The Continental Congress appointed more than 20 generals of Irish descent to lead the Continental Army through the Revolutionary War. The courage of these Irish generals on the battlefield was as inspiring as it was fierce. The Pennsylvania Line, the backbone of George Washington's Army and one of its largest and hardest-hitting units, consisted of so many soldiers of Irish descent that it was often called the "Line of Ireland." After they fought for our Independence, Irish Americans helped enshrine the visionary principles of self-government outlined in the Declaration of Independence and the Constitution.

Many Irish Americans immigrated to the United States during the terrible years of Ireland's Great Famine in the middle of the 19th century. Despite facing discrimination and poverty, Irish Americans persevered thanks to their industry, leadership, and integral involvement in society. In 1868, Irish-American businessman Edmund McIlhenny grew his first commercial crop of peppers in Avery Island, Louisiana, and created "Tabasco" hot sauce. Andrew Mellon, the grandson of Irish immigrants, built a thriving business empire before becoming the Secretary of the Treasury, during which time he advocated for economic policies that sparked the tremendous prosperity of the 1920s. In 1937, he funded the construction of the National Gallery of Art and donated his extensive art collection to the museum.

Today, more than 31 million Americans look back with pride on their Irish heritage and the legacy of their ancestors. The faith, perseverance, and spirit of Irish Americans across our country is indelibly woven into the tapestry of the American story. As we spend this month honoring the incredible history of Irish Americans, especially on St. Patrick's Day, we look forward to a bright future of continued friendship and cooperation between the United States and Ireland.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2019 as Irish-American Heritage Month. I call upon all Americans to celebrate the achievements of Irish Americans and their contributions to our Nation with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9847 of March 1, 2019**Women's History Month, 2019**

By the President of the United States of America

A Proclamation

During Women's History Month, we celebrate the countless women whose courage and resolve have contributed to the character and success of our Nation and the entire world. The equal opportunity of women in every facet of daily life is an essential feature of a free and prosperous society. This month, we honor women who have fought for equality and against the status quo, and who have broken the bonds of discrimination, partiality, and injustice for the benefit of all. These women created a legacy that continues to inspire generations of women to live with confidence, to have a positive impact on their communities, and to improve our Nation every single day.

Throughout our history, women have dedicated their lives to achieving equal rights for all Americans. They envisioned a society where women could pursue a formal education, start a business, serve in the military, or run for elected office. The example of each of these women motivates successive generations to aspire to greatness and to stand tall in the face of adversity. We remember all the American women, past and present, who have inspired and empowered today's women to advocate for their beliefs and pursue their dreams without hesitation.

Catherine Brewer, who in 1840 became the first woman to earn a bachelor's degree, and Dr. Elizabeth Blackwell, who graduated from medical school to become America's first recognized female physician, are in the pantheon of great American women. Both pursued their passion to learn and to achieve advanced degrees in an unprecedented way. Their achievement marked the beginning of our society's move toward equality among men and women in education. They would be proud to know that, today, female students constitute the majority of undergraduates in our colleges and universities.

Women also have a rich history of civilian and military leadership, service, and sacrifice. The Women Airforce Service Pilots (WASP), for example, were remarkable pioneers in military aviation. Founded by Nancy Love and Jacqueline Cochran in 1942, WASP grew to a fleet of 1,102 women pilots who flew every type of World War II military aircraft for non-combat missions domestically. These women were awarded the Congressional Gold Medal for their service, and they paved the way for women pilots like Captain Rosemary Mariner, the Navy's first female fighter pilot and first woman to command a naval aviation squadron. Over the course of her 24 years of honorable service, Captain Mariner broke many barriers for women in the military. When she passed away on January 24, 2019, the Navy conducted an all-female flyover in her honor, a first in the history of the Armed Forces and a fitting honor for a woman of her stature.

Leaders of our Nation also stand on the shoulders of women like Jeannette Rankin, who became the first woman to hold Federal office in 1916. She predicted: "I may be the first woman member of Congress, but I won't be the last." This year, a century after the Congress passed the 19th Amendment guaranteeing women the right to vote, more women are serving in the Congress than at any time in our history.

My Administration continues to empower women by creating unprecedented opportunities for them. The United States economy is booming like never before. An all-time record number of women are employed, and, just last year, women filled 58 percent of new jobs. Our economic agenda, including the enactment of the Tax Cuts and Jobs Act and the elimination of unnecessary and burdensome regulations, has driven women's unemployment to the lowest level in 65 years. My Administration fought to provide tax relief to parents by doubling the child tax credit and preserving the child and dependent care credit. To help women thrive in the labor force and provide for their families, we developed a tax credit for employers who offer paid family and medical leave, and I have called on the Congress to pass a nationwide paid family leave program.

Prioritizing the economic empowerment of women has also helped to boost our Nation's economy and security. My Administration is committed to working with States to reform occupational licensing laws, which disproportionately affect women. States and licensing boards can and must do more to eliminate unnecessary barriers to career opportunities and improve license portability to facilitate career continuity. Promoting women's economic empowerment abroad enables developing countries to increase their global financial stability. When women are fully empowered to reach their economic potential, they invest back into their families and communities, which helps their countries thrive. That is why I signed a National Security Presidential Memorandum to launch the Women's Global Development and Prosperity Initiative (W-GDP), which is the first-ever whole-of-government approach to advancing global women's economic empowerment. The W-GDP Initiative aims to benefit 50 million women across the developing world by 2025. It will help women prosper in the workforce by improving their access to quality education and skills training, funding and supporting women's entrepreneurship and access to capital, and working to address legal, regulatory, and cultural barriers that hinder women from fully and freely participating in the economy.

This month, we express our gratitude for all American women who continue to strengthen our families, communities, and workforce. Our future is brighter because of their contributions.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2019 as Women's History Month. I call upon all Americans to observe this month and to celebrate International Women's Day on March 8, 2019, with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9848 of March 1, 2019**National Consumer Protection Week, 2019**

By the President of the United States of America

A Proclamation

During National Consumer Protection Week, we redouble our efforts to prepare Americans to successfully navigate our dynamic market economy. Fraudulent and deceptive financial practices impede our economic success by depriving consumers of access to the best, most accurate information to guide their choices among competing goods and services.

We live in an age of rapidly evolving technology, in which more Americans conduct their personal and professional business on the internet and other mobile platforms. While these technological innovations provide convenience to consumers, they also create opportunities for scammers, hackers, and identity thieves to commit cybercrimes. Each year, fraudulent and deceptive practices cost Americans billions of dollars and generate hours of stress and hardship.

Whether managing bank accounts, paying bills, handling medical records, or engaging in e-commerce, basic consumer knowledge is critical to financial wellbeing. This includes being vigilant when providing personal information—such as social security and bank account numbers—online, over the phone, or by mail. Consumers should keep their software—including operating systems, web browsers, and applications—up to date. They should never provide personal or sensitive information to anyone who directly or unexpectedly contacts them. By taking these steps and sharing them with family and friends, especially children and older Americans, we can help protect against schemes to line the pockets of unscrupulous actors.

My Administration is strongly committed to protecting consumers from those who would defraud them. Last year, I signed into law the Economic Growth, Regulatory Relief, and Consumer Protection Act, which strengthens protections against identity theft by allowing consumers to contact each of the three major credit reporting agencies and freeze their credit reports for free. I also established the Task Force on Market Integrity and Consumer Fraud within the Department of Justice (DOJ) to provide recommendations on regulatory and legislative changes needed to improve the investigation and prosecution of fraud and other financial crimes that harm Americans. My Administration is also working to counter the growing threat of fraud committed against older Americans and has taken action to combat cyber fraud. In February 2018, the DOJ announced the largest coordinated sweep of elder fraud cases in history, as well as the indictment of 36 cyber criminals in one of the largest cyber fraud enterprise prosecutions ever.

National Consumer Protection Week is an opportunity to come together as government, industry, community groups, and organizations in support of a shared mission—protecting our Nation's consumers. This week, and throughout the year, I encourage Americans across our country to take advantage of resources that will help them better safeguard their personal and financial information so that they can continue to drive our dynamic economy for decades to come.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 3 through March 9, 2019, as National Consumer Protection Week. I encourage individuals, businesses, organizations, government agencies, and community groups to take advantage of the broad array of online resources offered by the Federal Trade Commission and Consumer Financial Protection Bureau, and to share this information through consumer education activities in communities across the country.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9849 of March 13, 2019

National Agriculture Day, 2019

By the President of the United States of America

A Proclamation

On National Agriculture Day, we acknowledge the immeasurable value farmers, ranchers, growers, producers, and foresters contribute to our Nation. America's agriculture families and communities lead the world in producing food, feed, fuel, and fiber. Today, we pay tribute to the men and women who expand opportunities for prosperity, economic development, and food security by cultivating the land across our country.

American agriculture strengthens our economy. Valued at more than \$141 billion, our country's agriculture exports are critical to our Nation's job market, with every \$1 billion in exports supporting approximately 8,400 American jobs. Counting for approximately 5.5 percent of our gross domestic product, our agriculture, food, and related industries are vital to our Nation's global economic success. Accordingly, my Administration is working to modernize and improve trade agreements to remove barriers and open foreign markets to goods grown and produced here in the United States. Last year, I made good on my promise to renegotiate the outdated and unbalanced North American Free Trade Agreement (NAFTA) with the signing of the United States-Mexico-Canada Agreement (USMCA). Once approved by the Congress, the USMCA will help farmers, especially dairy producers, have improved access to markets for their products by lifting unfair restrictions by Canada on American dairy, wheat, and wine producers.

We must continue to streamline our regulatory environment so that agricultural innovation can flourish and help our farmers, ranchers, and foresters meet the world's growing demand for food. My Administration, therefore, is streamlining regulatory policy for biotechnology, removing the red tape that is slowing down the approval of powerful new agriculture products. We are also committed to training and supporting the next generation of farmers and agriculture professionals through technical assistance programs so that they have the knowhow

to harness the full potential of our Nation's abundant technological and national resources.

To help ensure the continued success, stability, and prosperity of our Nation's farmers, ranchers, and producers, I signed into law the Agriculture Improvement Act of 2018. This legislation bolsters farm safety-net programs, supports expanded markets for America's agricultural production, promotes active management of natural resources, and maintains strong rural development and research initiatives. In addition, a key provision in the law requires the Federal Communications Commission to work with the Department of Agriculture to boost broadband deployment and adoption in rural areas. This initiative will provide more farmers, ranchers, and rural communities access to next-generation digital technologies that enhance profitability and sustainability, greatly improving quality of life for all Americans.

The American farmer embodies the timeless virtues of our Nation: hard work, self-reliance, and dedication to family. On this National Agriculture Day, we express our gratitude to those who feed and clothe us, fuel our economy, and inspire us with their determination and perseverance.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 14, 2019, as National Agriculture Day. I encourage all Americans to observe this day by recognizing the preeminent role that agriculture plays in our daily lives, acknowledging agriculture's continuing importance to rural America and our country's economy, and expressing our deep appreciation of farmers, growers, ranchers, producers, national forest system stewards, private agricultural stewards, and those who work in the agriculture sector across the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9850 of March 15, 2019

National Poison Prevention Week, 2019

*By the President of the United States of America
A Proclamation*

During National Poison Prevention Week, we raise awareness about the reality of unintentional poisoning in America, and we recommit to educating all Americans about how best to prevent tragedy from striking our loved ones and our communities. More than 90 percent of accidental poisonings occur in the home, and children are particularly vulnerable. Each year, an average of 85,000 children visit emergency rooms across our Nation to receive care after exposure to poison. We all share a responsibility to keep harmful items, including dangerous medications, cosmetics, household cleaning supplies, laundry detergent, pesticides, and batteries, out of sight and out of the reach of chil-

dren. “Take Back Day” events, which encourage Americans to dispose of potentially harmful medications, among other substances, are also great opportunities for Americans to participate in the broader effort to reduce the number of accidental poisonings in our country.

Tragically, our Nation’s opioid epidemic has only added to the number of unintentional poisoning deaths. To address this growing crisis, I announced my *Initiative to Stop Opioid Abuse*, which is aimed at reducing the demand for drugs through education, awareness, and preventing over-prescription. My Administration has also worked with the Congress to secure more than \$6 billion in funding to help combat the drug abuse and opioid epidemic through prevention, treatment and recovery services, interdiction, and law enforcement efforts. Additionally, I signed into law the SUPPORT Act, the largest legislative effort in history to address a single drug crisis. This legislation enhances patient access to non-opioid treatment options, increases access to drug disposal, and provides support for those caring for babies prenatally exposed to drugs.

Data from the Monitoring the Future study and the National Survey on Drug Use and Health indicate that the misuse of opioid medications among youth has declined in recent years. These encouraging findings are a sign that real progress is being made to educate our young people on the dangers of prescription drug misuse. Much work remains to be done, however, to address the misuse of prescription opioids and the use of illegal drugs in our communities. All Americans, both young and old, should familiarize themselves with safe practices for prescription drug use and should apply these important practices to their daily routines.

This week, and always, I implore all Americans to remain vigilant in protecting themselves and their families from unintended exposure to poisons, and to take the steps necessary to reduce the availability of potentially harmful substances. By making prevention a priority, we can help avoid the devastating consequences often caused by unintentional poisonings and drug overdoses.

To encourage Americans to learn more about the dangers of unintentional poisonings and to take appropriate preventative measures, on September 26, 1961, the Congress, by joint resolution (75 Stat. 681), authorized and requested the President to issue a proclamation designating the third week of March each year as “National Poison Prevention Week.”

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim March 17, 2019, through March 23, 2019, to be National Poison Prevention Week. I call upon all Americans to observe this week by taking actions to safeguard their families from poisonous products, chemicals, medicines, and drugs found in their homes, and to raise awareness about these dangers in order to prevent accidental injuries and deaths.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of March, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9851 of March 18, 2019**Greek Independence Day: A National Day of Celebration
of Greek and American Democracy, 2019**

By the President of the United States of America

A Proclamation

On the 198th anniversary of Greek Independence Day, we celebrate the rich history and enduring bond between the United States and Greece. Our strong alliance and unwavering friendship are rooted in mutual respect and a shared commitment to freedom, justice, and democracy.

The common bond between the United States and Greece is rooted in thousands of years of tradition, stretching back to ancient Greece. The lessons of ancient Greek democracies are among the greatest and most enduring ever taught. From them the world came to know and understand the foundational principles of human liberty, self-government, and the rule of law—the very principles that fueled America’s own drive for independence and shaped our Republic. Decades after securing our independence, American citizens expressed their appreciation by supporting the people of Greece in their fight for their own freedom.

Today, our Greek-American partnership is robust and gaining momentum. The inaugural United States-Greece Strategic Dialogue, held last December, and the United States-Greece Commercial Dialogue, held last September, highlighted the strength of the bilateral relationship and bolstered confidence in Greece as a regional leader. We applaud the historic 2019 decision of the Greek Parliament to ratify the Prespa Agreement, which resolved the long-standing naming dispute with North Macedonia. This ratification confirmed Greece’s role as a partner with an abiding commitment to advancing stability, security, and prosperity in the region. Additionally, the 2018 Thessaloniki International Fair forged opportunities for enhanced collaboration in technology, enterprise, and innovation.

Our common vision for a peaceful and prosperous region is particularly evident in our ongoing defense relationship. The rotation of NATO aircraft and equipment through Thessaloniki and Alexandroupoli, the complex bilateral training events, and the availability of Souda Bay for the naval forces of the United States reflect mutually beneficial cooperation to ensure our mutual strength and security. Our bilateral relationship has also afforded many opportunities to support partnerships and initiatives that address the areas of defense and security, law enforcement and counterterrorism, and energy security and diversification.

The strong people-to-people ties that undergird our friendship also serve to fortify our alliance. We continue to identify opportunities to increase student and professional exchanges and English language programs. These programs make tremendous contributions to the economic, cultural, and political power of our two great democracies. This summer, we will launch the Future Leaders Exchange (FLEX) Program with Greece to develop the next generation of leaders who will sustain and enhance our strong partnership.

On this day, we honor the shared values that bind our two countries as faithful allies and friends, and we recognize the profound impact

Greek-Americans have had on every aspect of our culture. Together, recalling the spirit of the ancient Greeks, we reaffirm our abiding belief that democratic institutions offer the greatest opportunity to safeguard human rights, dignity, and freedom for all.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 25, 2019, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of March, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9852 of March 25, 2019

Recognizing the Golan Heights as Part of the State of Israel

By the President of the United States of America

A Proclamation

The State of Israel took control of the Golan Heights in 1967 to safeguard its security from external threats. Today, aggressive acts by Iran and terrorist groups, including Hizballah, in southern Syria continue to make the Golan Heights a potential launching ground for attacks on Israel. Any possible future peace agreement in the region must account for Israel's need to protect itself from Syria and other regional threats. Based on these unique circumstances, it is therefore appropriate to recognize Israeli sovereignty over the Golan Heights.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim that, the United States recognizes that the Golan Heights are part of the State of Israel.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of March, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9853 of March 29, 2019**Cancer Control Month, 2019**

By the President of the United States of America

A Proclamation

During Cancer Control Month, we recognize the fearless spirit of millions of Americans who are battling cancer and celebrate the nearly 17 million cancer survivors who are alive today. We also solemnly remember and honor the memory of those beloved family members, friends, and neighbors who have been taken from us by this terrible disease. As I have said many times, our Nation will never give up our search for effective and innovative medical procedures to treat and prevent all forms of cancer.

Last year, more than 1.7 million Americans were diagnosed with some form of cancer and over 600,000 lost their lives to this disease—the second leading cause of death in the United States. There are, however, many hopeful signs of progress. The combined rate of death from all cancers continues to decline among both men and women, and death rates for many of the most common types of cancer—including lung, colon, and breast—are trending downward. These encouraging statistics reflect the outstanding work of our Nation’s dedicated healthcare professionals to diagnose cancers at earlier stages and to improve prevention and treatment.

Americans can take important steps to decrease their risk of developing cancer. Maintaining a normal weight, practicing healthy eating habits, and engaging in regular physical activity are critical to preventing kidney, endometrial, esophageal, colon, and other forms of cancer. Avoiding the use of tobacco and excessive consumption of alcohol can also help the body prevent and fight cancers. Americans should also discuss their family health histories with their doctors and get recommended cancer screenings, which can lead to early diagnosis and help increase the odds of beating the disease.

My Administration is committed to supporting cutting-edge research and groundbreaking medical advances and treatments that better help cancer patients. Researchers at the National Institutes of Health are actively pursuing new approaches for the diagnosis and treatment of cancers, with special emphasis in the developing fields of genomics, precision medicine, and immunotherapy. Last year, I signed into law the Childhood Cancer Survivorship, Treatment, Access, and Research Act of 2018 to advance research on childhood cancers and effective treatments, support survivors, and better identify and track pediatric cancer rates. I also signed into law “Right to Try” legislation, which provides people diagnosed with terminal illnesses expanded options for care and treatment. And I am working with the Congress to invest \$500 million over the next decade in cancer-related research to enable our Nation’s best scientists and doctors to learn from every child with cancer, creating new opportunities to understand the unique causes of and find the best cures for childhood cancer.

We will control and defeat cancer, which has inflicted devastating suffering on too many American families. I have complete confidence in our Nation’s innovators and scientists to overcome every challenge as they work day in and day out to rid us of this disease. Together, we

will find the long-sought cure and eradicate the pain and death caused by the scourge of cancer.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2019 as Cancer Control Month. I call upon the people of the United States to speak with their doctors and healthcare providers to learn more about preventative measures that can save lives. I encourage citizens, government agencies, private businesses, nonprofit organizations, and other interested groups to join in activities that will increase awareness of what Americans can do to prevent and control cancer. I also invite the Governors of the States and Territories and officials of other areas subject to the jurisdiction of the United States to join me in recognizing Cancer Control Month.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of March, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9854 of March 29, 2019

National Child Abuse Prevention Month, 2019

By the President of the United States of America

A Proclamation

Every child deserves the security of a stable, loving, and nurturing home. During National Child Abuse Prevention Month, we recognize the importance of all Americans working together each day in defense of the most vulnerable among us—our children. We must make every effort to ensure that they are treated with dignity and respect, and have the opportunity to pursue their dreams in secure and healthy environments.

The relationships that children have with parents, family members, teachers, and other caregivers profoundly shape their lives. When they are subjected to abuse and neglect, they are exposed to toxic stress that can disrupt early brain development and increase the risk of depression, suicide, substance abuse, developmental disabilities, future violence, juvenile delinquency, and other unhealthy behaviors. These and other devastating effects of child abuse can last a lifetime, and can even affect future generations.

As a Nation, we must do everything within our power to stop child abuse and neglect before they occur. The best defense against these menaces is a strong family led by loving and caring parents. My Administration has a broad vision for strengthening families, which includes raising awareness, focusing on prevention, and working to help parents and children thrive. For this reason, I signed into law the Family First Prevention Services Act—an important step in helping move child welfare to a more prevention-based system. This legislation increases the support available to at-risk families through services such as mental health and substance abuse treatment and parenting skill-

based programs, so that more children may remain safely in their homes and communities.

We cannot lose sight of the importance of the entire community in preventing child abuse and neglect. It is critically important for our children to have parents who care for their physical, intellectual, and emotional needs. But we also must acknowledge the friends, neighbors, educators, and faith leaders who help in promoting the well-being of children. We are especially grateful for foster and adoptive parents who graciously open their homes and lives to children in need of love and support. And we extend our deepest respect and gratitude to the professionals, volunteers, and organizations who work tirelessly to protect at-risk children and to care for those who have tragically experienced the traumas of abuse or neglect.

We pray for all those who have suffered from the terrors of child abuse and neglect and who continue to suffer from its devastating psychological and physical impacts. We honor the courageous survivors of abuse and neglect and hold in our hearts those cruelly taken from us. We strengthen our resolve to eradicate abuse and neglect from our homes and communities, and we pledge our unwavering commitment to preserving the innocence and safety of our Nation's children. Let us all strive each day to build a brighter future for them and for our country.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2019 as National Child Abuse Prevention Month. I call upon all Americans to invest in the lives of our Nation's children, to be aware of their safety and well-being, and to support efforts that promote their psychological, physical, and emotional development.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of March, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9855 of March 29, 2019

National Donate Life Month, 2019

*By the President of the United States of America
A Proclamation*

During National Donate Life Month, we recognize the courageous men and women who make the selfless decision to give the gift of life to their fellow Americans. Through the generosity of organ and tissue donors, thousands of people have the chance to live longer and fuller lives.

2018 marked the sixth consecutive record-setting year for transplants in the United States. More than 36,500 organs were transplanted, an increase of 5 percent over the previous year. These generous donations help fulfill a need for lifesaving organs that remains staggeringly high.

Currently, there are nearly 114,000 people on the national transplant waiting list, and, tragically, 20 people die each day waiting for a needed organ. We can close the gap between the availability of organs and people in need of organs: Just 1 donor can save up to 8 lives through organ donation and enhance up to 50 lives through tissue donation.

In addition to those in need of organ donations, approximately 17,500 people in America are diagnosed each year with illnesses for which a bone marrow transplant is their best treatment option. In about 70 percent of these cases, a person's family member will not be an appropriate match, requiring a volunteer donor. Unfortunately, many patients cannot find a suitable match in time for the potentially lifesaving medical procedure among the 30 million adults who have offered to be donors. In 2018, for example, there were only 5,000 blood stem cell transplants performed in the United States—significantly fewer than the number of people who could benefit from such a procedure.

This month, we express our gratitude to the compassionate Americans who join organ and tissue registries and to the healthcare and science professionals who make the gift of life possible through these transplants. We also remember all those who have died waiting for matches. To honor their lives and provide hope for the thousands of Americans on waiting lists across the country, I encourage all those who are capable to consider becoming organ or tissue donors.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2019 as National Donate Life Month. I call upon health professionals, volunteers, educators, government agencies, faith-based and community groups, and private organizations to help raise awareness of the urgent need for organ and tissue donors throughout our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of March, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9856 of March 29, 2019

**National Sexual Assault Awareness and Prevention
Month, 2019**

*By the President of the United States of America
A Proclamation*

Sexual assault has shattered and scarred the lives of millions of women, men, and children. During National Sexual Assault Awareness and Prevention Month, we reaffirm our commitment to eliminating sexual violence, empowering survivors and their families, and providing justice to the victims of this devastating crime.

While our Nation has made significant progress in sexual assault prosecution and prevention, and in providing compassionate care for survivors dealing with physical and emotional trauma, the battle to eradi-

cate violence and heal lives is ongoing. My Administration supports innovative strategies to combat the many forms of sexual assault and to provide counseling, treatment, and advocacy for survivors nationwide. For example, to care for victims in rural communities who may lack proximity to clinics and trained forensic examiners, the Department of Justice's Office for Victims of Crime is increasing access to exams through 24-hour telemedicine administered by trained healthcare examiners. The Department of Justice's Office on Violence Against Women has created an updated sexual assault forensic examinations virtual practicum, which employs cutting-edge technology and interactive training to prepare forensic professionals to collect evidence and treat survivors of sexual assault. And the Department of Transportation has formed the National In-Flight Sexual Misconduct Task Force to assess how airlines respond to and report sexual misconduct allegations by passengers on commercial aircraft.

My Administration is also focused on eradicating sex trafficking, a form of sexual assault that amounts to modern-day slavery. Because many victims are trafficked online—sometimes by intimate partners, spouses, parents, or other family members—I signed into law the Allow States and Victims to Fight Online Sex Trafficking Act of 2017. This law makes it easier to take legal action against individuals who use websites to facilitate sex trafficking and helps victims seek justice against the websites that profit from their exploitation. It also clarifies that those who benefit from knowingly assisting, supporting, or facilitating an act of sex trafficking are in violation of Federal law.

Thanks to the dedication of professionals, volunteers, and concerned citizens, we are continuing to make strides in the fight against sexual assault. Young people are learning healthy dating and intimate relationship skills as a way to prevent sexual violence, and law enforcement officers and prosecutors are leading unprecedented efforts to fight sex trafficking. Victim centered services are also supporting survivors to get the critical help they deserve. By working together, we can prevent and end the sexual abuse and violence that devastate so many lives.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2019 as National Sexual Assault Awareness and Prevention Month. I urge all Americans, families, law enforcement personnel, healthcare providers, and community and faith-based organizations to support survivors of sexual assault and work together to prevent these crimes in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of March, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9857 of March 29, 2019**Second Chance Month, 2019**

By the President of the United States of America

A Proclamation

Americans have always believed in the power of redemption—that those who have fallen can work toward brighter days ahead. Almost all of the more than two million people in America’s prisons will one day return to their communities. In each case, they will have served their sentence and earned the chance to take their places back in society. During Second Chance Month, we draw attention to the challenges that former inmates face and the steps we can take to ensure they have the opportunity to become contributing members of society.

Inmates are often eager to leave behind the challenges presented by incarceration. Too often, however, they find the transition to life outside of prison to be daunting. If they are not able to find jobs and housing and rebuild relationships with family and friends, they may find it harder to escape the cycle of reoffending. Sadly, 5 out of 6 State prisoners are rearrested within 9 years of their release, and more than a third of former Federal prisoners will be rearrested within 5 years of their release. In addition to the harm caused to the victims of crime, these high recidivism rates place a significant financial burden on taxpayers, deprive our labor force of productive workers, and leave families without spouses, children, and parents.

My Administration is committed to helping former prisoners reenter society as productive, law-abiding citizens. For this reason, I signed into law the bipartisan FIRST STEP Act. This new legislation makes several positive reforms to increase the likelihood of successful prisoner reentry. The legislation provides improved opportunities for inmates to engage in educational coursework and vocational training, and establishes pilot mentorship programs. It also allows prisoners who successfully complete evidence-based recidivism reduction programs to earn time credits to apply toward prerelease custody or supervised release, reducing their time in prison. Because maintaining family and community ties is key to a successful reentry into society, the bill includes provisions that allow inmates to be placed in facilities closer to their home communities, facilitating family visitation during their time of incarceration. Finally, the law makes adjustments to sentencing rules that will make our criminal justice system more fair, reducing penalties for certain drug offenders.

This month, we celebrate those who have exited the prison system and successfully reentered society and renew our commitment to providing support and resources that former inmates need to meet their responsibilities, rediscover their self-worth, and benefit from the gift of a second chance. We also express our sincere gratitude to all those who play a significant role in helping reduce recidivism, including faith-based and community organizations and employers willing to hire workers notwithstanding a criminal history. By reducing recidivism and putting former inmates on the path to success, we can reduce crime and enhance the safety of our communities.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Con-

stitution and the laws of the United States, do hereby proclaim April 2019 as Second Chance Month. I call on all Americans to commemorate this month with events and activities that raise public awareness about preventing crime and providing those who have completed their sentences an opportunity for an honest second chance.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of March, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9858 of April 1, 2019

World Autism Awareness Day, 2019

By the President of the United States of America

A Proclamation

On World Autism Awareness Day, we honor the millions of Americans living with autism spectrum disorder (ASD), who, in spite of the challenges they may face, continue to make extraordinary contributions to their families, their communities, our Nation, and the world. We also express our sincere appreciation to the families, friends, medical professionals, and caregivers who help Americans with ASD pursue the American Dream.

As a Nation, we must continue to support Americans with ASD. My Administration has worked to fund cutting-edge research, optimize health systems, and enhance available resources and treatments that will benefit people with ASD. Ongoing Federal research efforts to understand the health and development of children with ASD have recently expanded to include adolescents and young adults, thereby advancing our knowledge of ASD beyond childhood. Additionally, our economic policies have created the lowest unemployment rate in history for Americans with disabilities, and recent Federal investments in apprenticeship programs for individuals with ASD will help provide more pathways to stable employment.

Ensuring the safety of all Americans with ASD is a priority of my Administration. Last year, I was pleased to sign into law Kevin and Avonte's Law, which expands the existing Federal emergency alert program to include people with ASD and other cognitive disorders who may wander from safety. This legislation also authorizes funding for tracking technologies and specialized training for caregivers to help prevent and respond to instances of wandering. These investments will help put concerned families at ease, reduce the risk of tragedies, and improve the quality of life for individuals with ASD, their families, and caregivers.

Today, we celebrate the tremendous accomplishments of Americans with ASD and reaffirm our commitment to work together to ensure that every member of our society is afforded equal opportunities to reach their full potential.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2, 2019, as World Autism Awareness Day. I call upon all Americans to learn more about the signs of autism to improve early diagnosis, understand the challenges faced by individuals with autism, and find ways to support those with autism and their families.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9859 of April 5, 2019

National Crime Victims' Rights Week, 2019

By the President of the United States of America

A Proclamation

Ensuring the safety and security of all Americans is my foremost obligation as President. Criminals must be held accountable for the abuse they inflict on others and for the trauma they cause our communities. Thanks in large part to the dedication and hard work of our Nation's law enforcement officials, violent crime rates have decreased over the last 2 years. Millions of crimes, however, are still committed against Americans every year. These crimes affect the physical, mental, financial, and emotional well-being of victims, causing loss from which they may never fully recover. During National Crime Victims' Rights Week, we renew our commitment to supporting victims as they heal from suffering and rebuild their lives. We also express our gratitude to all those who support victims and who hold offenders accountable.

My Administration will always stand with law enforcement to protect our families from all forms of crime and abuse, and it is our core responsibility to enforce the laws of our Nation. We must continue to support our law enforcement partners to stop those who seek to do harm to our communities. Paying a heavy price as a result of those who violate our laws, many families have been shattered by criminals, terrorists, and traffickers who abuse our immigration system and enter our country illegally. Our Angel Families have endured unfathomable pain and, to prevent more American families from enduring the tragic death of a loved one at the hands of a criminal illegal alien, my Administration created a new office within the Department of Homeland Security—the Victims of Immigrant Crime Engagement, or “VOICE.” VOICE has already assisted thousands of families by providing them crucial services, such as grief counseling and information about perpetrators.

Victims of crime—including women who are survivors of crime—need safe environments conducive to disclosing to authorities information about their abuse and offender. That is one reason why my Administration is making robust funding available for domestic violence shelters, rape crisis centers, homicide support groups, and other programs that

help empower victims and survivors. We are supporting more than 7,000 local programs nationwide, and this investment is giving a greater number of victims than at any time in our history access to critical victims' assistance services. We are also employing innovative methods to aid sexual assault victims in rural areas who otherwise would not have access to these important services.

My Administration continues to prioritize the protection of our most precious resource—our children. In December 2018, I signed into law the Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, which creates a compensation fund that child pornography victims can use to obtain financial support for their recovery and loss. In addition, health and public safety professionals are implementing innovative programs to help children, affected by sexual abuse and the opioid crisis, put their lives on better trajectories despite the despair they have witnessed and the suffering they have endured in their homes and communities.

It is critical that we help victims get the justice, assistance, and support they need to recover and rebuild their lives—whether through restitution, compensation, counseling, transitional housing, civil legal aid, or their day in court. All victims of crime deserve our respect, and my Administration will continue to work to ensure a safer and more secure Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 7 through April 13, 2019, as National Crime Victims' Rights Week. I urge all Americans, families, law enforcement, community and faith-based organizations, and private organizations to work together to support victims of crime and protect their rights.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of April, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9860 of April 5, 2019

National Volunteer Week, 2019

*By the President of the United States of America
A Proclamation*

During National Volunteer Week, we acknowledge the many Americans who generously give their time and talents to help improve the lives of others. Their acts of kindness help build a better and brighter future, and remind us that we all have a role to play in making our communities safer, healthier, and stronger.

America's strength has always come from the acts of ordinary citizens. From the earliest days of our Nation, volunteers have stepped forward to serve, helping us survive our greatest challenges and achieve our greatest triumphs. Every day, through their volunteerism, millions of

our citizens renew this ethic of service, which is fundamental to our Nation's character and exemplifies the resolve of the American people.

In 2017, the number of Americans volunteering hit a record high, and their contributions were worth an estimated \$167 billion in economic value. These outstanding individuals keep students on track to graduate, care for seniors, aid our veterans, and help those affected by natural disasters, war, and disease overseas. Last year, we again witnessed the servant leadership of thousands of Americans who volunteered to help their fellow citizens following natural disasters around the country. After devastating hurricanes, flooding, tornadoes, and wildfires, countless Americans answered the call to help others rebuild and recover. Even in times of great uncertainty and despair, their compassion helped renew the hope of so many in need.

Americans' commitment to serving others has always contributed to the success and prosperity of our Nation. This week, we pay tribute to our country's volunteers and recognize every American who takes time to help others. We celebrate the spirit and generosity that drive our citizens to care for others and serve a cause greater than self.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 7 through April 13, 2019, as National Volunteer Week. I call upon all Americans to observe this week by volunteering in service projects across our country and pledging to make service a part of their daily lives.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of April, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9861 of April 8, 2019

National Former Prisoner of War Recognition Day, 2019

By the President of the United States of America

A Proclamation

On National Former Prisoner of War Recognition Day, we honor the Americans captured and imprisoned by foreign powers while carrying out their duties to defend this great Nation. Throughout our history, hundreds of thousands of American service members have been held as prisoners of war (POWs), enduring harsh treatment, unforgiving conditions, and the anguish of being separated from their families. These brave Americans are true patriots, and their inspiring legacy of selfless courage is a testament to their fierce spirit, unshakeable loyalty, and enduring resilience.

The life of World War II hero Lieutenant Louis Zamperini is a shining example of the extraordinary devotion that POWs maintain for their brothers in arms, to our country, and to the cause of freedom. After surviving an airplane crash and 47 terrifying days adrift in the Pacific

Ocean, through which he witnessed the deaths of 9 of his fellow crewmembers, Lieutenant Zamperini was captured by the Japanese and placed in a prison camp. Even though he was imprisoned and subjected to daily torture for 2 painstaking years, Lieutenant Zamperini never let his oppressors destroy his identity or allegiance to America. As much as they tried, he could not be broken. Indeed, after he regained his freedom, he inspired the world with his authentic and powerful message of faith and forgiveness, shaking the hands of his ruthless camp guards while visiting them in a Japanese prison.

As a Nation, we must never forget or take for granted the traumatic ordeals of our former POWs. With honor and valor, they served to keep our country safe, and they stayed the course—despite conditions that were often harsh and agonizing.

We must also remember that freedom from captivity does not guarantee a smooth transition back into civilian life. For example, upon returning home, Lieutenant Zamperini first struggled deeply with the aftereffects of his POW experience. He was eventually able to find peace, however, through the care of his family, the support of community, and his faith. Over time, he triumphed over his suffering and became a permanent example of forgiveness and hope.

The Nation has a solemn duty to ensure that all former POWs are able to flourish upon returning home. We are grateful for the many Americans—including many former POWs—who have devoted their time, talent, and resources to fulfilling that obligation.

Today, and every day, we renew our strong and abiding commitment to America's former POWs and honor the tremendous debt of gratitude we owe to them for their courageous service and incredible sacrifices. We also remember all those POWs who died while in captivity, selflessly giving their very lives for the sacred cause of liberty.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 9, 2019, as National Former Prisoner of War Recognition Day. I call upon Americans to observe this day by honoring the service and sacrifice of all our former prisoners of war and to express our Nation's eternal gratitude for their sacrifice. I also call upon Federal, State, and local government officials and organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of April, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9862 of April 12, 2019**Pan American Day and Pan American Week, 2019**

By the President of the United States of America

A Proclamation

In October 1889, the nations of the Americas convened in Washington, D.C., at the First International Conference of the American States, to strengthen the bonds of friendship among the countries of the Western Hemisphere and to consider opportunities for improved cooperation. This conference set the foundation for the Organization of American States, which was eventually established in 1948 and today serves as the primary international forum for the countries of the Western Hemisphere. As we celebrate this Pan American Day and Pan American Week, nearly 130 years after the First International Conference, the United States proudly continues to stand in solidarity with the nations of the Americas. Together, we commemorate the progress we have made toward our shared goal of a hemisphere united in democracy, prosperity, and security.

The people of the Americas are bound together by much more than geographic proximity. From the earliest days of the inter-American system, we have shared a deep respect for liberty. Enshrined in the Charter of the Organization of American States is a declaration that “representative democracy is an indispensable condition for the stability, peace, and development of the region” and that “the historic mission of America is to offer to man a land of liberty.” We remain committed to freedom and a strong and interconnected Western Hemisphere in the face of current challenges.

Together, the nations of America must continue to confront oppression and advocate for freedom—both in the region and around the globe. Sadly, the people of Cuba, Venezuela, and Nicaragua continue to live under tyranny and authoritarianism. The brutality and corruption of the illegitimate former regime in Venezuela has crippled the country and brought it to ruin. We must not forget that the struggle is one between dictatorship and democracy, between oppression and freedom, and between continued suffering for millions of Venezuelans and an opportunity for a renewed future of freedom and prosperity. The community of democracies in our Western Hemisphere must continue to support the people of Venezuela, Cuba, and Nicaragua as they fight for the restoration of democracy and liberty.

Despite such challenges, the countries of the Americas have made substantive progress on issues such as trafficking and crime, poverty reduction, and safety. The United States has worked with its partners to disrupt transnational criminal networks, stem drug and human trafficking, enhance citizen security, and strengthen border security. We will continue working cooperatively in the Americas and throughout the world to promote the rule of law and give the people of our countries every opportunity to thrive.

On Pan American Day and during Pan American Week, the nations of the Americas renew our common mission of advancing freedom in our hemisphere. Through unmatched levels of trade and investment, steady cooperation, and investment in the well-being of people from all

walks of life, we are helping to secure prosperity and security for future generations.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 14, 2019, as Pan American Day and April 14 through April 20, 2019, as Pan American Week. I urge the Governors of the 50 States, the Governor of the Commonwealth of Puerto Rico, and the officials of the other areas under the flag of the United States of America to honor these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of April, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9863 of April 15, 2019

Education and Sharing Day, U.S.A., 2019

By the President of the United States of America

A Proclamation

A strong republic requires a people abounding in knowledge, which forges the character of the citizenry and its chosen representatives. Through study of the thoughts and discoveries of others, citizens enhance their shared understanding of who they are and who they want to be. Education and Sharing Day affords an important opportunity to reaffirm our belief that educational freedom is essential to our society and to the growth of individuals.

On this day, we recognize Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, whose very name signifies a spirit of comfort and compassion and a commitment to the betterment of America and the world. In the face of unspeakable tragedy, Rabbi Schneerson championed the teaching of principles of scholarship, justice, charity, and unity, launching an international movement that continues to contribute to the progress of humanity. The Rebbe believed that education is not only about the transmission of knowledge but that it is also integral to the formation of character. He sought to expand freedom in education while finding common ground with those of differing beliefs and backgrounds. His unfailing example offered those around him an opportunity to deepen their understanding of the inherent connections between knowledge, character, and freedom.

We must encourage institutions of higher learning to resist calls to stifle the open debate that is crucial to fostering freedom and social understanding. Genuine education depends on the free sharing of thought. That is why I recently signed an Executive Order to improve free inquiry, transparency, and accountability at colleges and universities.

Today, we honor the Rebbe's legacy by recommitting ourselves to embracing lifelong learning, defending freedom of expression, and up-

holding virtue. As Americans, let us strive to listen to each other's perspectives, learn from one another's experiences, and gain a deeper appreciation for the exchange of competing views to develop our character as citizens of a great republic.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 16, 2019, as "Education and Sharing Day, U.S.A." I call upon government officials, educators, volunteers, and all the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of April, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9864 of April 19, 2019

National Park Week, 2019

By the President of the United States of America

A Proclamation

Our National Parks System is a stunning tribute to our country's history, traditions, and heritage. Since the creation of Yellowstone National Park in 1872 by an Act of Congress, countless Americans have experienced the majesty, the wonder, the adventure, and the history of our national parks. Many leave with a deepened appreciation for the beauty of nature, the history of our country, and their place in the universe. During National Park Week, we celebrate our national parks and marvel with appreciation at the splendor of our Nation's landscapes and landmarks.

From sea to shining sea, America offers a vast array of national parks and monuments for the public to enjoy. The National Parks System includes 419 areas that cover more than 85 million acres. Each location is unique, offering a window into a particular chapter of the Nation's history, a lofty view from a mountaintop, or a fleeting glimpse of rarely seen wildlife. From the gorges of Yosemite to the fountains of the World War II Memorial, these sites provide millions of visitors each year with places of remembrance, reflection, and recreation. There is a park for each of our Nation's adventurers, no matter their age or interests.

We must give our parks special care and attention to preserve them and the special natural and cultural sites they contain. In recent years, however, many roads, buildings, utility systems, and other infrastructure systems in our national parks have not received important repairs or maintenance, creating a backlog of postponed work projects that totals nearly \$12 billion. My Administration is committed to working with the Congress to significantly reduce this backlog, including through the establishment of a Public Lands Infrastructure Fund. In addition, through public-private partnerships, we are bringing together

leaders from across the country to improve the management of our public lands. By working across government and with the private sector, we can preserve our parks for generations to come, and provide Americans with more opportunities to experience our country's exhilarating mountain peaks, calming valleys, scenic vistas, sprawling forests, and compelling historic cultural sites.

Laying the cornerstone for the gateway to Yellowstone National Park in 1903, President Theodore Roosevelt observed: "The essential feature in the present management of Yellowstone Park, as in all similar places, is its essential democracy—it is the preservation of the scenery, of the forests, of the wilderness life and the wilderness game for the people as a whole." A century later, Teddy's vision for our national parks endures. As we observe National Park Week, I encourage Americans to take advantage of the accessibility of our national parks and to get outside and experience these magnificent natural and historic treasures.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 20 through April 28, 2019, as National Park Week. I encourage all Americans to celebrate by visiting our national parks and learning more about the natural, cultural, and historical heritage that belongs to each and every citizen of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of April, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9865 of April 25, 2019

World Intellectual Property Day, 2019

By the President of the United States of America

A Proclamation

On World Intellectual Property Day, we celebrate the essential role of innovation in the strength and expansion of our economy. Our free market continues to unleash the imagination of our Nation's talented creators, inventors, and entrepreneurs, enabling them to develop products that improve and elevate lives across our country and around the world. To maintain and reinforce our economic competitiveness, we must protect intellectual property and related technologies so that new industries and innovations can flourish.

Since the founding, our Nation's incredible intellectual property system has empowered Americans to make discoveries that have helped us live healthy, prosperous, and enjoyable lives. My Administration is determined to build on our country's strong tradition of protecting intellectual property. Last year, I signed the Orrin G. Hatch-Bob Goodlatte Music Modernization Act, which will improve our protection of the creative genius of America's extraordinary musicians. This groundbreaking legislation modernizes our outdated copyright laws so

that artists and songwriters are justly compensated for the online use of their music. Additionally, my Administration negotiated the new United States-Mexico-Canada Agreement (USMCA), modernizing the North American Free Trade Agreement into a 21st century, high-standard agreement. The USMCA includes the strongest and most comprehensive intellectual property standards of any prior free trade agreement. Once approved by the Congress, the USMCA will deliver comprehensive protections against misappropriation of trade secrets, robust border enforcement, and enhanced trademark, copyright, and patent provisions that are critical to driving innovation, creating economic growth, and supporting American jobs. Earlier this month, I also issued a memorandum directing my Cabinet to combat trafficking in counterfeit and pirated goods in online marketplaces.

We must stop those actors who engage in unfair and unscrupulous practices, including nation states that sponsor the theft of American intellectual property. To protect our economic and national security, my Administration is taking aggressive action to enforce both our laws and a fair and reciprocal trade policy. For example, a critical part of our ongoing negotiations with China includes putting an end to the hundreds of billions of dollars of intellectual property we lose to China each year. Protecting the innovations, creations, and inventions that power our country are vital to our economic prosperity and national security.

The theme of this year's World Intellectual Property Day is intellectual property in sports. Intellectual property is critical to advancing the ability of our athletes to compete and increasing the enjoyment of sports for fans. We celebrate the innovations of those working behind the scenes to create new sports equipment, enhance safety, improve branding, and broadcast sporting events. From new materials that preserve athlete health and promote performance to game-changing technological advances in robotics and artificial intelligence, intellectual property underpins the sports industry.

Today, we recognize that the success of nearly every industry, from entertainment and sports to agriculture and technology, depends on a framework that protects intellectual property. A brighter and more hopeful future is dawning because of the increased attention nations are paying to innovation, creativity, and intellectual property. As the human mind continues to transcend limitations, we will work to empower the creative spirit of today's innovators by protecting their hard work.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 26, 2019, as World Intellectual Property Day. I encourage Americans to observe this day with events and educational programs that celebrate the benefits of intellectual property to our economy and our country.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of April, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9866 of April 26, 2019**Days of Remembrance of Victims of the Holocaust, 2019**

By the President of the United States of America

A Proclamation

On Yom HaShoah, Holocaust Remembrance Day, and during this week of solemn remembrance, we honor the six million Jewish men, women, and children who were brutally murdered by the Nazi regime. We also remember the Roma and Sinti, persons with disabilities, Poles and Slavic ethnic groups, Soviet prisoners of war, Jehovah's Witnesses, and persons who were targeted based on their sexual orientation, all of whom were targeted and killed by the Nazis and their collaborators.

The Holocaust will forever haunt the conscience of humanity. Unchecked evil and hatred led to unprecedented depravity and destruction. The Nazi regime sought to exterminate entire populations of those they deemed undesirable. Millions of Jewish people were forced into ghettos and slave-labor camps in which starvation, widespread disease, and senseless brutality took a devastating toll. Many of those who survived were sent to concentration and death camps, in which millions of Jews were murdered in gas chambers and other facilities built for daily human massacre.

In Hebrew, the day commemorating victims of the Holocaust is called “Yom HaShoah Ve-Hagevurah,” which means the “Day of (Remembrance of) the Holocaust and the Heroism.” As we honor the victims of the Holocaust, we also celebrate the survivors and daring rescuers who overcame horrific injustices, endless nights of darkness, and daunting odds. Survivors of the Holocaust endured firsthand hatred and evil that sought to extinguish human life, dignity, and freedom. When the heroic American and Allied forces liberated them, the survivors had every right to sorrow and bitterness, but instead, they inspired all of humanity with their unbreakable spirit and the prevailing power of hope and forgiveness over horror and hatred.

Simon Wiesenthal, a Jewish-Austrian Holocaust survivor who endured five different labor and concentration camps to live to the age of 96, spent his life showing the world the depravity of the Nazis so that the haunting truths of the Holocaust would never fade. In his memoirs, he recounted being told by a Nazi guard that it was worthless to tell the story of the Holocaust because no one would ever believe such things were possible.

On Yom HaShoah, and during this week of remembrance, we join Simon Wiesenthal in refuting his captor and strongly reaffirm our everlasting commitment to honor the victims and survivors of the Holocaust, who through their courageous testimony, fulfill the righteous duty never to forget. We vow never to remain silent or indifferent in the face of evil. With absolute devotion, we will continue to advance human rights, combat anti-Semitism, and dispel all forms of hatred in every part of the world.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby ask the people of the United States to observe the Days of Remembrance of Victims of the Holocaust, April 28 through May 5, 2019, and the solemn anniversary of the liberation of

Nazi death camps, with appropriate study, prayers and commemoration, and to honor the memory of the victims of the Holocaust and Nazi persecution by remembering the lessons of this atrocity so that it is never repeated.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of April, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9867 of April 30, 2019

**Asian American and Pacific Islander Heritage Month,
2019**

By the President of the United States of America

A Proclamation

The contributions of Americans of Asian and Pacific Islander descent are firmly woven into the diverse fabric of our Nation. During Asian American and Pacific Islander Heritage Month, we celebrate the remarkable accomplishments of Americans of Asian and Pacific Islander heritage that have enriched our great country and helped define our history. These Americans bolster our economy as entrepreneurs, business owners, and employees who initiate and expand opportunities for their families, communities, and country. Their languages, art, cuisine, and other cultural elements have enriched the American experience, and many have fearlessly answered the call of duty to defend our freedom as members of our Armed Forces.

Japanese American Ellison Onizuka embodied the pioneering spirit of America. Colonel Onizuka served as a flight test engineer and pilot in the United States Air Force, and in 1978, he was chosen for the NASA astronaut program. His first mission took place aboard the Space Shuttle Discovery, where he completed 74 hours in space and 48 orbits around the Earth—becoming the first Asian American to enter space. Tragically, his next assignment was as a crewmember onboard the Space Shuttle Challenger. He, along with six other brave Americans, perished in the horrific accident that ended the mission. Colonel Onizuka was posthumously awarded the Congressional Space Medal of Honor for his achievements and sacrifice for our country.

The son of Chinese immigrants, Hiram Fong was yet another of the many great Americans of Asian and Pacific Islander descent who have made profound contributions to the American enterprise. As a military veteran, lawyer, and businessman from Hawaii, he was the first ever American of Asian ancestry elected to the United States Senate. His legacy of public service and entrepreneurship continues to be an encouragement for others to achieve the American Dream.

This month, we honor the more than 20 million Asian Americans and Pacific Islanders who call America home, and we express our sincere gratitude to all those who are selflessly serving in the Armed Forces. We recognize the achievements of Americans of Asian American and

Pacific Islander heritage in education, business, science, the arts, government, and the Armed Forces, which have strengthened our Nation. We celebrate their story as a unique part of the American story.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2019 as Asian American and Pacific Islander Heritage Month. The Congress, by Public Law 102–450, as amended, has also designated the month of May each year as “Asian/Pacific American Heritage Month.” I encourage all Americans to learn more about those of Asian American, Native Hawaiian, and Pacific Islander heritage and to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9868 of April 30, 2019

Jewish American Heritage Month, 2019

*By the President of the United States of America
A Proclamation*

As we observe Jewish American Heritage Month, our Nation celebrates nearly 4,000 years of Jewish history and honors the numerous contributions of Jewish Americans to our country and the world. Rabbi Akiva, a great Jewish scholar, declared that a central principle of the Torah is to “love thy neighbor as thyself.” Jewish Americans have repeatedly demonstrated their dedication to this commandment, helping the downtrodden and pursue justice, sanctifying the name of God, and embodying the best of America.

During a Jewish wedding ceremony, it is customary for the newlywed couple to shatter a glass. This longstanding tradition commemorates the destruction of the Temple in Jerusalem and symbolizes that even during times of heightened joy, one should remember the painful losses Jews suffered throughout history. In the same way, all Americans bear a moral responsibility to stand alongside our Jewish communities and learn the lessons of tolerance that run through the tragedies that have befallen the Jewish people—both long ago and, sadly, in recent times. Reflecting on these events steels our resolve that they never happen again.

Unconscionably, rates of anti-Semitic hate crimes have risen globally, and Jewish institutions have been vandalized and violently attacked. This past October, we mourned alongside our Jewish brothers and sisters following the attack at the Tree of Life Synagogue in Pittsburgh, Pennsylvania, in which 11 worshippers were killed, making it the deadliest attack against Jews in American history. Then, on the sixth-month anniversary of that horrific attack and on the last day of Passover, we grieved as the Chabad of Poway Synagogue was the target of yet another act of anti-Semitic violence, in which one worshipper lost

her life and three others were wounded. As Americans, we unequivocally condemn the pernicious, baseless hatred that is anti-Semitism.

Our American tradition compels us to reject the source of anti-Semitism. Following the Revolutionary War, the Jewish community of Newport, Rhode Island, was unsure if the new American Government would grant them equal rights, given the persecution and expulsion the Jewish people had faced in so many times and in so many places. In response, George Washington penned his famous 1790 letter to the members of Newport's Touro Synagogue, reassuring American Jews that, in the United States, their religious liberty would be protected. He further invoked the prophet Micah, hoping that the "Children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other Inhabitants; while everyone shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid." Since then, the unique American promise of religious liberty for people of all faiths has remained a proud hallmark of our Republic.

Today, we recognize the resilience of the Jewish community in the face of great adversity and celebrate the countless ways Jewish Americans have strengthened our Nation. We echo the words of President Washington and Rabbi Akiva and stand in solidarity with our American Jewish neighbors as we reaffirm our commitment to combat all forms of hate and anti-Semitism.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2019 as Jewish American Heritage Month. I call upon Americans to celebrate the heritage and contributions of American Jews and to observe this month with appropriate programs, activities, and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9869 of April 30, 2019

National Foster Care Month, 2019

By the President of the United States of America

A Proclamation

The future of our Nation rests with our children. We must invest in their futures, instill in them the values of family, faith, and country, and ensure they have every opportunity to realize their full potential. The development of our children begins at home, and my Administration is fully committed to strengthening American families.

This month, we recognize that there are children in our towns and communities who may not have a family, or whose families may be experiencing great difficulty and hardship. In America, we believe in standing beside these children, walking with them through their trials,

and finding permanent and safe families for each of them. Kindhearted citizens across our land embody this belief, dedicating their time and efforts in doing so. In fiscal year 2017 alone, American families opened their doors to 443,000 young people in foster care—a number that has increased each of the last 5 years. During National Foster Care Month, we honor these patriots, who open their hearts to children who need a home, and who care for the most vulnerable among us. We also acknowledge the profound contributions of the individuals and organizations supporting foster and kinship caregivers, and those of the community providers and professionals who are helping children in foster care find safe and stable families.

We must strive to keep families united, wherever possible, and my Administration is working to reduce the removal of at-risk children from their homes and familiar surroundings. Last year, I signed into law the Family First Prevention Services Act, which is working to bolster families and keep children safely in their homes, when possible. This legislation gives States access to funding for evidence-based prevention and early intervention services such as mental health therapy, family counseling, substance use and addiction treatment, and parenting classes. By allowing States to address factors, such as the opioid crisis, America's sons and daughters are more likely to experience improved outcomes and hope for a brighter future.

When it becomes necessary to move children out of their homes in order to provide more safety, stability, and opportunity, placement with relatives who can provide that environment is the first option. Children often experience less trauma when in kinship care, which is why the Federal Government is funding programs that provide family caregivers the services and support they need and requiring States to demonstrate how their foster care licensing standards promote family-friendly options.

Children deserve stable family environments, and foster care provides a wonderful opportunity for selfless and compassionate men and women to nurture children while we work to ensure that they have a forever family. This month, and always, we express our gratitude to all of the families who generously open their doors to children in need and provide them with love and support. We recommit to looking for opportunities to invest in the lives of our vulnerable young people, and we celebrate those who tirelessly serve our Nation's children in foster care.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2019 as National Foster Care Month. I call upon all Americans to observe this month by taking time to help children and youth in foster care, and to recognize the commitment of those who touch their lives, particularly celebrating their foster parents and other caregivers.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9870 of April 30, 2019**National Physical Fitness and Sports Month, 2019**

By the President of the United States of America

A Proclamation

National Physical Fitness and Sports Month highlights the important role of physical fitness and sports in uniting us as Americans and enabling us to live more active and healthy lives. The countless benefits of routine exercise and participation in sports extend beyond physical health and help improve overall mental health, teach valuable life skills, and build camaraderie and friendship.

Each day across our country, thousands of coaches, parents, and teachers work to break down barriers to youth participation in sports to help young people improve their lives and empower them to reach their full potential. Sports and physical activity help children and adolescents improve cardiorespiratory fitness, build strong bones and muscles, lower the likelihood of obesity, reduce symptoms of anxiety and depression, and reduce the risk of developing chronic health conditions. In addition, organized sports help our youth discover the importance of teamwork, social skills, hard work, determination, and the ability to overcome adversity. Students who participate in sports have up to 40 percent higher test scores and are 15 percent more likely to attend college.

Unfortunately, despite the numerous benefits, youth sports participation has been decreasing. In 2016, only 37 percent of youth played team sports on a regular basis, down from 45 percent 11 years ago. This decline is even more apparent among students from low-income families.

To address this issue, I have directed the President's Council on Sports, Fitness, and Nutrition (the Council) to work with the White House and the Secretary of Health and Human Services (HHS) to develop a national strategy to increase youth sports participation. Through this strategy, we are increasing awareness of the benefits of participation in sports and regular physical activity and of the importance of good nutrition. We are also working to recruit people devoted to encouraging and supporting youth participation in sports and regular physical activity through coaching, mentoring, teaching, and offering athletic and nutritional programs.

The strategy includes a focus on accessible, inclusive physical activity for Americans of all abilities. Girls, youth with disabilities, and those from economically distressed areas have lower rates of regular physical activity and face significant barriers in their pursuit of sports participation compared to their peers. Both the Council's Presidential Active Lifestyle Award and the HHS I Can Do It! (ICDI) program model will support the need for increased access to inclusive program models for American youth of all backgrounds and abilities. When children of all abilities play, practice, and compete together, we can build a more inclusive Nation.

This month, we celebrate and promote the countless benefits of both competitive and recreational sports, including better health, the opportunity to forge lifelong friendships, and the satisfaction of leaving it all

on the field. Most importantly, we want our youth to learn the valuable lessons sports teach in order to create opportunities in the future for themselves, their families, and their communities.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2019 as National Physical Fitness and Sports Month. I call upon the people of the United States to make physical activity and sports participation a priority in their lives.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9871 of April 30, 2019

Older Americans Month, 2019

By the President of the United States of America

A Proclamation

Older Americans are treasured members of our communities. They have poured their lives into our country in ways seen and unseen—often at great personal sacrifice. To current generations and to those of the future, they have given a country whose greatness is unparalleled and which is only growing stronger. During Older Americans Month, we honor these Americans, we remember their countless contributions, and we proudly renew our abiding commitment to their well-being.

Older Americans enrich our lives in innumerable ways. Their diverse experiences and time-tested wisdom guide younger generations, connect them with our country's history, and empower them with the confidence to face the future. Older Americans devote themselves to their families. They lend their experience in the work place. They volunteer for religious and community organizations. In every context, they deepen our appreciation for country, they model selfless service to others, and they remain vibrant and contributing participants in the American experience.

My Administration is working to improve quality of life for our Nation's seniors. The Department of Justice is taking action to counter the growing threat of fraud against older Americans. In addition, we are working to lower the price of prescription drugs, which declined in 2018 for the first time in nearly half a century. We are building on that progress by implementing my American Patients First blueprint, which lays out strategies for drug pricing reform, including through improved competition and better price negotiation. Many companies give European countries a better deal on drug prices than they give to the United States. This has to stop. We will make sure that our great seniors on Medicare share in the discounts these companies have given to patients in other countries. I have also signed into law legislation that will help provide patients with more information to save on their prescription drugs and reduce out-of-pocket costs. With each action my

Administration takes, it will protect both Medicare and Social Security for our seniors, who have paid into these programs for many decades and have earned the benefits they provide.

More than ever before, older Americans are taking charge, striving for wellness, focusing on independence, and advocating for themselves and others. This month, as we celebrate the central role that our elders play in vitalizing our families, neighborhoods, businesses, and lives, we also recommit to listening to their voices and meeting their needs. They deserve our honor, our sincere gratitude, and our respect for all that they have done to build and sustain our great Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2019 as Older Americans Month. I call upon all Americans to honor our elders, acknowledge their contributions, care for those in need, and reaffirm our country's commitment to older Americans this month and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9872 of April 30, 2019

Law Day, U.S.A., 2019

*By the President of the United States of America
A Proclamation*

On Law Day, we renew our commitment to the rule of law and our Constitution. The rule of law requires that no one be above the obligations of the law or beneath its protections, and it stands as a bulwark against the arbitrary use of government power.

Our Founding Fathers knew that to secure liberty our Government must be one of laws and not the whims of officeholders. “The true idea of a republic,” wrote John Adams, “is an empire of laws, and not of men.” The Constitution, therefore, granted only limited power to the Federal Government, leaving the remainder to the States, and divided the Federal powers between three separate, co-equal branches. This separation of powers has helped guarantee the rule of law and preserve liberty for generations.

Each branch of the Federal Government takes an oath to uphold the Constitution and laws of the United States and thus is duty bound to the rule of law. That is why my Administration continues to fight the issuance of improper injunctions by Federal district courts, which enable a single district court judge to dictate law to the entire country and undermine the separation of powers. We are also eliminating unnecessary and burdensome regulations to help limit the intrusion of unaccountable regulators into the lives of American citizens. Additionally, I have taken action to ensure that public universities are fulfilling

their obligation to uphold the First Amendment. In March, I signed an Executive Order that directs Federal agencies to ensure that public universities receiving Federal research or education grants are promoting free inquiry and not stifling open debate.

On this Law Day, I encourage all Americans to take time to express appreciation for how the rule of law helps protect our rights, including the freedoms of religion, speech, and the press. Today, we reflect on the many sacrifices our American forebearers made to secure and defend these rights for their posterity, and we aspire to be equally as dedicated to preserving them for future Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, in accordance with Public Law 87–20, as amended, do hereby proclaim May 1, 2019, as Law Day, U.S.A. I urge all Americans, including government officials, to observe this day by reflecting upon the importance of the rule of law in our Nation and displaying the flag of the United States in support of this national observance; and I especially urge the legal profession, the press, and the radio, television, and media industries to promote and to participate in the observance of this day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9873 of April 30, 2019

Loyalty Day, 2019

By the President of the United States of America

A Proclamation

On Loyalty Day, we express our dedication to our Nation and our Constitution as the greatest means to “secure the Blessings of Liberty to ourselves and our Posterity.” As Americans, we recommit to preserving our liberty and the framework of limited government that safeguards it from abuse. On May 1, 1955, President Eisenhower issued the first Loyalty Day proclamation, calling on people to recognize the heritage of American freedom and reaffirm our commitment to the principles that make our country great. On this day, we renew this call and our pledge to defend the Constitution and rule of law. We also remember those who have protected our values, and we renew our resolve that America will never be a socialist country—our Republic was conceived in freedom and will remain free.

Other nations are founded on some common lineage, shared language, or other convenience. Ours alone is founded on a set of shared ideas. The Founding Fathers established a republic, in which the power of government derives from the consent of the governed. This new republic would exist to secure the right of the people to life, liberty, and the pursuit of happiness. The Declaration of Independence proclaimed this revolutionary philosophy to the world, and it was later enshrined in our Constitution. By virtue of our devotion to the rule of law and other

founding principles, we have stood united both in times of prosperity and in times of strife. As I said during my Inaugural Address, “through our loyalty to our country, we will rediscover our loyalty to each other”—and through loyalty to each other we will restore our great country.

Every day, we must remember our incredible history, be grateful for the country we inherited, and protect our rights and our sovereignty. Today, we especially honor the exceptional men and women who have served in the United States Armed Forces and who have given so much for our freedom and peace around the world. By risking their lives to protect their fellow Americans and our precious liberty, service members and veterans exemplify loyalty and love of country. Their sacrifice reminds us that we must always be ready to defend our rights from those who seek to destroy our way of life.

To express our country’s loyalty to individual liberty, to limited government, and to the inherent dignity of every human being, the Congress, by Public Law 85–529, as amended, has designated May 1 of each year as “Loyalty Day.” On this day, we honor the United States of America and its values, as well as those who have fought and continue to fight for our freedom.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 1, 2019, as Loyalty Day. I call on Americans to observe this day with appropriate ceremonies in our schools and other public places, including the recitation of the Pledge of Allegiance to the Flag of the United States of America. I also call upon all Government officials to display the flag of the United States on all Government buildings and grounds on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9874 of April 30, 2019

National Day of Prayer, 2019

By the President of the United States of America

A Proclamation

Americans have always found power and unity through prayer. In 1988, the Congress, by Public Law 100–307, called on the President to issue each year a proclamation designating the first Thursday in May as a “National Day of Prayer.” Today, on this National Day of Prayer, we once again come together to give thanks to Almighty God for the bountiful blessings He has bestowed on our great Nation and to ask for His unfailing counsel. We also acknowledge our dependence on God’s love to guide our families, communities, and our country away from harm and toward abundance and peace.

Our Nation acknowledges that religious liberty is a natural right, given to us by our Creator, not a courtesy that government extends to us. The

First Amendment recognizes the freedom of religion and safeguards this right against government infringement. The United States' steadfast commitment to upholding religious freedom has ensured that people of different faiths can pray together and live in peace as fellow American citizens. We have no tolerance for those who disrupt this peace, and we condemn all hate and violence, particularly in our places of worship.

Throughout our Nation's history, Americans have consistently turned to God for guidance at pivotal moments. In 1775, the Continental Congress first declared a day of prayer, asking American patriots throughout the colonies to pray in earnest for divine help in forming our Republic. Seventy-five years ago this June, President Franklin D. Roosevelt led the Nation in prayer as courageous Americans stormed the beaches of Normandy on D-Day. He prayed: "Almighty God: Our sons, pride of our Nation, this day have set upon a mighty endeavor . . . Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith." Today, we also pray for strength for our Nation and our Armed Forces as we face new challenges at home and abroad.

Our Nation's honored tradition of prayer has sustained us and strengthened our trust that God will continue to watch over and accompany us through the best of times and the darkest hours. May we as Americans never forget the power of prayer and the greatness of our Creator. On this National Day of Prayer, let each of us, according to our own faiths, call upon God for His guidance and express our gratitude for the love and grace He bestows on us and our country.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, do hereby proclaim May 2, 2019, as a National Day of Prayer. I invite the citizens of our Nation to pray, in accordance with their own faiths and consciences, in thanksgiving for the freedoms and blessings we have received, and for God's guidance and continued protection as we meet the challenges before us.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9875 of May 1, 2019

National Mental Health Awareness Month, 2019

By the President of the United States of America

A Proclamation

During National Mental Health Awareness Month, we recognize the vital role mental health plays in the well-being of individuals and our Nation. We also reaffirm our commitment to facilitating research and education, dispelling stigma around mental illnesses, and reassuring every individual suffering from mental illnesses that they are not

alone. My Administration has made mental and behavioral health a primary focus of our public health efforts, particularly opioid addiction and serious mental illness. This includes connecting agencies from across the Government to address issues ranging from housing to workforce opportunity, bringing a whole person approach to bear upon this issue.

Mental illnesses can impair mental health in many ways, through a wide range of conditions that affect mood, thinking, and behavior. While we have made great strides in addressing mental illnesses, millions of Americans still grapple with various forms of it. Nearly 47 million American adults are living with a mental illness. Twenty-four percent of these individuals are living with a serious mental illness, and approximately 3.1 million adults have both a mental illness and a substance use disorder. Additionally, the effects of mental illnesses on our country's youth and young adults is tragically becoming more apparent. In just 1 year, rates of major depression, reports of suicidal thoughts and attempts, and instances of serious mental illness have all increased for our youth and young adults, with more than one in 10 young adults seriously considering suicide in 2017.

My Administration is continuing our efforts to improve mental health by tackling mental illness and supplying people who are suffering with the resources they need. We are working to expand our partnership with States to help individuals with the most serious mental illnesses. My fiscal year 2020 budget request to the Congress maintains funding for the Community Mental Health Services Block Grants, which provide money to every State for services to adults with serious mental illness and children with serious emotional disturbances. States are using this funding to identify mental illnesses at early stages in order to reduce the likelihood of the types of long-term disability that people with serious mental illnesses often experience.

Last fall, I signed into law H.R. 6, the "SUPPORT for Patients and Communities Act." This bipartisan law expands access to inpatient treatment and other evidence-based options, for those with mental illness. Additionally, last November, the Department of Health and Human Services announced an opportunity for States to use Medicaid demonstration authority to support short-term inpatient treatment options for adults with serious mental illnesses and children with serious emotional disturbances. My Administration has approved applications from more than 20 States to expand access to treatment for substance use disorder through these inpatient facilities. Further, my Administration has provided unprecedented levels of training and education to healthcare practitioners across the country regarding mental health, mental illnesses, and substance use issues. This training is designed to enable Federal efforts to accommodate the varying needs of communities across the country.

My Administration is also committed to meeting the mental health needs of our brave service members and veterans. Tragically, an average of 20 service members and veterans die by suicide each day. Of those, nearly 70 percent were not engaged with the Department of Veterans Affairs for their healthcare. To help address this issue, I signed an Executive Order that launched the President's Roadmap to Empower Veterans and End a National Tragedy of Suicide (PREVENTS) Initiative and establishes a task force that includes the Secretaries of Veterans Affairs, Defense, Health and Human Services, and Homeland

Security charged with developing a comprehensive public health road-map to help end the national tragedy of veteran suicide. This plan will include a national research strategy for engaging public- and private-sector stakeholders to better understand the underlying factors of suicide and means to enhance early identification. Instead of a passive system that activates when veterans in need reach out, it will propose grants to empower veteran communities to create national and local support networks that actively engage with all veterans.

This month, and throughout the year, let us work together to understand the importance of mental health. Let us recommit to making every effort to provide Americans suffering from mental illnesses with the care they need. Mental health is not just an individual issue, but a national issue. The mental health of our citizens is critical to our Nation's prosperity. Together, by focusing on and understanding these issues, we can reduce the effects of mental illnesses on our communities and enable all Americans to live healthy and productive lives.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States do hereby proclaim May 2019 as National Mental Health Awareness Month. I call upon all Americans to support citizens suffering from mental illnesses, raise awareness of mental health conditions through appropriate programs and activities, and commit our Nation to innovative prevention, diagnosis, and treatment.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9876 of May 3, 2019

National Hurricane Preparedness Week, 2019

By the President of the United States of America

A Proclamation

During National Hurricane Preparedness Week, I encourage all Americans living in hurricane-prone areas to take the measures necessary to safeguard their families, homes, and businesses. As a Nation, we are sadly too familiar with the destructive force of hurricanes. To help prevent and mitigate hurricane-related harm, it is critically important that we prepare for the upcoming hurricane season, which starts next month.

This September marks the 30th anniversary of Hurricane Hugo, one of the strongest and most costly hurricanes to hit the United States from the Atlantic Ocean. That destructive storm devastated the Caribbean Islands of Guadeloupe, St. Croix, and Puerto Rico before making final landfall in South Carolina. The storm surge it generated also caused tremendous damage.

Hugo's destructive storm surge serves as a reminder of how dangerous that aspect of a storm can be. Over the last three decades, more people have died from storm surges and inland flooding than from hurricane winds. More than 50 people died last year after Hurricane Florence shattered all-time rain and flood records in the Carolinas. To address this deadly hazard, the National Weather Service (NWS) recently implemented alerts for impending storm surges on the gulf and east coasts, where low-lying areas and coastal communities are especially vulnerable.

Our ability to track hurricanes for more timely and reliable forecasts has vastly improved. Last year, Hurricane Michael, a Category 5 hurricane and the strongest storm ever to hit the Florida Panhandle, destroyed neighborhoods, wrecked property, and altered countless lives. In the lead-up to Hurricane Michael, the NWS provided expert forecasting. In addition, the NWS has activated services to warn citizens of dangerous wind conditions when the eyewall of a hurricane is moving onshore. The Extreme Wind Warning signals when exceptionally strong winds are imminent, alerting families to take immediate life-saving actions, such as moving away from windows and finding shelter in far-interior locations.

My Administration is continuing its efforts to enhance storm tracking and intensity predictions to help save lives and livelihoods by giving communities adequate time to prepare. We are committed to ensuring that the United States will produce the best weather forecasting model in the world. In 2017, I signed into law the first major standalone weather-related bill in decades, the bipartisan Weather Research and Forecasting Innovation Act. For the past year, we have built on the success of this legislation, especially through the Earth Prediction Innovation Center, strongly supported by the Congress and communities nationwide. This Center will advance our knowledge of severe weather, such as hurricanes, and increase our prediction and forecasting abilities with new modeling capabilities and forecast products that can protect life and property.

Additionally, my Administration continues to prioritize and invest in the mitigation actions that are crucial for saving money, property, and, most importantly, lives when severe storms hit. We are working with communities across our country to implement plans to reduce the damage caused by hurricanes and to make them more resilient when they rebuild after disasters strike. It is crucial that we enhance our ability as a Nation to anticipate and adapt to natural and manmade disasters, disruptions, and emergencies. We must reduce the effects of disaster events and the rising cost of recovery.

This week is an opportunity for everyone in areas that are susceptible to hurricane-related harm to prepare for these deadly storms. The *Ready Campaign* led by the Federal Emergency Management Agency (FEMA) is available online and can help you develop preparedness plans for your family and business, gather supplies for your emergency kit, and plan for communicating with loved ones when power is out and cell towers are down. By taking collective responsibility to prepare for hurricanes, we help make our communities and our Nation safer and more resilient.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Con-

stitution and the laws of the United States, do hereby proclaim May 5 through May 11, 2019, as National Hurricane Preparedness Week. I call upon everyone to take action this week by making use of the on-line resources provided by the National Weather Service and FEMA to safeguard your families, homes, and businesses from the dangers of hurricanes and severe storms. I also call upon Federal, State, local, tribal, and territorial emergency management officials to help inform our communities about hurricane preparedness and response in order to prevent storm damage and save lives.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9877 of May 3, 2019

National Small Business Week, 2019

By the President of the United States of America

A Proclamation

During National Small Business Week, we honor America's entrepreneurs who take a risk on an idea, invest in their neighborhoods, and create jobs for others. Small business owners exemplify the American spirit by developing new ways to provide goods and services to consumers. As a Nation, we reaffirm our commitment to the free market so that American small businesses continue to thrive.

America's 30 million small businesses are central to our economy and our communities. Their courageous innovation makes our cities and towns vibrant places to live, work, and raise families. Small businesses employ almost 59 million workers, more than one-third of our country's labor force. These companies foster environments that reward problem solving and accountability, enabling workers to develop skills and valuable hands-on experience that propel their careers.

The success of our small businesses depends on leadership and vision from all perspectives and backgrounds. Approximately 10 million American small businesses are women-owned; 29 percent are minority-owned; and nearly 10 percent are veteran-owned. As our Nation continues to enjoy record low unemployment, with African-American, Hispanic-American, and Asian-American unemployment all having achieved historic lows, we recognize that much of this success is due to small businesses creating two out of every three net new jobs in our booming economy.

My Administration is a strong ally and advocate of small businesses and their ability to help America reach its full economic potential. Most small businesses are now able to deduct 20 percent from their taxable business income due to the Tax Cuts and Jobs Act. This historic legislation and other pro-growth policies of my Administration, including the elimination of unnecessary and burdensome regulations, have enabled small business owners to reinvest their profits into their businesses. Additionally, we are investing in infrastructure and cyber-

security to ensure America's entrepreneurs have the tools and technologies they need to compete in a global economy. New initiatives are making it easier for small businesses to offer healthcare coverage options that until now have been largely unaffordable. Moreover, once approved by the Congress, the United States-Mexico-Canada Agreement (USMCA) will better serve the interests of American workers and businesses, including through strong intellectual property protections that secure innovation and trade secrets. The USMCA is the first trade agreement in our Nation's history to include a chapter specifically focusing on small and medium-sized enterprises. All of these efforts to create a more friendly business environment have enabled business owners to pay bonuses, increase wages, and increase benefits—putting more money in the pockets of their workers.

This week, we celebrate the pioneering spirit, creativity, and determination upon which America has always been built. This undaunted conviction drives our entrepreneurs and small business owners, whose hard work and perseverance give our Nation economic strength. Their initiative, combined with the greatest workforce in the world, is enabling us to convert the unlimited potential of America into great wealth and prosperity.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 5 through May 11, 2019, as National Small Business Week. I call upon all Americans to recognize the critical contributions of America's entrepreneurs and small business owners as they grow our Nation's economy.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9878 of May 3, 2019

Public Service Recognition Week, 2019

By the President of the United States of America

A Proclamation

During Public Service Recognition Week, we express our gratitude to our Nation's civil servants for their dedication to mission, service, and stewardship. These members of our Federal, State, and local government workforces deliver results for the American people, often without acclaim.

Each day, millions of government employees serve their fellow citizens, and we as a Nation recognize the valuable role they play in our communities. From the law enforcement officers and border patrol agents who keep our country safe and secure to those who work in education, healthcare, transportation, and other public service careers, civil servants ensure government works for the American people. Our country's brave men and women in uniform make up the greatest

Armed Forces in the world. They are able to defend our freedom because civilian employees at the Department of Defense and the Department of Veterans Affairs work faithfully each day to fulfill President Abraham Lincoln's charge to "care for him who shall have borne the battle." In often difficult circumstances, our civil servants respond to natural disasters, search for cures for diseases, protect information networks, and improve quality of life for their fellow Americans. They remain focused on their mission of serving and protecting.

My Administration understands that it is critical for Federal employees to provide high-quality service and to be good stewards of taxpayer dollars. To maintain these high standards, we are continuing to implement policies that create a more efficient and productive Federal Government. By removing unnecessary regulations and streamlining internal agency processes, we have helped eliminate barriers that stand in the way of Federal employees' efforts to do their jobs. We have also made it easier for the Federal Government to hire more military spouses, and we are giving a second chance to those with a criminal history.

This week, we pause to give tribute to the many civil servants who paid the ultimate price in service to our Nation. We will never forget their sacrifice, and we are proud to add their names to the Wall of Honor in the Theodore Roosevelt Federal Office Building, a tradition which began in 2013 to honor Federal civilian employees who died in the line of duty. My Administration also is pleased to launch the Gears of Government President's Award. This award program reinforces the President's Management Agenda by recognizing individuals and teams across the Federal workforce who support exceptional delivery of key mission, service, and stewardship outcomes for the American people.

During Public Service Recognition Week, we acknowledge the work our civil servants do for the American people on a daily basis, and we appreciate their willingness to dedicate their experience and expertise, and sometimes even their lives, to serving their fellow citizens.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 5 through May 11, 2019, as Public Service Recognition Week. I call upon Americans and all Federal, State, tribal, and local government agencies to recognize the dedication of our Nation's public servants and to observe this week through appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9879 of May 3, 2019**Missing and Murdered American Indians and Alaska Natives Awareness Day, 2019**

*By the President of the United States of America
A Proclamation*

On Missing and Murdered American Indians and Alaska Natives Awareness Day, we draw attention to the horrible acts of violence committed against American Indian and Alaska Native people, particularly women and children. Too many American Indians and Alaska Natives are the victims of abuse, sexual exploitation, or murder—or are missing from their communities. Some of those missing may be victims of human trafficking. We must work together as a Nation to correct these injustices and ensure the safety of all Americans, particularly our most vulnerable populations.

American Indian and Alaska Native people face alarming levels of violence. Data from the National Institute of Justice and the Centers for Disease Control and Prevention indicate that more than 1.5 million American Indian and Alaska Native women have experienced violence, including sexual violence, in their lifetimes. American Indian and Alaska Native children attempt and commit suicide at rates far higher than those in any other demographic in our Nation, and often endure disproportionately high rates of endemic drug abuse, violence, and crime.

Ending the violence that disproportionately affects American Indian and Alaska Native communities is imperative. Under my Administration, Federal agencies are working more comprehensively and more collaboratively to address violent crime in Indian country, to recover the American Indian and Alaska Native women and children who have gone missing, and to find justice for those who have been murdered. As a result of these ongoing efforts, we are improving public safety, we are expanding funding and training opportunities for law enforcement in Indian country, and we are better equipping them with tools like access to criminal databases. We have also established improved protocols based on our government-to-government relationships with the tribes, and have become more transparent and accountable in our efforts.

Currently, every United States Attorney's Office with Indian country jurisdiction has developed sexual assault response and multidisciplinary teams to combat sexual assault and abuse of American Indian and Alaska Native women and children. In addition, the Attorney General has developed a working group dedicated to addressing violent crime in Indian country. This working group has made the development of law enforcement strategies for Missing and Murdered Indigenous People (MMIP) a priority, improving human trafficking training and creating law enforcement initiatives for United States Attorneys.

To help address the significant challenges in collecting data regarding missing and murdered American Indian and Alaska Native people, the Department of the Interior's Bureau of Indian Affairs (BIA) and the Department of Justice (DOJ) partnered together to capture tribal data through new data fields in the National Missing and Unidentified Persons System. DOJ has also expanded the Tribal Access Program (TAP)

and Amber Alert in Indian country to make law enforcement more aware of missing persons and to enhance their ability to be responsive to missing persons reports and Sexual Offender Registration and Notification Act (SORNA) registrants in the area. TAP also enables tribal law enforcement to have access to national law enforcement databases and to immediately and directly enter missing persons reports into them. In addition, BIA's Tribal Justice Support Directorate funds the training of tribal attorneys in prosecuting domestic violence and partner abuse crimes as part of implementing the Violence Against Women Act.

In Fiscal Years 2018 and 2019, DOJ allocated historic amounts of funding to combat violent crime in Indian country, including to the MMIP efforts of the Office on Violence Against Women (OVW). DOJ set aside close to \$300 million from the Crime Victim Fund over two years to assist victims of crime in Indian country. It also expanded the Tribal Special Assistant United States Attorney program, which is aimed at reducing violent crime, including violence against women, in Indian country and building important partnerships between Federal and tribal agencies. In addition, DOJ funds the National Indian Country Training Initiative (NICTI), which continues to provide training at the National Advocacy Center and in the field for Federal, State, and tribal criminal justice and social service professionals.

My Administration will continue working to root out injustice and protect each and every person in America. On Missing and Murdered American Indians and Alaska Natives Awareness Day, we pause to raise awareness of unacceptable acts of violence that profoundly harm American Indian and Alaska Native communities. As a Nation, we honor the lives of all missing and murdered American Indians and Alaska Natives, and we reaffirm our commitment to ensuring that violence against these vulnerable Americans shall not be overlooked or tolerated.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 5, 2019, as Missing and Murdered American Indians and Alaska Natives Awareness Day. I call upon Americans and all Federal, State, tribal, and local governments to increase awareness of the crisis of missing and murdered American Indians and Alaska Natives through appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9880 of May 8, 2019**Addressing Mass Migration Through the Southern Border of the United States**

By the President of the United States of America

A Proclamation

In Proclamation 9822 of November 9, 2018 (Addressing Mass Migration Through the Southern Border of the United States), I found that our immigration and asylum system is in crisis as a consequence of the mass migration of aliens across the border between the United States and Mexico (southern border). Accordingly, pursuant to sections 212(f) and 215(a) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(f) and 1185(a), respectively), I found that the unlawful entry of aliens through that border is detrimental to the interests of the United States and suspended and limited entry of such aliens. I exempted from the scope of Proclamation 9822 any alien who entered the United States at a port of entry and properly presented for inspection, as well as any lawful permanent resident of the United States. In Proclamation 9842 of February 7, 2019 (Addressing Mass Migration Through the Southern Border of the United States), I extended Proclamation 9822 for 90 days because I found that “the problem of large numbers of aliens traveling through Mexico to enter our country unlawfully or without proper documentation has not materially improved, and indeed in several respects has worsened, since November 9, 2018.”

Section 2(d) of Proclamation 9842 directed the Secretary of State, the Attorney General, and the Secretary of Homeland Security jointly to submit to me a recommendation on whether a further extension or renewal of the suspension or limitation on entry in Proclamation 9822 is in the interests of the United States. Those officials have jointly recommended extending the suspension and limitation for an additional 90 days beyond the date when the United States obtains relief from the preliminary injunction of the interim final rule titled “Aliens Subject to a Bar on Entry Under Certain Presidential Proclamations; Procedures for Protection Claims” that was promulgated by the Departments of Justice and Homeland Security on November 9, 2018.

As that recommendation reflects, the situation along the southern border has continued to deteriorate. In November 2018, a daily average of approximately 2,000 inadmissible aliens attempted entry into the United States. Today that average has risen to approximately 3,900. United States Border Patrol (USBP) apprehensions, which occur between ports of entry, have more than doubled from January to April of this year. From January through April, USBP apprehensions at the southern border are projected to reach approximately 460,000, a 4-month total that exceeds the totals from 8 of the last 10 fiscal years. The high percentage of children and families among these apprehensions places additional strain on the resources devoted to defense of the southern border. Moreover, large, organized groups of aliens continue to travel through Mexico toward the United States with the reported intention to enter the United States unlawfully or without proper documentation.

The ability of the United States to address these problems continues to be hampered by a nationwide injunction issued by a United States

District Court judge in the Northern District of California. That injunction currently prevents the Attorney General and the Secretary of Homeland Security from implementing an interim final rule that would render any alien who enters the country in contravention of a proclamation limiting or suspending entry at the southern border, including Proclamation 9822, ineligible to be granted asylum. The United States is appealing that injunction. Should the injunction be lifted, aliens who enter the United States unlawfully through the southern border in contravention of this proclamation will be ineligible to be granted asylum under that interim final rule.

As President, I must act to protect the national interest and to maintain an effectively functioning asylum system for legitimate asylum seekers who demonstrate that they have fled persecution and warrant the many special benefits associated with being granted asylum. In view of the foregoing circumstances, and the joint recommendation from the Secretary of State, the Attorney General, and the Secretary of Homeland Security, I have determined to extend the suspension and limitation, as set forth below, on entry into the United States through the southern border established by Proclamation 9822 and extended by Proclamation 9842.

NOW, THEREFORE, I, DONALD J. TRUMP, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the INA, hereby find that, absent the measures set forth in this proclamation, the entry into the United States of persons described in section 1 of this proclamation would be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Suspension and Limitation on Entry.* The entry of any alien into the United States across the international boundary between the United States and Mexico is hereby suspended and limited, subject to section 2 of this proclamation. That suspension and limitation shall expire 90 days after the date on which the United States obtains relief from all injunctions that prevent full implementation of the interim final rule promulgated by the Departments of Justice and Homeland Security on November 9, 2018, or the date on which an agreement permits the United States to remove aliens to Mexico in compliance with the terms of section 208(a)(2)(A) of the INA (8 U.S.C. 1158(a)(2)(A)), whichever is earlier.

Sec. 2. *Scope and Implementation of Suspension and Limitation on Entry.* (a) The suspension and limitation on entry pursuant to section 1 of this proclamation shall apply only to aliens who enter the United States after the date of this proclamation.

(b) The suspension and limitation on entry pursuant to section 1 of this proclamation shall not apply to any alien who enters the United States at a port of entry and properly presents for inspection, or to any lawful permanent resident of the United States.

(c) Nothing in this proclamation shall limit an alien entering the United States from being considered for withholding of removal under section 241(b)(3) of the INA (8 U.S.C. 1231(b)(3)) or protection pursuant to the regulations promulgated under the authority of the implementing legislation regarding the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or limit

the statutory processes afforded to unaccompanied alien children upon entering the United States under section 279 of title 6, United States Code, and section 1232 of title 8, United States Code.

(d) No later than 75 days after the date when the United States obtains relief from all injunctions that prevent full implementation of the interim final rule promulgated by the Departments of Justice and Homeland Security on November 9, 2018, the Secretary of State, the Attorney General, and the Secretary of Homeland Security shall jointly submit to the President, through the Assistant to the President for National Security Affairs, a recommendation on whether the suspension or limitation on entry in section 1 of this proclamation continues to be in the interests of the United States. If, at the time that all injunctions are lifted, the Secretary of State, the Attorney General, and the Secretary of Homeland Security are of the view that circumstances no longer warrant the suspension or limitation on entry, they shall so advise me.

Sec. 3. *Interdiction.* The Secretary of State and the Secretary of Homeland Security shall continue to consult with the Government of Mexico regarding appropriate steps—consistent with applicable law and the foreign policy, national security, and public-safety interests of the United States—to address the approach of large groups of aliens traveling through Mexico with the intent of entering the United States unlawfully, including efforts to deter, dissuade, and return such aliens before they physically enter United States territory through the southern border.

Sec. 4. *Severability.* It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its other provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid because of the failure to follow certain procedures, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 5. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord two thousand nineteen, and of the

Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9881 of May 9, 2019

Military Spouse Day, 2019

By the President of the United States of America

A Proclamation

Military spouses share an admirable legacy of unwavering devotion to their loved ones in uniform and to the cause of freedom. Wives and husbands stand faithfully beside their beloved service members and play a critical role in their ability to safeguard our country. They shoulder tremendous burdens and responsibilities and face demands that most families will never endure. Military spouses earn no rank or compensation, yet their contributions to our military might are invaluable. On Military Spouse Day, we honor our Nation's military spouses and express our deep appreciation for all that they do.

The nomadic nature of military life places tremendous pressure on military families. Frequent relocations, which require leaving behind the familiar—home, school, work, church, and friends—are commonplace. Military spouses nevertheless find ways to improve their communities, on and off the base, and to thrive in spite of the numerous hardships. Military spouses also demonstrate sacrificial love and provide essential support and encouragement to their service members during deployments. They comfort fearful and anxious children, balance work and school demands, and keep things going on the home front with uncommon grace and resourcefulness, despite the loneliness and anxiety that often accompany an extended absence.

Frequent relocation also imposes substantial economic costs on our military families. For example, it results in unemployment and underemployment of military spouses. My Administration, therefore, is committed to enhancing opportunities for our Nation's military spouses. Last year, I was pleased to sign an Executive Order requiring Federal agencies to promote the use of existing military spouse noncompetitive hiring authority to the greatest extent possible, providing significantly greater opportunity for military spouses to be considered for Government positions. The Department of Defense's Military Spouse Employment Partnership has brought together more than 390 companies and organizations committed to recruiting, hiring, promoting, and retaining military spouses. Since the initiative's inception in 2011, these devoted partners have hired more than 130,000 military spouses. Employers who hire these spouses benefit from the tremendous talent, breadth of experience, and determination these men and women have learned from navigating the demands of military life.

I encourage all who enjoy the blessings of freedom—preserved and defended by our Nation's military and their families—to find ways to support our incredible military spouses. I applaud local government officials who have helped advance workforce freedom and mobility for military families. I encourage States and occupational licensing boards

to build on these efforts and do more to improve license portability, removing barriers to military spouses remaining in the workforce following a change in duty station. Community leaders can also raise awareness about programs like Military OneSource, a one-stop resource for information, support, and referrals on every aspect of military life. And in neighborhoods nationwide, families can reach out, in word and deed, to spouses who are working to meet the unique challenges of military life.

Military spouses are among our country's unsung heroes and are at the heart of our Armed Forces. They embody strength and resilience, and represent the best of American patriotism, courage, character, and pride. As a Nation, we must ensure our military spouses receive the unparalleled and unwavering support they deserve. On this Military Spouse Day, Melania and I salute the extraordinary women and men who serve as military spouses and offer our prayers, respect, and gratitude on behalf of a grateful Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 10, 2019, as Military Spouse Day. I call upon the people of the United States to honor military spouses with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9882 of May 10, 2019

National Charter Schools Week, 2019

By the President of the United States of America

A Proclamation

During National Charter Schools Week, we recognize the important contributions public charter schools make by providing American families with the freedom to choose high-quality education options that meet their children's needs. For more than a quarter century, charter schools—tuition-free public schools of choice—have been incubators of educational innovations, while being accountable for student achievement and outcomes. Today, what began as a grassroots movement now flourishes in 44 States, the District of Columbia, Guam, and Puerto Rico, with more than 7,000 schools serving approximately 3.2 million students.

Charter schools empower families to pursue the right educational fit for their children, helping ensure that there are paths to the American Dream that match the needs of students striving to achieve it. The unique needs of students, rather than address or family income, should determine where they learn. My Administration is committed to reducing the outsized Federal footprint in education and to empowering

families, as well as State and local policymakers and educators, with the flexibility to adapt to student needs.

Public charter schools work for students, teachers, and communities. The Center for Research on Education Outcomes found that charter schools better serve low-income students, minority students, and students learning English than neighboring public schools. The success of our Nation's public charter schools in helping students of all backgrounds thrive and in addressing the needs of local education confirms what Americans have always known: those who are closest to students know best how to prepare them to reach their full potential.

Nothing better proves the value of and need for charter schools than the ever-growing demand from students and families. Although charter school enrollment has increased at least sevenfold in the past 18 years, more than one million students remain on charter school waiting lists today. A recent survey found that 59 percent of parents would prefer to send their child to a different type of school than the one to which they have been assigned.

Because of the success of and demand for public charter schools, each year since taking office, I have proposed to increase and improve funding for them as a key part of my Administration's ambitious efforts to expand every family's access to all types of high-quality education opportunities. In my fiscal year 2020 budget request, I called on the Congress to increase funding for the Federal Charter Schools Program to \$500 million, an increase of \$60 million over the current level.

No matter where they live or how much their parents earn, all children deserve access to education that enriches their minds. This week, we celebrate all the students, families, teachers, administrators, and community leaders who support public charter schools and education freedom. We reaffirm our commitment to expanding every family's access to high-quality education opportunities and to supporting educational excellence and innovation for the benefit of every student and for the continued prosperity of our great Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 12 through May 18, 2019, as National Charter Schools Week. I commend our Nation's successful public charter schools, teachers, and administrators, and I call on States and communities to help students and empower parents and families by supporting high-quality charter schools as an important school choice option.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9883 of May 10, 2019**National Defense Transportation Day and National Transportation Week, 2019***By the President of the United States of America**A Proclamation*

The capability to move and travel freely and efficiently by land, air, and sea is critical to our economic strength, vital to our national defense, and essential to the American way of life. On National Defense Transportation Day and during National Transportation Week, we recognize the dedicated professionals who ensure our transportation infrastructure system is safe, convenient, reliable, and fully prepared to support our national defense.

America's infrastructure systems help sustain our competitive edge and military readiness. After many decades of constant and increasing use, much of our Nation's infrastructure has fallen into disrepair. More than 25 percent of our Nation's bridges are structurally deficient; more than 20 percent of our roads are in poor condition; and drivers lose nearly \$160 billion annually because of congestion and delays. If left unaddressed by 2025, our Nation's deteriorating infrastructure will drain our economy of nearly 2.5 million jobs and \$4 trillion in gross domestic product.

As a Nation, we cannot afford to wait additional decades to address these critical issues and fix our transportation system. Our country forged its path to global economic dominance through an efficient and hard-nosed determination to build. In 1933, we summoned our most gifted engineers and workers to construct the Golden Gate Bridge; they finished it in 4 years. Three years earlier, in 1930, construction began on the Empire State Building; it took about 1 year to complete. Decades of bureaucratic and regulatory roadblocks have sapped us of that zeal to build. These self-imposed obstacles regularly stall and delay even the most important of infrastructure projects. The environmental review process for some improvement projects can take more than 20 years to complete.

Improving our infrastructure will enhance quality of life, productivity, and the competitiveness of American workers and families. For this reason, I have called on the Congress to pass legislation that provides the funding required to rebuild our roads and bridges. These funds will catalyze new State and local investments in infrastructure, and focus resources on rural communities. By repairing our existing infrastructure and by building bold new projects, we will reduce traffic congestion, improve road conditions, and boost commerce throughout our country.

We cannot fully tackle our infrastructure needs until we commit to meaningful regulatory reform. Last year, we made important strides by establishing a coordinated and timely environmental review process through the One Federal Decision Memorandum of Understanding. This policy sets a Government-wide goal of completing Federal environmental reviews for major infrastructure projects in 2 years—not 10 or 20. We will move more quickly, ensuring sound environmental, community, and economic outcomes in the process.

Finally, maintaining and improving our infrastructure is a matter of economic and national security. It is central to our ability to manufacture and export goods, execute emergency responses, achieve energy independence, and secure our Nation. It sustains our military readiness and capabilities, facilitating the safe and expeditious movement of our troops and the transport of their supplies and equipment to locations in America and around the world. Our men and women in uniform deserve to be safe and well-stocked as they put their lives on the line to defend our freedoms and way of life.

To recognize the men and women who work in the transportation industry and who contribute to our Nation's well-being and defense, the Congress, by joint resolution approved May 16, 1957, as amended (36 U.S.C. 120), has designated the third Friday in May of each year as "National Defense Transportation Day," and, by joint resolution approved May 14, 1962, as amended (36 U.S.C. 133), has declared that the week during which that Friday falls be designated as "National Transportation Week."

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim Friday, May 17, 2019, as National Defense Transportation Day and May 12 through May 18, 2019, as National Transportation Week. I encourage all Americans to celebrate these observances with appropriate ceremonies and activities to learn more about how our transportation system contributes to the security of our citizens and the prosperity of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9884 of May 10, 2019

Peace Officers Memorial Day and Police Week, 2019

By the President of the United States of America

A Proclamation

On Peace Officers Memorial Day and throughout Police Week, we express our unending gratitude to our Nation's law enforcement officers. Those brave men and women selflessly confront danger to protect our families and defend our communities. We also honor those in blue who have been killed or disabled in the line of duty. We are especially mindful of the tremendous sacrifices of the 106 heroes who laid down their lives last year while protecting their communities.

My Administration is working on several fronts to enhance the health and safety of our Nation's law enforcement officers. The Department of Justice (DOJ) continues to promote initiatives that provide funding for bulletproof vests, active shooter training, the National Blue Alert System, and other programs that bolster the physical and mental health of those who protect us. We are making surplus military equipment available to law enforcement agencies. We are implementing the Law Enforcement Mental Health and Wellness Act, which I signed into law

last year, to improve the delivery of and access to mental health and wellness services. And when tragedy does strike, DOJ's Public Safety Officers' Benefits Program stands ready and able to assist the families of the fallen and catastrophically injured.

The best way we can support law enforcement is to reduce violent crime. My Administration has secured \$50 million in funding for one of the most effective crime prevention strategies in America, the Project Safe Neighborhoods initiative. This results-based and data-proven initiative is reducing violent crime nationwide by leveraging local law enforcement and community partnerships, along with strategic enforcement efforts, to arrest the most violent criminals in the most violent locations. Through the combined efforts of all levels of law enforcement, violent crime in our country is falling.

Our Nation's law enforcement officers serve with courage, dedication, and strength. They fearlessly enforce our laws, even at the risk of personal peril, safeguarding our property, our liberty, and our lives. We owe them, and their families, our full and enduring support.

By a joint resolution approved October 1, 1962, as amended (76 Stat. 676), and by Public Law 103–322, as amended (36 U.S.C. 136–137), the President has been authorized and requested to designate May 15 of each year as “Peace Officers Memorial Day” and the week in which it falls as “Police Week.”

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 15, 2019, as Peace Officers Memorial Day and May 12 through May 18, 2019, as Police Week. In humble appreciation of our hardworking law enforcement officers, Melania and I will light the White House in blue on May 15. I call upon all Americans to observe Peace Officers Memorial Day and Police Week with appropriate ceremonies and activities. I also call on the Governors of the States and Territories and officials of other areas subject to the jurisdiction of the United States, to direct that the flag be flown at half-staff on Peace Officers Memorial Day. I further encourage all Americans to display the flag from their homes and businesses on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9885 of May 10, 2019

Mother's Day, 2019

*By the President of the United States of America
A Proclamation*

For more than a century, Americans have set aside the second Sunday in May to honor, celebrate, and thank the inspirational mothers in our lives. In 1914, the Congress, by joint resolution (38 Stat. 770), designated this day as Mother's Day and requested the President to call

for its appropriate observance. Today, we recognize mothers everywhere who inspire us to dream big and to never give up.

Mothers have always played an integral role in shaping our great Nation. Even before our country was founded, mothers inspired sons and daughters to patriotism and devotion to the ideal of freedom for all. After First Lady Abigail Adams died in 1818, her son, President John Quincy Adams, wrote: “She had been, during the war of our Revolution, an ardent patriot, and the earliest lesson of unbounded devotion to the cause of their country that her children received was from her.” Inspirational mothers across America continue to pass on this same lesson, encouraging their children to become leaders in their own families and great citizens in their communities and this Nation.

Even in our lowest moments, mothers see the best in their children. Through their guidance and unwavering love, they prepare us for the challenges of adulthood and provide us with the confidence we need to reach our full potential. They are some of the best examples of everyday heroes, and their consistent devotion to family and grace under pressure too often go overlooked. At any stage in life, we find comfort in knowing that we can call on our mothers and grandmothers or reflect on our wonderful memories of them to find wisdom and strength.

On this Mother’s Day, we pay tribute to our mothers, whether we are their children by birth, adoption, or foster care, for their devotion to seeing us lead happy and successful lives. Today, and every day, let us ensure that our mothers know and feel our deep gratitude for the gift of life and for their unmatched sacrifices to strengthen our families and our Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 12, 2019, as Mother’s Day. I encourage all Americans to express their love and respect for their mothers or beloved mother figures, whether with us in person or in spirit, and to reflect on the importance of motherhood to the prosperity of our families, communities, and Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9886 of May 16, 2019

Adjusting Imports of Steel Into the United States

By the President of the United States of America
A Proclamation

1. On January 11, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of steel articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

The Secretary found and advised me of his opinion that steel articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States.

2. In Proclamation 9705 of March 8, 2018 (Adjusting Imports of Steel Into the United States), I concurred in the Secretary's finding that steel articles, as defined in clause 1 of Proclamation 9705, as amended by clause 8 of Proclamation 9711 of March 22, 2018 (Adjusting Imports of Steel Into the United States), are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of these steel articles by imposing a 25 percent ad valorem tariff on such articles imported from most countries.

3. In Proclamation 9705, I also directed the Secretary to monitor imports of steel articles and inform me of any circumstances that in the Secretary's opinion might indicate the need for further action under section 232 of the Trade Expansion Act of 1962, as amended, with respect to such imports.

4. In August 2018, the Secretary informed me that while capacity utilization in the domestic steel industry had improved, it was still below the target capacity utilization level recommended by the Secretary in his report. Although imports of steel articles had declined since the imposition of the tariff, I was advised that they were still several percentage points greater than the level of imports that would allow domestic capacity utilization to reach the target level. Given that imports had not declined as much as anticipated and capacity utilization had not increased to that target level, I concluded that it was necessary and appropriate in light of our national security interests to adjust the tariff imposed by previous proclamations.

5. In the Secretary's January 2018 report, the Secretary recommended that I consider applying a higher tariff to a list of specific countries should I determine that all countries should not be subject to the same tariff. One of the countries on that list was the Republic of Turkey (Turkey). As the Secretary explained in that report, Turkey was among the major exporters of steel to the United States for domestic consumption. To further reduce imports of steel articles and increase domestic capacity utilization, I determined in Proclamation 9772 of August 10, 2018 (Adjusting Imports of Steel Into the United States), that it was necessary and appropriate to impose a 50 percent ad valorem tariff on steel articles imported from Turkey, beginning on August 13, 2018. The Secretary advised me that this adjustment would be a significant step toward ensuring the viability of the domestic steel industry.

6. The Secretary has now advised me that, since the implementation of the higher tariff under Proclamation 9772, imports of steel articles have declined by 12 percent in 2018 compared to 2017 and imports of steel articles from Turkey have declined by 48 percent in 2018, with the result that the domestic industry's capacity utilization has improved at this point to approximately the target level recommended in the Secretary's report. This target level, if maintained for an appropriate period, will improve the financial viability of the domestic steel industry over the long term.

7. Given these improvements, I have determined that it is necessary and appropriate to remove the higher tariff on steel imports from Tur-

key imposed by Proclamation 9772, and to instead impose a 25 percent ad valorem tariff on steel imports from Turkey, commensurate with the tariff imposed on such articles imported from most countries. Maintaining the existing 25 percent ad valorem tariff on most countries is necessary and appropriate at this time to address the threatened impairment of the national security that the Secretary found in the January 2018 report.

8. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

9. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) Clause 2 of Proclamation 9705, as amended, is revised to read as follows:

“(2)(a) In order to establish certain modifications to the duty rate on imports of steel articles, subchapter III of chapter 99 of the HTSUS is modified as provided in the Annex to this proclamation and any subsequent proclamations regarding such steel articles.

(b) Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all steel articles imports covered by heading 9903.80.01, in subchapter III of chapter 99 of the HTSUS, shall be subject to an additional 25 percent ad valorem rate of duty with respect to goods entered for consumption, or withdrawn from warehouse for consumption, as follows: (i) on or after 12:01 a.m. eastern daylight time on March 23, 2018, from all countries except Argentina, Australia, Brazil, Canada, Mexico, South Korea, and the member countries of the European Union; (ii) on or after 12:01 a.m. eastern daylight time on June 1, 2018, from all countries except Argentina, Australia, Brazil, and South Korea; (iii) on or after 12:01 a.m. eastern daylight time on August 13, 2018, from all countries except Argentina, Australia, Brazil, South Korea, and Turkey; and (iv) on or after 12:01 a.m. eastern daylight time on May 21, 2019, from all countries except Argentina, Australia, Brazil, and South Korea. Further, except as otherwise provided in notices published pursuant to clause 3 of this proclamation, all steel articles imports from Turkey covered by heading 9903.80.02, in subchapter III of chapter 99 of the HTSUS, shall be subject to a 50 percent ad valorem rate of duty with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 13, 2018 and prior to 12:01 a.m. eastern daylight time on May 21, 2019. All steel articles imports covered by heading 9903.80.61, in subchapter III of

chapter 99 of the HTSUS, shall be subject to the additional 25 percent ad valorem rate of duty established herein with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on the date specified in a determination by the Secretary granting relief. These rates of duty, which are in addition to any other duties, fees, exactions, and charges applicable to such imported steel articles, shall apply to imports of steel articles from each country as specified in the preceding three sentences.”.

(2) The text of U.S. note 16(a)(i) to subchapter III of chapter 99 of the HTSUS is amended by deleting “Except as provided in U.S. note 16(a)(ii), which applies to products of Turkey that are provided for in heading 9903.80.02, heading 9903.80.01 provides” and inserting the following in lieu thereof: “Heading 9903.80.01 provides”.

(3) Heading 9903.80.02, in subchapter III of chapter 99 of the HTSUS, and its accompanying material, and U.S. note 16(a)(ii) to subchapter III of chapter 99 of the HTSUS, are deleted.

(4) Paragraphs (b), (c), and (d) of U.S. note 16 to subchapter III of chapter 99 of the HTSUS are each amended by replacing “headings 9903.80.01 and 9903.80.02” with “heading 9903.80.01”.

(5) The “Article description” for heading 9903.80.01 in subchapter III of chapter 99 of the HTSUS is amended by replacing “of Brazil, of Turkey” with “of Brazil”.

(6) The modifications to the HTSUS made by clauses 1 through 5 of this proclamation shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on May 21, 2019 and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(7) Any steel articles imports from Turkey that were admitted into a United States foreign trade zone under “privileged foreign status” as defined in 19 CFR 146.41, prior to 12:01 a.m. eastern daylight time on May 21, 2019, shall be subject upon entry for consumption on or after such time and date to the ad valorem rate of duty in heading 9903.80.01 in subchapter III of chapter 99 of the HTSUS.

(8) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9887 of May 16, 2019**To Modify the List of Beneficiary Developing Countries
Under the Trade Act of 1974**

By the President of the United States of America

A Proclamation

1. In Executive Order 11888 of November 24, 1975, the President designated Turkey as a beneficiary developing country for purposes of the Generalized System of Preferences (GSP) (19 U.S.C. 2461 *et seq.*).

2. Pursuant to section 502(d)(1) of the Trade Act of 1974, as amended (the “1974 Act”) (19 U.S.C. 2462(d)(1)), the President may withdraw, suspend, or limit the application of the duty-free treatment accorded under the GSP with respect to any beneficiary developing country. In taking any action under section 502(d)(1) of the 1974 Act, the President shall consider the factors set forth in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2461 and 2462(c)).

3. Section 502(c)(2) of the 1974 Act (19 U.S.C. 2462(c)(2)) provides that, in determining whether to designate any country as a beneficiary developing country, the President shall take into account, among other factors, the level of economic development of such country, including its per capita gross national product, the living standards of its inhabitants, and any other economic factors that the President deems appropriate.

4. Consistent with section 502(d)(1) of the 1974 Act, and having considered the factors set forth in sections 501 and 502(c), I have determined that, based on its level of economic development, it is appropriate to terminate Turkey’s designation as a beneficiary developing country effective May 17, 2019.

5. Section 502(f)(2) of the 1974 Act (19 U.S.C. 2462(f)(2)) requires the President to notify the Congress and the affected beneficiary developing country, at least 60 days before termination, of the President’s intention to terminate the affected country’s designation as a beneficiary developing country, together with the considerations entering into such decision. I notified the Congress and Turkey on March 4, 2019, of my intent to terminate Turkey’s designation, together with the considerations entering into my decision.

6. Pursuant to section 203 of the 1974 Act (19 U.S.C. 2253), and after receiving a report from the International Trade Commission prepared under section 202 of the 1974 Act (19 U.S.C. 2252), the President may implement a measure in the form of a safeguard to address increased imports of articles that are a substantial cause of serious injury to a domestic industry producing like or directly competitive products. When acting pursuant to section 203 of the 1974 Act, the President shall take action that he determines will facilitate efforts of the domestic industry to make a positive adjustment to import competition and provide greater economic and social benefits than costs.

7. In Proclamation 9693 of January 23, 2018, I, pursuant to section 203 of the 1974 Act, implemented a safeguard measure on imports of certain crystalline silicon photovoltaic (CSPV) cells, whether or not partially or fully assembled into other products (including, but not limited to, modules, laminates, panels, and building-integrated materials)

(“CSPV products”). In Proclamation 9694 of January 23, 2018, I, pursuant to section 203 of the 1974 Act, implemented a safeguard measure on imports of large residential washers.

8. The safeguard measures implemented by Proclamations 9693 and 9694 exempt imports of covered products from developing countries that are Members of the World Trade Organization (WTO), including Turkey, if such a country’s individual share of total imports of the product does not exceed 3 percent and if imports of all such countries with less than 3 percent import share do not collectively account for more than 9 percent of total imports of the product.

9. Consistent with my determination that it is appropriate to terminate the designation of Turkey as a beneficiary developing country under the GSP, effective May 17, 2019, I have determined to remove it from the list of developing country WTO Members exempt from application of the safeguard measures on CSPV products and large residential washers. To reflect Turkey’s removal from the list, I have determined that it is appropriate to revise subdivision (b)(2) of U.S. note 17 and subdivision (b) of U.S. note 18 to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTS) to delete the references to Turkey.

10. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of the 1974 Act, and of other Acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including title V and sections 203 and 604 of the 1974 Act, do hereby proclaim that:

(1) The designation of Turkey as a beneficiary developing country is terminated, effective May 17, 2019.

(2) To reflect this termination, general notes 4(a) and 4(d) and pertinent subheadings of the HTS are modified as set forth in Annex A to this proclamation.

(3) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

(4) The exemption for Turkey from application of the safeguard measures on CSPV products and large residential washers is removed, effective May 17, 2019.

(5) To reflect this revision, subdivision (b)(2) of U.S. note 17 and subdivision (b) of U.S. note 18 to subchapter III of chapter 99 of the HTS are each modified as set forth in Annex B to this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Annex A

To Modify the Harmonized Tariff Schedule of the United States to remove Turkey from the Generalized System of Preferences

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on May 17, 2019, the Harmonized Tariff Schedule of the United States (HTS) is modified for the following subheadings:

1. General note 4(a) to the Harmonized Tariff Schedule of the United States (HTS) is modified:
 - A. By deleting from the list of independent countries the name “Turkey”;
2. General note 4(d) to the HTS is modified:
 - A. By striking the following subheadings and the country set out opposite them:

0710.80.50 Turkey	2008.99.28 Turkey	6802.21.10 Turkey
0711.90.30 Turkey	2515.12.20 Turkey	6802.91.20 Turkey
0802.51.00 Turkey	2810.00.00 Turkey	6802.91.25 Turkey
0804.20.60 Turkey	2819.10.00 Turkey	7413.00.10 Turkey
0813.10.00 Turkey	2833.29.40 Turkey	7413.00.50 Turkey
0910.99.40 Turkey	2840.11.00 Turkey	7413.00.90 Turkey
1806.20.22 Turkey	2840.19.00 Turkey	
1901.20.05 Turkey	6801.00.00 Turkey	

- B. By deleting the country “Turkey” set out opposite the following HTS subheadings:

2008.50.20	2918.22.10	7408.19.00
2009.89.65	7113.19.50	

3. The following HTS subheadings are modified by deleting from the rates of duty 1 – special subcolumn, the symbol “A*” and by inserting in lieu thereof “A”:

0710.80.50	2008.99.28	6802.21.10
0711.90.30	2515.12.20	6802.91.20
0802.51.00	2810.00.00	6802.91.25
0804.20.60	2819.10.00	7413.00.10
0813.10.00	2833.29.40	7413.00.50
0910.99.40	2840.11.00	7413.00.90
1806.20.22	2840.19.00	
1901.20.05	6801.00.00	

Annex B

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on May 17, 2019, the Harmonized Tariff Schedule of the United States (HTS) is modified as follows:

Subdivision (b)(2) of U.S. note 17 and subdivision (b) of U.S. note 18 to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTS) are each modified by deleting from the list of developing countries the name “Turkey”.

Proclamation 9888 of May 17, 2019**Adjusting Imports of Automobiles and Automobile Parts
Into the United States**

By the President of the United States of America

A Proclamation

1. On February 17, 2019, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effects of imports of passenger vehicles (sedans, sport utility vehicles, crossover utility vehicles, minivans, and cargo vans) and light trucks (collectively “automobiles”) and certain automobile parts (engines and engine parts, transmissions and powertrain parts, and electrical components) on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. The report found that automotive research and development (R&D) is critical to national security. The rapid application of commercial breakthroughs in automobile technology is necessary for the United States to retain competitive military advantage and meet new defense requirements. Important innovations are occurring in the areas of engine and powertrain technology, electrification, lightweighting, advanced connectivity, and autonomous driving. The United States defense industrial base depends on the American-owned automotive sector for the development of technologies that are essential to maintaining our military superiority.

3. Thus, the Secretary found that American-owned automotive R&D and manufacturing are vital to national security. Yet, increases in imports of automobiles and automobile parts, combined with other circumstances, have over the past three decades given foreign-owned producers a competitive advantage over American-owned producers.

4. American-owned producers’ share of the domestic automobile market has contracted sharply, declining from 67 percent (10.5 million units produced and sold in the United States) in 1985 to 22 percent (3.7 million units produced and sold in the United States) in 2017. During the same time period, the volume of imports nearly doubled, from 4.6 million units to 8.3 million units. In 2017, the United States imported over 191 billion dollars’ worth of automobiles.

5. Furthermore, one circumstance exacerbating the effects of such imports is that protected foreign markets, like those in the European Union and Japan, impose significant barriers to automotive imports from the United States, severely disadvantaging American-owned producers and preventing them from developing alternative sources of revenue for R&D in the face of declining domestic sales. American-owned producers’ share of the global automobile market fell from 36 percent in 1995 to just 12 percent in 2017, reducing American-owned producers’ ability to fund necessary R&D.

6. Because “[d]efense purchases alone are not sufficient to support . . . R&D in key automotive technologies,” the Secretary found that “American-owned automobile and automobile parts manufacturers must have a robust presence in the U.S. commercial market” and that American innovation capacity “is now at serious risk as imports continue to displace American-owned production.” Sales revenue enables

R&D expenditures that are necessary for long-term automotive technological superiority, and automotive technological superiority is essential for the national defense. The lag in R&D expenditures by American-owned producers is weakening innovation and, accordingly, threatening to impair our national security.

7. In light of all of these factors, domestic conditions of competition must be improved by reducing imports. American-owned producers must be able to increase R&D expenditures to ensure technological leadership that can meet national defense requirements.

8. The Secretary found and advised me of his opinion that automobiles and certain automobile parts are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States. The Secretary found that these imports are “weakening our internal economy” and that “[t]he contraction of the American-owned automotive industry, if continued, will significantly impede the United States’ ability to develop technologically advanced products that are essential to our ability to maintain technological superiority to meet defense requirements and cost effective global power projection.”

9. The Secretary therefore concluded that the present quantities and circumstances of automobile and certain automobile parts imports threaten to impair the national security as defined in section 232 of the Trade Expansion Act of 1962, as amended.

10. In reaching this conclusion, the Secretary considered the extent to which import penetration has displaced American-owned production, the close relationship between economic welfare and national security, *see* 19 U.S.C. 1862(d), the expected effect of the recently negotiated United States-Mexico-Canada Agreement (USMCA), and what would happen should the United States experience another economic downturn comparable to the 2009 recession.

11. In light of the report’s findings, the Secretary recommended actions to adjust automotive imports so that they will not threaten to impair the national security. One recommendation was to pursue negotiations to obtain agreements that address the threatened impairment of national security. In the Secretary’s judgment, successful negotiations could allow American-owned automobile producers to achieve long-term economic viability and increase R&D spending to develop cutting-edge technologies that are critical to the defense industry.

12. I concur in the Secretary’s finding that automobiles and certain automobile parts are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and I have considered his recommendations.

13. I have also considered the renegotiated United States-Korea Agreement and the recently signed USMCA, which, when implemented, could help to address the threatened impairment of national security found by the Secretary.

14. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to take action to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security. If that action is the negotiation of an agreement

contemplated in 19 U.S.C. 1862(c)(3)(A)(i), and such an agreement is not entered into within 180 days of the proclamation or is not being carried out or is ineffective, then the statute authorizes the President to take other actions he deems necessary to adjust imports and eliminate the threat that the imported article poses to national security. *See* 19 U.S.C. 1862(c)(3)(A).

15. I have decided to direct the United States Trade Representative (Trade Representative) to pursue negotiation of agreements contemplated in 19 U.S.C. 1862(c)(3)(A)(i) to address the threatened impairment of the national security with respect to imported automobiles and certain automobile parts from the European Union, Japan, and any other country the Trade Representative deems appropriate, and to update me on the progress of such negotiations within 180 days. Under current circumstances, this action is necessary and appropriate to remove the threatened impairment of the national security.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and section 232 of the Trade Expansion Act of 1962, as amended, do hereby proclaim as follows:

(1) The Trade Representative, in consultation with the Secretary, the Secretary of the Treasury, and any other senior executive branch officials the Trade Representative deems appropriate, shall pursue negotiation of agreements contemplated in 19 U.S.C. 1862(c)(3)(A)(i) to address the threatened impairment of the national security with respect to imported automobiles and certain automobile parts from the European Union, Japan, and any other country the Trade Representative deems appropriate.

(2) Within 180 days of the date of this proclamation, the Trade Representative shall update me on the outcome of the negotiations directed under clause (1) of this proclamation.

(3) The Secretary shall continue to monitor imports of automobiles and certain automobile parts and shall, from time to time, in consultation with any senior executive branch officials the Secretary deems appropriate, review the status of such imports with respect to the national security. The Secretary shall inform the President of any circumstances that in the Secretary's opinion might indicate the need for further action by the President under section 232 of the Trade Expansion Act of 1962, as amended.

(4) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9889 of May 17, 2019**National Safe Boating Week, 2019**

By the President of the United States of America

A Proclamation

As we near the summer season, tens of millions of Americans will take to our Nation's waters to spend time with family and friends. As we enjoy our activities on the water, we must act responsibly to follow safety procedures when boating. During National Safe Boating Week, I urge all Americans to familiarize themselves with the best practices for a safe boating experience.

Regrettably, tragedy on the water can often strike when you least expect it. Indeed, the majority of boating fatalities happen in calm waters and good weather conditions. We must take the necessary steps to ensure our boats are inspected thoroughly and operated safely.

When it comes to safety on the water, it is critical to be a conscientious, aware, and responsible boat operator and ensure your boat is properly vetted and operational. A great way to start this upcoming season is to undergo a free vessel safety check offered through the United States Coast Guard. New boaters are also encouraged to participate in a boating safety course that teaches on-water skills. Further, you should never operate a boat while intoxicated and should always ensure that passengers enjoying alcohol do so in moderation to avoid potential injuries or accidental drowning. Additionally, the United States Coast Guard requires that a boat have an approved life jacket for each person onboard. Everyone should be able to access easily a life jacket that fits properly for size and weight, and the best practice is always to wear your life jacket while the boat is underway.

This week, we are reminded that by taking just a few extra precautions, we can dramatically reduce the likelihood of accidents occurring on the water. By acquainting yourself, your children, and your friends with safe boating practices before operating or boarding a boat, we can all enjoy the beauty of our Nation's waters safely and responsibly.

In recognition of the importance of safe boating practices, the Congress, by joint resolution approved June 4, 1958 (36 U.S.C. 131), as amended, has authorized and requested the President to proclaim annually the 7-day period before Memorial Day weekend as "National Safe Boating Week."

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 18 through May 24, 2019, as National Safe Boating Week. I encourage all Americans who participate in boating activities to observe this occasion by learning more about safe boating practices and taking advantage of boating safety education opportunities. I also encourage the Governors of the States and Territories, and appropriate officials of all units of government, to join me in encouraging boating safety through events and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of May, in the year of our Lord two thousand nineteen, and of the

Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9890 of May 17, 2019

Emergency Medical Services Week, 2019

By the President of the United States of America

A Proclamation

During Emergency Medical Services Week, we pay tribute to our Nation's Emergency Medical Services (EMS) providers, whose selfless dedication and extraordinary efforts help save countless lives each day. As the first link to emergency medical care, EMS personnel are a critical component of our healthcare system. Day or night, faithful EMS first responders—many of whom are volunteers—intensively prepare for and stand at the ready to help their fellow Americans through chaotic and distressing situations.

In the last year, our Nation has experienced some of the largest and most destructive wildfires, hurricanes, tornadoes, and mudslides in recent history. In places like California, Florida, Alabama, North Carolina, South Carolina, Virginia, Maryland, and other parts of our country, EMS providers have selflessly performed their duties under challenging and hazardous conditions. At the risk of their own safety and well-being, EMS personnel acted quickly to deliver critical assistance. They moved residents who were homebound, hospitalized, or in nursing homes out of harm's way before and during natural disasters, and provided medical care for thousands of displaced citizens for weeks after the disasters.

As President, I will never lose sight of the vital contributions that our country's emergency responders make to their fellow citizens. My Administration remains committed to working with State and local partners to ensure that EMS personnel are fully trained and prepared to meet the needs of their communities. Many rural EMS agencies, in particular, face unique challenges in delivering quality care. Last year, I signed into law the Agricultural Improvement Act of 2018, which reauthorizes funding for EMS agencies in rural areas of our country to access the training and equipment they need to perform their duties safely, effectively, and efficiently. To allow EMS providers additional flexibility, the Department of Health and Human Services recently announced the Emergency Triage, Treat, and Transport model for care delivery. This model is designed to allow ambulatory care providers to be compensated in innovative ways through Medicare when responding to emergency medical calls from beneficiaries.

First responders also continue to be at the forefront of dealing with the terrible effects of the opioid crisis, routinely responding to situations where someone has fallen victim to an opioid overdose. The Office of National Drug Control Policy has released extensive guidance on how emergency providers can stay safe when tending to opioid-related events. Additionally, my Administration has taken steps to expand the supply of life-saving naloxone to first responders nationwide. We must

ensure that our EMS personnel have the necessary training and resources to help those who tragically end up in dire need due to opioid overdoses.

In every circumstance, and in crises where every second counts, EMS providers demonstrate courage and devotion to saving lives. They protect the health and safety of others with unmatched skill and extraordinary resolve. This month, and always, we express our endless gratitude and respect to the fine men and women of our country's EMS agencies for their continued commitment to excellence in emergency care.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 19 through May 25, 2019, as Emergency Medical Services Week. I encourage all Americans to observe this occasion by showing their support for local EMS professionals through appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9891 of May 17, 2019

World Trade Week, 2019

*By the President of the United States of America
A Proclamation*

Free, fair, and reciprocal trade is essential to American and global prosperity. During World Trade Week, we reaffirm our unwavering commitment to ensuring that our Nation's farmers, ranchers, manufacturers, and entrepreneurs are able to sell their goods and services in the global market on a level playing field. We also celebrate mutually beneficial and balanced trade between nations and pledge to continue pressing those countries that persist with one-sided trade policies to abandon them.

Our Nation is benefiting from a booming economy that is improving the lives of hardworking Americans and their families. Since my election, we have witnessed the creation of more than 5.8 million new jobs, including approximately 500,000 new manufacturing jobs. American gross domestic product grew at nearly 3 percent last year, and at a rate of 3.2 percent in the first quarter of this year. As a result, wages are rising at the fastest pace in a decade. This economic success is a testament to the effectiveness of my Administration's tax, regulatory, and tariff and trade policies.

With a level playing field, American workers and producers can compete with any nation in the world. In recent years, however, our prosperity has been hampered by the growing economic aggression and unfair trading practices of other countries. Nations that do not share our

free market values have used dumping and industrial subsidies, discriminatory non-tariff barriers, forced technology transfers, excess capacity, cyber and hacking attacks, and other forms of economic aggression to gain unfair competitive advantages over American workers and producers. My Administration is using every available tool to confront these burdensome, market-distorting trade practices. We are aggressively enforcing the well-established trade laws of the United States, and we are negotiating new trade agreements to address unfair trade practices and remove barriers to the export of our goods and services.

My Administration's leadership in strongly pursuing fair trade is enabling our Nation's firms to compete on a more level, fair playing field. We are working to modernize and improve our agreements, negotiating new trade deals that protect our national security and are based on fairness and reciprocity. For example, we revised one of our most significant trade deals, the United States-Korea Free Trade Agreement (KORUS), to make it far more beneficial to American workers.

In addition, with the signing of the United States-Mexico-Canada Agreement (USMCA), I delivered on my promise to renegotiate the outdated and unbalanced North American Free Trade Agreement (NAFTA). Once approved by the Congress, the USMCA will help address longstanding trade imbalances by granting American businesses across all sectors of our economy greater freedom to sell their goods and services throughout North America. The successful conclusion of both KORUS and USMCA shows that new trade deals that work for all Americans—and not just some—are possible. My Administration is also actively engaged in negotiations with the European Union, the United Kingdom, and Japan to secure broader market access for American products and services.

The United States and our trading partners benefit greatly from free, fair, balanced, and reciprocal trade. This week, we renew our commitment to addressing persistent trade imbalances, breaking down trade barriers, and providing Americans new opportunities to increase exports. Greater transparency in global trade and predictable business climates in economies that adhere to high standards for trade and investment will bring greater prosperity to our Nation and the world.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 19 through May 25, 2019, as World Trade Week. I encourage Americans to observe this week with events, trade shows, and educational programs that celebrate the benefits of trade to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9892 of May 17, 2019**Armed Forces Day, 2019**

By the President of the United States of America

A Proclamation

From Normandy and Iwo Jima through Operations Desert Storm and Inherent Resolve, our Nation's Armed Forces have consistently made us proud by defeating our enemies and defending the freedoms we cherish. Their bravery, love of country, and devotion to duty are unmatched, and we are eternally grateful for the sacrifices they make for all American citizens. On Armed Forces Day, we honor all of the Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen who make up the finest military in the world.

Every day, tens of thousands of American troops risk their lives and sacrifice time with their families and friends to protect our national security and keep us safe. Through their strength and dedication to our country, they protect our freedoms, interests, and way of life at duty stations all around the world. We thank them for their incredible service, and we recognize that our Nation has a sacred obligation to ensure that our Armed Forces remain ready and fully equipped to face any threat.

As President, I am committed to empowering America's warriors with every advantage they need to fulfill their missions. During the last 2 years, our Armed Forces have had one victory after another against ISIS, culminating in March with the liberation of 100 percent of the territory once held by ISIS in Syria and Iraq. We are encouraged by this tremendous success, and it is important that our military remains the strongest in the world. This is one of my Administration's highest priorities, and I have called on the Congress to increase funding for our national defense by \$34 billion over last year's level. These additional resources are vital to enhancing our capabilities at sea, on the ground, in the air, and in space and guaranteeing that America's military never falls behind.

I also continue to advocate for our service members to receive increased support, which they deserve for bearing the burden of defending our freedoms. Last year, I signed into law the largest pay raise for our troops in 9 years, and, for 2020, I have called on the Congress to provide a 3.1 percent pay raise. This 3.1 percent raise would be the largest pay raise for our troops in 10 years and would further demonstrate our Nation's gratitude to the more than 2.1 million active duty and reserve military men and women.

Our courageous and vigilant Armed Forces safeguard the blessings of liberty for us and for future generations by selflessly answering the call of duty. Today, and every day, we acknowledge and celebrate all who proudly wear our Nation's uniforms and the family members who face unique challenges as they tirelessly support them.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, and Commander in Chief of the Armed Forces of the United States, continuing the tradition of my predecessors in office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

I invite the Governors of the States and Territories and other areas subject to the jurisdiction of the United States to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to increase public understanding and appreciation of the Armed Forces of the United States. I also invite veterans, civic, and other organizations to join in the observance of Armed Forces Day each year.

Finally, I call upon all Americans to display the flag of the United States at their homes and businesses on Armed Forces Day, and I urge citizens to learn more about military service by attending and participating in the local observances of the day.

Proclamation 9753 of May 18, 2018, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9893 of May 19, 2019

Adjusting Imports of Aluminum Into the United States

By the President of the United States of America

A Proclamation

1. On January 19, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of aluminum articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862). The Secretary found and advised me of his opinion that aluminum articles were being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States.

2. In Proclamation 9704 of March 8, 2018 (Adjusting Imports of Aluminum Into the United States), I concurred in the Secretary's finding that aluminum articles were being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of aluminum articles, as defined in clause 1 of Proclamation 9704, by imposing a 10 percent ad valorem tariff on such articles imported from most countries.

3. In Proclamation 9704, I further stated that any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on aluminum articles imports from that country and, if necessary, adjust

the tariff as it applies to other countries, as the national security interests of the United States require.

4. The United States has successfully concluded discussions with Canada and Mexico on satisfactory alternative means to address the threatened impairment of the national security posed by aluminum imports from Canada and Mexico. The United States has agreed on a range of measures with Canada and Mexico to prevent the importation of aluminum that is unfairly subsidized or sold at dumped prices, to prevent the transshipment of aluminum, and to monitor for and avoid import surges. These measures are expected to allow imports of aluminum from Canada and Mexico to remain stable at historical levels without meaningful increases, thus permitting the domestic capacity utilization to remain reasonably commensurate with the target level recommended in the Secretary's report. In my judgment, these measures will provide effective, long-term alternative means to address the contribution of these countries' imports to the threatened impairment of the national security.

5. In light of these agreements, I have determined that, under the framework in the agreements, imports of aluminum from Canada and Mexico will no longer threaten to impair the national security, and thus I have decided to exclude Canada and Mexico from the tariff proclaimed in Proclamation 9704, as amended. The United States will monitor the implementation and effectiveness of these measures in addressing our national security needs, and I may revisit this determination as appropriate.

6. In light of my determination to exclude, on a long-term basis, these countries from the tariff proclaimed in Proclamation 9704, as amended, I have considered whether it is necessary and appropriate in light of our national security interests to make any corresponding adjustments to such tariff as it applies to other countries. I have determined that, in light of the agreed-upon measures with Canada and Mexico, it is necessary and appropriate, at this time, to maintain the current tariff level as it applies to other countries.

7. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

8. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) Clause 2 of Proclamation 9704, as amended, is further amended in the second sentence by deleting the "and" before "(c)" and inserting

before the period at the end: “, and (d) on or after 12:01 a.m. eastern daylight time on May 20, 2019, from all countries except Argentina, Australia, Canada, and Mexico”.

(2) The “Article description” for heading 9903.85.01, in subchapter III of chapter 99 of the HTSUS, is amended by replacing “of Australia” with “of Australia, of Canada, of Mexico”.

(3) The modifications made by clauses 1 and 2 of this proclamation shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on May 20, 2019, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(4) Any imports of aluminum articles from Canada and Mexico that were admitted into a U.S. foreign trade zone under “privileged foreign status” as defined in 19 CFR 146.41, prior to 12:01 a.m. eastern daylight time on May 20, 2019, shall not be subject upon entry for consumption made after 12:01 a.m. eastern daylight time on May 20, 2019, to the additional 10 percent ad valorem rate of duty imposed by Proclamation 9704, as amended.

(5) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9894 of May 19, 2019

Adjusting Imports of Steel Into the United States

By the President of the United States of America

A Proclamation

1. On January 11, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of steel articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862). The Secretary found and advised me of his opinion that steel articles were being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States.

2. In Proclamation 9705 of March 8, 2018 (Adjusting Imports of Steel Into the United States), I concurred in the Secretary’s finding that steel articles, as defined in clause 1 of Proclamation 9705, as amended by clause 8 of Proclamation 9711 of March 22, 2018 (Adjusting Imports of Steel Into the United States), were being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of these steel articles by imposing a 25 percent ad valorem tariff on such articles imported from most countries.

3. As stated in the Proclamation dated May 16, 2019 (Adjusting Imports of Steel Into the United States), the Secretary has now advised me that the domestic industry's capacity utilization has improved to approximately the target level recommended in the Secretary's report. This target level, if maintained for an appropriate period, will improve the financial viability of the domestic steel industry over the long term.

4. In Proclamation 9705, I further stated that any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on steel articles imports from that country and, if necessary, adjust the tariff as it applies to other countries, as the national security interests of the United States require.

5. The United States has successfully concluded discussions with Canada and Mexico on satisfactory alternative means to address the threatened impairment of the national security posed by steel articles imports from Canada and Mexico. The United States has agreed on a range of measures with Canada and Mexico to prevent the importation of steel articles that are unfairly subsidized or sold at dumped prices, to prevent the transshipment of steel articles, and to monitor for and avoid import surges. These measures are expected to allow imports of steel articles from Canada and Mexico to remain stable at historical levels without meaningful increases, thus permitting the domestic industry's capacity utilization to continue at approximately the target level recommended in the Secretary's report. In my judgment, these measures will provide effective, long-term alternative means to address the contribution of these countries' imports to the threatened impairment of the national security.

6. In light of these agreements, I have determined that, under the framework in the agreements, imports of steel articles from Canada and Mexico will no longer threaten to impair the national security, and thus I have decided to exclude Canada and Mexico from the tariff proclaimed in Proclamation 9705, as amended. The United States will monitor the implementation and effectiveness of these measures in addressing our national security needs, and I may revisit this determination as appropriate.

7. In light of my determination to exclude, on a long-term basis, Canada and Mexico from the tariff proclaimed in Proclamation 9705, as amended, I have considered whether it is necessary and appropriate in light of our national security interests to make any corresponding adjustments to such tariff as it applies to other countries. I have determined that, in light of the agreed-upon measures with Canada and Mexico, it is necessary and appropriate, at this time, to maintain the current tariff level as it applies to other countries.

8. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

9. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) Proclamation 9705, as amended, is further amended by revising clause 2 to read as follows:

“(2)(a) In order to establish certain modifications to the duty rate on imports of steel articles, subchapter III of chapter 99 of the HTSUS is modified as provided in the Annex to this proclamation and any subsequent proclamations regarding such steel articles.

(b) Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all steel articles imports covered by heading 9903.80.01, in subchapter III of chapter 99 of the HTSUS, shall be subject to an additional 25 percent ad valorem rate of duty with respect to goods entered for consumption, or withdrawn from warehouse for consumption, as follows: (i) on or after 12:01 a.m. eastern daylight time on March 23, 2018, from all countries except Argentina, Australia, Brazil, Canada, Mexico, South Korea, and the member countries of the European Union; (ii) on or after 12:01 a.m. eastern daylight time on June 1, 2018, from all countries except Argentina, Australia, Brazil, and South Korea; (iii) on or after 12:01 a.m. eastern daylight time on August 13, 2018, from all countries except Argentina, Australia, Brazil, South Korea, and Turkey; (iv) on or after 12:01 a.m. eastern daylight time on May 20, 2019, from all countries except Argentina, Australia, Brazil, Canada, Mexico, South Korea, and Turkey; and (v) on or after 12:01 a.m. eastern daylight time on May 21, 2019, from all countries except Argentina, Australia, Brazil, Canada, Mexico, and South Korea. Further, except as otherwise provided in notices published pursuant to clause 3 of this proclamation, all steel articles imports from Turkey covered by heading 9903.80.02, in subchapter III of chapter 99 of the HTSUS, shall be subject to a 50 percent ad valorem rate of duty with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 13, 2018, and prior to 12:01 a.m. eastern daylight time on May 21, 2019. All steel articles imports covered by heading 9903.80.61, in subchapter III of chapter 99 of the HTSUS, shall be subject to the additional 25 percent ad valorem rate of duty established herein with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on the date specified in a determination by the Secretary granting relief. These rates of duty, which are in addition to any other duties, fees, exactions, and charges applicable to such imported steel articles, shall apply to imports of steel articles from each country as specified in the preceding three sentences.”

(2) The “Article description” for heading 9903.80.01, in subchapter III of chapter 99 of the HTSUS, is amended by deleting “of South Korea, of Brazil, of Turkey” and inserting “of Brazil, of Canada, of Mexico, of South Korea, of Turkey”.

(3) The modifications made by clauses 1 and 2 of this proclamation shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on May 20, 2019, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(4) The Proclamation dated May 16, 2019 (Adjusting Imports of Steel Into the United States), is amended by revising clause 5 to read as follows: “The ‘Article description’ for heading 9903.80.01 in subchapter III of chapter 99 of the HTSUS is amended by replacing ‘of South Korea, of Turkey’ with ‘of South Korea’.”.

(5) Any imports of steel articles from Canada and Mexico that were admitted into a U.S. foreign trade zone under “privileged foreign status” as defined in 19 CFR 146.41, prior to 12:01 a.m. eastern daylight time on May 20, 2019, shall not be subject upon entry for consumption made after 12:01 a.m. eastern daylight time on May 20, 2019, to the additional 25 percent ad valorem rate of duty as imposed by Proclamation 9705, as amended.

(6) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9895 of May 20, 2019

National Maritime Day, 2019

By the President of the United States of America

A Proclamation

On National Maritime Day, we honor the men and women who, throughout our history, have served with professionalism, dedication, and patriotism in the United States Merchant Marine. We recognize these seafaring merchant mariners for helping to fuel our economy, maintain our sea power, and support our national security.

Merchant mariners extend goodwill into all parts of the world, serving as a peaceful United States presence on international waterways. Today, American mariners facilitate the import and export of billions of dollars of goods, including fuel, agricultural products, and raw materials through the Marine Transportation System. They are also among the first to respond to help their fellow citizens in the wake of national disasters.

During times of war, merchant mariners courageously sail into combat zones to provide sealift for the Department of Defense, carrying weap-

ons and supplies to America's fighting forces. In every conflict, United States citizen mariners have answered the call to duty and risked their lives. Some have sadly made the ultimate sacrifice for their country.

Because the United States Merchant Marine plays a central role in bringing American goods to market and in bolstering our military readiness abroad, we must encourage more people to pursue career opportunities on America's waterways and the oceans of the world. For this reason, I recently signed an Executive Order to help veterans of the Armed Forces transition seamlessly into civilian careers in the United States Merchant Marine by allowing them to apply relevant military training and experience toward becoming credentialed merchant mariners. This will help support a robust, well-equipped, and safe merchant fleet crewed by well-trained mariners.

The Congress, by a joint resolution approved May 20, 1933, has designated May 22 of each year as "National Maritime Day" to commemorate the first transoceanic voyage by a steamship in 1819 by the S.S. Savannah. By this resolution, the Congress has authorized and requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 22, 2019, as National Maritime Day. I call upon the people of the United States to mark this observance and to display the flag of the United States at their homes and in their communities. I also request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9896 of May 24, 2019

Prayer for Peace, Memorial Day, 2019

By the President of the United States of America

A Proclamation

Whether on the battlefields of Bunker Hill, on the beaches of Normandy, in the jungles of Vietnam, or in the mountains and deserts of the Middle East, brave Americans of every generation have given their last full measure of devotion in defense of our country, our liberty, and our founding ideals. On Memorial Day, we humbly honor these incredible patriots and firmly renew our abiding commitment to uphold the principles for which they laid down their lives.

As a free people, we have a sacred duty to remember the courageous warriors who have made the ultimate sacrifice to ensure that our great country would endure. It is our responsibility to strive to ensure that their noble acts of dedication to our country and the cause of freedom were not in vain and to comfort the families they have left behind, who bear the heartbreak of their loss. We must ensure that the light

of our Republic, and all for which these most honorable Americans willingly died, continues to shine forth brightly into the world. As President Lincoln said in 1863 during the dedication of the Gettysburg National Military Cemetery: “It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced.”

As we approach the 75th anniversary of D-Day, we proudly commemorate those heroic and honorable patriots who gave their all for the cause of freedom during some of history’s darkest hours. Thousands of selfless members of our Armed Forces perished on the beaches of Normandy. They bravely gave their lives to pave the way for the Allied liberation of Europe and ultimately victory over the forces of evil. Their historic sacrifices and achievements secured the future of humanity and proved America’s strength in defending freedom and defeating the enemies of civilization.

Those who rest in the hallowed grounds of our country’s national cemeteries laid their lives upon the altar of freedom. Today, as we unite in eternal gratitude for the sacrifices of these extraordinary Americans, let us also offer a prayer for lasting peace. Let us renew our steadfast resolve to work toward a peaceful future, in which the horrors of war are a distant memory and our families, our communities, and our Nation need no longer confront the sorrow and pain of losing our beloved sons and daughters.

In honor and recognition of all of our fallen heroes, the Congress, by a joint resolution approved May 11, 1950, as amended (36 U.S.C. 116), has requested the President issue a proclamation calling on the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer. The Congress, by Public Law 106–579, has also designated 3:00 p.m. local time on that day as a time for all Americans to observe, in their own way, the National Moment of Remembrance.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim Memorial Day, May 27, 2019, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11:00 a.m. of that day as a time when people might unite in prayer.

I further ask all Americans to observe the National Moment of Remembrance beginning at 3:00 p.m. local time on Memorial Day.

I also request the Governors of the United States and its Territories, and the appropriate officials of all units of government, to direct the flag be flown at half-staff until noon on this Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control. I also request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9897 of May 31, 2019**African-American Music Appreciation Month, 2019**

By the President of the United States of America

A Proclamation

Throughout American history, African-American music has reflected our Nation's challenges and triumphs and has always enriched our Nation's culture. During African-American Music Appreciation Month, we pay tribute to the talented and inspiring African-American artists who have given sound and voice to the full range of human emotions through the blues, jazz, gospel, rock and roll, rap, hip hop, and other genres.

Last year, we lost one of our Nation's most beloved African-American musicians, songwriters, and singers, Aretha Franklin, the "Queen of Soul." She was an 18-time Grammy Award winner and the first female artist inducted into the Rock and Roll Hall of Fame. During her extraordinary career, Franklin infused her talent and unmistakable style into gospel, rhythm and blues, rock and roll, jazz, and even opera. Her songs are treasures of the American music canon. A recipient of the Presidential Medal of Freedom and the National Medal of Arts, Franklin's imprint on America's soundscape is timeless. She will forever reign as a luminary of African-American music.

This month, we celebrate the countless contributions of African-American singers, composers, and musicians, who have influenced and shaped every genre and style of music. They have turned universally shared emotions and experiences of suffering, joy, passion, pain, faith, injustice, and love into art that speaks to the heart and spirit of any American. African-American music has the power to encourage, inspire, and affect social change. It transcends time, compelling generation after generation to sing, dance, think, and feel, and it endures in our culture, our history, our spirit, and our collective national soul.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2019 as African-American Music Appreciation Month. I call upon public officials, educators, and all the people of the United States to observe this month with appropriate activities and programs that raise awareness and appreciation of African-American music.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9898 of May 31, 2019**Great Outdoors Month, 2019**

By the President of the United States of America

A Proclamation

Each year, millions of Americans step into our Nation's vast and wondrous outdoors. There, they experience the miracles of creation: expansive forests, towering mountains, winding canyons, pristine waters, imposing glaciers, and soaring landscapes. These natural marvels offer limitless opportunity to experience nature and to consider the profound. During Great Outdoors Month, we celebrate the majesty of our planet and the freedom we have to witness its awe-inspiring grandeur.

In America, adventurers of all stripes have a place to experience, to explore, and to make lifelong memories. The National Parks System alone encompasses more than 400 different natural, cultural, and historic sites throughout the country. Thousands more State parks and trails ornament our country's varied landscapes. Even our cityscapes are filled with parks, marinas, swimming pools, golf courses, tennis courts, and other recreational opportunities. No matter the location, citizens in every part of our Nation can find their own outdoor adventure and, in doing so, improve their health, deepen connections with their families and communities, and experience their country in new and exciting ways.

A proud tradition of protecting and maintaining our outdoor places is woven into our Nation's heritage. Expanding access to these many locations is a priority of my Administration. We have opened hundreds of thousands of acres of previously unavailable or restricted public lands and added hundreds of miles to the national recreation trails system. I also recently signed into law the John D. Dingell, Jr. Conservation, Management, and Recreation Act, which designates new acreage as wilderness areas, increases access to public lands for hunting and fishing, and expands areas for recreational camping and boating. We will continue to leverage public- and private-sector resources to preserve our cultural history and natural habitat for future generations.

This month in particular, we recognize all those who help to conserve our natural environment, and we renew our commitment to act as responsible stewards of its many gifts. I encourage all Americans to get outdoors this summer to encounter, appreciate, and enjoy the natural splendor of our beautiful country.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2019 as Great Outdoors Month. I urge all Americans to explore the great outdoors while acting as stewards of our lands and waters.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9899 of May 31, 2019**National Caribbean-American Heritage Month, 2019**

By the President of the United States of America

A Proclamation

During National Caribbean-American Heritage Month, we acknowledge the significant ways Caribbean Americans have shaped our culture and heritage. Americans with roots in the Caribbean have greatly enriched our society, contributing to the arts, business, journalism, technology, government, religion, the military, sports, and many other fields.

Through his dedication to his faith, Joseph Sandiford Atwell exemplified the unyielding spirit of Caribbean Americans. Born in Barbados in 1831, Atwell moved to the United States in 1863 and attended the Philadelphia Divinity School. Following the Civil War, he went to spread God's message of hope and love to the emancipated slaves in the South. Due to the strength of his ministry, he became the first black Episcopal deacon ordained in the Diocese of Kentucky and went on to become the first black Episcopal priest in the Diocese of Virginia.

Earlier this year, I met with the leaders of the Commonwealth of The Bahamas, the Dominican Republic, the Republic of Haiti, Jamaica, and Saint Lucia to reaffirm our partnership with the Caribbean. We discussed how we can bring greater prosperity to this important region, including potential opportunities for energy investment and enhanced trade partnerships. We made tremendous progress, and we will build on these discussions to strengthen further the relationship we share with our Caribbean neighbors.

This month, we recognize the vibrant culture and patriotism of Caribbean Americans that continue to bolster our country and enrich our lives, and we pay tribute to the strong friendship between the United States and the countries of the Caribbean.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2019 as National Caribbean-American Heritage Month. I encourage all Americans to join in celebrating the history, culture, and achievements of Caribbean Americans with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9900 of May 31, 2019**National Homeownership Month, 2019**

By the President of the United States of America

A Proclamation

During National Homeownership Month, we acknowledge the benefits of sustainable homeownership. Homeownership continues to be an important option for many Americans to invest in their communities, build wealth, and achieve the American Dream.

My Administration's economic policies have helped spur a booming economy, in which nearly 6 million new jobs have been created and wages are rising at the fastest rate in a decade. We have slashed more than 30,000 pages of job-killing regulations from the rule book that had been constraining economic growth, and my Tax Cuts and Jobs Act has put more money into the pockets of American workers. These successes have led to more opportunities for Americans to become homeowners, and we are committed to building on them by continuing to work with State and local governments to remove burdensome and unnecessary regulations that restrict development and artificially raise housing costs.

To offer the opportunity for more sustainable homeownership to a greater number of Americans, we must also reform our Nation's housing finance system. Earlier this year, I signed a Presidential Memorandum instructing the Secretaries of the Treasury and Housing and Urban Development to construct a plan on reforming the housing finance system to promote competition in the housing finance market that will also preserve the 30-year, fixed-rate mortgage for qualified homebuyers. These reforms are critical to improving access to sustainable mortgages and to maintaining responsible support for homeownership and for building wealth.

This month, we reaffirm our commitment to empowering more Americans with the opportunity to take the important step of becoming homeowners. By keeping taxes low, continuing to remove burdensome and unnecessary regulations, and making much-needed reforms to the housing finance system, we will open doors to sustainable homeownership to more Americans and their families.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2019 as National Homeownership Month.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9901 of May 31, 2019**National Ocean Month, 2019**

By the President of the United States of America

A Proclamation

The ocean supports millions of American jobs across numerous industries, including commercial fishing, recreation and tourism, international trade, shipping, ports, energy, and other maritime commerce. During National Ocean Month, we recognize the importance of the ocean to the economy, national security, and environment of the United States, and we renew our commitment to safeguarding its vital resources.

America is, and will always be, one of the world's preeminent seafaring nations. All of our Nation's citizens benefit from our access to the ocean. With more than 13,000 miles of coastline and 3.4 million nautical square miles of ocean within our territorial jurisdiction, our country's exclusive economic zone is the largest in the world. Together, our oceans and the Great Lakes generate \$320 billion in economic activity. That is one reason why my Administration is committed to developing new, innovative ways to protect our native aquatic species, reduce our reliance on foreign fish imports, and keep our fishery industry strong.

Over the last few years, we have made important strides in learning more about our ocean and our Nation's coastal waters, supporting our ocean economy, and promoting good stewardship of our waters for current and future generations. Last year, I signed an Executive Order to advance ocean-related scientific research and to promote greater engagement of Federal agencies with State-led regional ocean partnerships. Importantly, our Federal agencies are continuing efforts to make ocean-related information publicly available, which will help support commerce, energy development, and conservation efforts.

Additionally, my Administration is determined to conserve, manage, and balance America's use of the ocean through enhanced mapping and exploration. With an emphasis on engaging with the private sector, we are leveraging resources and expertise to advance our understanding of the ocean and to support the ocean-related scientific and technological enterprise. Through American innovation and investment in ocean science and technology, we will reinforce our economic competitiveness, strengthen our national security, protect our environment, and preserve our continued prosperity.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2019 as National Ocean Month. This month, I call upon Americans to reflect on the value and importance of oceans not only to our security, environment, and economy but also as a source of recreation, enjoyment, and relaxation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America two hundred forty-third.

DONALD J. TRUMP

Proclamation 9902 of May 31, 2019**To Modify the List of Beneficiary Developing Countries
Under the Trade Act of 1974**

By the President of the United States of America

A Proclamation

1. In Executive Order 11888 of November 24, 1975, the President designated India as a beneficiary developing country for purposes of the Generalized System of Preferences (GSP) (19 U.S.C. 2461 *et seq.*).

2. Pursuant to section 502(d)(1) of the Trade Act of 1974, as amended (the “1974 Act”) (19 U.S.C. 2462(d)(1)), the President may withdraw, suspend, or limit the application of the duty-free treatment accorded under the GSP with respect to any beneficiary developing country. In taking any action under section 502(d)(1) of the 1974 Act, the President shall consider the factors set forth in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2461 and 2462(c)).

3. Section 502(c)(4) of the 1974 Act (19 U.S.C. 2462(c)(4)) provides that, in determining whether to designate any country as a beneficiary developing country, the President shall take into account, among other factors, the extent to which such country has assured the United States that it will provide equitable and reasonable access to the markets and basic commodity resources of such country and the extent to which such country has assured the United States that it will refrain from engaging in unreasonable export practices.

4. Consistent with section 502(d)(1) of the 1974 Act, and having considered the factors set forth in sections 501 and 502(c), I have determined that India has not assured the United States that India will provide equitable and reasonable access to its markets. Accordingly, it is appropriate to terminate India’s designation as a beneficiary developing country effective June 5, 2019.

5. Section 502(f)(2) of the 1974 Act (19 U.S.C. 2462(f)(2)) requires the President to notify the Congress and the affected beneficiary developing country, at least 60 days before termination, of the President’s intention to terminate the affected country’s designation as a beneficiary developing country, together with the considerations entering into such decision. I notified the Congress and India on March 4, 2019, of my intent to terminate India’s designation, together with the considerations entering into my decision.

6. Pursuant to section 203 of the 1974 Act (19 U.S.C. 2253), and after receiving a report from the International Trade Commission prepared under section 202 of the 1974 Act (19 U.S.C. 2252), the President may implement a measure in the form of a safeguard to address increased imports of articles that are a substantial cause of serious injury to a domestic industry producing like or directly competitive products. When acting pursuant to section 203 of the 1974 Act, the President shall take action that he determines will facilitate efforts of the domestic industry to make a positive adjustment to import competition and provide greater economic and social benefits than costs.

7. In Proclamation 9693 of January 23, 2018, pursuant to section 203 of the 1974 Act, I implemented a safeguard measure on imports of certain crystalline silicon photovoltaic (CSPV) cells, whether or not par-

tially or fully assembled into other products (including, but not limited to, modules, laminates, panels, and building-integrated materials) (“CSPV products”). In Proclamation 9694 of January 23, 2018, pursuant to section 203 of the 1974 Act, I implemented a safeguard measure on imports of large residential washers.

8. The safeguard measures implemented by Proclamations 9693 and 9694 exempt imports of covered products from developing countries that are Members of the World Trade Organization (WTO), including India, if such a country’s individual share of total imports of the product does not exceed 3 percent and if imports of all such countries with less than 3 percent import share do not collectively account for more than 9 percent of total imports of the product.

9. Consistent with my determination that it is appropriate to terminate the designation of India as a beneficiary developing country under the GSP, effective June 5, 2019, I have determined to remove it from the list of developing country WTO Members exempt from application of the safeguard measures on CSPV products and large residential washers. To reflect India’s removal from the list, I have determined that it is appropriate to revise subdivision (b)(2) of U.S. note 17 and subdivision (b) of U.S. note 18 to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTS) to delete the references to India.

10. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of the 1974 Act, and of other Acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

11. In Proclamation 9887 of May 16, 2019, I terminated the designation of Turkey as a beneficiary developing country for purposes of the GSP and removed the exemption for Turkey from application of the safeguard measures on CSPV products and large residential washers. To reflect this termination and removal, I made certain modifications to the HTS, effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on May 17, 2019.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including title V and sections 203 and 604 of the 1974 Act, do hereby proclaim that:

(1) The designation of India as a beneficiary developing country is terminated, effective June 5, 2019.

(2) To reflect this termination, general notes 4(a) and 4(d) and pertinent subheadings of the HTS are modified as set forth in Annex A to this proclamation.

(3) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

(4) The exemption for India from application of the safeguard measures on CSPV products and large residential washers is removed, effective June 5, 2019.

(5) To reflect this revision, subdivision (b)(2) of U.S. note 17 and subdivision (b) of U.S. note 18 to subchapter III of chapter 99 of the HTS are each modified as set forth in Annex B to this proclamation.

(6) Any merchandise from India or Turkey subject to the safeguard measures implemented by Proclamation 9693 and Proclamation 9694 that is admitted into a United States foreign trade zone on or after 12:01 a.m. eastern daylight time on June 5, 2019, must be admitted as “privileged foreign status” as defined in 19 CFR 146.41, and will be subject upon entry for consumption to the safeguard measures implemented by Proclamation 9693 and Proclamation 9694.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Annex A

To Modify the Harmonized Tariff Schedule of the United States to remove India from the Generalized System of Preferences

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on June 5, 2019, the HTS is modified for the following subheadings:

1. General note 4(a) to the HTS is modified:
 - A. By deleting from the list of independent countries the name “India”;
 - B. By deleting from the list of member countries of the South Asian Association for Regional Cooperation the name “India”.
2. General note 4(d) to the HTS is modified:
 - A. By striking the following subheadings and the country set out opposite them:

0405.20.80 India	2834.10.10 India	2921.42.23 India
0710.29.15 India	2841.61.00 India	2922.29.26 India
0711.40.00 India	2841.70.50 India	2924.29.36 India
0713.40.20 India	2844.30.10 India	2924.29.43 India
0713.60.60 India	2903.83.00 India	2926.90.30 India
0713.60.80 India	2904.10.08 India	2930.80.00 India
0713.90.81 India	2904.99.04 India	2930.90.30 India
0802.80.10 India	2907.15.10 India	2930.90.43 India
0904.22.76 India	2907.29.25 India	2931.32.00 India
1103.19.14 India	2908.19.20 India	2931.34.00 India
1301.90.40 India	2913.00.50 India	2932.99.08 India
1703.90.30 India	2914.31.00 India	2933.19.35 India
2001.90.45 India	2915.50.20 India	2933.59.59 India
2516.20.20 India	2916.39.15 India	2933.99.06 India
2827.39.25 India	2918.13.50 India	2933.99.22 India
2827.39.45 India	2918.99.30 India	2933.99.85 India
2828.10.00 India	2920.23.00 India	2935.90.20 India
2831.90.00 India	2921.42.21 India	3204.12.20 India

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3204.12.30 India	4107.91.40 India	7113.19.25 India
3204.12.45 India	5209.31.30 India	7113.20.25 India
3204.12.50 India	5209.41.30 India	7307.21.10 India
3204.20.10 India	5702.50.20 India	7325.91.00 India
3204.20.80 India	5702.91.30 India	7907.00.20 India
3301.24.00 India	5702.92.10 India	8502.31.00 India
3920.59.10 India	5702.99.05 India	8528.72.80 India
3920.94.00 India	5702.99.20 India	8708.50.79 India
4104.11.30 India	5703.10.20 India	8708.50.95 India
4107.12.40 India	5703.90.00 India	9205.90.14 India
4107.19.40 India	7113.19.21 India	9405.50.30 India

B. By deleting the country “India” set out opposite the following HTS subheadings:

2401.20.57	3907.69.00	7113.19.29
2906.11.00	3920.62.00	7113.19.50
3301.90.10	6802.93.00	8708.30.50
3907.61.00	7113.11.50	

3. The following HTS subheadings are modified by deleting from the rates of duty 1 – special subcolumn, the symbol “A*” and by inserting in lieu thereof “A”:

0405.20.80	1703.90.30	2903.83.00
0710.29.15	2001.90.45	2904.10.08
0711.40.00	2516.20.20	2904.99.04
0713.40.20	2827.39.25	2907.15.10
0713.60.60	2827.39.45	2907.29.25
0713.60.80	2828.10.00	2908.19.20
0713.90.81	2831.90.00	2913.00.50
0802.80.10	2834.10.10	2914.31.00
0904.22.76	2841.61.00	2915.50.20
1103.19.14	2841.70.50	2916.39.15
1301.90.40	2844.30.10	2918.13.50

2918.99.30	3920.94.00
2920.23.00	4104.11.30
2921.42.21	4107.12.40
2921.42.23	4107.19.40
2922.29.26	4107.91.40
2924.29.36	5209.31.30
2924.29.43	5209.41.30
2926.90.30	5702.50.20
2930.80.00	5702.91.30
2930.90.30	5702.92.10
2930.90.43	5702.99.05
2931.32.00	5702.99.20
2931.34.00	5703.10.20
2932.99.08	5703.90.00
2933.19.35	7113.19.21
2933.59.59	7113.19.25
2933.99.06	7113.20.25
2933.99.22	7307.21.10
2933.99.85	7325.91.00
2935.90.20	7907.00.20
3204.12.20	8502.31.00
3204.12.30	8528.72.80
3204.12.45	8708.50.79
3204.12.50	8708.50.95
3204.20.10	9205.90.14
3204.20.80	9405.50.30
3301.24.00	
3920.59.10	

Annex B

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on June 5, 2019, the HTS is modified as follows:

Subdivision (b)(2) of U.S. note 17 and subdivision (b) of U.S. note 18 to subchapter III of chapter 99 of the HTS are each modified by deleting from the list of developing countries the name “India”.

Proclamation 9903 of June 1, 2019**Honoring the Victims of the Tragedy in Virginia Beach,
Virginia***By the President of the United States of America**A Proclamation*

Our Nation grieves with those affected by the tragic shooting at the Virginia Beach Municipal Center in Virginia Beach, Virginia. Americans unite in praying for God to comfort the injured and heal the wounded. May God be with the victims and bring aid and comfort to their families and friends. As a mark of solemn respect for the victims of the terrible act of violence perpetrated on May 31, 2019, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, June 4, 2019. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred forty-third.

DONALD J. TRUMP

Proclamation 9904 of June 6, 2019**National Day of Remembrance of the 75th Anniversary of
D-Day***By the President of the United States of America**A Proclamation*

On June 6, 1944, D-Day, more than 130,000 American and Allied troops stormed the beaches of Normandy, France, and thousands more parachuted in behind enemy lines, on a mission to retake Europe from the control of Nazi Germany. The night before the operation, the largest amphibious assault in the history of war, General Dwight D. Eisenhower issued a message to the Allied Expeditionary Force: “The eyes of the world are upon you. The hopes and prayers of liberty-loving people everywhere march with you . . . We will accept nothing less than full victory.” Seventy-five years later, these words remind us of the magnitude of the day and of the heroism of the thousands who waded onto the beaches, parachuted into the countryside, and gave their all to change the course of history and to bring liberty to millions.

On that fateful June morning, before dawn, paratroopers from the Army’s 82nd and 101st Airborne Divisions, among others, fell in be-

hind enemy lines. Shortly thereafter, the first wave of American, British, and Canadian infantry divisions, which had crossed the English Channel in 7,000 vessels and landing craft, rushed forth onto the five beaches of the targeted 50-mile stretch of the French coastline, codenamed Utah, Omaha, Gold, Juno, and Sword.

Awaiting these brave men was a shoreline littered with anti-landing obstacles, landmines, bunkers, and strategically positioned machine-gun nests. These defenses inflicted devastating losses on the Allied forces. 1,465 Americans perished on the beaches of Normandy that day. On Omaha Beach—the bloodiest of the five—the U.S. Army’s 1st and 29th Infantry Divisions suffered horrific losses: 2,400 soldiers were killed or wounded by day’s end.

Secure in the nobility of their cause and driven by love of country, the heroes of D-Day pressed forward against the German onslaught. Through their gallantry and dedication to duty, they overwhelmed the enemy and secured a beachhead that allowed wave after wave of infantry to push onto the continent. By day’s end, the D-Day forces had pried open Europe’s northern door—so tightly sealed by the Nazis for years. Through that door streamed the forces of liberation, which ultimately ended the war, ended the horrors of the Holocaust, ended the tyrannical Hitler regime, and laid the foundations of a peace that persists to this day.

Today, we pause to remember and honor all of the brave soldiers, sailors, and airmen whose selfless sacrifices catalyzed the deliverance of oppressed people and secured freedom for decades to come. May we always be true to the virtues and principles for which this D-Day generation—the Greatest Generation—paid so dearly. As we mark 75 years since the D-Day landings, we recognize that their legacy grows ever more meaningful with time. The story of America will forever include the valor and sacrifice of the intrepid servicemen who took those beaches in northwest France on June 6, 1944.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 6, 2019, as a National Day of Remembrance of the 75th Anniversary of D-Day. I call upon all Americans to observe this day with programs, ceremonies, and activities that honor those who fought and died so that men and women they had never met might know what it is to be free.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of June, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9905 of June 7, 2019**Flag Day and National Flag Week, 2019**

By the President of the United States of America

A Proclamation

On Flag Day and during National Flag Week, we celebrate and honor our Nation's lasting emblem, our great American flag. Since the Second Continental Congress adopted its design more than 200 years ago, the Stars and Stripes has been a powerful symbol of freedom, hope, and opportunity. We fly Old Glory from government buildings, schools, city halls, police and fire stations, stores, offices, and our front porches. Wherever Americans are gathered—sporting events, places of worship, parades, and rallies—our flag waves proudly, representing the enduring spirit of our country.

The American flag helps us to never forget the values of our Republic, and the valor of the men and women in uniform who have defended it. When we look at the red, white, and blue, we are filled with the same spirit of patriotism that stirred Francis Scott Key to pen the “Star Spangled Banner” during the withering bombardment of Fort McHenry in 1812. We are reminded of the blood spilled across generations to safeguard liberty. We are prompted to reflect with pride on the purity and righteousness of our cause—the same pride that swelled in the hearts of our boys as they took the beaches of Normandy, and as they raised the flag on Iwo Jima. And we are strengthened in our resolve to pursue justice and safeguard the rule of law, so that freedom can march on.

Today, and all throughout the week, let us recommit ourselves to the principles upon which our country was founded. With grateful hearts, let us reflect upon the price of freedom, and the brave souls who gave their last full measure to preserve it. As we raise our flag, as we stand and salute or place our hands over our hearts, let us renew our sacred pledge that we will forever remain “one Nation under God, indivisible, with liberty and justice for all.”

To commemorate the adoption of our flag, the Congress, by joint resolution approved August 3, 1949, as amended (63 Stat. 492), designated June 14 of each year as “Flag Day” and requested that the President issue an annual proclamation calling for its observance and for the display of the flag of the United States on all Federal Government buildings. The Congress also requested, by joint resolution approved June 9, 1966, as amended (80 Stat. 194), that the President issue annually a proclamation designating the week in which June 14 occurs as “National Flag Week” and calling upon all citizens of the United States to display the flag during that week.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim June 14, 2019, as Flag Day, and the week starting June 9, 2019, as National Flag Week. I direct the appropriate officials to display the flag on all Federal Government buildings during this week, and I urge all Americans to observe Flag Day and National Flag Week by displaying the flag. I also encourage the people of the United States to observe with pride and all due ceremony those days from Flag Day through Independence Day, set aside by the Congress (89 Stat. 211), as a time to honor America, to celebrate our

heritage in public gatherings and activities, and to publicly recite the Pledge of Allegiance to the Flag of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of June, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9906 of June 14, 2019

Father's Day, 2019

By the President of the United States of America

A Proclamation

On Father's Day, we celebrate and honor the men who have embraced the essential role of fatherhood. Through acts of selflessness, determination, and love, fathers and father figures enrich and bless all of our lives. Today, we thank them for boldly embracing the tremendous responsibility of raising our Nation's children to be happy, productive, and responsible adults, and for their ceaseless devotion to their families.

As children, we take comfort in the presence and companionship of fathers, and we are strengthened by their encouragement as we prepare to confront future challenges. Throughout life, we draw courage from our father's firm and loving guidance and example. With the values they instill in us, they encourage us to live a life of virtue and exercise good judgment as we enter into adulthood and have families of our own.

Children of all ages benefit in countless ways from a father's ongoing presence and involvement. A father's time, attention, and mentorship are crucial to the physical, emotional, and spiritual growth of his child. Our Nation heralds the dignity of fatherhood, a father's role in developing children's character, and the indispensable influence fathers have on their children and our communities.

Increasingly, research has shown that children with involved fathers are more likely to have healthy self-esteem, do well in school, and make higher salaries as adults. This is one reason why my Administration is committed to promoting the role of fathers and father figures in ensuring the growth, development, and well-being of America's youth. We support the continuance of grant funding to organizations across our country that promote responsible fatherhood by helping fathers to strengthen their relationships with their children and to seek and retain gainful employment to provide a stable home life for their families.

On this day, we thank all amazing fathers for their unending dedication and leadership. They impact countless lives in such important and powerful ways. We express our heartfelt love and appreciation to fathers, whether their children are by birth, adoption, or foster care, for the many sacrifices they have made to ensure that their children have every opportunity to reach their full potential in life.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, in accordance with a joint resolution of the Congress approved April 24, 1972, as amended (36 U.S.C. 109), do hereby proclaim June 16, 2019, as Father's Day. I call on United States Government officials to display the flag of the United States on all Government buildings on Father's Day and invite State and local governments and the people of the United States to observe Father's Day with appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of June, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9907 of July 1, 2019

Pledge to America's Workers Month, 2019

By the President of the United States of America

A Proclamation

This month, we celebrate Pledge to America's Workers Month. Last year, I signed an Executive Order establishing the President's National Council for the American Worker. The Council, made up of 14 Federal agencies, is charged with developing a national strategy for training and reskilling workers for high-demand occupations and the industries of the future. The Federal Government, however, cannot do it alone. That is why we also launched the Pledge to America's Workers, a call-to-action for States and the private sector to create new education and training opportunities to better serve the American worker and encourage private investment in workforce development. As of today, a strong bipartisan majority of our Nation's Governors and more than 280 companies and associations have signed the Pledge, committing to create nearly 10 million enhanced career and training opportunities for America's workforce. On this inaugural Pledge to America's Workers Month, my Administration calls on more States and employers, both large and small, to sign the Pledge to strengthen the economy and ensure one of America's greatest assets—its workforce—is prepared for the jobs of today and tomorrow.

As President, I have worked to revitalize our country's economy and usher in a new era of American prosperity. Since taking office, 5.4 million jobs have been added to our Nation's economy. This year, wage growth hit its fastest pace in a decade, boosting the buying power of American workers. My Administration has unleashed an economic expansion that has brought a record number of Americans back into the labor market. Not only has the national unemployment rate dropped to 3.6 percent, the lowest rate in half a century, but unemployment has reached historic lows among minorities, veterans, and individuals with disabilities. In May, a record 75 percent of people who started that work had been out of the labor force the previous month rather than unemployed. In other words, we are bringing more people off the sidelines and into the labor force than ever before. We are striving for and achieving inclusive growth, so that all Americans, especially those who

have been marginalized, can find meaningful work and the training needed to fill vacant jobs.

Our country's flourishing job market also poses exciting new opportunities. In each of the past 14 months, the United States has had more job openings than job seekers, meaning there remains room for even more Americans to enter the labor force. My Administration stands ready to help American workers gain the skills needed to fill the approximately 7.4 million open jobs. That is why last month, the Department of Labor launched the new Industry-Recognized Apprenticeship pathway, encouraging companies to offer on-the-job training in new, emerging, and high-growth sectors of our economy.

Throughout Pledge to America's Workers Month, we applaud the States, employers, and associations who have signed the Pledge. And we encourage those that have not yet signed the Pledge to do so and commit to new education and training opportunities over the next 5 years. Together, with the industrious spirit of the American workforce, we will build a more prosperous future for all generations.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 2019 as Pledge to America's Workers Month.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of July, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9908 of July 14, 2019

Made in America Day and Made in America Week, 2019

By the President of the United States of America

A Proclamation

On Made in America Day and during Made in America Week, we honor the extraordinary efforts of American entrepreneurs, workers, and farmers in revitalizing our Nation's economy. Products made in America are the world standard for quality and showcase the craftsmanship of the most innovative, diverse, highly skilled, and dedicated workforce in the world.

When we buy American-made products, we support the American workers who build them and we invigorate the American economy, driving job growth, spurring innovation, and bolstering the middle class. We have already witnessed the creation of more than 6 million new jobs since my election, and wages are rising at the highest pace in a decade. Through historic tax and regulatory reform, workforce initiatives, trade enforcement, and the negotiation of new trade deals, my Administration is fulfilling our promise to make "buy American and hire American" the new standard. My Administration is striving to ensure that items purchased by the Government are made in America, with American materials, and by American hands.

Thanks to the enactment of the Tax Cuts and Jobs Act and the elimination of burdensome and unnecessary regulations, American workers and entrepreneurs have renewed confidence. American companies are becoming more competitive with their foreign counterparts and have more money to invest in their employees through bonuses, higher wages, and increased contributions to retirement plans.

My Administration is also pursuing fair trade by working to level the playing field so that American companies can compete in an increasingly global market. To fight against unfair trade practices, we are vigorously enforcing our Nation's existing trade laws. We significantly updated one of our most consequential trade deals, the United States-Korea Free Trade Agreement (KORUS) to make it more beneficial to American workers. I also delivered on my promise to renegotiate the outdated and unbalanced North American Free Trade Agreement (NAFTA) with the signing of the United States-Mexico-Canada Agreement (USMCA). Once approved by the Congress, the USMCA will help reverse longstanding trade imbalances by granting American businesses across all sectors of our economy greater freedom to sell their goods and services throughout North America.

Last year, I signed an Executive Order establishing the President's National Council for the American Worker and the American Workforce Policy Advisory Board to focus on retraining our workforce and equipping students and workers with the skills they need to be successful across high-demand industries. We are asking companies to commit to expanding programs that educate, train, and re-skill American workers of all ages by signing our Pledge to America's Workers.

It is imperative that we keep investing in the industrious American workers, job creators, and inventors who always succeed at leading in innovation and ingenuity, and never fail to inspire the rest of the world. My Administration will always back our American workers and manufacturers as they continue their hard work to keep the American economy strong and propel our Nation toward a more prosperous future.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 15, 2019, as Made in America Day and this week, July 14 through July 20, 2019, as Made in America Week. I call upon all Americans to pay special tribute to the builders, the ranchers, the crafters, the entrepreneurs, and all those who work with their hands every day to make America great.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of July, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9909 of July 17, 2019**Death of John Paul Stevens**

By the President of the United States of America

A Proclamation

As a mark of respect for the memory and longstanding service of John Paul Stevens, retired Associate Justice of the Supreme Court of the United States, I hereby order, by the authority vested in me by the Constitution and the laws of the United States of America, that on the day of his interment, the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset on such day. I also direct that the flag shall be flown at half-staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of July, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9910 of July 19, 2019**Captive Nations Week, 2019**

By the President of the United States of America

A Proclamation

The United States has always been a source of hope to people around the world fighting to replace tyranny with liberty, justice, and the rule of law. During Captive Nations Week, we reaffirm our Nation's unwavering support for those who strive to be free from oppression. We condemn repressive regimes that deny people their God-given rights, including life, liberty, and the pursuit of happiness.

President Dwight D. Eisenhower first proclaimed Captive Nations Week in 1959, when freedom in the United States was a bulwark against the totalitarianism of communist regimes in Eastern Europe and elsewhere. Even today, many decades since the end of the Cold War unleashed a new era of democratic flourishing, tyrannical and coercive governments still threaten the freedom and well-being of countless individuals worldwide. They persecute people for worshiping their God, and jail people for daring to speak out and for demanding even the most basic forms of transparency and accountability. They use food distribution as a tool of social control, manipulate electoral processes, and undermine the will and spirit of their people through intimidation and fear. The United States stands with repressed people around the world and urges governments everywhere to respect the God-given

rights of every individual and to embrace the establishment of representative government.

As Americans, we are privileged and blessed to live in a Nation in which our Constitution protects fundamental rights like freedom of expression, association, religion, and peaceful assembly. We will continue to advocate for those who are unjustly denied these and other rights, and stand against brutality and oppression, which violate the dignity of all people.

The Congress, by Joint Resolution approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to issue a proclamation designating the third week of July of each year as “Captive Nations Week.”

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 21 through July 27, 2019, as Captive Nations Week. I call upon all Americans to reaffirm our commitment to supporting those around the world striving for liberty, justice and the rule of law.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of July, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9911 of July 19, 2019

50th Anniversary Observance of the Apollo 11 Lunar Landing

*By the President of the United States of America
A Proclamation*

In 1961, President John F. Kennedy boldly challenged our Nation to land an American on the Moon and return him safely to Earth within that decade. Eight years later, thanks to the spirit, pride, tenacity, and expertise of scientists, engineers, aviators, and visionaries, America completed this remarkable feat in human space exploration. On the 50th anniversary of this historic milestone, we honor the brave astronauts of the Apollo 11 spaceflight and all the men and women whose sacrifices, unwavering dedication, and extraordinary talent produced one of history’s most triumphant achievements.

On July 16, 1969, families and communities around the world watched in awe and trepidation as a trio of astronauts—Neil Armstrong, Buzz Aldrin, and Michael Collins—climbed into the command module Columbia and left Earth on the first manned mission to land on the Moon. The intrepid pilots traveled nearly a quarter of a million miles through space, and 4 days later, on July 20, 1969, they landed the Apollo 11 lunar module on the Moon’s Sea of Tranquility.

Neil Armstrong’s first steps on the Moon brought humanity into a new era. And as he and Buzz Aldrin planted the American flag into the

“magnificent desolation” of the Moon’s surface, they left no doubt about what had brought humans to the new frontier—American ingenuity, grit, and determination.

Apollo 11 fueled advancements in many sectors of our society, including science, technology, and commerce. And the work of the National Aeronautics and Space Administration (NASA) and the entire aerospace industry remains critical to our Nation’s continued quest for greatness, powers our economy, and strengthens our defense.

Early in my Administration, I pledged to renew America’s commitment to human space exploration and the boundless potential beyond Earth’s gravity. I revived the National Space Council within the White House to coordinate all space-related activities across the Government, including with the National Security Council on matters relating primarily to national security. The Space Council has helped to bring together skilled leaders in business and industry to accelerate innovation and seize opportunities throughout the space enterprise. I also signed Space Policy Directive–1, challenging NASA to lead the return of Americans to the Moon, eventually send the first Americans to Mars, and enable humans to expand and deepen our reach across the solar system.

As Neil Armstrong’s boots pressed into the dust on the Moon’s surface in 1969, he delivered an unforgettable message, “one small step for man, one giant leap for mankind.” His words have resonated around the globe and through the years to embolden dreamers and future explorers and to draw their attention to the power and the possibility of the boundless wonders of space. Today, we reaffirm our continuing and shared quest to unlock greater mysteries, take bigger leaps for humanity, and advance America’s leadership in space exploration.

The success of Apollo 11 is one of our country’s defining moments. As we observe this 50th anniversary of the first lunar landing, we celebrate the incredible voyage of our Nation’s heroic astronauts, and all those who supported them from mission control and elsewhere back home. Their historic accomplishment rallies our patriotism and pride, ignites our sense of adventure, and steels our belief that no dream is impossible—no matter how lofty or challenging.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 20, 2019, as the 50th Anniversary Observance of the Apollo 11 Lunar Landing. I call upon public officials, educators, and all Americans to observe this occasion by honoring the Apollo 11 mission and all of the men and women who have served in our Nation’s space program.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of July, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9912 of July 25, 2019**Anniversary of the Americans with Disabilities Act, 2019**

By the President of the United States of America

A Proclamation

On the 29th anniversary of the Americans with Disabilities Act (ADA), we celebrate this historic legislation, which reflects our Nation's dedication to securing the equal rights and defending the intrinsic dignity of all men and women. Today, we renew our commitment to empowering Americans with disabilities through equal access so they can achieve their full potential, and we celebrate their contributions to our great Nation.

Since 1990, the ADA has transformed the lives of millions of Americans by promoting equal access to employment, government services, public accommodations, commercial facilities, and public transportation. The more than 61 million Americans who are currently living with disabilities are part of the fabric of our Nation, and the ADA helps eliminate barriers to their full participation in every community across the country. We are grateful for the ADA for helping to foster a vibrant culture of inclusivity in our Nation.

Employment opportunities for Americans with disabilities are growing, and the unemployment rate for Americans with disabilities reached its lowest level ever during my Administration. Our Nation is building on the precedent of the ADA by taking further steps to ensure opportunity for all Americans. My Administration continues to encourage hiring individuals with disabilities, including through our Multi-Agency Task Force on Improving Employment for People with Disabilities. We are making extraordinary strides in removing obstacles that stand in the way of those with disabilities to lead healthy, self-sufficient, and independent lives. I signed an Executive Order to increase apprenticeship opportunities for all Americans, including those with disabilities. This action has helped bring reforms to ineffective training and workforce development programs, better enabling Americans with disabilities to develop in-demand skills for a wide range of industries. We also are actively supporting research to develop new technologies that will increase access and quality of life for Americans with disabilities. And we are addressing the significant extra living expenses Americans with disabilities often face through enhanced awareness of Achieving a Better Life Experience accounts, which allow money to be saved for qualified disability-related expenses without having to pay taxes on earnings.

As we commemorate the anniversary of the ADA, we recommit to working together to ensure Americans with disabilities have every opportunity to realize the American Dream.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 26, 2019, as a day in celebration of the 29th Anniversary of the Americans with Disabilities Act. I call upon all Americans to observe this day with appropriate ceremonies and activities that celebrate the contributions of Americans with disabilities and to renew our commitment to achieving the promise of our freedom for all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of July, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9913 of July 26, 2019

National Korean War Veterans Armistice Day, 2019

By the President of the United States of America

A Proclamation

In 1953, the Korean Armistice Agreement ended more than 3 years of brutal fighting against communist expansionism and tyranny on the Korean Peninsula. On National Korean War Veterans Armistice Day, we honor the brave patriots who secured freedom and democracy in the Republic of Korea, and we pay tribute to the more than 23,600 Americans who were killed in action and the more than 103,000 who were wounded in that conflict.

The dedication stone at the Korean War Veterans Memorial in Washington, DC, bears the inscription: “Our Nation honors her sons and daughters who answered the call to defend a country they never knew and a people they never met.” The memorial includes an honor roll of Americans killed in action and those missing in action, and its unique design features statues of a patrol crossing a Korean rice paddy. These figures represent the heroes of our Armed Forces who valiantly served in the Land of the Morning Calm and fought on battlefields such as Inchon, the Pusan Perimeter, and the Chosin Reservoir. Today, this hauntingly beautiful memorial stands as an enduring reminder of what it costs to defend and preserve the democratic principles we hold dear.

Our ironclad alliance with the Republic of Korea was cemented when the first American troops arrived on its soil to fight for liberty and human dignity. More than six decades after the ceasefire on the Korean Peninsula, the Republic of Korea is flourishing as a prosperous and peace-loving democracy. Since the signing of the armistice at Panmunjom, the United States has worked with the Republic of Korea to preserve peace through strength. Our military, together with our allies, stands vigilant, strong, and “ready to fight tonight” on the ground, in the air, and at sea. The phrase “katchi kapshida”—“we go together”—is on the lips of every service member in Korea, representing generations of Koreans and Americans united by shared sacrifice and a willingness to uphold the cause of freedom no matter the cost.

Last month, when I walked across the military demarcation line that runs through the Demilitarized Zone, it was the first time a sitting United States President has ever entered into the territory of the Democratic People’s Republic of Korea. I hope these steps will spur progress in the ongoing effort to achieve the complete and verifiable denuclearization of North Korea, establish a permanent peace on the Korean Peninsula, and continue the recovery and repatriation of remains of fallen American soldiers.

Today, we honor our Korean War veterans for service rendered to both the United States and the Republic of Korea, and we remember their families who supported them throughout. Sometimes called “The Forgotten War,” we will always remember the immeasurable cost incurred by those who fought on the Korean Peninsula. The bravery, tenacity, and selflessness of our veterans liberated the oppressed, brought peace and prosperity to a freedom-loving people, and helped forge our unshakable bonds with the Republic of Korea.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 27, 2019, as National Korean War Veterans Armistice Day. I call upon all Americans to observe this day with appropriate ceremonies and activities that honor and give thanks to our distinguished Korean War Veterans.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of July, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9914 of August 4, 2019

**Honoring the Victims of the Tragedies in El Paso, Texas,
and Dayton, Ohio**

*By the President of the United States of America
A Proclamation*

Our Nation mourns with those whose loved ones were murdered in the tragic shootings in El Paso, Texas, and Dayton, Ohio, and we share in the pain and suffering of all those who were injured in these two senseless attacks. We condemn these hateful and cowardly acts. Through our grief, America stands united with the people of El Paso and Dayton. May God be with the victims of these two horrific crimes and bring aid and comfort to their families and friends. As a mark of solemn respect for the victims of the terrible acts of violence perpetrated on August 3, 2019, in El Paso, Texas, and on August 4, 2019, in Dayton, Ohio, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, August 8, 2019. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of August, in the year of our Lord two thousand nineteen, and of the

Independence of the United States of America two hundred forty-fourth.

DONALD J. TRUMP

Proclamation 9915 of August 16, 2019

**National Employer Support of the Guard and Reserve
Week, 2019**

By the President of the United States of America

A Proclamation

Our great Nation's hard-fought independence was won by citizen warriors united in purpose and possessing an unwavering commitment to liberty. On countless occasions since, our citizen Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen have put their civilian lives on hold—leaving behind family, friends, and vocation—to defend freedom and the rights of all Americans. During National Employer Support of the Guard and Reserve Week, we salute the many civilian employers who recognize the indispensable role of our all-volunteer force and provide unwavering support to our Nation's defenders.

The men and women of the National Guard and Reserve make significant contributions to both our thriving economy and our strong national defense. In all facets of the civilian workforce, from small businesses to large corporations, they bring to bear considerable expertise, experience, and professionalism. In uniform, they serve with honor and distinction as they respond to natural disasters and emergencies, train to ensure operational readiness, and deploy in support of critical operations.

Employers who support the National Guard and Reserve are essential to the Nation's ability to sustain an all-volunteer force. Their flexibility, generosity, and understanding enable reserve component service members to maintain meaningful and successful civilian careers while serving their country. Regardless of financial hardship or inconvenience, these patriotic employers provide job security when employees answer the call of duty, as well as encouragement and stability to their families during times of deployment. In choosing service over self-interest, these employers share in the mission of protecting our democratic principles and our Nation's well-being.

Ensuring that our brave military members have the resources they need to thrive in both military and civilian life is one of my highest priorities. I commend employers who hold in high regard our National Guard and Reserve service members and their families, and who provide exemplary cooperation and partnership, often at great financial sacrifice, to Americans who nobly combine military and civilian careers. We extend our gratitude to these employers and to all who willingly serve and sacrifice to defend and preserve our way of life.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 18 through August 24, 2019, as National Employer Support of the

Guard and Reserve Week. I call upon all Americans to join me in expressing our heartfelt thanks to the civilian employers who provide critical support to the men and women of the National Guard and Reserve. I also call on State and local officials, private organizations, and all military commanders to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of August, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9916 of August 23, 2019

Women's Equality Day, 2019

By the President of the United States of America

A Proclamation

On Women's Equality Day, we commemorate the 99th anniversary of the adoption of the 19th Amendment as part of the United States Constitution, which secured for women the right to vote. This historic event was the culmination of the decades-long struggle of courageous suffragists determined to ensure the right of women to shape the course of our Republic through the ballot box. On Women's Equality Day, we commemorate the efforts of those groundbreaking activists, celebrate the remarkable achievements of women, and reaffirm our commitment to equality under the law for all Americans.

My Administration is working every day to empower and promote women, and to facilitate their success. Thanks to our economic policies, including the enactment of the Tax Cuts and Jobs Act and the elimination of unnecessary and burdensome regulations, the unemployment rate for women recently fell to its lowest rate in 65 years. We also are fighting for policies that recognize the demands and challenges faced by working parents so that mothers can better provide for their families and thrive in the labor force. My Administration worked to double the child tax credit, protect the child and dependent care credit, and develop a tax credit for employers who offer paid family and medical leave. We continue to call upon the Congress to pass a nationwide paid family leave program. Additionally, we are working to break down the barriers faced by women in science, technology, engineering, and math (STEM) fields by expanding apprenticeships and vocational education. This year, my Administration launched the Women's Global Development and Prosperity (W-GDP) Initiative, which will reach 50 million women in the developing world by 2025. The W-GDP Initiative focuses on three pillars: improving access to quality education and skills training; promoting women's entrepreneurship and increasing access to capital, markets, technical assistance, and mentorship; and identifying and reducing the legal, regulatory, and cultural barriers that hinder the participation of women in the global economy.

As we celebrate Women's Equality Day, we honor the trailblazing American women who have fought for, and achieved, incredible gains in equality since the ratification of the 19th Amendment. Their hard-fought accomplishments have strengthened our economy, our communities, and our families, and have enriched the American spirit. Their resolve, innovation, leadership, passion, and compassion have changed the world and continue to inspire future generations of women.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 26, 2019, as Women's Equality Day. I call upon the people of the United States to celebrate the achievements of women and observe this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of August, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9917 of August 30, 2019

**National Alcohol and Drug Addiction Recovery Month,
2019**

By the President of the United States of America

A Proclamation

During National Alcohol and Drug Addiction Recovery Month, we raise awareness of substance use disorder and celebrate the millions of Americans who have successfully overcome addiction. Their stories of healing and redemption are a source of hope and encouragement to others battling addiction.

Addiction to alcohol, opioids, and illicit drugs is a public health emergency. For this reason, I have taken aggressive action to combat the scourge of addiction and help those affected by it. My Initiative to Stop Opioid Abuse and Reduce Drug Supply and Demand is designed both to reduce the demand for drugs through education, awareness, and the prevention of over-prescription and to cut off the flow of drugs across our borders. The Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act, which I signed into law last year, is the single largest bill dedicated to combating the drug crisis ever passed in the history of our country. This law expands access to evidence-based treatment, protects our communities from illicit drugs, invests more in sustained recovery, brings those in treatment and recovery back into the workforce, and raises public awareness of the dangers of illicitly imported synthetic opioids. My Administration also secured more than \$6 billion over 2 years to help Americans affected by addiction to opioids and other drugs have access to the care they need. And we continue working closely with States to waive overly restrictive Federal rules so they have more flexibility to develop and implement innovative solutions to this crisis.

Every American can work to end the crisis of alcohol and drug addiction in our country, which shatters relationships and erodes the strength of our communities. Countless first responders, healthcare professionals, counselors, recovery coaches, spiritual leaders, and volunteers help Americans every day to achieve and sustain recovery through their compassion and dedication. Equally important are the courageous individuals in recovery who have battled stigma, misunderstanding, and the disease of addiction to build a new life. Their struggles, lessons learned, and experiences gained on the road to recovery offer invaluable inspiration to all who fight addiction. Through *The Crisis Next Door* platform launched by the White House last year, Americans whose lives have been tormented by addiction can share their stories and provide a glimpse into the tragic consequences of substance use disorder and the hope, healing, and joy of lives reclaimed through recovery.

This month, we reaffirm our commitment to the critical battle against alcohol and drug addiction, remember the lives lost to this disease, and honor those in recovery. By helping those still struggling find the treatment they need and by welcoming home those who are recovering, we can make our communities and our Nation stronger, healthier, and more prosperous.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2019 as National Alcohol and Drug Addiction Recovery Month. I call upon the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of August, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9918 of August 30, 2019

National Childhood Cancer Awareness Month, 2019

By the President of the United States of America

A Proclamation

During National Childhood Cancer Awareness Month, we recognize the brave young Americans who are courageously fighting cancer, and we pause to remember those we have lost to this horrible disease. We also reaffirm our Nation's commitment to developing cures for pediatric cancer, which inflicts terrible pain on children and causes tremendous anguish for parents and loved ones.

Each year, more than 15,000 children and adolescents under the age of 19 are diagnosed with cancer. Although cancer is the leading cause of post-infancy death among our Nation's young people, there is hope for those afflicted by this disease. In the last half century, the life expectancy of children and adolescents with cancer has greatly increased, with approximately 85 percent now living for at least 5 years after

being diagnosed. Building upon this progress, we continue our efforts to find effective and innovative medical procedures to treat and prevent all forms of cancer and to improve the quality of life for childhood cancer survivors.

My Administration is committed to supporting our Nation's dedicated medical professionals, researchers, and innovators as they work to win the fight against childhood cancer. Last year, I signed into law the Childhood Cancer Survivorship, Treatment, Access, and Research (STAR) Act. This legislation will support research for childhood cancers, explore effective treatments, and help enhance the quality of long-term care for the tenacious young people who have finished treatment and entered into remission. I am also working with the Congress to invest \$500 million over the next decade in cancer-related research. This funding will enable our Nation's best scientists and doctors to learn from every child with cancer, creating new opportunities to understand the unique causes of and best cures for childhood cancer.

This month, we honor the more than 400,000 survivors of childhood and adolescent cancers in the United States. Their resilient spirit and immeasurable courage inspire us all. We also express our sincerest gratitude to those who work tirelessly to ensure that all children can live healthy, long, and productive lives.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2019 as National Childhood Cancer Awareness Month. I encourage all Americans to observe this month with appropriate programs and activities that raise awareness of the efforts to find a cure for childhood cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of August, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9919 of August 30, 2019

National Preparedness Month, 2019

*By the President of the United States of America
A Proclamation*

Since the early days of our Nation's history, Americans have always demonstrated perseverance and determination in the face of great challenges. Our Nation's efforts to be prepared for whatever lies ahead have contributed to our ability to consistently rise to the occasion when adversity strikes. During National Preparedness Month, we focus on promoting a culture of preparedness to make our homes, businesses, communities, and Nation more ready and resilient in the face of natural, adversarial, accidental, and technological hazards. We also honor and express our immense appreciation for the brave first responders who risk their lives to help others before, during, and after emergencies.

During the last 2 years, Americans have faced some of the most devastating natural disasters and emergencies in our Nation's history. From the U.S. Virgin Islands to the Hawaiian Islands, we have endured hurricanes, wildfires, floods, blizzards, earthquakes, tornadoes, and other extreme weather and perilous events. Our resolve as a Nation has been tested again and again. More than 50 people lost their lives after record rainfall and strong winds from Hurricane Florence caused catastrophic flooding and structural damage throughout the Carolinas. Hurricane Michael became the strongest hurricane ever to hit the Florida Panhandle, causing major damage to property and tragically taking more lives. And California's Camp Fire, which took the lives of more than 80 people and destroyed thousands of homes, was the deadliest and one of the most destructive wildfires in more than a century.

In spite of these tremendous challenges, the American people remain steadfast in their commitment to overcoming any adversity. While Federal, State, local, tribal, and territorial offices, as well as non-governmental organizations, coordinate with first responders and emergency personnel before, during, and after an emergency, the most integral part of an effective recovery following a disaster is preparedness at every level of government, in the private sector, and especially among our citizens. Maintaining readiness starts by having an emergency plan in place before disaster strikes. Signing up for alerts sent to mobile devices is crucial. These alerts provide critical early warnings, enabling people to get to safety before disaster strikes. An emergency fund can help cover unexpected costs for basic needs like food, water, lodging, gas, and insurance deductibles. It is also crucial to designate an out-of-town contact person that family members can call in case of an emergency. And parents and guardians should talk with their children about how to be prepared for unexpected emergencies at home or at school. The Federal Emergency Management Agency's *Ready Campaign* outlines simple, cost-effective, and life-saving measures you can take to prepare yourself, your family, and your property. Taking these simple steps can make a big difference during a crisis or natural disaster.

This month, as Hurricane Dorian bears down on the Florida coast, I encourage all Americans to take action to be ready and resilient. While we cannot always know when the next disaster or emergency will confront us, we must remain ready. Together, we can ensure that all Americans have the information and resources they need to safeguard themselves and their loved ones from crisis or disaster.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2019 as National Preparedness Month. I encourage all Americans, including Federal, State, tribal, and local officials, to take action to be prepared for disaster or emergency by making and practicing their emergency response plans. Each step we take to become better prepared makes a real difference in how our families and communities will respond and persevere when faced with the unexpected.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of August, in the year of our Lord two thousand nineteen, and of

the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9920 of August 30, 2019

Labor Day, 2019

By the President of the United States of America

A Proclamation

On Labor Day, we recognize the remarkable American workers who comprise the greatest labor force in the world. American workers are the heart and soul of our Nation's economic resurgence. Since my first day in office, I have followed through on my promise to fight for an agenda that puts American workers first.

My Administration's pro-growth policies have enabled countless Americans to reclaim the dignity of work and reap the rewards of our thriving economy. Since my election, the American economy has added more than 6 million new jobs, and for the past 17 months, the unemployment rate has held near record lows. In 2017, as the unemployment rate decreased, the rates of injuries and illnesses in the workplace also declined. Additionally, employers are paying higher wages, which are rising at the fastest pace in a decade. Jobs are consistently becoming available faster than people can fill them.

As the 21st century global economy evolves, my Administration is making it a priority to prepare the American workforce of tomorrow. Last year, I signed an Executive Order establishing the President's National Council for the American Worker to ensure that students and workers have access to the affordable, practical, and innovative education and job training they need to be successful across high-demand industries. We are asking companies to sign our Pledge to America's Workers and commit to expanding programs that educate, train, or re-skill employees. In July, as of the 1-year anniversary of our pledge, more than 300 companies and organizations had already joined us in this effort, committing to more than 12 million new education and training opportunities for American students and workers. We are also promoting expanded access to apprenticeships through the Industry-Recognized Apprenticeship Program, which will enable associations, unions, educational institutions, and non-profit organizations to partner and create exceptional opportunities for apprentices to earn and learn through their careers. Additionally, we are seeking to expand Pell Grant program eligibility for high-quality, short-term education and training programs in popular career fields.

My Administration has been working tirelessly to renegotiate one-sided trade agreements to obtain fairer terms for American companies and workers. With the signing of the United States-Mexico-Canada Agreement (USMCA), we took bold and needed action to replace the outdated and unbalanced North American Free Trade Agreement. Once approved by the Congress, the USMCA will support higher-paying jobs for American workers by enhancing the freedom of all American businesses across all sectors of our economy. We also significantly updated

one of our most consequential trade deals, the United States-Korea Free Trade Agreement, bringing real benefits to American workers. And we are aggressively enforcing the well-established trade laws of the United States to protect American workers and businesses from unfair trade practices that harm them.

Today, we honor those Americans whose contributions have turned our country into an economic powerhouse, and we renew our commitment to create an environment that continues to foster and promote opportunity.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2, 2019, as Labor Day. I call upon all public officials and people of the United States to observe this day with appropriate programs, ceremonies, and activities that honor the contributions and resilience of working Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of August, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9921 of September 5, 2019

National Days of Prayer and Remembrance, 2019

By the President of the United States of America

A Proclamation

During these National Days of Prayer and Remembrance, we come together to honor the memory of the nearly 3,000 men, women, and children who perished in the terrorist attacks of September 11, 2001. The passage of time will never diminish the magnitude of the loss or the courage, compassion, strength, and unity displayed during one of our darkest hours.

The horrific events of that September morning shook our Nation to its core as we watched in disbelief as the chaos unfolded. Yet in the midst of loss and destruction, a renewed pride, patriotism, and appreciation for the precious blessings of life and liberty filled our soul. We pause, therefore, to remember not merely our pain and sorrow from that day but also our will, our fortitude, and our reinvigorated unity and love for our fellow Americans.

Since the founding of our Republic, we have proclaimed reliance on Almighty God. Prayer has sustained and guided the leaders and citizens of this great Nation in times of peace and prosperity and in times of conflict and disaster. Thus, it is fitting that we again turn to our Creator for wisdom, comfort, and peace on this somber occasion, praying for those who lost loved ones at the World Trade Center, at the Pentagon, and in Shanksville, Pennsylvania, and for all who bear the wounds, seen and unseen, of these tragedies. We also pray for our first responders who risk their own lives to rescue others in peril, and con-

tinue to do so day in and day out, as well as for our men and women in the military who protect our homeland, serving a cause greater than themselves.

The United States has endured many trials, yet few events have challenged our resolve as the events of September 11, 2001. On that fateful day, our faith was challenged, but never lost; our Nation wept, but could not be defeated. Through the devastation, we emerged stronger. During these commemorative days, may we unite in prayer and remembrance and do our part to ensure that future generations never forget this immeasurable tragedy or ever doubt this Nation's extraordinary resilience.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Friday, September 6, through Sunday, September 8, 2019, as National Days of Prayer and Remembrance. I ask that the people of the United States mark these National Days of Prayer and Remembrance with prayer, contemplation, memorial services, the visiting of memorials, the ringing of bells, and evening candlelight remembrance vigils. I invite all people around the world to share in these Days of Prayer and Remembrance.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9922 of September 6, 2019

**National Historically Black Colleges and Universities
Week, 2019**

*By the President of the United States of America
A Proclamation*

For more than 180 years, America's Historically Black Colleges and Universities (HBCUs) have made extraordinary contributions to the general welfare and prosperity of our country by advancing the educational pursuits of African Americans and many others. These fine institutions help shape citizens of character and purpose, position them to thrive beyond graduation, and expand our Nation's pipeline of productivity by creating meaningful employment opportunities that empower talented employees to succeed in the workforce and in public service. During National Historically Black Colleges and Universities Week, we celebrate these pillars of higher learning, their unique history, and the pathways to success they provide for African American students and our country.

While HBCUs comprise just 3 percent of all nonprofit colleges and universities, they enroll nearly 10 percent of all African American college students. Moreover, these institutions account for 17 percent of African Americans who earn their bachelor's degrees and 27 percent of those

who earn degrees in science, technology, engineering, and math fields. My Administration has made HBCU success a national priority. I have signed legislation providing more than \$404 million in funding for HBCU Higher Education Act programs and assisted 13 schools experiencing financial difficulty to restructure to be better positioned to meet student and community needs. HBCUs directly contribute \$15 billion to our Nation's economy and directly support more than 134,000 jobs. We are working every day to enhance this sizable economic footprint.

In accordance with my Executive Order establishing the President's Board of Advisors on HBCUs, 32 Federal agencies have outlined plans describing efforts to make HBCUs stronger and more competitive when seeking grants and other Federal support. Additionally, I have commissioned the Executive Office of the President to develop a unique Federal HBCU strategy that encourages HBCUs to partner with leaders in advancing local economic development goals. We will continue to strengthen the role of these institutions to help them improve the lives of their students, alumni, and the communities they serve.

This year, as our Nation solemnly recognizes the 400th anniversary of the arrival of the first Africans in the American colonies in 1619, we take the time to herald the unyielding spirit of African Americans who have triumphed over enslavement, discrimination, oppression, and injustice. We commend HBCUs for all that they have done and continue to do to inspire and foster success in their students, preserve our history, and ensure that we remember, learn from, and build upon the past to create a brighter and more prosperous future for all Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 8 through September 14, 2019, as National Historically Black Colleges and Universities Week, and further proclaim September 9, 2019, as the Inaugural National HBCU Colors Day. I call upon all Americans to observe this week with appropriate programs, ceremonies, and activities and to boldly, joyfully, and proudly don institutional colors.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9923 of September 6, 2019

Opioid Crisis Awareness Week, 2019

*By the President of the United States of America
A Proclamation*

The opioid crisis has devastated communities across America and has stolen precious lives, leaving families with an unfillable void. During Opioid Crisis Awareness Week, we reaffirm our commitment to ending this terrible crisis and eradicating drug addiction from our society.

On average, 130 Americans die every day from an opioid overdose. Drug overdose is the leading cause of accidental death in the United States, and opioids are the most common drug used in cases of drug overdose. Since the start of the 21st century, our Nation has lost nearly the same number of lives to the opioid crisis as we lost in World War II.

My Administration is taking aggressive action to address this nationwide public health emergency. In 2018, our High Intensity Drug Trafficking Area program disrupted or dismantled nearly 3,000 drug trafficking organizations. During that operation, the Department of Justice seized enough fentanyl to kill more than 100,000 Americans out of our communities. Additionally, I released my *Initiative to Stop Opioid Abuse and Reduce Drug Supply and Demand*, which is preventing over-prescription, reducing the demand for drugs through education and awareness, and cutting off the flow of illicit drugs across our borders and into American communities. As a part of this Initiative, we are working with State and local partners to expand access to evidence-based addiction treatment in every part of our country. Further, I signed the bipartisan H.R. 6, the Substance Use–Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act, the largest legislative effort ever to address a single drug crisis in our Nation’s history. This law is expanding access to evidence-based treatment, protecting our communities from illicit drugs, investing more in sustained recovery, bringing those in treatment and recovery back into the workforce, and raising awareness of the dangers of illicitly imported synthetic opioids.

My Administration is determined to use every resource at our disposal to release the grip of addiction plaguing our citizens. This month, the Department of Health and Human Services announced \$1.8 billion in new grant money to fight the opioid epidemic. These funds will be delivered to communities where help is most needed and will support State and local governments in obtaining high-quality, comprehensive data to save lives. Moreover, in order to break the cycle of addiction, we must prevent young Americans from ever trying drugs in the first place. To help succeed in this important cause, we launched a nationwide public ad campaign to educate young people about the dangers of misusing prescription opioids. This campaign has already reached 58 percent of young adults. These critical actions, combined with the record \$6 billion in new funding I secured during my first 2 years in office to fuel the response to this crisis, are leading to results. Provisional data shows we are making progress, with overdose deaths declining for the first time since 1990.

It is crucial to remove the societal stigma surrounding those suffering from opioid use and other substance use disorders by approaching addiction as a treatable disease. We need to make it clear that treatment is available and effective, and that recovery is possible. Already, we are seeing encouraging progress toward ensuring that those struggling with addiction receive evidence-based treatment in order to begin the road to recovery. In 2018, 250,000 more Americans received medication-assisted treatment than in 2016. Through *The Crisis Next Door* platform, which my Administration launched last year, those who have been affected by the opioid crisis can help encourage other people struggling with addiction to seek the care they need.

As we observe Opioid Crisis Awareness Week, we strengthen our resolve to win the fight against the opioid epidemic. Together, we will ensure that all Americans have the opportunity for a brighter future, free from the oppression of drug addiction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 8 through September 14, 2019, as Opioid Crisis Awareness Week. I call upon my fellow Americans to observe this week with appropriate programs, ceremonies, religious services, and other activities that raise awareness about the prescription opioid and heroin epidemic and to consider concrete follow-up activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9924 of September 9, 2019

Minority Enterprise Development Week, 2019

By the President of the United States of America

A Proclamation

During Minority Enterprise Development Week, our Nation celebrates the success of minority-owned businesses and recognizes their significant role in strengthening our country's robust economy. The contributions of these enterprises ensure American companies remain world leaders in the global marketplace.

This year marks the 50th anniversary of the Minority Business Development Agency (MBDA), which was originally named the Office of Minority Business Enterprise. When President Richard Nixon signed the Executive Order creating the Office of Minority Business Enterprise in 1969, the Nation's minority population was less than 40 million. Today, the minority population has more than tripled to 130 million, or more than 39 percent of the total American population. Minorities own almost 30 percent of America's businesses, which employ 7.2 million Americans and generate over \$1 trillion a year in revenue. Indeed, the number of minority-owned businesses in operation nationwide has increased by 38 percent since 2007.

As President, I have taken critical steps to ensure that all Americans have the opportunity to prosper. During my first year in office, I achieved significant regulatory reform and signed into law the historic Tax Cuts and Jobs Act, creating opportunity zones to help those in distressed communities. These opportunity zones have ushered in a new era of economic potential and access to capital in areas that need it the most. From the rural heartland to urban centers, traditionally overlooked communities are now destinations for financial growth with potential for unlimited prosperity. I also took action to help minority-owned businesses expand on their economic success by shedding burdensome regulations. Under my direction, Federal agencies removed

14 regulations for every new regulation added during the first 2 years of my Administration, and we remain committed to freeing minority-owned businesses from unnecessary Government restraints.

With renewed emphasis on innovation, policy development, international trade, and digital transformation, MBDA is promoting policies to encourage the continued growth of minority-owned businesses and prepare them for new and emerging industries, such as artificial intelligence and space commercialization. In 2018, I signed an Executive Order establishing the President's National Council for the American Worker so that the next generation of our country's resilient workforce receives the innovative education and job training needed to succeed in a 21st century global economy. The Pledge to America's Workers, an initiative created through this Executive Order, is helping minorities and all Americans become stronger members of our labor force. Today, more than 300 companies and organizations have signed the Pledge and committed to more than 13 million new education and training opportunities, many of which will help minority workers and students be better equipped to succeed.

Minority-owned businesses are helping to power the engine of American capitalism. The ambition of minority entrepreneurs secures a better future for their families, their communities, and the Nation. This week, and throughout the year, we celebrate the great achievements of our minority-owned businesses.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 8 through September 14, 2019, as National Minority Enterprise Development Week. I call upon all Americans to celebrate this week with programs, ceremonies, and activities to recognize the many contributions of American minority business enterprises.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9925 of September 10, 2019

Patriot Day, 2019

By the President of the United States of America

A Proclamation

On Patriot Day, we solemnly remember the nearly 3,000 people who perished on September 11, 2001. With gratitude, we honor the brave first responders, resolute members of our military, and ordinary Americans who showed extraordinary courage to save others on that fateful day. We will always be grateful for the heroic men and women of our Armed Forces who fought in defense of our country in the aftermath of the largest terrorist attack on American soil, and we will never forget those who made the ultimate sacrifice to defend our liberty and freedom.

Many Americans vividly recall the precise moment when terrorists killed our fellow Americans at the World Trade Center in New York City; at the Pentagon in Arlington, Virginia; and on a quiet field in Shanksville, Pennsylvania. A beautiful September morning was marred by stark disbelief, agonizing sorrow, and profound suffering. America's strength, courage, and compassion, however, never wavered. First responders instantly rushed into harm's way to save their fellow Americans from the wreckage of the attacks, the passengers and crew of United Flight 93 decisively fought back and saved countless lives at the cost of their own, and Americans from across the country provided aid, assistance, and comfort to those in need. Against the backdrop of cowardly acts of terror, America once again demonstrated to the world the unmatched strength of our resolve and the indomitable power of our character.

This year, I was proud to sign into law the Permanent Authorization of the September 11th Victim Compensation Fund Act. This bipartisan legislation, named in honor of New York first responders Officer James Zadroga, Firefighter Ray Pfeifer, and Detective Luis Alvarez, permanently reauthorizes compensation for victims and their families, first responders, and those on the front lines of rescue and recovery operations at Ground Zero. Through this legislation, our Nation is fulfilling our sacred duty to those who risked their lives for their fellow Americans on that infamous September day 18 years ago.

Our prayers will continue for the survivors who still bear physical and emotional wounds and for the families who lost loved ones. We also pray for the members of our Armed Forces who risk their lives in service to our country and for the first responders who work tirelessly to ensure the safety of others. Today, let us remember that our Union—forged and strengthened through adversity—will never be broken and that the immeasurable sacrifices of our patriots will never be forgotten.

By a joint resolution approved December 18, 2001 (Public Law 107–89), the Congress has designated September 11 of each year as “Patriot Day.”

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim September 11, 2019, as Patriot Day. I call upon all departments, agencies, and instrumentalities of the United States to display the flag of the United States at half-staff on Patriot Day in honor of the individuals who lost their lives on September 11, 2001. I invite the Governors of the United States and its Territories and interested organizations and individuals to join in this observance. I call upon the people of the United States to participate in community service in honor of those our Nation lost, to observe this day with appropriate ceremonies and activities, including remembrance services, and to observe a moment of silence beginning at 8:46 a.m. Eastern Daylight Time to honor the innocent victims who perished as a result of the terrorist attacks of September 11, 2001.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9926 of September 13, 2019**National Farm Safety and Health Week, 2019**

By the President of the United States of America

A Proclamation

During National Farm Safety and Health Week, we recognize the importance of the health and safety of our Nation's farmers, ranchers, and foresters. These hardworking Americans and their families endure long, strenuous hours of labor to provide for the American people and the world. We recommit to the wellbeing of all agricultural workers by pursuing initiatives that improve their work environments.

From operating dangerous heavy machinery to navigating harsh weather conditions, the men and women who work our country's rich land face significant risks on a daily basis as they labor to bring their products to market. According to the Bureau of Labor Statistics, 581 workers in agriculture and related industries died from a work-related injury in 2017, making agriculture one of the most dangerous jobs in the United States. We must redouble our efforts to ensure the health and safety of our agricultural producers by promoting the best safety practices and adopting innovative technologies that reduce risks. My Administration is committed to providing our Nation's farmers with the tools, training, and resources they need to remain both productive and healthy.

This week, we pledge to strive to improve practices that advance the health and safety of self-employed farm and ranch operators, their family members, and their hired workers. By raising awareness of the inherent risks associated with agricultural work, we can help sustain the success of this critical American industry. As American farmers and American consumers, we will work together to enhance the livelihoods of our farmers, ranchers, and foresters, because we know that when our farmers succeed, our Nation succeeds.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 15 through September 21, 2019, as National Farm Safety and Health Week. I call upon the people of the United States, including America's farmers and ranchers and agriculture-related institutions, organizations, and businesses to reaffirm their dedication to farm safety and health. I also urge all Americans to honor our agricultural heritage and to express their appreciation and gratitude to our farmers, ranchers, and foresters for their important contributions and tireless service to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9927 of September 13, 2019**National Hispanic Heritage Month, 2019***By the President of the United States of America**A Proclamation*

National Hispanic Heritage Month celebrates the accomplishments of Hispanic Americans, who have enriched our culture and society and helped make America into the incredible country it is today. Hispanic-American men and women embody the American values of devotion to faith and family, hard work, and patriotism through their countless contributions as leaders, innovators, entrepreneurs, and members of our Armed Forces.

Since I took office, Hispanic-American unemployment rates and poverty rates have hit record lows. My Administration is always working to create an environment that fosters opportunity for all Americans. That is why I signed the pro-growth Tax Cuts and Jobs Act, which has put more money in the pockets of American workers and has given businesses more money to invest in their employees. This historic legislation also created Opportunity Zones that are driving investment toward and revitalizing distressed communities. My Administration has slashed unnecessary and burdensome regulations to allow entrepreneurs to use their creativity to contribute to our economic growth. Our thriving economy is enabling more Hispanic Americans to achieve the American Dream.

Additionally, we have worked to strengthen our economic and political relationship with our Latin American partners. We successfully renegotiated the North American Free Trade Agreement with the signing of the United States-Mexico-Canada Agreement (USMCA), a trade deal that will benefit all parties and American workers. Once approved by the Congress, USMCA will protect jobs, ensure fair trade, bolster our economies, and allow our nations to prosper. We have also worked to support liberty by standing with the community of democracies in the Western Hemisphere against the authoritarian regimes in Venezuela, Cuba, and Nicaragua. The United States has strong security and economic interests in a safe and prosperous Latin America.

This month, we honor Hispanic Americans for their countless contributions to our Nation. Through their dedication to family, community, and our country, they help to build a better future for all Americans. To honor the achievements of Hispanic Americans, the Congress, by Public Law 100–402, as amended, has authorized and requested the President to issue annually a proclamation designating September 15 through October 15 as “National Hispanic Heritage Month.”

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 15 through October 15, 2019, as National Hispanic Heritage Month. I call upon public officials, educators, librarians, and all Americans to observe this month with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of September, in the year of our Lord two thousand nineteen, and

of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9928 of September 13, 2019

National Gang Violence Prevention Week, 2019

By the President of the United States of America

A Proclamation

My Administration has successfully indicted, convicted, imprisoned, and removed from our country ruthless members of gangs and cartels who inflict horrendous acts of violence upon Americans. During National Gang Violence Prevention Week, my Administration renews its dedication to identifying and dismantling the criminal networks that seek to wreak havoc on our communities and to bringing the individuals who participate in them to justice. We also reaffirm our support for the heroes of law enforcement who have taken a sacred pledge to defend the Nation and its people.

Our Nation's law enforcement officers are the first line of defense against acts of evil perpetrated by gang members. My Administration has increased efforts and has devoted considerable resources to catching, prosecuting, and removing these criminals from our streets. We have made tremendous strides by partnering with State, local, and tribal law enforcement to implement new initiatives, such as Project Safe Neighborhoods, that have been successful in creating safer communities through targeted and sustained reductions in gang violence. Because of these efforts, the Department of Justice (DOJ) brought more cases against violent criminals in fiscal year 2018 than ever before. The record progress we have achieved is the result of our tough stance against crime as well as the bravery and hard work of law enforcement officials.

My Administration is also aggressively combating transnational criminal organizations that bring mayhem across our borders and into our country. On our southern border especially, gangs are heavily involved in murder, extortion, narcotics, and weapons trafficking, human smuggling and trafficking, and other nefarious activities. In the first few weeks of my Administration, I signed three executive orders to dismantle transnational criminal organizations and subsidiary organizations, to reduce crime and restore public safety, and to enhance the safety of law enforcement officers. The DOJ is also working with law enforcement in El Salvador, Guatemala, and Honduras to help coordinate the fight against MS-13, the 18th Street Gang, and other dangerous criminal organizations that try to enter the United States in an effort to ravage our communities. This partnership, called Operation Regional Shield, targets gangs at the source and works to ensure that these criminals never reach our borders. So far, the program has resulted in the indictment of more than 7,000 criminal gang members. In the first 2 years of my Administration, Immigration and Customs Enforcement officers made 266,000 arrests of aliens with criminal records, including those charged or convicted of 100,000 assaults, nearly 30,000 sex crimes, and 4,000 violent killings. My first duty is to care

for our Nation's citizens, and my Administration remains committed to securing the border and stopping criminal gangs, drug smugglers, and human traffickers.

This week, we renew our pledge to defeat criminal gangs and protect our Nation's communities from violent crime so that all Americans have the opportunity to live in safety and peace. We express our deep gratitude to the selfless men and women of our law enforcement agencies who risk their lives protecting our communities. We also pay tribute to the innocent victims of gang violence and pray for their families. Let us honor them by redoubling our efforts to root out and eliminate brutal gangs that threaten our society.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim the week of September 15 through September 21, 2019, as "National Gang Violence Prevention Week." I call upon the people of the United States to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9929 of September 16, 2019

Constitution Day, Citizenship Day, and Constitution Week, 2019

*By the President of the United States of America
A Proclamation*

Two hundred thirty-two years ago, the Framers of the Constitution met in Philadelphia and set our country on a bold course toward forming a more perfect Union. John Adams called the drafting of the Constitution "the greatest single effort of national deliberation that the world has ever seen," and since its ratification, this exceptional document has remained the bedrock of the rule of law for our Nation. On this day and during this week, we celebrate the signing of the Constitution and the American citizens who have devoted their lives to implementing the Framers' vision for the world's grandest and most successful experiment in self-government.

The Founders understood that a self-governing republic requires a free and empowered citizenry. We are therefore grateful that our Constitution is designed, first and foremost, to secure liberty. Through a system of limited Government and checks and balances, the Constitution limits the ability of the State to become an obstacle to human flourishing, while simultaneously enabling the State to serve order, protect rights, and provide public goods.

Since taking office, I have nominated two Justices to the Supreme Court of the United States who have exhibited a proven commitment to the Constitution. I have also nominated and the Senate has con-

firmed 150 other Federal lower court judges who will faithfully interpret the Constitution and the laws of our Nation. With appropriate respect for the genius of the Framers and in accordance with the rule of law, our Nation's Federal judges should always strive to interpret our laws, including our Constitution as written, regardless of any political or policy preferences they may hold in their capacity as citizens.

The drafters of our Constitution were committed not to a king or Government but to a belief in the promise of America as a free and prosperous society. To fulfill that promise, they designed a Government and a Constitution that could withstand the inevitable demagoguery, passions, and exigencies that would seek to unmake us as a people. And though the durability of our Constitution has been tested through crises and wars, it has endured. Today and throughout this week, we recognize the magnitude of the Constitution and the unparalleled success of the system of Government it helped create.

The Congress, by joint resolution of February 29, 1952 (36 U.S.C. 106), designated September 17 as "Constitution Day and Citizenship Day," and by joint resolution of August 2, 1956 (36 U.S.C. 108), requested that the President proclaim the week beginning September 17 and ending September 23 of each year as "Constitution Week."

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 17, 2019, as Constitution Day and Citizenship Day, and September 17, 2019, through September 23, 2019, as Constitution Week. On this day and during this week, we celebrate the citizens and the Constitution that have made America the greatest Nation this world has ever known. In doing so, we recommit ourselves to the enduring principles of the Constitution and thereby "secure the Blessings of Liberty to ourselves and our posterity."

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9930 of September 19, 2019

National POW/MIA Recognition Day, 2019

By the President of the United States of America

A Proclamation

Our American story is filled with countless examples of patriots who have gone beyond the call of duty to defend our precious liberties and cherished freedoms. National POW/MIA Recognition Day is an opportunity for our Nation to honor the intrepid spirit and admirable bravery of all former American prisoners of war, while also reaffirming our promise never to relent in our quest to locate the Soldiers, Sailors, Marines, Airmen, Coast Guardsmen, Merchant Marines, and civilians who remain missing in action.

Seventy-five years ago, more than 150,000 American and Allied troops took part in the D-Day invasion on the beaches of Normandy. Among the stalwart heroes who helped alter history for the betterment of humankind on the morning of June 6, 1944, are 261 American service members missing in action. Their immeasurable sacrifice will forever be preserved in the hearts of those who continue to enjoy the hard-earned blessings of peace and prosperity.

As Americans, it is our sacred duty to pay tribute to the brave men and women of our Armed Forces for their service and sacrifice, especially those who endured unimaginable physical and emotional trauma as prisoners of war and those who never returned to American soil. It is also our solemn obligation never to leave a service member behind. My Administration is dedicated to locating and identifying the more than 81,000 American service members unaccounted for—many of whom were former prisoners of war—to help alleviate the grieving and prolonged uncertainty of their families. We vow to pursue the fullest possible accounting of these gallant patriots.

On September 20, 2019, the black and white flag symbolizing America's Missing in Action and Prisoners of War will be flown over the White House; the United States Capitol; the Departments of State, Defense, and Veterans Affairs; the Selective Service System Headquarters; the World War II Memorial; the Korean War Veterans Memorial; the Vietnam Veterans Memorial; United States post offices; national cemeteries; and other locations across our country. Our Nation salutes our former prisoners of war, and we show reverence to the service members who remain missing in action and to their waiting families. America will always preserve their legacy.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 20, 2019, as National POW/MIA Recognition Day. I call upon the people of the United States to join me in saluting all American POWs and those missing in action who valiantly served our country. I call upon Federal, State, and local government officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9931 of September 25, 2019

**Suspension of Entry as Immigrants and Nonimmigrants
of Persons Responsible for Policies or Actions That
Threaten Venezuela's Democratic Institutions**

By the President of the United States of America

A Proclamation

There remains a political and humanitarian crisis in Venezuela due to the continued failure of Nicolas Maduro, Maduro regime officials, and others to support the rule of law. Given the importance to the United States of fostering the functioning of constitutional government and democratic institutions in Venezuela, I have determined that it is in the interest of the United States to take action to restrict and suspend the entry into the United States, as immigrants or nonimmigrants, of senior members of the regime of Nicolas Maduro and others described in this proclamation who formulate, implement, or benefit from policies or actions that undermine or injure Venezuela's democratic institutions or impede the restoration of constitutional government to Venezuela. This suspension is not intended to apply to those who cease these actions and who take concrete steps to help return Venezuela to a functioning, democratic country.

NOW, THEREFORE, I, DONALD J. TRUMP, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(f) and 1185(a)) and section 301 of title 3, United States Code, hereby find that the unrestricted immigrant and nonimmigrant entry into the United States of persons described in section 1 of this proclamation would, except as provided for in section 4 of this proclamation, be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Suspension and Limitation on Entry.* The entry into the United States, as immigrants or nonimmigrants, of the following persons is hereby suspended:

(a) Members of the regime of Nicolas Maduro at the level of Vice Minister, or equivalent, and above;

(b) All officers of the Venezuelan military, police, or National Guard at the rank of Colonel, or equivalent, and above;

(c) All members of the organization known as the National Constituent Assembly of Venezuela;

(d) All other aliens who act on behalf of or in support of the Maduro regime's efforts to undermine or injure Venezuela's democratic institutions or impede the restoration of constitutional government to Venezuela;

(e) Aliens who derive significant financial benefit from transactions or business dealings with persons described in subsections (a) through (d) of this section; and

(f) The immediate family members of persons described in subsections (a) through (e) of this section.

Sec. 2. *Delegation of Authority to the Secretary of State.* Persons covered by section 1 of this proclamation shall be identified by the Secretary of State, or the Secretary's designee, in his or her sole discretion, pursuant to such procedures as the Secretary may establish under section 3 of this proclamation.

Sec. 3. *Implementation of Suspension and Limitation on Entry.* The Secretary of State shall implement this proclamation as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish. The Secretary of Homeland Security shall implement this proclamation as it applies to the entry of aliens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish.

Sec. 4. *Scope of Suspension and Limitation on Entry.* Section 1 of this proclamation shall not apply to:

(a) Any lawful permanent resident of the United States;

(b) Any individual who has been granted asylum by the United States, any refugee who has already been admitted to the United States, or any individual granted withholding of removal or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and nothing in this proclamation shall be construed to affect any individual's eligibility for asylum, refugee status, withholding of removal, or protection under the Convention Against Torture, consistent with the laws and regulations of the United States; and

(c) Any person otherwise covered by section 1 of this proclamation, upon determination by the Secretary of State that the person's entry would not be contrary to the interests of the United States, including when the Secretary so determines, based on a recommendation of the Attorney General, that the person's entry would further important United States law enforcement objectives. In exercising this responsibility, the Secretary of State shall consult the Secretary of Homeland Security on matters related to admissibility or inadmissibility within the authority of the Secretary of Homeland Security.

Sec. 5. *Termination.* This proclamation shall remain in effect until such time as the Secretary of State determines that it is no longer necessary and should be terminated, either in whole or in part. Any such determination by the Secretary of State shall become effective upon publication in the *Federal Register*.

Sec. 6. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) United States Government obligations under applicable international agreements;

(ii) the authority granted by law to an executive department or agency, or the head thereof; or

(iii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in eq-

uity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9932 of September 25, 2019

**Suspension of Entry as Immigrants and Nonimmigrants
of Senior Officials of the Government of Iran**

By the President of the United States of America

A Proclamation

The Government of Iran is a state sponsor of terrorism, and the Islamic Revolutionary Guard Corps, including its Qods Force, supports terrorists and directly engages in terrorism. Iran arbitrarily detains United States citizens. The Iranian regime contributes to humanitarian crises, threatens its neighbors, threatens international shipping, and conducts destructive cyberattacks. Given that this behavior threatens peace and stability in the Middle East and beyond, I have determined that it is in the interest of the United States to take action to restrict and suspend the entry into the United States, as immigrants or nonimmigrants, of senior government officials of Iran, and their immediate family members.

NOW, THEREFORE, I, DONALD J. TRUMP, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(f) and 1185(a)) and section 301 of title 3, United States Code, hereby find that the unrestricted immigrant and nonimmigrant entry into the United States of persons described in section 1 of this proclamation would, except as provided for in section 4 of this proclamation, be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Suspension and Limitation on Entry.* The entry into the United States, as immigrants or nonimmigrants, of the following persons is hereby suspended:

(a) Senior officials of the Government of Iran; and

(b) The immediate family members of senior officials of the Government of Iran.

Sec. 2. *Delegation of Authority to the Secretary of State.* Persons covered by section 1 of this proclamation shall be identified by the Secretary of State, or the Secretary's designee, in his or her sole discretion, pursuant to such procedures as the Secretary may establish under section 3 of this proclamation.

Sec. 3. *Implementation of Suspension and Limitation on Entry.* The Secretary of State shall implement this proclamation as it applies to

visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish. The Secretary of Homeland Security shall implement this proclamation as it applies to the entry of aliens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish.

Sec. 4. *Scope of Suspension and Limitation on Entry.* Section 1 of this proclamation shall not apply to:

(a) Any lawful permanent resident of the United States;

(b) Any individual who has been granted asylum by the United States, any refugee who has already been admitted to the United States, or any individual granted withholding of removal or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and nothing in this proclamation shall be construed to affect any individual's eligibility for asylum, refugee status, withholding of removal, or protection under the Convention Against Torture, consistent with the laws and regulations of the United States; and

(c) Any person otherwise covered by section 1 of this proclamation, upon determination by the Secretary of State that the person's entry would not be contrary to the interests of the United States, including when the Secretary so determines, based on a recommendation of the Attorney General, that the person's entry would further important United States law enforcement objectives. In exercising this responsibility, the Secretary of State shall consult the Secretary of Homeland Security on matters related to admissibility or inadmissibility within the authority of the Secretary of Homeland Security.

Sec. 5. *Termination.* This proclamation shall remain in effect until such time as the Secretary of State determines that it is no longer necessary and should be terminated, either in whole or in part. Any such determination by the Secretary of State shall become effective upon publication in the *Federal Register*.

Sec. 6. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) United States Government obligations under applicable international agreements;

(ii) the authority granted by law to an executive department or agency, or the head thereof; or

(iii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of September, in the year of our Lord two thousand nineteen, and

of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9933 of September 27, 2019

National Domestic Violence Awareness Month, 2019

By the President of the United States of America

A Proclamation

Domestic violence poisons relationships, destroys lives, and shatters the bedrock of our society—the family. Homes should be places of comfort and stability where love and mutual respect thrive. Domestic violence erodes this environment, leaving many Americans in potentially life-threatening situations. As a Nation, we must resolve to have zero tolerance for acts of domestic violence. During National Domestic Violence Awareness Month, we reaffirm our steadfast commitment to empowering survivors and ending this deeply destructive abuse.

Domestic violence affects Americans regardless of income, race, gender, or socioeconomic status. Still, women make up a disproportionately higher number of victims of domestic violence, with nearly half of female homicide victims killed by a current or former male partner. Each of us has a duty to speak out against these crimes and to make every effort to prevent such tragedies from occurring. Together, we can ensure those who have suffered at the hands of abusers receive needed care and support, and we can protect potential victims from future abuse.

My Administration has made it a priority to provide victims of domestic violence with needed assistance. The Department of Justice's Office on Violence Against Women (OVW) funds critical services and training across the country to prevent domestic violence and to support law enforcement efforts to hold domestic violence offenders accountable for their crimes. To support law enforcement in Alaska Native villages and address the complex, unique, and dire public safety challenges those communities are facing, OVW is funding specialized training and technical assistance on enforcement of Tribal protection orders. In fiscal years 2018 and 2019, approximately \$8 billion—a historic amount—has been made available for victim services through the Department of Justice's Office for Victims of Crime, funding more than 3,000 domestic violence local service providers and national domestic violence hotlines. These services assist more than 2 million domestic violence victims annually, helping individuals and families heal from physical and psychological wounds.

The Department of Health and Human Services (HHS) provides resources to help survivors of domestic violence rebuild safe, stable, and self-sufficient lives. HHS supports initiatives to train healthcare providers to assist those who have suffered from domestic violence. Through Project Catalyst, clinics are educating all patients about domestic violence, sexual violence, and human trafficking, and they are connecting people in need to local service providers. In fiscal year 2019, HHS provided 143 grants to Tribes and Tribal organizations to

assist in efforts to increase public awareness about domestic violence and to provide immediate shelter and supportive services for victims and their children.

This month, we strengthen our resolve to ensure homes are places of refuge, comfort, and protection—and not places of fear and abuse. We renew our commitment to support and protect victims, hold perpetrators accountable, and prevent violence before it starts. We strive to eliminate domestic violence in all its horrific forms in order to sustain the hope of a better life for victims and to foster safer homes and relationships for all Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2019 as National Domestic Violence Awareness Month. I call upon all Americans to stand firm in condemning domestic violence and supporting survivors of these crimes in finding the safety and recovery they need. I also call upon all Americans to support, recognize, and trust in the efforts of law enforcement and public health and social services providers to hold offenders accountable, protect victims of crime and their communities, and prevent future violence.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9934 of September 27, 2019

Gold Star Mother's and Family's Day, 2019

By the President of the United States of America

A Proclamation

Every life lost in service to our country is precious and irreplaceable. Our deepest sympathy, utmost respect, unwavering support, and profound gratitude go to the families who must endure the ongoing pain of such loss. On Gold Star Mother's and Family's Day, we solemnly honor these families and pray for their continued strength and courage.

Since the founding of our Republic, our liberty has been defended by our men and women in uniform. Their love of country and devotion to duty represent the very best of America. Our Nation's military families share in the demands and pressures of this noble calling. The cost is exceedingly high—with multiple deployments, relocations, and separations—but the sobering price of their sacrifice is most clearly seen in the families who have faced the life-altering loss of a father, mother, son, daughter, sister, or brother who died fighting for our freedom.

Because of tragedies that forever change the course of their lives, these families receive the designation of the Gold Star. Each story is unique; each death is profoundly personal. The fallen leave behind families who must learn to carve out a new future while coping with their

loved one's absence on holidays, at celebrations, and during everyday activities. Their pain permeates every facet of life, never fully fading.

Yet, in spite of their challenges and heartbreak, Gold Star families exemplify amazing grace and resilience. From the depths of grief, they emerge to find hope, purpose, and joy, serving as an example and a source of inspiration for others. These patriots know the true cost of freedom, and it is the responsibility of all Americans to stand alongside them and share in shouldering this profound burden.

The Congress, by Senate Joint Resolution 115 of June 23, 1936 (49 Stat. 1895 as amended), has designated the last Sunday in September as "Gold Star Mother's Day."

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Sunday, September 29, 2019, as Gold Star Mother's and Family's Day. I call upon all Government officials to display the flag of the United States over Government buildings on this special day. I also encourage the American people to display the flag and hold appropriate ceremonies as a public expression of our Nation's gratitude and respect for our Gold Star Mothers and Families.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9935 of September 27, 2019

National Hunting and Fishing Day, 2019

By the President of the United States of America

A Proclamation

Since our Nation's earliest days, hunting and fishing have remained enduring pastimes that are inextricably linked to the American experience. For the first American settlers and Native Americans, hunting and fishing were a means of survival. Today, hunters and anglers of all ages carry on these traditions in the spirit of rugged individualism to provide for their families and to show the next generation of Americans the splendor of the great outdoors. On National Hunting and Fishing Day, we celebrate their stewardship of the natural world, their contributions to our thriving economy, and America's abundant natural resources and beauty.

Our lands and waters have long been among our Nation's greatest national treasures, and sportsmen and women are at the forefront of conservation efforts to sustain them for centuries to come. Hunters and anglers play an integral role in maintaining the health of our Nation's ecosystems and preserving our country's private and public lands for wildlife and all those who love the outdoors. They understand the relationship between humankind and nature, and they cultivate a pro-

found respect for our natural resources, passing on values that have strengthened generations of American families and communities.

Hunters and anglers also play a vital role in fueling our robust economy. Wildlife-related recreation supports 480,000 jobs annually, and more than 100 million Americans participated in wildlife-related activities in 2016. These people included approximately 46 million hunters and anglers, who spent more than \$70 billion on equipment, travel, and other expenses, underscoring the importance of hunting and fishing to both our economy and our way of life.

To further promote participation in hunting and fishing, my Administration remains committed to facilitating greater access to the boundless opportunities afforded by our great outdoors. We have opened or expanded hunting and fishing opportunities on nearly 1.8 million acres of lands and waters. In March, I signed into law the John D. Dingell, Jr. Conservation, Management, and Recreation Act, which designates new acreage as wilderness areas and increases access to public lands and waters for hunters and anglers to enjoy. Today, we recognize the ways in which hunters and anglers embody the American values of freedom and self-reliance, and we encourage all Americans to enjoy the natural beauty of the United States.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 28, 2019, as National Hunting and Fishing Day. I call upon the people of the United States to join me in recognizing the contributions of America's hunters and anglers, and all those who work to conserve our Nation's fish and wildlife resources.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9936 of September 30, 2019

National Breast Cancer Awareness Month, 2019

By the President of the United States of America

A Proclamation

During National Breast Cancer Awareness Month, our Nation honors the courage and strength of the over 3.4 million Americans who are battling this terrible disease and remembers loved ones whose lives have been affected by breast cancer. In memory of those we have lost, we pledge never to waver from our ongoing search for effective and innovative medical advancements to treat and prevent this disease.

In the United States, more than 268,000 women and approximately 2,600 men are diagnosed with breast cancer annually. While deaths from breast cancer have declined over time, it remains the second most common form of cancer and the second leading cause of cancer death overall among American women, with a staggering 41,000 lives lost

each year. For this reason, Melania and I urge our fellow Americans, especially those who have a family history or may be at increased risk, to consult with their healthcare providers about the individual likelihood of developing breast cancer. Early detection and regular screening mammograms, followed by timely treatment upon diagnosis, can significantly improve a patient's chance of survival.

My Administration continues to support the cutting-edge research needed to develop treatments that may save the lives of breast cancer patients. Since my first day in office, I have eliminated burdensome regulations, allowing researchers to more easily develop new drugs that can be approved quickly by the Food and Drug Administration (FDA). Just this year, the FDA has approved several new therapies for the treatment of breast cancer. Additionally, last year, I signed into law the Federal "Right to Try" legislation, which allows those diagnosed with a terminal illness greater access to lifesaving drugs. The expanded options for patients also allow researchers to better understand the safety and effectiveness of new approaches to treatment, bringing us closer to defeating breast cancer completely.

This month, and throughout the year, we join together in support of our fellow Americans diagnosed with breast cancer, those who are in remission, and those who have lost loved ones to this disease. We also commend the skilled medical professionals and dedicated researchers who provide quality treatment and care to women and men across our country. As one Nation, we will continue to strive for a future in which every American may enjoy a long, healthy life free from the threat of cancer.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2019 as National Breast Cancer Awareness Month. I encourage citizens, government agencies, private businesses, nonprofit organizations, the media, and other interested groups to increase awareness of how Americans can fight breast cancer. I also invite the Governors of the States and Territories and officials of other areas subject to the jurisdiction of the United States to join me in recognizing National Breast Cancer Awareness Month.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9937 of September 30, 2019

National Cybersecurity Awareness Month, 2019

By the President of the United States of America

A Proclamation

During National Cybersecurity Awareness Month, we recognize that protecting cyberspace is essential to our national security and economic stability. We also underscore the responsibility individuals have

to secure and safeguard their personal devices, technology, and networks from cyber threats.

My Administration is taking decisive action to prevent our adversaries from compromising our information and communications infrastructure. Last year, I released the first comprehensive National Cyber Strategy in more than 15 years. By identifying and implementing the priorities related to our Nation's cybersecurity objectives, this strategy ensures the Federal Government will be better equipped to protect the American people, homeland, and way of life. Additionally, in November of 2018, I signed into law the Cybersecurity and Infrastructure Security Agency Act, establishing the Cybersecurity and Infrastructure Security Agency (CISA) within the Department of Homeland Security (DHS). Since its creation, CISA has worked with Federal, State, local, and private partners to provide incident response services and assessment capabilities for a more secure and resilient cyber infrastructure.

As technology advances, so do the tactics used by malicious cyber actors to obtain personal information and threaten our networks. To maximize our Nation's cybersecurity and mitigate risks, all levels of government must strengthen their partnerships with the private sector to better exchange information, build greater trust, and enhance the resilience of our country's cyber infrastructure. In May of 2019, I issued an Executive Order on America's Cybersecurity Workforce to provide more access to cybersecurity skills training, identify the most-skilled cybersecurity workers, and advance career opportunities in the public and private sectors. This action also established the annual President's Cup Cybersecurity Competition. The goal of this competition is to identify and encourage outstanding cybersecurity talent within the Federal workforce. My Administration is also placing a renewed focus on Science, Technology, Engineering, and Mathematics (STEM) curriculums that embrace courses such as computer science, so that the next generation will have the technical skills needed to defend our critical infrastructure and fellow citizens.

All Americans have a responsibility to defend their sensitive data stored on devices and in the cloud. DHS's "Own IT. Secure IT. Protect IT." campaign and the National Institute of Standards and Technology's Cybersecurity Framework provide guidance for securing personal information and devices. From browsing social media sites to managing online banking accounts, practicing a few simple steps can make a substantial difference in keeping you and your online data secure. To be better protected at home, school, or work, DHS recommends individuals limit the amount of personal information they share online, regularly update devices and software, and utilize complex passwords and authentication methods.

As we continue working to fortify our country's cybersecurity infrastructure, it is imperative that all Americans use best practices in online security. During National Cybersecurity Awareness Month, I urge all citizens to spread awareness on ways they can mitigate risks, safeguard personal and professional data, and contribute to the safety and prosperity of our Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2019 as National Cybersecurity Awareness Month. I call upon the peo-

ple, companies, and institutions of the United States to recognize the importance of cybersecurity and to observe this month through events, training, and education to further our country's national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9938 of September 30, 2019

National Disability Employment Awareness Month, 2019

By the President of the United States of America

A Proclamation

National Disability Employment Awareness Month is a time to celebrate the contributions of Americans with disabilities to our country's workforce and economic strength. We also reaffirm our commitment to fostering opportunity for Americans of all abilities to apply their skills and talents in the workplace as they pursue their dreams.

Thanks to my Administration's economic policies, we have seen the creation of more than 6.3 million new jobs since the election, providing tremendous opportunities for job seekers nationwide. In April, the national unemployment rate dropped to a near half-century low, and the unemployment rate for Americans with disabilities reached the lowest level on record. It is essential that we continue creating an environment in which Americans with disabilities have access to full participation in our economy and the ability to experience the benefits of employment.

My Administration is working to expand opportunities to empower men and women with disabilities through apprenticeships. In March, the Department of Labor (DOL) announced the Apprenticeship Inclusion Model (AIM) initiative to expand career pathways leading to family-sustaining wages for individuals with disabilities. These efforts help Americans earn paychecks while also earning credentials and degrees. Together with employers, unions, and apprenticeship programs, AIM will improve the recruitment and retention of individuals with disabilities and support the expansion of inclusive apprenticeship programs.

States are in the best position to create real, lasting, and quantifiable change through solutions tailored to the economic and employment realities within their communities, especially for Americans with disabilities. Through the State Exchange on Employment and Disability initiative, we are helping States develop, implement, and promote policies to improve workforce inclusion for persons with disabilities, including veterans with service-related disabilities. Last year alone, this initiative engaged policymakers in 29 States to help advance employment opportunities and ensure that workforce development, transportation, and technology are disability-inclusive.

Employers, both public and private, are critical to our nationwide efforts to promote workplace access for individuals with disabilities. My Administration has launched a major initiative to encourage Federal contractors to take proactive steps to recruit, hire, retain, and advance people with disabilities. Additionally, two DOL programs, the Employer Assistance and Resource Network on Disability Inclusion and the Job Accommodation Network, have helped tens of thousands of employers implement effective organizational policies and individual accommodation solutions that keep American workers on the job and contributing to our workplaces and economy. Automation and technology are changing the way in which work is organized and performed—and who can perform it. Many jobs will be open to new populations, particularly individuals with disabilities.

This month, we renew our dedication to furthering the participation of Americans with disabilities in the workforce. We are grateful to all of our Nation's employers who hire individuals with disabilities, giving them the opportunity to excel as they provide for themselves and their families. By supporting the aspirations of all Americans who want to work, we will strengthen our workplaces, economy, and communities.

The Congress, by Joint Resolution approved August 11, 1945, as amended (36 U.S.C. 121), has designated October of each year as "National Disability Employment Awareness Month."

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim October 2019 as National Disability Employment Awareness Month. I call upon government and labor leaders, employers, and the great people of the United States to recognize the month with appropriate programs, ceremonies, and activities across our land.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9939 of September 30, 2019

National Energy Awareness Month, 2019

By the President of the United States of America
A Proclamation

Throughout the United States, we are seeing a revitalization of our country's energy sector, which is lighting up homes, powering factories, fueling vehicles, strengthening commerce, and driving economic prosperity. From large cities to rural communities, Americans are reaping the benefits of reduced energy costs and enjoying a renewed sense of energy security. During National Energy Awareness Month, we recognize the role the energy industry has played in our Nation's success, and we look forward to continued energy developments that will help our economy and the American people.

Since my inauguration, our country has experienced an energy revolution. American crude oil production grew by nearly 20 percent last year, and the United States is now the largest crude oil producer in the world. For the first time in six decades, we are also a net exporter of natural gas, and in 2018, we supplied liquefied natural gas to more than 36 countries on 5 different continents. Since 2016, annual coal exports have increased more than 90 percent, and by next year, we are set to become a net energy exporter for the first time since 1953. My Administration will continue to build on our country's energy dominance by pursuing policies that fully unleash America's vast energy resources and capabilities while promoting responsible stewardship of the environment.

For the first time in decades, the Department of Energy is operating test facilities to develop new and better emissions-free nuclear reactor technology. My Administration will continue to collaborate with industry and academia to focus research and development on the next generation of energy production. By leveraging the collective strength of America's brightest researchers and entrepreneurs, we will produce the energy technologies of tomorrow, including advanced small modular nuclear reactors, transformational coal technologies, more efficient semiconductors for solar cells, and improved battery and storage technology.

Maintaining and enhancing a modern and secure network of electric power lines, oil and natural gas pipelines, and energy storage facilities is essential to keeping energy accessible, affordable, and reliable for American businesses and American consumers. To accomplish this, we must continue to promote growth across all sectors of our country's energy industry by approving new pipelines, strengthening grid security and resilience, removing restrictions on sensible oil and gas exploration and development, supporting clean coal technologies, and using innovative approaches through the application of artificial intelligence. This coordination and research will provide energy security, both at home and abroad, and ensure environmental stewardship of our Nation's land, water, and air.

This month, we highlight our Nation's abundant energy resources and pay tribute to America's energy workforce, which has ushered in a new era of American energy dominance. At the forefront of the American energy revolution are men and women whose tenacity and resolve are undeniable and unbreakable and whose commitment to innovation has transformed the global energy landscape. These groups include the North America's Building Trades Unions, the International Union of Operating Engineers, and the International Brotherhood of Boilermakers, whose members work tirelessly to build, operate, and maintain facilities, infrastructure, and equipment that allow the American people to reap the benefits of our abundant energy resources. This is a consequential time for the American energy sector, and we will continue to help lay the foundation for our Nation's next generation of energy technologies and ensure a more secure and prosperous future for all Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2019 as National Energy Awareness Month.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9940 of September 30, 2019

National Substance Abuse Prevention Month, 2019

By the President of the United States of America

A Proclamation

Across our country, far too many families and communities have felt the devastation wrought by substance abuse. As we observe National Substance Abuse Prevention Month, we remember all who have been lost to this affliction and reaffirm our commitment to ensuring the health and safety of our fellow Americans. Together, we will overcome this tragic crisis gripping our Nation and guarantee that future generations know the blessings of a drug-free life.

One of the most pressing challenges we are facing is how to overcome the opioid crisis in our Nation. From 1999 to 2017, our national family lost more than 399,000 loved ones to opioid overdoses. I am heartened to share that recent data shows a projected decrease of 4 percent in overdose deaths in the United States from 2017 to 2018, and many of our hardest-hit States and counties may see even more significant declines. While we have made progress in our fight, the illicit opioids, heroin, fentanyl, and methamphetamine flooding our communities continue to fuel addiction and destroy the lives of countless Americans.

My Administration is unwavering in our mission to reverse the negative consequences of drug trafficking and abuse, save American lives, and set our Nation on a path to becoming stronger, healthier, and drug-free. In January, we released the *National Drug Control Strategy*, which focused largely on prevention. The *Strategy* details a multifaceted approach that will reduce abuse by educating the public, increasing the availability of treatment programs, and halting the influx of these poisons into our communities. As President, I will never waver from my sacred duty to defend our Nation and will continue fighting to protect our citizens from the scourge of addiction.

To better enable all communities to overcome the grip of addiction, we are allocating critical resources to fight this epidemic on the front lines. Just last month, my Administration distributed nearly \$2 billion in funding to State and local partners across America to assist in their response to the crisis. We have established grants to help schools implement more effective prevention programs and invested more than ever before in our 731 Drug-Free Community coalitions across all 50 States, bringing together partners to help prevent youth drug abuse. Additionally, my Administration's Fiscal Year 2020 National Drug Control Budget requests a record \$34.6 billion for counter-drug efforts, a \$1.3 billion increase from the previous year. These resources enable

States, localities, and tribal communities to provide innovative and important services to prevent and combat substance abuse.

This month, we renew our resolve to prevent the further loss of life and prosperity caused by these problems and to finally eliminate the blight of addiction from America. Together, we will guarantee our resilient country emerges from this crisis into a future free from substance abuse.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2019 as National Substance Abuse Prevention Month. Through our united efforts to prevent the damaging effects of substance abuse, we will ensure a happier, healthier, and more prosperous future. I call on parents, educators, mentors, employers, healthcare professionals, law enforcement officials, faith and community leaders, and all Americans to join me in the fight to finally resolve this crisis.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9941 of October 3, 2019

National Manufacturing Day, 2019

By the President of the United States of America

A Proclamation

Manufacturing is a pillar of the American economy, and the hard work and ingenuity of America's manufacturers and manufacturing workers bolster the strength of our Nation. On National Manufacturing Day, we recognize the individuals who drive this vital sector of our economy, and we recommit to restoring the glory of our proud heritage as a Nation of industrious builders of world-class products.

Manufacturing spurs innovation and fuels economic growth, providing all Americans with opportunities to prosper and thrive. My Administration has worked tirelessly to promote increased opportunities for manufacturers and manufacturing workers after years of neglect. The Tax Cuts and Jobs Act, capital investment deductions, strong trade policies, and focused deregulations have all strengthened American businesses. Our policies and actions are delivering real results, with our economy having already added more than 512,000 manufacturing jobs since my election. In communities across our Nation, American workers and families are reaping the benefits of this industrial boom, with nominal average hourly earnings rising 3.2 percent over the past 12 months and the unemployment rate falling to a 50-year low.

Along with many great benefits, our flourishing job market also presents new challenges. With more than 7 million open jobs in July, ensuring workers have access to the equipment and skills training they need to secure and thrive in high-demand jobs is critical to our Na-

tion's continued prosperity. To accomplish this, I have increased apprenticeship opportunities, including through the Task Force on Apprenticeship Expansion. Last year, I also established the President's National Council for the American Worker. The council supports and promotes education programs that provide workers with the technical knowledge needed in today's economy. American employers and manufacturers are rising to the challenge, and more than 350 organizations have signed our Pledge to America's Workers to provide more than 14 million employment and training opportunities for American workers.

I am also renegotiating one-sided trade deals to ensure that American workers and manufacturers compete on a level playing field with foreign competitors. In 2018, I signed the United States-Mexico-Canada Agreement (USMCA), delivering on the promise I made to the American people to renegotiate the outdated North American Free Trade Agreement (NAFTA). Once approved by the Congress, the USMCA will rebalance trade on our continent to once again benefit American producers, creating an estimated 50,000 jobs in the manufacturing sector alone. We have also amended the United States-Korea Free Trade Agreement (KORUS) to include key provisions that enable increased American exports and protect high-paying manufacturing jobs in our Nation's auto industry. And just this past month, we renegotiated how international postal rates are set in order to ensure fairness for small- and medium-size American manufacturing companies.

For too long, other nations have exploited the pioneering spirit of our country's entrepreneurs. My Administration is standing up to these bad actors around the world to protect American intellectual property, including innovative manufacturing techniques and new technology developed in the United States. In order to maintain our competitive edge in an increasingly global and technology-driven economy, we must protect the advancements and breakthroughs in industry that are vital to sustaining recent successes and accelerating growth. That is why we will continue working to put an end to intellectual property theft and other abusive practices through strong enforcement of our trade laws and efforts to strengthen our cyber infrastructure. We will never stop working to protect the American ingenuity that powers our robust economy and bolsters our national defense.

The American workforce and manufacturing industry are the best in the world, and my Administration refuses to allow them to be left behind. The unrivaled work ethic of our tenacious working men and women will always set the global standard for workmanship and resourcefulness. Today, we celebrate the renaissance in American manufacturing that is restoring our country's dominance in global and domestic markets, and we recommit to building on these achievements in the years to come.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 4, 2019, as National Manufacturing Day. I call upon all Americans to celebrate the entrepreneurs, innovators, and workers in manufacturing who are making our communities strong.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of October, in the year of our Lord two thousand nineteen, and of the

Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9942 of October 4, 2019

Fire Prevention Week, 2019

*By the President of the United States of America
A Proclamation*

Since 1922, our Nation has observed Fire Prevention Week to promote emergency preparedness and reaffirm our enduring commitment to fire safety. This week, we honor and remember the heroic firefighters and first responders who made the ultimate sacrifice to save and protect our citizens, homes, and communities. We express our gratitude for their service to our country, and we encourage all Americans to do their part to prevent dangerous fires.

In 2017, more than 1.3 million fires killed 3,400 people and injured 14,000 more, while causing an estimated \$23 billion in direct property loss. Sadly, the number of fire-related deaths continues to rise, even though the number of fires is falling. All Americans should take the dangers of fires seriously and conduct routine inspections of smoke alarms and plan and practice home fire escapes. Such concerted efforts are crucial to stopping fires and their devastating consequences.

While preventing fires in our homes, we also must take measures to prevent wildfires, such as the catastrophic Woolsey, Camp, and Mendocino Complex wildfires, all of which ravaged communities last year. The Camp fire killed at least 85 people, and the Mendocino Complex wildfire was the largest fire of its kind in California history. Improving the health of America's forests and rangelands is critical to reducing the frequency and severity of the kind of wildfires that have devastated communities and ecosystems across the Nation. This is why I signed legislation that improves support for the Department of Agriculture and the Department of the Interior's wildfire suppression operations, as well as the Agriculture Improvement Act of 2018, which includes robust fire risk reduction measures and important forest management provisions. These bills will empower Federal agencies to actively manage our forests and rangelands and aggressively fight wildfires. Further, I issued an Executive Order to promote active management of America's forests and Federal lands to reduce the risk of catastrophic wildfires in better partnership with State, local, and tribal officials.

This week, I urge all Americans to take special precautions to ensure fire safety in their homes and communities to help prevent fire-related tragedies. By staying vigilant, we can all do our part to protect our loved ones, homes, and communities. We recognize those who take such actions, and we pledge to continue our support for the Nation's firefighters, first responders, and EMS providers who answer the call to serve and risk their lives to safeguard their fellow Americans and our precious land.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 6 through October 12, 2019, as Fire Prevention Week. On Sunday, October 6, 2019, in accordance with Public Law 107–51, the flag of the United States will be flown at half-staff at all Federal office buildings in honor of the National Fallen Firefighters Memorial Service. I call on all Americans to participate in this observance with appropriate programs and activities and by renewing their efforts to prevent fires and their tragic consequences.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9943 of October 4, 2019

German-American Day, 2019

By the President of the United States of America

A Proclamation

On German-American Day, we proudly celebrate the contributions German Americans have made to our Nation through their dedication and hard work. The seeds of German-American heritage sown over three centuries ago, when the 13 German families landed in Philadelphia in 1683, continue to flourish and prosper in our country.

From our earliest days, German Americans have helped to secure the rights we hold dear and to sustain the American experience. General Friedrich von Steuben joined the noble American cause for independence, lending critical expertise in military drills, tactics, and discipline to train the soldiers of the Continental Army. As we expanded westward, the German-born businessman Levi Strauss and his iconic namesake clothing brand became emblematic of the resilient and pioneering American spirit. Charles M. Schwab, a descendant of German immigrants, strengthened America's steel industry, and his legacy as a business tycoon continues to be synonymous with innovation and success. Today, when we enjoy music played on a Steinway piano, read a Steinbeck novel, or admire the artwork collected by painter and philanthropist Hilla Rebay and displayed in New York's stunning Guggenheim Museum, we are reminded of the countless ways German Americans have influenced our society, commerce, and culture.

This year marks the 30th anniversary of the fall of the Berlin Wall, a triumph of freedom that embodies the dedication of the United States and Germany to the rule of law and human rights. The United States and our allies will continue to safeguard the torch of liberty and promote global stability by defending personal and economic freedom for generations to come.

This month, as we commemorate the contributions German Americans have made to our Nation, we also recognize the more than 43 million Americans who claim German heritage. Our shared values and historic

and cultural ties strengthen the enduring bond between the United States and Germany. This partnership is the foundation of a bright and hopeful future for the world.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 6, 2019, as German-American Day. I call upon all Americans to celebrate the achievements and contributions of German Americans to our Nation with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9944 of October 4, 2019

Child Health Day, 2019

By the President of the United States of America

A Proclamation

On Child Health Day, we recognize that America's children are the promise of our Nation, and their health and well-being are among our greatest responsibilities. Today, we recommit to our children growing strong, dreaming big, and reaching their full potential.

In partnership with families and communities, my Administration is implementing new Federal programs and supporting new State-level initiatives that help diagnose, prevent, and combat diseases and maintain health and wellness from childhood through adulthood. The Maternal and Child Health Services Block Grant Program continues to provide funding to all States to improve access to quality healthcare services for low-income women, children, and families by improving the outcomes of high-risk pregnancies, reducing infant deaths, promoting childhood immunizations, and protecting against diseases. Additionally, I have approved funding for the Maternal, Infant, and Early Childhood Home Visiting Program to support Federal, State, and community partners in offering voluntary home visiting services that empower caregivers with the evidence-based skills and resources they need to raise healthy and happy children. I also signed into law the SUPPORT Act, which addresses the most vulnerable victims of the opioid crisis by allowing State Medicaid programs to cover healthcare services for infants suffering from neonatal abstinence syndrome in residential pediatric recovery centers.

My Administration is also working to eradicate the leading cause of post-infancy death among our Nation's young people—childhood cancer. Working with the Congress, the Federal Government will invest \$500 million over the next decade in pediatric cancer research. This funding will enable our Nation's best scientists and doctors to learn from those young people living with this disease, creating new opportunities to understand the unique causes of and best cures for childhood cancer. We must continue to employ every resource available to

ensure that the more than 15,000 children and adolescents under the age of 19 diagnosed with cancer each year receive the best possible care and treatment so they can triumph in their battle against this horrible disease.

America's young people are facing unprecedented challenges at school, in their homes, and in their communities. From bullying and negative social media interactions to the impacts of the opioid crisis on themselves and their loved ones, we must do more to foster an environment that promotes a culture of respect for every human life. That is why I am proud of the work our First Lady, Melania Trump, has undertaken through her BE BEST initiative to promote childhood health and well-being by encouraging healthy living, kindness, compassion, and respect. This remarkable program is helping children build a solid foundation to navigate life's many challenges and to develop positive social, emotional, and physical habits that will help them become future leaders of our great country.

Parents play a critical role in raising healthy and happy children, and their important work is bolstered by the love and support of extended family, community members, caregivers, mentors, educators, faith leaders, and respectable role models. On Child Health Day, we urge all citizens to reaffirm their commitment to ensuring the physical, spiritual, and emotional health of our Nation's most precious resource.

The Congress, by a joint resolution approved May 18, 1928, as amended (36 U.S.C. 105), has called for the designation of the first Monday in October as Child Health Day and has requested that the President issue a proclamation in observance of this day.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Monday, October 7, 2019, as Child Health Day. I call upon families, child health professionals, faith-based and community organizations, and governments to help ensure that America's children stay safe and healthy.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9945 of October 4, 2019

Suspension of Entry of Immigrants Who Will Financially Burden the United States Healthcare System, in Order to Protect the Availability of Healthcare Benefits for Americans

By the President of the United States of America

A Proclamation

Healthcare providers and taxpayers bear substantial costs in paying for medical expenses incurred by people who lack health insurance or the ability to pay for their healthcare. Hospitals and other providers often administer care to the uninsured without any hope of receiving reimbursement from them. The costs associated with this care are passed on to the American people in the form of higher taxes, higher premiums, and higher fees for medical services. In total, uncompensated care costs—the overall measure of unreimbursed services that hospitals give their patients—have exceeded \$35 billion in each of the last 10 years. These costs amount to approximately \$7 million on average for each hospital in the United States, and can drive hospitals into insolvency. Beyond uncompensated care costs, the uninsured strain Federal and State government budgets through their reliance on publicly funded programs, which ultimately are financed by taxpayers.

Beyond imposing higher costs on hospitals and other healthcare infrastructure, uninsured individuals often use emergency rooms to seek remedies for a variety of non-emergency conditions, causing overcrowding and delays for those who truly need emergency services. This non-emergency usage places a large burden on taxpayers, who reimburse hospitals for a portion of their uncompensated emergency care costs.

While our healthcare system grapples with the challenges caused by uncompensated care, the United States Government is making the problem worse by admitting thousands of aliens who have not demonstrated any ability to pay for their healthcare costs. Notably, data show that lawful immigrants are about three times more likely than United States citizens to lack health insurance. Immigrants who enter this country should not further saddle our healthcare system, and subsequently American taxpayers, with higher costs.

The United States has a long history of welcoming immigrants who come lawfully in search of brighter futures. We must continue that tradition while also addressing the challenges facing our healthcare system, including protecting both it and the American taxpayer from the burdens of uncompensated care. Continuing to allow entry into the United States of certain immigrants who lack health insurance or the demonstrated ability to pay for their healthcare would be detrimental to these interests.

NOW, THEREFORE, I, DONALD J. TRUMP, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act (8 U.S.C. 1182(f) and 1185(a)) and section 301 of title 3, United States Code, hereby find that the unrestricted immigrant entry into the United States of persons described in section 1 of this proclamation

would, except as provided for in section 2 of this proclamation, be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Suspension and Limitation on Entry.* (a) The entry into the United States as immigrants of aliens who will financially burden the United States healthcare system is hereby suspended and limited subject to section 2 of this proclamation. An alien will financially burden the United States healthcare system unless the alien will be covered by approved health insurance, as defined in subsection (b) of this section, within 30 days of the alien's entry into the United States, or unless the alien possesses the financial resources to pay for reasonably foreseeable medical costs.

(b) Approved health insurance means coverage under any of the following plans or programs:

(i) an employer-sponsored plan, including a retiree plan, association health plan, and coverage provided by the Consolidated Omnibus Budget Reconciliation Act of 1985;

(ii) an unsubsidized health plan offered in the individual market within a State;

(iii) a short-term limited duration health policy effective for a minimum of 364 days—or until the beginning of planned, extended travel outside the United States;

(iv) a catastrophic plan;

(v) a family member's plan;

(vi) a medical plan under chapter 55 of title 10, United States Code, including coverage under the TRICARE program;

(vii) a visitor health insurance plan that provides adequate coverage for medical care for a minimum of 364 days—or until the beginning of planned, extended travel outside the United States;

(viii) a medical plan under the Medicare program; or

(ix) any other health plan that provides adequate coverage for medical care as determined by the Secretary of Health and Human Services or his designee.

(c) For persons over the age of 18, approved health insurance does not include coverage under the Medicaid program.

Sec. 2. *Scope of Suspension and Limitation on Entry.* (a) Section 1 of this proclamation shall apply only to aliens seeking to enter the United States pursuant to an immigrant visa.

(b) Section 1 of this proclamation shall not apply to:

(i) any alien holding a valid immigrant visa issued before the effective date of this proclamation;

(ii) any alien seeking to enter the United States pursuant to a Special Immigrant Visa, in either the SI or SQ classification, who is also a national of Afghanistan or Iraq, or his or her spouse and children, if any;

(iii) any alien who is the child of a United States citizen or who is seeking to enter the United States pursuant to an IR-2, IR-3, IR-4, IH-3, or IH-4 visa;

(iv) any alien seeking to enter the United States pursuant to an IR-5 visa, provided that the alien or the alien's sponsor demonstrates to the satisfaction of the consular officer that the alien's healthcare will not impose a substantial burden on the United States healthcare system;

(v) any alien seeking to enter the United States pursuant to a SB-1 visa;

(vi) any alien under the age of 18, except for any alien accompanying a parent who is also immigrating to the United States and subject to this proclamation;

(vii) any alien whose entry would further important United States law enforcement objectives, as determined by the Secretary of State or his designee based on a recommendation of the Attorney General or his designee; or

(viii) any alien whose entry would be in the national interest, as determined by the Secretary of State or his designee on a case-by-case basis.

(c) Consistent with subsection (a) of this section, this proclamation does not affect the entry of aliens entering the United States through means other than immigrant visas, including lawful permanent residents. Further, nothing in this proclamation shall be construed to affect any individual's eligibility for asylum, refugee status, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, consistent with the laws and regulations of the United States.

Sec. 3. *Implementation and Enforcement.* (a) An alien subject to this proclamation must establish that he or she meets its requirements, to the satisfaction of a consular officer, before the adjudication and issuance of an immigrant visa. The Secretary of State may establish standards and procedures governing such determinations.

(b) The review required by subsection (a) of this section is separate and independent from the review and determination required by other statutes, regulations, or proclamations in determining the admissibility of an alien.

(c) An alien who circumvents the application of this proclamation through fraud, willful misrepresentation of a material fact, or illegal entry shall be a priority for removal by the Department of Homeland Security.

Sec. 4. *Reports on the Financial Burdens Imposed by Immigrants on the Healthcare System.* (a) The Secretary of State, in consultation with the Secretary of Health and Human Services, the Secretary of Homeland Security, and the heads of other appropriate agencies, shall submit to the President a report regarding:

(i) the continued necessity of and any adjustments that may be warranted to the suspension and limitation on entry in section 1 of this proclamation; and

(ii) other measures that may be warranted to protect the integrity of the United States healthcare system.

(b) The report required by subsection (a) of this section shall be submitted within 180 days of the effective date of this proclamation, with subsequent reports submitted annually thereafter throughout the effec-

tive duration of the suspension and limitation on entry set forth in section 1 of this proclamation. If the Secretary of State, in consultation with the heads of other appropriate executive departments and agencies, determines that circumstances no longer warrant the continued effectiveness of the suspension or limitation on entry set forth in section 1 of this proclamation or that circumstances warrant additional measures, the Secretary shall immediately so advise the President.

(c) The Secretary of State and Secretary of Health and Human Services shall coordinate any policy recommendations associated with the reports described in subsection (a) of this section.

Sec. 5. *Severability.* It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of the proclamation and the application of its other provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid because of the failure to follow certain procedures, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 6. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) United States Government obligations under applicable international agreements;

(ii) the authority granted by law to an executive department or agency, or the head thereof; or

(iii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 7. *Effective Date.* This proclamation is effective at 12:01 a.m. eastern daylight time on November 3, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9946 of October 8, 2019**Leif Erikson Day, 2019**

By the President of the United States of America

A Proclamation

On Leif Erikson Day, we honor the spirit of exploration, courage, and faith that led this legendary Viking and his crew to sail across the Atlantic in search of new lands and opportunities more than a thousand years ago. His dream—to venture beyond the known horizon and redefine the impossible—still defines and inspires Americans today.

Leif Erikson's undaunted life of exploration began in Iceland—the same location where the Apollo 11 crew trained for its historic journey to the surface of the Moon. The bold spirit that propelled Erikson and his fellow mariners across an unknown ocean is the same spirit that carried our brave astronauts into space 50 years ago, and it is what continues to fuel our desire to unlock the mysteries of the universe and pursue the exploration of Mars.

Americans share strong bonds with the homelands of the Vikings. Millions of Americans proudly trace their ancestry to Denmark, Finland, Iceland, Norway, and Sweden. All of these nations help keep our transatlantic community strong. They stand shoulder to shoulder with us as North Atlantic Treaty Organization Allies or partners to enhance regional peace and stability. And as members of the Arctic Council, we work together to promote sustainable growth, scientific research, and environmental protection in the High North while maintaining the region as an area of low tensions.

Nordic Americans contribute each day to the rich tapestry of our country by their self-reliance, drive, spirit of adventure, and cultural traditions. On this day, we pay tribute to the remarkable achievements of Leif Erikson, and we celebrate the daring dreams, big vision, and passion for discovery of all people of Scandinavian heritage.

To honor Leif Erikson, son of Iceland and grandson of Norway, and to celebrate our Nordic-American heritage, the Congress, by joint resolution (Public Law 88–566) approved on September 2, 1964, has authorized the President of the United States to proclaim October 9 of each year as “Leif Erikson Day.”

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 9, 2019, as Leif Erikson Day. I call upon all Americans to celebrate the achievements and contributions of Nordic Americans to our Nation with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9947 of October 10, 2019**General Pulaski Memorial Day, 2019***By the President of the United States of America**A Proclamation*

On General Pulaski Memorial Day, we remember Brigadier General Casimir Pulaski, the great Polish hero who fought and died in America's noble pursuit of freedom during the Revolutionary War. We honor his bravery and unwavering commitment to liberty and self-government, and we pay tribute to the abiding friendship between the United States and Poland, which has prevailed since General Pulaski took up the sword on behalf of the American cause and helped forge our young Republic.

Throughout his military career, General Pulaski was renowned for his gallantry and skill on the battlefield. He fought courageously against the Russian Empire as Poland sought to secure its own freedom from foreign tyranny in the anti-Russian insurrection of 1768. Later, in 1777, that same conviction impelled him to journey to the United States and join General George Washington's Continental Army. At the Battle of Brandywine, Pulaski successfully covered the retreat of Washington's troops and saved the life of the future first President of the United States. To show his gratitude, Washington promoted Pulaski to Brigadier General and entrusted him to lead his own independent cavalry unit, "the Pulaski Legion," which included both American and foreign-born soldiers. This famous and formidable fighting force cemented Pulaski's status as the "Father of the American Cavalry."

On October 11, 1779, Pulaski made the ultimate sacrifice for our Nation when he succumbed to battle wounds that were inflicted during an attempt to retake the city of Savannah from British forces two days earlier. Although he did not live to see the British surrender at Yorktown, his indispensable role in advancing the American quest for self-governance is uniquely part of our country's history. His undaunted spirit will forever be preserved in the hearts of those who take up the fight for liberty.

General Pulaski's tremendous legacy of fighting for freedom and democratic principles continues to inspire us today. His name is forever enshrined next to such luminaries as Winston Churchill and Mother Teresa as one of eight individuals in the history of our country to have received the distinction of Honorary Citizen from the Congress of the United States.

As we celebrate General Pulaski as a great hero of our Nation, we are reminded of the bonds that unite the United States and Poland. The longstanding and enduring friendship of our two countries is strengthened and renewed each day by the more than 9 million people of Polish descent who are citizens of the United States. We greatly cherish the cultural, economic, and security ties that bind us, and we look forward to a fruitful relationship in the years and decades to come.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 11, 2019, as General Pulaski Memorial Day. I encourage all Americans

to commemorate on this occasion those who have contributed to the furthering of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9948 of October 11, 2019

National School Lunch Week, 2019

By the President of the United States of America

A Proclamation

During National School Lunch Week, we recognize the school lunch programs across our country that nourish our children with nutritious, American-grown food that they need to learn in the classroom and work toward bright futures. By ensuring all students have access to well-balanced meals, we can help our Nation's youth maintain healthy lifestyles and help them achieve success in the classroom and beyond.

Established in 1946, the National School Lunch Program provides low-cost or free lunches to more than 29 million children in nearly 100,000 public and residential child-care institutions across our country. Since its creation, the number of students served by the program has quadrupled, and school cafeterias now serve nearly 5 billion lunches annually. This successful Federal, State, and local partnership would not be possible without the assistance of thousands of food service professionals, school administrators, community members, and parents. As a nation, we are grateful for those who go above and beyond to ensure all children are able to focus on their education and development instead of worrying about their next lunch.

America's farmers, ranchers, and producers also play a role in ensuring our children's plates are filled with healthy, domestically sourced foods. This year, my Administration awarded a record high of more than \$9 million in Farm to School Program grants, increasing access to local food and strengthening links to agriculture for more than 3.2 million children in 42 States, the District of Columbia, and Puerto Rico. Through our efforts to increase the amount of local food in our country's schools, we are promoting the success of both our farmers and ranchers and our Nation's children.

To emphasize the importance of the National School Lunch Program to our youth's nutrition, the Congress, by joint resolution of October 9, 1962 (Public Law 87-780), has designated the week beginning on the second Sunday in October each year as "National School Lunch Week" and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 13 through October 19, 2019, as National School Lunch Week. I call

upon all Americans to join the countless individuals who administer the National School Lunch Program in activities that support and promote awareness of the health and well-being of our Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9949 of October 11, 2019

Columbus Day, 2019

By the President of the United States of America

A Proclamation

On October 12, 1492, after a perilous, two-month journey across the treacherous Atlantic Ocean, Christopher Columbus and his crew aboard the Niña, Pinta, and Santa Maria landed in what is today The Bahamas. This watershed voyage ushered in the Age of Exploration, changing the course of history and setting the foundation for development of our Nation. Today, we commemorate this great explorer, whose courage, skill, and drive for discovery are at the core of the American spirit.

While Columbus sailed from the port of Palos under the Spanish flag, he took pride in the fact that he was a citizen of Genoa, Italy. The celebration of Columbus Day is, therefore, an appropriate opportunity to recognize the more than 16 million Americans who claim Italian heritage and to carry forth the legacy of generations of Italian Americans who helped shape our Nation. The United States greatly values its close bond with Italy, a longstanding friend, ally, and economic partner. Our relationship, built on shared values and a commitment to furthering peace and prosperity, continues to benefit both of our nations.

Columbus's daring voyage to the New World brought two continents together, enabling a global perspective for the first time. The bold legacy of Columbus and his crew spun a thread that weaves through the extensive history of Americans who have pushed the boundaries of exploration. On Columbus Day, we draw inspiration from this intrepid pioneer's spirit of adventure. We also affirm our commitment to continuing our quest to discover and better understand the wonders of our Nation, the world, and beyond.

In commemoration of Christopher Columbus's historic voyage, the Congress, by joint resolution of April 30, 1934, and modified in 1968 (36 U.S.C. 107), as amended, has requested the President proclaim the second Monday of October of each year as "Columbus Day."

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 14, 2019, as Columbus Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities. I also direct that the flag of the United States be displayed on all public

buildings on the appointed day in honor of our diverse history and all who have contributed to shaping this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9950 of October 11, 2019

Blind Americans Equality Day, 2019

By the President of the United States of America

A Proclamation

Blind Americans Equality Day pays tribute to our fellow Americans who are blind or visually impaired for their many contributions to the strength and vitality of our Nation. We renew our steadfast commitment to ensuring their full participation in our communities, workplaces, and social life.

My Administration is committed to promoting policies that foster greater liberty, prosperity, and equality. We are expanding educational, social, technological, and employment opportunities for Americans with disabilities, including blind or visually impaired individuals. We have partnered with States to promote independent living and equal employment opportunities, as well as social, cultural, and athletic activities. Additionally, the President's National Council for the American Worker is developing a national employment strategy to ensure that we have a highly qualified and trained workforce to meet our growing economic needs. We are working to address barriers to employment, combat stigmas, and confront stereotypes that make it more difficult for blind or visually impaired individuals to find and maintain employment. My Administration is also encouraging Federal contractors to take proactive steps to recruit, hire, retain, and advance blind or visually impaired people.

By joint resolution approved on October 6, 1964 (Public Law 88–628), the Congress authorized the President to designate October 15 of each year as “White Cane Safety Day” to recognize the contributions of Americans who are blind or have impaired vision. With the strongest economy our Nation has ever experienced, these Americans are empowered to seek new opportunities for success. Today, and every day, we will continue our efforts to ensure and champion the full and active participation of all Americans, including blind or visually impaired Americans, in every facet of our society.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 15, 2019, as Blind Americans Equality Day, to celebrate and recognize the accomplishments and contributions of Americans who are blind or visually impaired. I call upon all Americans to observe this day with appropriate ceremonies and activities to reaffirm our commitment to achieving equality for all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9951 of October 17, 2019

Death of Elijah E. Cummings

By the President of the United States of America

A Proclamation

As a mark of respect for the memory and longstanding public service of Representative Elijah E. Cummings, of Maryland, I hereby order, by the authority vested in me by the Constitution and the laws of the United States of America, that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions through October 18, 2019. I also direct that the flag shall be flown at half-staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9952 of October 18, 2019

National Character Counts Week, 2019

By the President of the United States of America

A Proclamation

Since our Nation's founding, we have recognized that the good character of our people is vital to maintaining our freedom. The strength of our Union and the defense of our precious liberty require both constant vigilance and moral clarity. During National Character Counts Week, we reaffirm our commitment to developing and demonstrating admirable qualities to enrich our lives and the lives of others. In doing so, we are confident that we can positively influence the next generation of our Nation's leaders and inspire them to lead lives of virtue and integrity.

As history teaches us, no person or piece of legislation is capable of securing and advancing freedom for a nation that fails to instill moral principles in its people. Parents, mentors, and educators have been instrumental in forming and developing values in our young people for

generations, and cultivating character is critical for our Nation's youth. Building strong character in our youth helps provide them with a moral compass that will help them navigate life's many challenges and decisions, and we have an obligation to set a great example for the next generation. To advance this goal of developing a solid foundation for social responsibility in our young people, First Lady Melania Trump is promoting the importance of the values of kindness, compassion, and respect through her BE BEST initiative.

Our American story is rich with famous examples of those with outstanding character, including President Washington's admirable humility, President Lincoln's strong will and honesty, and President Eisenhower's courage. Character worthy of our Nation's praise is also found in the lives of ordinary Americans. From the service members of our Armed Forces and law enforcement officials to public servants and educators, our communities are filled with patriots who demonstrate selflessness, honor, respect, and devotion to duty as they perform their daily responsibilities. These virtues are also found in volunteers who reach out to those in need, members of the clergy who pray for the brokenhearted, children who befriend the bullied, and all those who extend compassion and kindness to others. These Americans fortify our Nation's ideals and influence future generations by leading lives governed by principle and conviction. By their example, they remind us that character is developed consciously through exemplary effort and respect for others.

Throughout this week, and each day of our lives, may we strive to demonstrate good character through our thoughts, discourse, and deeds in our homes, schools, workplaces, and houses of worship. Let us set an example for others of the timeless values of respect, compassion, justice, tolerance, fairness, and integrity. May we never forget that our Nation is only as strong as the virtue and character of our citizenry.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 20 through October 26, 2019, as National Character Counts Week. I call upon public officials, educators, parents, students, and all Americans to observe this week with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9953 of October 18, 2019

National Forest Products Week, 2019

By the President of the United States of America

A Proclamation

Our Nation's forests and woodlands provide millions of Americans with an abundance of job opportunities, goods, and recreational activi-

ties. During National Forest Products Week, we pay tribute to the forest products industry for the important contributions it makes to our society and economy, and we recommit to keeping our wooded landscapes vibrant and strong.

Ninety-six percent of the industrial wood used in the United States comes directly from domestic supplies, making the forest products sector a truly American industry. The millions of acres of forests across our country supply the resources for paper and packaging materials, lumber for our homes, renewable energy materials, and countless other products. In addition to the tremendous impact the forest products industry has on our economy, businesses in this sector are at the forefront of conservation efforts, practicing responsible resource management and maintaining a strong commitment to preserving our abundant forests.

My Administration is working to protect our Nation's forests so that the forest products industry can continue to manufacture goods for domestic and global markets. Last year, I signed an Executive Order aimed at increasing responsible forest management and coordinating Federal, State, tribal, and local assets to prevent and combat the wildfires that have sadly devastated parts of our Nation's woodlands. I also signed the Agriculture Improvement Act of 2018, which will help preserve the health of our forests and increase economic opportunities for the entire forest products sector. This bipartisan legislation promotes active management of natural resources, including our forests, and maintains strong rural development and research initiatives that benefit communities where the forest products industry drives local economies. It also promotes using America's forest materials, like cross-laminated timber—a strong, resilient product—as an innovative approach to constructing tall wooden buildings.

This week, we recognize the importance of the raw materials our forested lands supply for the production of goods throughout our country and around the world. We also pledge to support the proper management of our forests and woodlands so that they can continue to help power our economy and provide recreational opportunities for Americans for generations to come.

Recognizing the economic value of the products yielded in our Nation's forests, the Congress, by Public Law 86–753 (36 U.S.C. 123), as amended, has designated the week beginning on the third Sunday in October of each year as “National Forest Products Week” and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 20 through October 26, 2019, as National Forest Products Week. I call upon all Americans to observe this week with appropriate ceremonies and activities and to reaffirm our commitment to our Nation's forests.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9954 of October 23, 2019**United Nations Day, 2019**

By the President of the United States of America

A Proclamation

Seventy-four years ago, representatives of 50 countries gathered in San Francisco to establish a global organization dedicated to achieving peace and prosperity. Impelled by the unprecedented carnage of two world wars, these countries created the United Nations as a forum for peaceful conflict resolution and the promotion of shared beliefs, forever changing global diplomacy. On this day, we celebrate the achievements of the United Nations in promoting peace, delivering aid to those in need, and confronting international challenges, and we recommit to helping the organization reach its full potential.

Last month, at the 74th Session of the United Nations General Assembly, I laid out my vision for a future of which America can be proud. The United States has embarked on a program of national renewal—fueling economic growth through tax cuts and deregulation, fighting unfair trade, protecting individual freedoms, and standing up for sovereign borders. We call on other countries to pursue their own programs of national revitalization. The path to prosperity for each country begins at home—and when leaders of sovereign nations put the interests of their citizens first, our collective future will be brighter, our people will be happier, and our partnerships will be stronger. The United States prizes liberty, independence, and self-government above all, and the United Nations organization is stronger when leaders protect their own people, respect their neighbors, and honor the differences that make each country unique.

Among the member states of the United Nations, the United States is leading the way in addressing global problems. We have held to account the Iranian regime, which seeks destabilization through nuclear proliferation, promotes a global campaign of terror, and causes mass unrest throughout the Middle East region. In response to Iran's attack in September on oil facilities in Saudi Arabia, we imposed stringent sanctions on the regime's Central Bank and National Development Fund. We have also worked to address the ongoing calamity in Venezuela wrought by the illegitimate regime of Nicolas Maduro. We imposed sanctions that cut off the Maduro dictatorship's financial support, and we were the first country to recognize Juan Guaido as the legitimate, interim President of Venezuela. The United States will continue to work through the United Nations and with its member states to confront bad actors who seek to disrupt and destroy freedom, prosperity, and progress.

We must also recognize that, in order to reach its enormous potential, the United Nations must follow through on essential reforms. The financial burdens must be distributed more equitably and funds should be taken from failed programs and directed to those that work.

On this day, we also pause to acknowledge the sacrifices of all men and women who serve in United Nations missions around the world. They are far from home, and devote their time and energy to protecting the vulnerable and providing relief to areas ravaged by war, famine,

and natural disasters. And we honor the memories of those who have lost their lives in the pursuit of world peace.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 24, 2019, as United Nations Day. I urge the Governors of the 50 States, the Governor of the Commonwealth of Puerto Rico, and the officials of all other areas under the flag of the United States, to observe United Nations Day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9955 of October 25, 2019

To Modify Duty-Free Treatment Under the Generalized System of Preferences and for Other Purposes

By the President of the United States of America

A Proclamation

1. In Proclamation 9687 of December 22, 2017, after considering the factors set forth in sections 501 and 502(c) of the Trade Act of 1974, as amended, (the “1974 Act”) (19 U.S.C. 2461 and 2462(c)), I suspended the duty-free treatment accorded under the Generalized System of Preferences (GSP) (19 U.S.C. 2461 *et seq.*) to certain eligible articles that are the product of Ukraine. I did so after considering, in particular, the extent to which Ukraine was providing adequate and effective protection of intellectual property rights, in accordance with section 502(c)(5) of the 1974 Act (19 U.S.C. 2462(c)(5)).

2. Having once again considered the factors set forth in sections 501 and 502(c) of the 1974 Act, and in particular section 502(c)(5), I have determined that Ukraine has made progress in providing adequate and effective protection of intellectual property rights. Accordingly, it is appropriate to terminate the suspension of the duty-free treatment accorded under the GSP to certain eligible articles that are the product of Ukraine, effective 5 days after the date of this proclamation.

3. In Executive Order 11844 of March 24, 1975, the President designated Thailand as a beneficiary developing country for purposes of the GSP.

4. Sections 502(d)(1) and 503(c)(1) of the 1974 Act (19 U.S.C. 2462(d)(1) and 2463(c)(1)) provide that the President may withdraw, suspend, or limit the application of the duty-free treatment accorded under the GSP with respect to any beneficiary developing country and any article upon consideration of the factors set forth in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2461 and 2462(c)).

5. Section 502(c)(7) of the 1974 Act (19 U.S.C. 2462(c)(7)) provides that, in determining whether to designate any country as a beneficiary

developing country under the GSP, the President shall take into account whether or not such country has taken or is taking steps to afford to workers in that country (including any designated zone in that country) internationally recognized worker rights.

6. Pursuant to sections 502(d)(1) and 503(c)(1) of the 1974 Act (19 U.S.C. 2462(d)(1) and 2463(c)(1)), and having considered the factors set forth in sections 501 and 502(c), including in particular section 502(c)(7) (19 U.S.C. 2462(c)(7)), I have determined that Thailand is not taking steps to afford to workers in Thailand internationally recognized worker rights. Accordingly, it is appropriate to suspend the duty-free treatment accorded under the GSP to certain eligible articles that are the product of Thailand, effective 6 months after the date of this proclamation.

7. Pursuant to section 503(c)(1) of the 1974 Act, the President may withdraw, suspend, or limit the application of the duty-free treatment accorded to specified articles under the GSP when imported from designated beneficiary developing countries.

8. Section 503(c)(2)(A) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)) subjects beneficiary developing countries, except those designated as least-developed beneficiary developing countries or beneficiary sub-Saharan African countries as provided in section 503(c)(2)(D) of the 1974 Act (19 U.S.C. 2463(c)(2)(D)), to competitive need limitations on the duty-free treatment afforded to eligible articles under the GSP.

9. Pursuant to section 503(c)(2)(A) of the 1974 Act, I have determined that in 2018 certain beneficiary developing countries exported eligible articles in quantities exceeding the applicable competitive need limitations. I hereby terminate the duty-free treatment for such articles from such beneficiary developing countries.

10. Section 503(c)(2)(F)(i) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(i)) provides that the President may disregard the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)(i)(II)) with respect to any eligible article from any beneficiary developing country if the aggregate appraised value of the imports of any such article into the United States during the preceding calendar year does not exceed the amount set forth in section 503(c)(2)(F)(ii) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(ii)).

11. Pursuant to section 503(c)(2)(F)(i) of the 1974 Act, I have determined that the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act should be disregarded with respect to certain eligible articles from certain beneficiary developing countries.

12. Section 503(d)(1) of the 1974 Act (19 U.S.C. 2463(d)(1)) provides that the President may waive the application of the competitive need limitations in section 503(c)(2) of the 1974 Act (19 U.S.C. 2463(c)(2)) with respect to any eligible article from any beneficiary developing country if certain conditions are met.

13. Pursuant to section 503(d)(1) of the 1974 Act, I have received the advice of the United States International Trade Commission on whether any industry in the United States is likely to be adversely affected by such waivers of the competitive need limitations provided in section 503(c)(2) of the 1974 Act. I have determined, based on that advice and the considerations described in sections 501 and 502(c) of the

1974 Act, and having given great weight to the considerations in section 503(d)(2) of the 1974 Act (19 U.S.C. 2463(d)(2)), that such waivers are in the national economic interest of the United States. Accordingly, I have determined that the competitive need limitations of section 503(c)(2) of the 1974 Act should be waived with respect to an article from a certain beneficiary developing country.

14. Section 503(c)(2)(C) of the 1974 Act (19 U.S.C. 2463(c)(2)(C)) provides that a country that is no longer treated as a beneficiary developing country with respect to an eligible article may be redesignated as a beneficiary developing country with respect to such article, subject to the considerations set forth in sections 501 and 502 of the 1974 Act, if imports of such article from such country did not exceed the competitive need limitations in section 503(c)(2)(A) of the 1974 Act during the preceding calendar year.

15. Pursuant to section 503(c)(2)(C) of the 1974 Act, and having taken into account the considerations set forth in sections 501 and 502 of the 1974 Act, I have determined to redesignate certain countries as beneficiary developing countries with respect to certain eligible articles that during the preceding calendar year had been imported in quantities not exceeding the competitive need limitations of section 503(c)(2)(A) of the 1974 Act.

16. Section 503(c)(2)(E) of the 1974 Act (19 U.S.C. 2463(c)(2)(E)) provides that the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act shall not apply with respect to any eligible article if a like or directly competitive article was not produced in the United States in any of the preceding three calendar years.

17. Pursuant to section 503(c)(2)(E) of the 1974 Act, I have determined that the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act does not apply with respect to a certain eligible article from a certain beneficiary developing country.

18. In Proclamation 9072 of December 23, 2013, the President designated Mali as a beneficiary sub-Saharan African country pursuant to section 506A(a)(1) of the 1974 Act (19 U.S.C. 2466a(a)(1)), as added by section 111(a) of the African Growth and Opportunity Act (Title I, Public Law 106–200) (AGOA).

19. Section 112(c) of the AGOA, as amended in section 6002 of the Africa Investment Incentive Act of 2006 (Division D, Title VI, Public Law 109–432 (19 U.S.C. 3721(c))), provides special rules for certain apparel articles imported from “lesser developed beneficiary sub-Saharan African countries.”

20. I have determined that Mali satisfies the criterion for treatment as a “lesser developed beneficiary sub-Saharan African country” under section 112(c) of the AGOA.

21. The short-form name of “Macedonia” has changed to “North Macedonia,” and I have determined that general note 4(a) and Chapter 99, Subchapter III, U.S. notes 17(b)(2) and 18(b), to the HTS should be modified to reflect this change.

22. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the relevant provisions of the 1974 Act, and of other Acts affecting import treatment, and actions thereunder, includ-

ing removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including title V and section 604 of the 1974 Act; sections 111(a) and 112(c) of the AGOA; and section 6002 of the Africa Investment Incentive Act of 2006, do hereby proclaim that:

(1) The suspension of the duty-free treatment accorded under the GSP to certain eligible articles that are the product of Ukraine is terminated, effective 5 days after the date of this proclamation.

(2) In order to reflect in the HTS this termination of the suspension of certain benefits with respect to Ukraine, general note 4(d) and pertinent subheadings of the HTS are modified as set forth in Annex 1 to this proclamation.

(3) The duty-free treatment accorded under the GSP to certain eligible articles that are the product of Thailand is suspended, effective 6 months after the date of this proclamation.

(4) In order to reflect in the HTS this suspension of certain benefits under the GSP with respect to Thailand, general note 4(d) and pertinent subheadings of the HTS are modified as set forth in Annex 2 to this proclamation.

(5) In order to provide that one or more countries should no longer be treated as beneficiary developing countries with respect to one or more eligible articles for purposes of the GSP, the Rates of Duty 1–Special subcolumn for the corresponding HTS subheadings and general note 4(d) to the HTS are modified as set forth in section A and B of Annex 3 and Annex 7 to this proclamation.

(6) In order to redesignate certain articles as eligible articles for purposes of the GSP, the Rates of Duty 1–Special subcolumn for the corresponding HTS subheadings and general note 4(d) to the HTS are modified as set forth in sections C, D, E, and F of Annex 3 and sections A and B of Annex 6 to this proclamation.

(7) The competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act is disregarded with respect to the eligible articles in the HTS subheadings and to the beneficiary developing countries set forth in Annex 4 to this proclamation.

(8) A waiver of the application of section 503(c)(2) of the 1974 Act shall apply to the eligible article in the HTS subheading and to the beneficiary developing country set forth in Annex 5 to this proclamation.

(9) For purposes of section 112(c) of the AGOA, Mali is a lesser developed beneficiary sub-Saharan African country.

(10) In order to provide for Mali the tariff treatment intended under section 112 of the AGOA, note 2(d) to subchapter XIX of chapter 98 of the HTS is modified by inserting in alphabetical sequence in the list of lesser developed beneficiary sub-Saharan African countries “Republic of Mali”.

(11) The modification to the HTS made by paragraph (10) of this proclamation shall enter into effect on the 30th day after publication of this proclamation in the *Federal Register*.

(12) In order to reflect the change in the name of Macedonia, general note 4(a) and Chapter 99, Subchapter III, U.S. notes 17(b)(2) and 18(b), to the HTS are modified as set forth in Annex 7 to this proclamation.

(13) The modifications to the HTS set forth in Annex 3, Annex 6, and Annex 7 of this proclamation shall be effective with respect to articles entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on November 1, 2019.

(14) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Annex 1

To modify the Harmonized Tariff Schedule of the United States to restore certain articles that are the product of Ukraine for purposes of the Generalized System of Preferences

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time 5 days after the date of this proclamation, the Harmonized Tariff Schedule of the United States (HTS) is modified for the following subheadings:

1. General Note 4(d) is modified:

A. By striking the following subheadings and the country set out opposite them:

“0710.80.70	Ukraine	2005.20.00	Ukraine	2204.10.00	Ukraine
0712.39.10	Ukraine	2005.99.97	Ukraine	2204.21.80	Ukraine
0713.10.40	Ukraine	2007.99.05	Ukraine	2206.00.90	Ukraine
0902.10.10	Ukraine	2007.99.10	Ukraine	2209.00.00	Ukraine
0910.91.00	Ukraine	2007.99.20	Ukraine	3307.30.10	Ukraine
0910.99.60	Ukraine	2007.99.25	Ukraine	3307.30.50	Ukraine
1104.12.00	Ukraine	2007.99.45	Ukraine	3506.10.50	Ukraine
1104.29.90	Ukraine	2007.99.75	Ukraine	3924.90.56	Ukraine
1604.13.90	Ukraine	2008.19.90	Ukraine	3925.30.10	Ukraine
1604.17.10	Ukraine	2009.50.00	Ukraine	3926.20.30	Ukraine
1604.18.10	Ukraine	2009.89.65	Ukraine	3926.20.90	Ukraine
1604.18.90	Ukraine	2009.89.70	Ukraine	3926.90.21	Ukraine
1604.19.22	Ukraine	2103.20.20	Ukraine	3926.90.30	Ukraine
1604.19.82	Ukraine	2103.90.80	Ukraine	3926.90.45	Ukraine
1604.20.05	Ukraine	2103.90.90	Ukraine	3926.90.99	Ukraine
1704.90.35	Ukraine	2104.20.50	Ukraine	4015.19.10	Ukraine
1806.32.90	Ukraine	2106.90.98	Ukraine	4016.91.00	Ukraine
1904.10.00	Ukraine	2201.10.00	Ukraine	4201.00.30	Ukraine
1905.90.90	Ukraine	2202.10.00	Ukraine	4202.92.50	Ukraine
2001.10.00	Ukraine	2202.91.00	Ukraine	4202.99.10	Ukraine
2001.90.38	Ukraine	2202.99.90	Ukraine	4203.10.20	Ukraine

4203.21.80	Ukraine	8414.51.90	Ukraine	8543.70.89	Ukraine
4419.11.00	Ukraine	8414.59.65	Ukraine	8543.70.91	Ukraine
4419.12.00	Ukraine	8419.89.95	Ukraine	8543.70.97	Ukraine
4419.19.90	Ukraine	8421.23.00	Ukraine	8543.70.99	Ukraine
4419.90.90	Ukraine	8456.11.90	Ukraine	8703.10.50	Ukraine
4420.10.00	Ukraine	8464.90.01	Ukraine	8711.40.60	Ukraine
4420.90.80	Ukraine	8465.94.00	Ukraine	8711.50.00	Ukraine
6204.39.60	Ukraine	8468.10.00	Ukraine	9005.80.40	Ukraine
6204.49.10	Ukraine	8479.89.94	Ukraine	9005.80.60	Ukraine
6216.00.35	Ukraine	8480.49.00	Ukraine	9013.80.90	Ukraine
6307.90.98	Ukraine	8480.71.80	Ukraine	9030.89.01	Ukraine
6406.90.10	Ukraine	8480.79.90	Ukraine	9031.20.00	Ukraine
6406.90.30	Ukraine	8501.32.20	Ukraine	9032.89.60	Ukraine
6506.99.60	Ukraine	8501.40.40	Ukraine	9205.10.00	Ukraine
6912.00.48	Ukraine	8501.51.40	Ukraine	9207.90.00	Ukraine
6913.90.50	Ukraine	8501.51.60	Ukraine	9304.00.20	Ukraine
7113.19.29	Ukraine	8504.31.40	Ukraine	9404.90.20	Ukraine
7113.20.50	Ukraine	8509.40.00	Ukraine	9405.20.80	Ukraine
7117.19.15	Ukraine	8531.80.15	Ukraine	9506.12.80	Ukraine
7323.93.00	Ukraine	8531.80.90	Ukraine	9506.91.00	Ukraine
7615.10.50	Ukraine	8539.50.00	Ukraine	9506.99.60	Ukraine
8210.00.00	Ukraine	8543.70.45	Ukraine	9620.00.50	Ukraine”
8413.30.90	Ukraine	8543.70.71	Ukraine		

B. By deleting the country “Ukraine” set out opposite the following HTS subheadings:

2202.99.36	7113.11.50	8413.30.10
3307.20.00	7113.19.50	
4011.10.50	7615.10.30	

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2. The following HTS subheadings are modified by deleting from the rates of duty 1 – special subcolumn, the symbol “A*” and by inserting in lieu thereof “A”:

0710.80.70	2007.99.45	3926.90.30
0712.39.10	2007.99.75	3926.90.45
0713.10.40	2008.19.90	3926.90.99
0902.10.10	2009.50.00	4015.19.10
0910.91.00	2009.89.65	4016.91.00
0910.99.60	2009.89.70	4201.00.30
1104.12.00	2103.20.20	4202.92.50
1104.29.90	2103.90.80	4202.99.10
1604.13.90	2103.90.90	4203.10.20
1604.17.10	2104.20.50	4203.21.80
1604.18.10	2106.90.98	4419.11.00
1604.18.90	2201.10.00	4419.12.00
1604.19.22	2202.10.00	4419.19.90
1604.19.82	2202.91.00	4419.90.90
1604.20.05	2202.99.90	4420.10.00
1704.90.35	2204.10.00	4420.90.80
1806.32.90	2204.21.80	6204.39.60
1904.10.00	2206.00.90	6204.49.10
1905.90.90	2209.00.00	6216.00.35
2001.10.00	3307.30.10	6307.90.98
2001.90.38	3307.30.50	6406.90.10
2005.20.00	3506.10.50	6406.90.30
2005.99.97	3924.90.56	6506.99.60
2007.99.05	3925.30.10	6912.00.48
2007.99.10	3926.20.30	6913.90.50
2007.99.20	3926.20.90	7113.19.29
2007.99.25	3926.90.21	7113.20.50

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7117.19.15	8480.79.90	9005.80.40
7323.93.00	8501.32.20	9005.80.60
7615.10.50	8501.40.40	9013.80.90
8210.00.00	8501.51.40	9031.20.00
8413.30.90	8501.51.60	9032.89.60
8414.51.90	8504.31.40	9205.10.00
8414.59.65	8509.40.00	9207.90.00
8419.89.95	8531.80.15	9304.00.20
8421.23.00	8531.80.90	9404.90.20
8456.11.90	8539.50.00	9405.20.80
8464.90.01	8543.70.45	9506.12.80
8465.94.00	8543.70.71	9506.91.00
8468.10.00	8543.70.99	9506.99.60
8479.89.94	8703.10.50	9620.00.50
8480.49.00	8711.40.60	
8480.71.80	8711.50.00	

Annex 2

To modify the Harmonized Tariff Schedule of the United States to remove certain articles that are the product of Thailand for purposes of the Generalized System of Preferences

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time 6 months after the date of this proclamation, the Harmonized Tariff Schedule of the United States (HTS) is modified for the following subheadings:

1. General Note 4(d) is modified:

A. By adding the following subheadings, in numerical sequence, and the country set out opposite them:

“0302.23.00	Thailand	0306.93.20	Thailand	0811.10.00	Thailand
0302.91.20	Thailand	0307.60.00	Thailand	0811.20.20	Thailand
0303.33.00	Thailand	0601.10.15	Thailand	0811.20.40	Thailand
0303.34.00	Thailand	0601.10.45	Thailand	0902.20.10	Thailand
0303.39.01	Thailand	0601.10.60	Thailand	0910.12.00	Thailand
0303.53.00	Thailand	0601.10.75	Thailand	1106.10.00	Thailand
0303.81.00	Thailand	0601.10.90	Thailand	1207.70.00	Thailand
0303.91.20	Thailand	0601.20.90	Thailand	1404.90.40	Thailand
0303.92.00	Thailand	0602.10.00	Thailand	1515.50.00	Thailand
0304.94.90	Thailand	0603.19.01	Thailand	1604.13.90	Thailand
0304.95.90	Thailand	0603.90.00	Thailand	1604.14.50	Thailand
0304.96.00	Thailand	0604.90.60	Thailand	1604.16.40	Thailand
0304.97.00	Thailand	0710.80.50	Thailand	1604.17.10	Thailand
0304.99.91	Thailand	0710.80.65	Thailand	1604.17.80	Thailand
0305.10.40	Thailand	0710.80.70	Thailand	1604.18.10	Thailand
0305.63.20	Thailand	0710.80.93	Thailand	1604.18.90	Thailand
0305.64.50	Thailand	0711.59.90	Thailand	1604.19.22	Thailand
0305.69.60	Thailand	0713.90.11	Thailand	1604.19.25	Thailand
0306.14.20	Thailand	0713.90.61	Thailand	1604.19.32	Thailand
0306.33.20	Thailand	0713.90.81	Thailand	1604.19.82	Thailand

1604.20.05	Thailand	2005.70.75	Thailand	2101.20.90	Thailand
1604.31.00	Thailand	2005.99.10	Thailand	2102.20.20	Thailand
1605.10.05	Thailand	2005.99.20	Thailand	2102.20.60	Thailand
1605.10.40	Thailand	2005.99.55	Thailand	2103.10.00	Thailand
1605.30.05	Thailand	2005.99.85	Thailand	2103.30.40	Thailand
1605.56.15	Thailand	2005.99.97	Thailand	2106.90.03	Thailand
1605.58.55	Thailand	2007.91.40	Thailand	2106.90.06	Thailand
1702.90.05	Thailand	2007.91.90	Thailand	2106.90.12	Thailand
1702.90.52	Thailand	2008.30.10	Thailand	2106.90.15	Thailand
1806.90.05	Thailand	2008.30.48	Thailand	2106.90.18	Thailand
1806.90.15	Thailand	2008.30.60	Thailand	2106.90.42	Thailand
1806.90.25	Thailand	2008.30.96	Thailand	2106.90.44	Thailand
1806.90.55	Thailand	2008.99.13	Thailand	2106.90.52	Thailand
1902.11.40	Thailand	2008.99.21	Thailand	2106.90.54	Thailand
1902.19.40	Thailand	2008.99.23	Thailand	2106.90.58	Thailand
1902.20.00	Thailand	2008.99.28	Thailand	2106.90.82	Thailand
1902.30.00	Thailand	2008.99.40	Thailand	2202.91.00	Thailand
1904.30.00	Thailand	2008.99.45	Thailand	2811.22.10	Thailand
1905.90.90	Thailand	2008.99.63	Thailand	2822.00.00	Thailand
2005.10.00	Thailand	2008.99.65	Thailand	2825.90.10	Thailand
2005.20.00	Thailand	2008.99.91	Thailand	2825.90.20	Thailand
2005.59.00	Thailand	2009.81.00	Thailand	2825.90.90	Thailand
2005.70.02	Thailand	2009.89.65	Thailand	2832.20.00	Thailand
2005.70.06	Thailand	2009.89.70	Thailand	2910.90.10	Thailand
2005.70.12	Thailand	2009.89.80	Thailand	2910.90.91	Thailand
2005.70.16	Thailand	2009.90.20	Thailand	2918.15.10	Thailand
2005.70.23	Thailand	2101.20.32	Thailand	2918.15.50	Thailand
2005.70.25	Thailand	2101.20.54	Thailand	2918.30.90	Thailand

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2922.49.49	Thailand	3924.10.40	Thailand	4420.90.80	Thailand
2922.49.80	Thailand	3925.20.00	Thailand	4421.91.30	Thailand
2923.20.20	Thailand	3925.30.10	Thailand	4421.91.97	Thailand
2931.90.26	Thailand	3925.30.50	Thailand	4421.99.30	Thailand
2931.90.90	Thailand	3926.40.00	Thailand	4421.99.97	Thailand
2938.90.00	Thailand	4009.11.00	Thailand	4601.93.05	Thailand
2940.00.60	Thailand	4009.21.00	Thailand	4601.93.20	Thailand
3307.10.10	Thailand	4009.31.00	Thailand	4602.11.05	Thailand
3307.10.20	Thailand	4009.41.00	Thailand	4602.11.09	Thailand
3603.00.30	Thailand	4010.31.60	Thailand	4602.11.45	Thailand
3603.00.90	Thailand	4011.80.20	Thailand	4602.12.05	Thailand
3604.90.00	Thailand	4011.80.80	Thailand	4602.12.16	Thailand
3808.69.10	Thailand	4011.90.20	Thailand	4602.12.23	Thailand
3912.31.00	Thailand	4011.90.80	Thailand	4602.12.45	Thailand
3916.20.00	Thailand	4016.91.00	Thailand	4602.90.00	Thailand
3917.39.00	Thailand	4409.10.05	Thailand	5702.91.30	Thailand
3920.43.10	Thailand	4412.31.45	Thailand	5702.92.10	Thailand
3920.43.50	Thailand	4412.39.30	Thailand	5702.99.05	Thailand
3920.69.00	Thailand	4412.99.70	Thailand	5702.99.20	Thailand
3920.92.00	Thailand	4414.00.00	Thailand	5703.10.20	Thailand
3921.12.11	Thailand	4417.00.80	Thailand	6116.99.35	Thailand
3921.12.19	Thailand	4419.11.00	Thailand	6117.80.85	Thailand
3921.12.50	Thailand	4419.19.10	Thailand	6204.49.10	Thailand
3921.13.11	Thailand	4419.19.90	Thailand	6216.00.08	Thailand
3921.13.50	Thailand	4419.90.10	Thailand	6216.00.35	Thailand
3924.10.10	Thailand	4419.90.90	Thailand	6216.00.46	Thailand
3924.10.20	Thailand	4420.10.00	Thailand	6217.10.85	Thailand
3924.10.30	Thailand	4420.90.45	Thailand	6307.90.85	Thailand

6307.90.98	Thailand	6913.90.50	Thailand	7307.11.00	Thailand
6405.90.20	Thailand	6914.90.80	Thailand	7307.19.30	Thailand
6406.20.00	Thailand	7002.39.00	Thailand	7307.29.00	Thailand
6506.99.30	Thailand	7013.99.30	Thailand	7307.93.60	Thailand
6506.99.60	Thailand	7013.99.35	Thailand	7307.93.90	Thailand
6701.00.30	Thailand	7019.90.50	Thailand	7318.15.60	Thailand
6701.00.60	Thailand	7113.19.10	Thailand	7318.15.80	Thailand
6702.90.10	Thailand	7113.19.21	Thailand	7318.19.00	Thailand
6702.90.35	Thailand	7113.19.25	Thailand	7320.10.30	Thailand
6702.90.65	Thailand	7113.19.29	Thailand	7320.10.90	Thailand
6802.92.00	Thailand	7113.19.30	Thailand	7321.81.10	Thailand
6909.11.40	Thailand	7113.20.10	Thailand	7323.91.50	Thailand
6909.12.00	Thailand	7113.20.21	Thailand	7323.93.00	Thailand
6911.10.15	Thailand	7113.20.25	Thailand	7323.99.30	Thailand
6911.10.25	Thailand	7113.20.29	Thailand	7323.99.70	Thailand
6911.10.35	Thailand	7113.20.30	Thailand	7323.99.90	Thailand
6911.10.37	Thailand	7113.20.50	Thailand	7324.10.00	Thailand
6911.10.38	Thailand	7114.20.00	Thailand	7408.29.10	Thailand
6911.10.41	Thailand	7116.20.05	Thailand	7408.29.50	Thailand
6911.10.45	Thailand	7116.20.15	Thailand	7410.22.00	Thailand
6911.10.60	Thailand	7116.20.30	Thailand	7411.29.10	Thailand
6912.00.10	Thailand	7116.20.35	Thailand	7411.29.50	Thailand
6912.00.35	Thailand	7116.20.40	Thailand	7412.20.00	Thailand
6912.00.41	Thailand	7117.11.00	Thailand	7413.00.10	Thailand
6912.00.46	Thailand	7117.90.20	Thailand	7413.00.50	Thailand
6912.00.48	Thailand	7117.90.30	Thailand	7413.00.90	Thailand
6912.00.50	Thailand	7117.90.55	Thailand	7418.10.00	Thailand
6913.10.20	Thailand	7117.90.90	Thailand	7418.20.10	Thailand

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7418.20.50	Thailand	8301.20.00	Thailand	8458.11.00	Thailand
7604.29.10	Thailand	8301.60.00	Thailand	8458.91.10	Thailand
7604.29.30	Thailand	8304.00.00	Thailand	8458.91.50	Thailand
7604.29.50	Thailand	8306.10.00	Thailand	8460.12.00	Thailand
7605.29.00	Thailand	8306.21.00	Thailand	8460.39.00	Thailand
7607.11.30	Thailand	8306.30.00	Thailand	8461.50.40	Thailand
7607.11.60	Thailand	8402.20.00	Thailand	8461.50.80	Thailand
7607.11.90	Thailand	8404.10.00	Thailand	8462.31.00	Thailand
7610.90.00	Thailand	8404.20.00	Thailand	8462.39.00	Thailand
7615.20.00	Thailand	8404.90.00	Thailand	8462.41.00	Thailand
7801.10.00	Thailand	8411.81.80	Thailand	8466.10.01	Thailand
7907.00.10	Thailand	8411.82.80	Thailand	8466.92.50	Thailand
7907.00.20	Thailand	8413.30.90	Thailand	8466.93.30	Thailand
7907.00.60	Thailand	8413.91.10	Thailand	8466.93.53	Thailand
8108.90.30	Thailand	8414.59.30	Thailand	8466.93.75	Thailand
8108.90.60	Thailand	8414.59.65	Thailand	8466.93.98	Thailand
8210.00.00	Thailand	8414.80.90	Thailand	8466.94.65	Thailand
8211.91.50	Thailand	8414.90.10	Thailand	8466.94.85	Thailand
8211.91.80	Thailand	8419.60.10	Thailand	8467.19.10	Thailand
8211.92.20	Thailand	8419.90.95	Thailand	8477.10.90	Thailand
8211.92.40	Thailand	8422.11.00	Thailand	8477.20.00	Thailand
8211.92.60	Thailand	8443.16.00	Thailand	8479.50.00	Thailand
8211.92.90	Thailand	8448.31.00	Thailand	8480.79.90	Thailand
8211.93.00	Thailand	8450.12.00	Thailand	8481.20.00	Thailand
8215.99.20	Thailand	8450.90.40	Thailand	8481.30.10	Thailand
8215.99.24	Thailand	8450.90.60	Thailand	8481.30.90	Thailand
8215.99.40	Thailand	8451.29.00	Thailand	8482.30.00	Thailand
8215.99.50	Thailand	8457.10.00	Thailand	8483.40.50	Thailand

8483.40.70	Thailand	8537.10.91	Thailand	9017.20.40	Thailand
8483.40.80	Thailand	8537.20.00	Thailand	9017.20.80	Thailand
8483.40.90	Thailand	8538.90.30	Thailand	9031.20.00	Thailand
8484.10.00	Thailand	8538.90.40	Thailand	9033.00.90	Thailand
8501.31.20	Thailand	8538.90.60	Thailand	9202.90.20	Thailand
8501.31.40	Thailand	8539.10.00	Thailand	9202.90.40	Thailand
8501.31.50	Thailand	8539.21.40	Thailand	9202.90.60	Thailand
8501.31.60	Thailand	8539.90.00	Thailand	9205.10.00	Thailand
8501.31.80	Thailand	8543.10.00	Thailand	9205.90.14	Thailand
8501.32.20	Thailand	8543.70.20	Thailand	9205.90.18	Thailand
8501.32.60	Thailand	8543.70.45	Thailand	9205.90.40	Thailand
8501.40.20	Thailand	8543.70.71	Thailand	9206.00.20	Thailand
8501.40.40	Thailand	8543.70.99	Thailand	9206.00.80	Thailand
8501.40.50	Thailand	8544.19.00	Thailand	9207.10.00	Thailand
8501.40.60	Thailand	8607.99.10	Thailand	9207.90.00	Thailand
8501.63.00	Thailand	8607.99.50	Thailand	9208.10.00	Thailand
8506.80.00	Thailand	8711.50.00	Thailand	9208.90.00	Thailand
8510.30.00	Thailand	8716.80.50	Thailand	9209.92.20	Thailand
8511.10.00	Thailand	8903.92.00	Thailand	9209.92.40	Thailand
8513.90.20	Thailand	8903.99.15	Thailand	9209.92.80	Thailand
8513.90.40	Thailand	8903.99.20	Thailand	9209.94.40	Thailand
8514.20.40	Thailand	8903.99.90	Thailand	9209.94.80	Thailand
8514.20.60	Thailand	9001.30.00	Thailand	9209.99.10	Thailand
8516.50.00	Thailand	9001.40.00	Thailand	9209.99.18	Thailand
8518.10.80	Thailand	9004.90.00	Thailand	9209.99.80	Thailand
8536.69.80	Thailand	9006.40.60	Thailand	9404.30.40	Thailand
8537.10.30	Thailand	9013.10.10	Thailand	9405.40.40	Thailand
8537.10.60	Thailand	9013.10.50	Thailand	9405.40.60	Thailand

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133 STAT. 3493

9405.40.84	Thailand	9615.19.60	Thailand
9405.50.20	Thailand	9615.90.20	Thailand
9405.50.30	Thailand	9615.90.30	Thailand
9405.50.40	Thailand	9615.90.40	Thailand
9506.19.80	Thailand	9615.90.60	Thailand
9506.62.80	Thailand	9620.00.10	Thailand
9506.91.00	Thailand	9620.00.20	Thailand
9506.99.12	Thailand	9620.00.25	Thailand
9506.99.30	Thailand	9620.00.50	Thailand
9506.99.45	Thailand	9620.00.55	Thailand
9506.99.50	Thailand	9620.00.65	Thailand
9506.99.55	Thailand	9620.00.70	Thailand"
9506.99.60	Thailand		
9507.20.40	Thailand		
9507.20.80	Thailand		
9507.30.60	Thailand		
9507.30.80	Thailand		
9507.90.20	Thailand		
9507.90.40	Thailand		
9507.90.60	Thailand		
9507.90.80	Thailand		
9603.30.20	Thailand		
9603.90.80	Thailand		
9609.10.00	Thailand		
9610.00.00	Thailand		
9613.10.00	Thailand		
9615.19.20	Thailand		
9615.19.40	Thailand		

B. By adding the country “Thailand” set out opposite the following HTS subheadings:

0302.45.11	1702.90.35	4412.31.61
0302.46.11	1702.90.40	4412.31.92
0302.54.11	1806.90.01	4412.39.40
0302.55.11	1806.90.90	4412.99.31
0302.56.11	2008.30.37	4412.99.41
0302.59.11	2008.50.20	4412.99.80
0302.71.11	2008.99.80	4412.99.90
0302.72.11	2825.90.15	4418.91.90
0302.73.11	2918.22.10	4418.99.90
0302.79.11	2918.22.50	4421.91.60
0302.84.11	3307.49.00	4421.99.60
0302.85.11	3603.00.60	6116.10.08
0302.89.11	3907.30.00	6910.10.00
0304.91.90	4409.29.06	8413.30.10
0304.92.90	4412.10.05	8450.90.20
0304.93.90	4412.31.26	8481.30.20
0305.20.20	4412.31.42	8516.71.00
1702.30.22	4412.31.48	9013.10.30
1702.90.10	4412.31.52	9506.11.40

2. The following HTS subheadings are modified by deleting from the rates of duty 1 – special subcolumn, the symbol “A” and by inserting in lieu thereof “A*”:

0302.23.00	0303.53.00	0304.95.90
0302.91.20	0303.81.00	0304.96.00
0303.33.00	0303.91.20	0304.97.00
0303.34.00	0303.92.00	0304.99.91
0303.39.01	0304.94.90	0305.10.40

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133 STAT. 3495

0305.63.20	0902.20.10	1806.90.25
0305.64.50	0910.12.00	1806.90.55
0305.69.60	1106.10.00	1902.11.40
0306.14.20	1207.70.00	1902.19.40
0306.33.20	1404.90.40	1902.20.00
0306.93.20	1515.50.00	1902.30.00
0307.60.00	1604.13.90	1904.30.00
0601.10.15	1604.14.50	1905.90.90
0601.10.45	1604.16.40	2005.10.00
0601.10.60	1604.17.10	2005.20.00
0601.10.75	1604.17.80	2005.59.00
0601.10.90	1604.18.10	2005.70.02
0601.20.90	1604.18.90	2005.70.06
0602.10.00	1604.19.22	2005.70.12
0603.19.01	1604.19.25	2005.70.16
0603.90.00	1604.19.32	2005.70.23
0604.90.60	1604.19.82	2005.70.25
0710.80.50	1604.20.05	2005.70.75
0710.80.65	1604.31.00	2005.99.10
0710.80.70	1605.10.05	2005.99.20
0710.80.93	1605.10.40	2005.99.55
0711.59.90	1605.30.05	2005.99.85
0713.90.11	1605.56.15	2005.99.97
0713.90.61	1605.58.55	2007.91.40
0713.90.81	1702.90.05	2007.91.90
0811.10.00	1702.90.52	2008.30.10
0811.20.20	1806.90.05	2008.30.48
0811.20.40	1806.90.15	2008.30.60

133 STAT. 3496

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2008.30.96	2106.90.44	3604.90.00
2008.99.13	2106.90.52	3808.69.10
2008.99.21	2106.90.54	3912.31.00
2008.99.23	2106.90.58	3916.20.00
2008.99.28	2106.90.82	3917.39.00
2008.99.40	2202.91.00	3920.43.10
2008.99.45	2811.22.10	3920.43.50
2008.99.63	2822.00.00	3920.69.00
2008.99.65	2825.90.10	3920.92.00
2008.99.91	2825.90.20	3921.12.11
2009.81.00	2825.90.90	3921.12.19
2009.89.65	2832.20.00	3921.12.50
2009.89.70	2910.90.10	3921.13.11
2009.89.80	2910.90.91	3921.13.50
2009.90.20	2918.15.10	3924.10.10
2101.20.32	2918.15.50	3924.10.20
2101.20.54	2918.30.90	3924.10.30
2101.20.90	2922.49.49	3924.10.40
2102.20.20	2922.49.80	3925.20.00
2102.20.60	2923.20.20	3925.30.10
2103.10.00	2931.90.26	3925.30.50
2103.30.40	2931.90.90	3926.40.00
2106.90.03	2938.90.00	4009.11.00
2106.90.06	2940.00.60	4009.21.00
2106.90.12	3307.10.10	4009.31.00
2106.90.15	3307.10.20	4009.41.00
2106.90.18	3603.00.30	4010.31.60
2106.90.42	3603.00.90	4011.80.20

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133 STAT. 3497

4011.80.80	4602.12.16	6909.11.40
4011.90.20	4602.12.23	6909.12.00
4011.90.80	4602.12.45	6911.10.15
4016.91.00	4602.90.00	6911.10.25
4409.10.05	5702.91.30	6911.10.35
4412.31.45	5702.92.10	6911.10.37
4412.39.30	5702.99.05	6911.10.38
4412.99.70	5702.99.20	6911.10.41
4414.00.00	5703.10.20	6911.10.45
4417.00.80	6116.99.35	6911.10.60
4419.11.00	6117.80.85	6912.00.10
4419.19.10	6204.49.10	6912.00.35
4419.19.90	6216.00.08	6912.00.41
4419.90.10	6216.00.35	6912.00.46
4419.90.90	6216.00.46	6912.00.48
4420.10.00	6217.10.85	6912.00.50
4420.90.45	6307.90.85	6913.10.20
4420.90.80	6307.90.98	6913.90.50
4421.91.30	6405.90.20	6914.90.80
4421.91.97	6406.20.00	7002.39.00
4421.99.30	6506.99.30	7013.99.30
4421.99.97	6506.99.60	7013.99.35
4601.93.05	6701.00.30	7019.90.50
4601.93.20	6701.00.60	7113.19.10
4602.11.05	6702.90.10	7113.19.21
4602.11.09	6702.90.35	7113.19.25
4602.11.45	6702.90.65	7113.19.29
4602.12.05	6802.92.00	7113.19.30

7113.20.10	7323.91.50	7907.00.10
7113.20.21	7323.93.00	7907.00.20
7113.20.25	7323.99.30	7907.00.60
7113.20.29	7323.99.70	8108.90.30
7113.20.30	7323.99.90	8108.90.60
7113.20.50	7324.10.00	8210.00.00
7114.20.00	7408.29.10	8211.91.50
7116.20.05	7408.29.50	8211.91.80
7116.20.15	7410.22.00	8211.92.20
7116.20.30	7411.29.10	8211.92.40
7116.20.35	7411.29.50	8211.92.60
7116.20.40	7412.20.00	8211.92.90
7117.11.00	7413.00.10	8211.93.00
7117.90.20	7413.00.50	8215.99.20
7117.90.30	7413.00.90	8215.99.24
7117.90.55	7418.10.00	8215.99.40
7117.90.90	7418.20.10	8215.99.50
7307.11.00	7418.20.50	8301.20.00
7307.19.30	7604.29.10	8301.60.00
7307.29.00	7604.29.30	8304.00.00
7307.93.60	7604.29.50	8306.10.00
7307.93.90	7605.29.00	8306.21.00
7318.15.60	7607.11.30	8306.30.00
7318.15.80	7607.11.60	8402.20.00
7318.19.00	7607.11.90	8404.10.00
7320.10.30	7610.90.00	8404.20.00
7320.10.90	7615.20.00	8404.90.00
7321.81.10	7801.10.00	8411.81.80

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133 STAT. 3499

8411.82.80	8466.92.50	8501.40.20
8413.30.90	8466.93.30	8501.40.40
8413.91.10	8466.93.53	8501.40.50
8414.59.30	8466.93.75	8501.40.60
8414.59.65	8466.93.98	8501.63.00
8414.80.90	8466.94.65	8506.80.00
8414.90.10	8466.94.85	8510.30.00
8419.60.10	8467.19.10	8511.10.00
8419.90.95	8477.10.90	8513.90.20
8422.11.00	8477.20.00	8513.90.40
8443.16.00	8479.50.00	8514.20.40
8448.31.00	8480.79.90	8514.20.60
8450.12.00	8481.20.00	8516.50.00
8450.90.40	8481.30.10	8536.69.80
8450.90.60	8481.30.90	8537.10.30
8451.29.00	8482.30.00	8537.10.60
8457.10.00	8483.40.50	8537.10.91
8458.11.00	8483.40.70	8537.20.00
8458.91.10	8483.40.80	8538.90.30
8458.91.50	8483.40.90	8538.90.40
8460.12.00	8484.10.00	8538.90.60
8460.39.00	8501.31.20	8539.10.00
8461.50.40	8501.31.40	8539.21.40
8461.50.80	8501.31.50	8539.90.00
8462.31.00	8501.31.60	8543.10.00
8462.39.00	8501.31.80	8543.70.20
8462.41.00	8501.32.20	8543.70.45
8466.10.01	8501.32.60	8543.70.71

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8543.70.99	9205.90.40	9506.99.30
8544.19.00	9206.00.20	9506.99.45
8607.99.10	9206.00.80	9506.99.50
8607.99.50	9207.10.00	9506.99.55
8711.50.00	9207.90.00	9506.99.60
8716.80.50	9208.10.00	9507.20.40
8903.92.00	9208.90.00	9507.20.80
8903.99.15	9209.92.20	9507.30.60
8903.99.20	9209.92.40	9507.30.80
8903.99.90	9209.92.80	9507.90.20
9001.30.00	9209.94.40	9507.90.40
9001.40.00	9209.94.80	9507.90.60
9004.90.00	9209.99.10	9507.90.80
9006.40.60	9209.99.18	9603.30.20
9013.10.10	9209.99.80	9603.90.80
9013.10.50	9404.30.40	9609.10.00
9017.20.40	9405.40.40	9610.00.00
9017.20.80	9405.40.60	9613.10.00
9031.20.00	9405.40.84	9615.19.20
9033.00.90	9405.50.20	9615.19.40
9202.90.20	9405.50.30	9615.19.60
9202.90.40	9405.50.40	9615.90.20
9202.90.60	9506.19.80	9615.90.30
9205.10.00	9506.62.80	9615.90.40
9205.90.14	9506.91.00	9615.90.60
9205.90.18	9506.99.12	

Annex 3**To modify the Harmonized Tariff Schedule of the United States to reflect changes in products eligible for duty-free treatment under the Generalized System of Preferences**

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on November 1, 2019, the Harmonized Tariff Schedule of the United States (HTS) is modified for the following subheadings:

Section A

For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol “A” and inserting the symbol “A*” in lieu thereof:

3823.11.00

8702.10.31

Section B

General note 4(d) to the HTS is modified by adding in numerical sequence the following subheading numbers and the countries set out opposite such subheading numbers:

“3823.11.00 Indonesia

8702.10.31 North Macedonia”

Section C

For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol “A*” and inserting the symbol “A” in lieu thereof:

0603.13.00

Section D

General note 4(d) to the HTS is modified by deleting the following subheading number and country:

“0603.13.00 Thailand”

Section E

General note 4(d) to the HTS is modified by deleting, for the subheading number set out below, the country set out opposite:

4412.10.05 “Indonesia”

Section F

The HTS is modified as provided herein, with the language in the new tariff provisions inserted in the HTS columns labeled *Heading/Subheading*, *Article Description*, *Rates of Duty 1-General*, *Rates of Duty 1-Special*, and *Rates of Duty 2*, respectively:

Subheading 4412.31.41 is deleted and the following new provisions are inserted in lieu thereof:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
[4412	Plywood, veneered panels and similar laminated wood: Other plywood consisting solely of sheets of wood (other than bamboo), each ply not exceeding 6 mm in thickness:			
4412.31	With at least one outer ply of tropical wood: Not surface covered, or surface covered with a clear or transparent material which does not obscure the grain, texture or markings of the face ply: Other:] “With at least one outer ply of the following tropical woods: Dark Red Meranti, Light Red Meranti, White Lauan, Sipo, Limba, Okoumé, Obeche, Acajou D’Afrique, Sapelli, Virola, Mahogany, Palissandre de Para, Palissandre de Rio or Palissandre de Rose:			
4412.31.42	With a face ply of mahogany (<i>Swietenia</i> spp. or <i>Khaya</i> spp.).	8%	Free (A*,AU, BH,CA,CL, CO,D,E,IL,JO, MA,MX,OM, P,PA,PE,SG) 1.6% (KR)	40%
4412.31.45	Panels not exceeding 3.6 mm in thickness and exceeding 1.2 m in width and 2.2 m in length	8%	Free (A,AU, BH,CA,CL, CO,D,E,IL,JO, MA,MX,OM, P,PA,PE,SG) 1.6% (KR)	40%
4412.31.48	Other.	8%	Free (A*,AU, BH,CA,CL, CO,D,E,IL,JO, MA,MX,OM, P,PA,PE,SG) 1.6% (KR)	40%”

Section G

General note 4(d) is modified by deleting for the subheading number set out below, the country set out opposite:

4412.31.41 “Indonesia”;

And inserting in numerical sequence the following subheading numbers and the countries set out opposite such subheading numbers:

“4412.31.42 Indonesia

4412.31.48 Indonesia”

Annex 4

HTS subheadings and countries for which the Competitive Need Limitation provided in Section 503(c)(2)(A)(i)(II) is disregarded:

0304.91.90	Thailand	3824.99.31	Brazil
0406.10.04	Ecuador	4010.35.30	Argentina
0708.90.05	Argentina	4101.20.40	Pakistan
0711.59.90	Thailand	4101.50.40	Brazil
0908.22.20	Indonesia	4103.20.20	Thailand
1202.30.40	Paraguay	4106.21.90	Pakistan
1701.91.42	Brazil	4106.22.00	Pakistan
1702.90.52	Indonesia	4206.00.13	Brazil
1703.10.30	Brazil	4602.12.23	Indonesia
1806.90.01	Thailand	7113.20.29	Jordan
1901.20.02	Brazil	9032.90.21	Thailand
2009.89.65	Brazil	9303.30.40	Serbia
2202.99.37	The Philippines	9603.10.90	Sri Lanka
2849.10.00	Brazil		

Annex 5**HTS subheading and country granted a waiver of the application of Section 503(c)(2)(A) of the 1974 Act:**

9001.50.00 Thailand

Annex 6**To modify the Harmonized Tariff Schedule of the United States to conform to changes made in Annex 3**Section A

Effective with respect to goods of Korea, under the terms of general note 33 to the Harmonized Tariff Schedule of the United States (HTS), as provided herein on January 1 of each of the successive years, for each of the enumerated subheadings of the HTS in the following table, the Rates of Duty 1-Special subcolumn is modified (i) by inserting in such subcolumn for each subheading the rate of duty specified for such subheading in the table column titled 2020 before the symbol “KR” in the parentheses, and (ii) for the subsequent dated table column on January 1, 2021, the rates of duty in such subcolumn for such subheadings set forth before the symbol “KR” in parentheses are deleted and the rates of duty for such dated table column are inserted in each enumerated subheading in lieu thereof:

Subheading	2020	2021
4412.31.42	0.8%	Free
4412.31.45	0.8%	Free
4412.31.48	0.8%	Free

Section B

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on November 1, 2019, the HTS is modified by deleting in Chapter 99, subchapter III, U.S. note 20(f) “4412.31.41” and inserting, in numerical order, the following subheadings:

“4412.31.42
4412.31.45
4412.31.48”

Annex 7

To Modify the Harmonized Tariff Schedule of the United States to recognize the change in name of Macedonia to North Macedonia

General note 4(a) to the Harmonized Tariff Schedule of the United States is modified by deleting “Macedonia” and inserting “North Macedonia” in alphabetical order.

Chapter 99, Subchapter III, U.S. note 17(b)(2) is modified by deleting “Macedonia” and inserting “North Macedonia” in alphabetical order.

Chapter 99, Subchapter III, U.S. note 18(b) is modified by deleting “Macedonia” and inserting “North Macedonia” in alphabetical order.

Proclamation 9956 of October 31, 2019**Critical Infrastructure Security and Resilience Month,
2019***By the President of the United States of America**A Proclamation*

Our Nation's infrastructure is critical to supporting our economy, national security, and way of life. We live in an increasingly interconnected world, where our infrastructure networks—from power grids to communication platforms—take on an added degree of importance in the day-to-day lives of every American. During Critical Infrastructure Security and Resilience Month, we recognize that securing and enhancing the resilience of our infrastructure plays an important role in keeping our Nation safe and fueling our economy. That is why my Administration is persistently investing in resilient infrastructure systems and networks that alleviate risks, thwart attacks, and minimize disruptions to the productivity and well-being of our citizens.

When our infrastructure is threatened, our physical and economic security comes under duress as the systems that provide us with essentials like food, clean water, electricity, healthcare, and communication are placed in jeopardy. America's infrastructure relies on an interdependent environment in which cyber and physical systems converge. A disruption in one area can quickly impact multiple infrastructure sectors to create disruptions across communities, States, and the Nation. The threats we face today—human-made, technological, and natural—are more complex and more diverse than at any point in our history. Determined international adversaries and malign actors continue to target America's infrastructure networks, and severe weather and natural disasters present frequent hazards.

In response to these threats, my Administration has remained committed to strategic investments to secure and enhance the resilience of our infrastructure. In March, I issued an Executive Order on Coordinating National Resilience to Electromagnetic Pulses, and my Administration released the National Space Weather Strategy and Action Plan. Together, these measures enable us to anticipate and adapt to the risks posed by electromagnetic threats while seeking to identify the fundamental infrastructure systems, assets, and networks that protect the American people, the homeland, and the American way of life. These measures also help us promote American prosperity, preserve peace through strength, and advance American influence. To guarantee our status as the world leader in securing infrastructure and making it more resilient to disruption, I signed legislation in 2018 creating the Cybersecurity and Infrastructure Security Agency (CISA) within the Department of Homeland Security. Along with other partners across governments and private industry, CISA is leading the Federal effort to strengthen our Nation's critical cyber and physical infrastructure and bolster America's ability to construct secure, resilient infrastructure systems for the future.

It is also imperative that foreign strategic competitors do not gain access to our critical supply chain. To fully protect our critical infrastructure, we must secure the process of delivering products, supplies, and materials from supplier to the manufacturer to the customer. We can-

not allow our Nation's supply chain to be built and maintained with components from foreign adversaries that may weaken our ability to provide the functions and services upon which Americans depend each day. In May, I issued an Executive Order on Securing the Information and Communications Technology and Services Supply Chain to address concerns about foreign adversaries creating and exploiting vulnerabilities in our information technology and communications networks. These networks are critical to the effective operations of our government and businesses. I encourage owners and operators of those networks to take heightened measures to protect every aspect of their organizations' security and resiliency by maintaining business continuity and emergency management plans, protecting against cyberattacks and insider threats, and reducing vulnerabilities due to natural disasters. Working together, public and private owners and operators of critical infrastructure must continue to take actions to mitigate these threats.

Critical infrastructure owners and operators, local and State governments, and the Federal Government all have critical roles in reducing the risks to our Nation's critical infrastructure. Owners and operators ensure that critical infrastructure is properly run and maintained, while local governments certify that critical infrastructure is sited properly and built to the latest codes and standards. As the States provide oversight for operations, the Federal Government, in turn, must provide support for all of these needs.

While Federal, State, and local governments are doing everything within their power to protect our infrastructure, today's threats also require cooperation from partners in the private sector to ensure maximum security and enhance our resilience. Every American has a role to play in this endeavor, whether it is through investing in technologies to make our systems more resilient, making and exercising preparedness plans, or simply remaining alert and raising concerns to potential threats. This month, we reaffirm our commitment to developing new strategies to address the ever-present and increasingly complex threats facing our Nation's infrastructure, and we pay tribute to the men and women who work diligently to safeguard the United States from any threat.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2019 as Critical Infrastructure Security and Resilience Month. I call upon the people of the United States to recognize the importance of protecting our Nation's infrastructure and to observe this month with appropriate measures to enhance our national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9957 of October 31, 2019**National Adoption Month, 2019**

By the President of the United States of America

A Proclamation

Every child is precious and deserves a loving family of his or her own. During National Adoption Month, we honor the adoptive parents who provide homes—and the invaluable gifts of hope, love, and stability—to thousands of infants, children, and youth. We also recognize the dedicated professionals who work tirelessly to sustain their families through compassion and hard work.

The families who provide forever homes to children and youth in the foster care system should be recognized for their loving adoptions. While preliminary data show a fortunate decline in the foster care population over the past year, foster care numbers are still too high. In Fiscal Year (FY) 2018 alone, nearly 690,000 children and youth were served by the foster care system. While there were more than 63,000 adoptions from the foster care system in FY 2018, thousands of children and youth are still waiting to find permanent, loving families. The need is urgent. We must improve efforts to recruit new adoptive families while faithfully supporting, equipping, and encouraging those families who have already taken one of our Nation's young people into their home to love and care for.

This month, we also reaffirm our commitment to our Nation's most vulnerable and valuable resource—our children, especially those at greatest risk of neglect. Thousands of older youth in the foster care system desperately need the ongoing guidance and support of a nurturing family. Too many of our youth transition to the next stage of their lives without stable family connections or positive role models to help them navigate the challenges of adulthood. Additionally, children with disabilities and those with siblings typically wait longer for permanent placement in a home. These children need a family who will provide a foundation of acceptance, mentorship, and unconditional love that will motivate and help them to reach their full potential in life.

The health and well-being of all young people is a top priority in my Administration, and a strong family bond is one of life's greatest joys and richest blessings. That is why we will continue to champion adoption as a profound way to transform lives, strengthen families, and ignite hope across America. In addition, we will protect our country's long and vital tradition of faith-based agencies helping children find their forever homes. We are committed to ensuring that faith-based agencies are able to unite children with families while following their deeply held religious beliefs.

During this annual observance of National Adoption Month, we acknowledge that every child—born and unborn—is uniquely gifted by their Creator and endowed with both potential and immeasurable value. We recognize the loving and devoted individuals who are part of God's plan for every child by taking on the role of a parent through adoption. We also celebrate the beautiful families created through the generous act of adoption, and we hold all the children and youth still waiting for their forever families close in our hearts and lift them up in our prayers.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2019 as National Adoption Month. I encourage all Americans to observe this month by helping children and youth in need of a permanent home secure a more promising future with a forever family and enter adulthood with the love and connections we all need.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9958 of October 31, 2019

National American History and Founders Month, 2019

By the President of the United States of America

A Proclamation

Over 243 years ago, our Founders gathered in Philadelphia, Pennsylvania, at Independence Hall to sign the Declaration of Independence, enshrining in the heart of every American a bedrock principle that all men are “endowed by their Creator with certain unalienable Rights.” Throughout our Nation’s history, countless men and women have boldly defended this principle, often making the ultimate sacrifice on battlefields here and in every corner of the world. From overthrowing tyrannical rule in the Revolutionary War to liberating Europe from Nazi control during World War II, the United States will always remain steadfast in our dedication to promoting liberty and justice over the evil forces of oppression and indignity. This same truth fuels us in our efforts to confront the challenges that face our citizens here at home, including protecting precious religious liberties, securing our Nation’s borders, and combating the opioid crisis. During National American History and Founders Month, we celebrate the vibrant American spirit that drives our Nation to remarkable heights.

Our Nation’s patriots and heroes have always been guided by the belief that America must shine brightly out into the world. Indeed, this conviction has been at the forefront of the American experiment since our founding. This month, we acknowledge the tremendous strides we have made as a people and recognize that our democracy’s survival is dependent upon a well-informed electorate. To ensure the success of our future generations, we pledge to continue to build a more educated citizenry. We heed the warning of President Ronald Reagan that “freedom is never more than one generation away from extinction.”

To continue safeguarding our freedom, we must develop a deeper understanding of our American story. Studying our country’s founding documents and exploring our unique history—both the achievements and challenges—is indispensable to the future success of our great Nation. For more than two centuries, the American experiment in self-government has been the antithesis to tyranny, and our Constitution has secured the blessings of liberty. From the triumphs of war to the

victories of the Civil Rights Movement to placing the first ever man on the moon 50 years ago, our Nation has time and again exhibited an unparalleled ability to achieve extraordinary feats. To continue to advance liberty and prosperity, we must ensure the next generation of leaders is steeped in the proud history of our country.

On this inaugural National American History and Founders Month, I encourage all citizens to reflect upon the defining tenets that have always united us as Americans, while also taking time to honor those who have contributed to the great story of our country. As Americans, may we forever strive to preserve their legacy for generations to come.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2019 as National American History and Founders Month. I call upon the people of the United States to observe this month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9959 of October 31, 2019

National Entrepreneurship Month, 2019

*By the President of the United States of America
A Proclamation*

Throughout our American story, the trailblazers who have been willing to take great risks and chart new frontiers have changed the landscape of business, science, and technology, often setting the global pace for productivity and prosperity. Their relentless pursuit of success has launched new industries, created millions of jobs, and fueled an economy that is the envy of the world. During National Entrepreneurship Month, we recognize the men and women who have turned their passion into innovation, and we pledge to continue fostering economic freedom so the next generation of transformational entrepreneurs is able to unlock their full potential.

Our Nation is home to the greatest entrepreneurs in the world because we provide an environment in which they can thrive. American entrepreneurs have access to an unmatched research and development infrastructure that includes 8 of the world's 10 most innovative universities. Additionally, our Nation's highly developed private capital markets and other alternative investment models provide our entrepreneurs with access to necessary funding to develop and commercialize their revolutionary ideas. We have a strong intellectual property rights system, and my Administration has aggressively responded to the theft of American intellectual property in order to protect our entrepreneurs' most valuable assets—their ideas and innovation.

To help entrepreneurs succeed, my Administration continues to reduce unnecessary regulations, bolstering investment and improving global competitiveness for small business owners. We have cut 8.5 regulatory actions for every significant regulatory action added, setting up our country's bold risk-takers for success rather than hindering their undertakings with burdensome red tape. These efforts have helped create ripe conditions for entrepreneurs to flourish, encouraging business expansion and increasing hiring for startups.

The United States economy and the American people are also continuing to reap the benefits of the Tax Cuts and Jobs Act that I signed into law during my first year in office. Entrepreneurs are one of the biggest beneficiaries of this landmark legislation, which delivered much-needed tax relief for small businesses. Certain pass-through businesses are now able to deduct 20 percent of their qualified business income and business owners can fully deduct the cost of new capital investments, endowing start-ups and small businesses with a greater percentage of their hard-earned revenue for further investment. Additionally, this historic tax reform legislation includes a key provision that creates Opportunity Zones, helping to facilitate the necessary funding for entrepreneurs to start new businesses and create jobs in economically depressed communities. The Opportunity Zone tax incentive will unlock resources for entrepreneurs to substantially grow and scale their businesses at unprecedented rates while simultaneously reinvigorating struggling communities.

The results of my Administration's tax reform and focused deregulation have been tremendous. Since my election, the American economy has added more than 6.4 million jobs, and last month the unemployment rate dropped to a half-century low. We remain committed to extending economic opportunities further and ensuring that the economic boom currently taking place across our country provides opportunities for all Americans.

The qualities needed to start and grow new businesses—industriousness, courage, determination, hard work, and a penchant for innovation—are those which continue to define the American spirit and push humankind to new levels of discovery and success. This month, we recognize the countless American entrepreneurs who embody these values and continue to redefine the limits of what is possible. Together, we celebrate their drive and boundless tenacity, and we reaffirm our support for them as they continue to shape and strengthen our great Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2019 as National Entrepreneurship Month. I call upon all Americans to commemorate this month with appropriate programs and activities and to celebrate November 19, 2019, as National Entrepreneurs' Day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9960 of October 31, 2019**National Family Caregivers Month, 2019**

By the President of the United States of America

A Proclamation

Selfless Americans across our country consistently dedicate themselves and their resources to providing ailing and aging loved ones with the care and support they need to live in their own homes and communities. Throughout National Family Caregivers Month, we pause to recognize the men and women who tirelessly work to improve the quality of life for Americans in need of care.

Caregivers help their family members live fulfilling lives by providing vital assistance in domestic, financial, and medical affairs. The responsibility of serving and supporting another person can be challenging, and the strength and compassion exhibited by caregivers is one of the greatest manifestations of genuine love we witness in this world. Their unrelenting support enables family members to live with dignity.

As we honor the innumerable sacrifices made in homes across the country, we affirm our resolve to ensure all caregivers are given the resources and respect they deserve. This support requires a commitment from community stakeholders and Federal, State, and local governments to equip caregivers with training and tools to use to safeguard their family's health and security. This past summer, the Administration for Community Living held the inaugural meetings of the Family Caregiving Advisory Council and the Advisory Council to Support Grandparents Raising Grandchildren. The strategies, informational resources, and technical assistance being developed by these councils will strengthen our Nation's support for family caregivers and their work enhancing the lives of millions of Americans.

This November, we recognize and honor the commitment of those who exemplify the essential American tenets of devotion to family and compassion toward those who matter most in our lives. Through caregivers' generosity, our vulnerable communities are able to fully experience the many blessings of our great Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States do hereby proclaim November 2019 as National Family Caregivers Month. I encourage all Americans to reach out to those who provide care for their family members, friends, and neighbors in need, to honor and thank them.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9961 of October 31, 2019**National Native American Heritage Month, 2019**

By the President of the United States of America

A Proclamation

American Indians and Alaska Natives continue to make immeasurable contributions to our Nation. We honor the sacrifices many tribal citizens have made in defense of our great Nation. We also recognize that our culture is more vibrant because of the special government-to-government relationship between the United States and Indian tribes. During National Native American Heritage Month, we reaffirm our commitment to work with tribal communities to address serious issues affecting them and to help protect their rich and diverse heritage.

Few acts of service better embody the intrepid spirit of our country than the willingness to answer the call of duty and defend our Nation's precious liberties. American Indians and Alaska Natives have done so at one of the highest rates of any ethnic group in the United States, serving admirably in every branch of our military. Their legacy of service spans the history of our Nation, and includes the Indian Home Guard during the Civil War and the Code Talkers during World War II. Today, 31,000 courageous men and women from American Indian and Alaska Native communities serve on active duty in our Armed Forces.

My Administration is committed to advancing shared priorities with tribal governments and leaders to address their most pressing challenges, including the devastating threat posed by drugs. In 2018, the Department of Interior's Opioid Reduction Task Force seized more than 3,200 pounds of illegal narcotics with an estimated value of approximately \$9 million. In addition to our efforts to address the drug crisis, we are focused on healthcare access, delivery, and safety. In March 2019, my Administration created a task force charged with developing recommendations to protect Native American children receiving care at Indian Health Service clinics, and we look forward to continuing these efforts.

Additionally, my Administration began a series of public safety listening sessions with American Indian and Alaska Native tribal leaders and communities. These sessions, which are called *Reclaiming our Native Communities*, are focused on strategies to address the trend of violence and illicit activity affecting these populations and have addressed the problem of missing and murdered indigenous women. So far, these sessions have been held in Sacaton, Arizona; Nome and Bethel, Alaska; and Rapid City, South Dakota. Through collaboration with Federal, State, local, and tribal partners, we will continue working to address these and other issues that American Indian and Alaska Native communities face today.

My Administration has also played a role in helping to preserve the proud heritage of American Indians and Alaska Natives. In October, my Administration was pleased to secure the commitment of President Sauli Niinistö of Finland to facilitate the historic return of ancestral remains and artifacts to an assembly of 26 pueblos and tribes in the Mesa Verde region. More than 600 items of cultural patrimony will be re-

turned to this region, which includes areas of Utah, Colorado, and New Mexico.

During National Native American Heritage Month, we affirm our commitment to working toward a society that fosters a deeper understanding and appreciation for the diversity of culture and history of the 573 federally recognized American Indian and Alaska Native nations in our country. This November and every month, we celebrate the culture and heritage of these remarkable Americans who deeply enrich the quality and character of our Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2019 as National Native American Heritage Month. I call upon all Americans to commemorate this month with appropriate programs and activities and to celebrate November 29, 2019, as Native American Heritage Day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9962 of October 31, 2019

National Veterans and Military Families Month, 2019

By the President of the United States of America

A Proclamation

The United States is a beacon of hope, freedom, and opportunity to people around the world. The Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen who fight to defend our liberty embody courage, patriotism, and loyalty. These patriots safeguard the values that keep our great Nation strong. During National Veterans and Military Families Month, we honor and express our deep appreciation for these brave men and women and their families.

Throughout our Nation's history, our military men and women have boldly answered the call of duty to defend our Nation's independence and precious liberties, risking life and limb for their fellow Americans. At the inception of our Republic, General George Washington and his men struggled to keep the spark of faith and hope alive through the scourge of disease and the brutal winter months at Valley Forge. One hundred and forty years later during World War I, American service members shed blood in the trenches of Western Europe, leaving a legacy of heroism and courage under fire at places like Belleau Wood and the River Somme. Earlier this year, we commemorated the 75th anniversary of D-Day, when thousands of American heroes charged through a hail of machine gun fire and left their gallant mark on the pages of history. The courage of our men and women who served and fought during that war freed the world from the shroud of tyranny and ended the oppression of millions across the globe. In the decades since World War II, Americans have remained at the vanguard in defending free-

dom around the world, and our service members, veterans, and their families continue to spearhead this noble undertaking.

America's military men and women and their families are vital to the security and prosperity of our Nation. We have a responsibility to protect and serve those who have made countless sacrifices for love of country. As President Lincoln once said: "Honor to the soldier and sailor everywhere, who bravely bears his country's cause. Honor, also, to the citizen who cares for his brother in the field and serves, as best he can, the same cause." We also recognize the integral role our more than 2.6 million military family members play in supporting our Armed Forces and contributing to their mission. While our military men and women are serving at home or overseas, it is our duty to provide their families with the resources they need to thrive in our communities. Accordingly, under my Administration, the Department of Defense has created programs for military families that support access to quality childcare and spousal employment and promote occupational licensure reciprocity between States.

We also recognize that our obligation to our military men and women does not end after their time in uniform. We are a Nation that leaves no American behind, and that includes our veterans and their family members. For this reason, I was pleased to sign into law the VA MISSION Act of 2018, which helps provide all veterans with access to trusted, high-quality healthcare. I have also made it a top priority of my Administration to address the tragedy of veteran suicide, establishing the President's Roadmap to Empower Veterans and End a National Tragedy of Suicide (PREVENTS). The PREVENTS initiative will encourage a better understanding of veteran suicide and work across all levels of government and the private sector to implement strategies that will strengthen support networks for veterans and their families.

My Administration remains committed to providing our veterans and their families with the financial resources they have rightfully earned. Last year, we secured \$201.1 billion in funding for the Department of Veterans Affairs (VA)—the most in the history of the VA—including \$8.6 billion to support mental health services for veterans. Additionally, I recently directed the Department of Education to discharge some types of Federal student loans owed by totally and permanently disabled veterans. This unprecedented action lessens the financial burden for our seriously wounded warriors who have sacrificed so much for our country, and it underscores the appreciation and undying loyalty of the American people.

Each warrior who fights for our Nation, along with their families, has earned our eternal gratitude, and I ask that all Americans thank and support them. Together, we remain committed to fostering a national community of support for these brave heroes and their families.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2019 as National Veterans and Military Families Month. I encourage all communities, all sectors of society, and all Americans to acknowledge and honor the service, sacrifices, and contributions of veterans and military families for what they have done and for what they do every day to support our great Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9963 of November 7, 2019

Veterans Day, 2019

By the President of the United States of America

A Proclamation

On November 11, Americans commemorate the service, sacrifice, and immeasurable contributions of our Nation's veterans who have proudly worn our country's uniform to defend and preserve our precious liberty. As we celebrate Veterans Day, we pause to recognize the brave men and women who have fearlessly and faithfully worked to defend the United States and our freedom. Their devotion to duty and patriotism deserves the respect and admiration of our grateful Nation each and every day. We are forever thankful for the many heroes among us who have bravely fought around the world to protect us all.

As Americans, it is our sacred duty to care for and support those who have shown courage and conviction in selfless service to our country. Safeguarding the health and welfare of our Nation's veterans has been a top priority for my Administration. Last year, I was proud to sign into law the VA MISSION Act, the most significant reform to the Department of Veterans Affairs (VA) in more than 50 years. This historic legislation allows veterans to seek timely care from trusted providers within their communities. In 2018, I also signed the largest funding bill for the VA in history, securing \$8.6 billion for veterans' mental health services, \$400 million for opioid abuse prevention, and \$270 million for rural veterans' health initiatives. Further, I recently signed a Presidential Memorandum directing the Department of Education to discharge some types of Federal student loans owed by totally and permanently disabled veterans.

We also must not forget or forsake our veterans in times of distress as they transition to civilian life. That is why I signed an Executive Order in March addressing veteran suicide, a solemn crisis that requires urgent national action. Through this step, we launched the President's Roadmap to Empower Veterans and End a National Tragedy of Suicide (PREVENTS), which is bringing together all levels of government and the private sector to improve the quality of life for our veterans, identify and assist veterans in need, and turn the tide on this tragic crisis.

Time after time, throughout the history of our Republic, veterans have defended our way of life with integrity, dedication, and distinction. In respectful recognition of the contributions our service members have made to advance peace and freedom around the world, the Congress has provided (5 U.S.C. 6103(a)) that November 11 of each year shall be set aside as a legal public holiday to honor our Nation's veterans. As Commander in Chief of our heroic Armed Forces, I humbly thank our veterans and their families for their willingness to answer the call

of duty and for their unwavering love of country. Today, we pledge always to fight for those who have fought for us, our veterans, who represent the best of America. They deserve our prayers, our unending support, and our eternal gratitude.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim November 11, 2019, as Veterans Day. I encourage all Americans to recognize the fortitude and sacrifice of our veterans through public ceremonies and private thoughts and prayers. I call upon Federal, State, and local officials to display the flag of the United States and to participate in patriotic activities in their communities. I call on all Americans, including civic and fraternal organizations, places of worship, schools, and communities to support this day with commemorative expressions and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of November, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9964 of November 8, 2019

National Apprenticeship Week, 2019

*By the President of the United States of America
A Proclamation*

Our Nation's robust economy continues to flourish, creating new opportunities for Americans and securing our continued dominance of global markets. As President, I have reduced tax burdens and eliminated unnecessary regulations, producing the lowest unemployment rate in 50 years and more job openings than there are job seekers for 19 months in a row. My Administration is committed to helping all Americans take advantage of this historically strong job market and secure lasting prosperity by ensuring they have access to skills-training that will enable them to launch successful careers in any industry. As we observe National Apprenticeship Week, we celebrate the growing optimism of workers across our country and strengthen our resolve to continue empowering our workers to achieve the American Dream.

Encouraging the creation and expansion of apprenticeships is a cornerstone of my commitment to helping improve employment prospects for students and workers. My Administration continues to make unprecedented investments to ensure apprenticeships remain accessible to all Americans, allocating more than \$300 million to that mission this year alone. We awarded nearly \$184 million to the Scaling Apprenticeship Through Sector-Based Strategies grant program to encourage private-public partnerships in high-growth industries, including information technology, advanced manufacturing, and healthcare. We have also invested \$160 million to expand the number of apprentices in Registered Apprenticeship programs nationwide, helping to increase the number and diversity of apprentices in every State.

Through workplace and classroom education, apprentices gain valuable knowledge and credentials, drastically improving their future ca-

reer trajectory. Apprenticeship programs enable Americans to simultaneously earn and learn while avoiding burdensome student loans. They also guarantee American companies access to the skilled employees they need to accelerate growth and innovation. We have achieved great success increasing the availability of these invaluable programs, with 240,000 new apprentices hired and 3,300 new programs launched just last year.

I am determined to build upon our economic successes and encourage business leaders, industry experts, and educational institutions to seize the opportunity to expand career-changing apprenticeship programs. I have called on the private sector to invest in the education and skills training of their future and current workers so that all Americans are prepared for the jobs of today and tomorrow. To date, more than 360 companies have committed to investing in over 14 million students and workers through our Pledge to America's Workers. My Administration is also developing standards for industry-recognized apprenticeship programs, which will assist workers in obtaining the knowledge they need to secure family-sustaining careers by taking advantage of high-quality, demand-driven opportunities. Additionally, we are supporting the growth of youth apprenticeship programs that combine academic and technical classroom instruction with work experience and increasing awareness among middle and high school students about the many benefits of apprenticeships.

This week, we recommit our efforts to fostering greater opportunity for current and future workers by supporting expanded access to apprenticeships. By increasing training and educational programs, we will renew our Nation's workforce and help hardworking Americans create a brighter future for themselves and their families while further strengthening our robust economy.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 11 through November 17, 2019, as National Apprenticeship Week.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of November, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9965 of November 8, 2019

World Freedom Day, 2019

By the President of the United States of America

A Proclamation

Thirty years ago, the people of East and West Berlin came together to tear down a symbol of totalitarianism. For more than 10,000 days, the Berlin Wall stood as a troubling reminder of a deeply divided world, an evil obstacle to freedom and individual liberty. When the wall finally came down, it marked a triumphant defeat of communism, a monumental victory for democratic principles, and a righteous end to

the nearly five-decades-long Cold War. On World Freedom Day, we remember those who suffered as they longed for freedom behind the Iron Curtain, and we recognize those relentlessly fighting today to break free from the shackles of oppression.

Any system of government that impedes the God-given rights of the people is destined to fail because the flame of liberty cannot be extinguished. As President Ronald Reagan said at the Brandenburg Gate in West Berlin, “The totalitarian world produces backwardness because it does such violence to the spirit, thwarting the human impulse to create, to enjoy, to worship.” On that fateful day in 1989, we saw—with every falling piece of rubble—that the human impulse for freedom cannot long be suppressed. Regimes that attempt to stop the free flow of ideas, the right of a people to choose their own government, and the blessings of free enterprise will inevitably suffer the same fate as the Berlin Wall.

While authoritarian powers seek to collapse the progress and alliances that have developed in the three decades since the fall of the Berlin Wall, the United States stands firm in our commitment to uphold the democratic values at the bedrock of every free society. Today, our Nation works in tandem with our allies and partners to safeguard the precious freedoms that fuel prosperity and ensure stability around the globe. Bad actors will continually try to weaken our cause and sow discord, but democratic bonds will always prevail.

This World Freedom Day, we pay tribute to the heroes who helped liberate Eastern and Central Europe from communist oppression, securing liberty for millions. We also reaffirm our support of those everywhere who pursue the noble cause of freedom.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 9, 2019, as World Freedom Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities, reaffirming our dedication to freedom and democracy.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of November, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9966 of November 15, 2019

American Education Week, 2019

By the President of the United States of America

A Proclamation

Every child in America deserves equal access to an education that meets their individual needs and prepares them for success. In America, the responsibility for education policy decisions is reserved mainly to the States and to the local officials who know their students best, and we recognize the countless teachers and administrators who con-

tribute every day to innovative solutions at the State and local level. During American Education Week, we celebrate the boundless potential of America's students, honor the teachers, parents, and guardians who help to develop their talents, and commit to expanding educational freedom across the country.

A child begins to learn long before the first day of kindergarten and continues to learn well past high school graduation. Education is not confined to a single method, location, or timeframe, but instead is a process that lasts a lifetime. Our education system should inspire students to become lifelong learners, and it should preserve the rights of parents to play an active role in educating their children, facilitate dynamic teaching styles that fit individual students, and free students to pursue their passions.

Because students have their own unique learning styles, teachers should be free from burdensome regulations and constraints that inhibit their ability to teach students according to their needs. This type of teaching and learning paves the way to rewarding careers and fulfilling lives for young Americans, promoting healthy families, vibrant communities, and continued economic prosperity across our Nation. To create the type of environments where learning can flourish and to seize the opportunities of tomorrow, we must ensure students are able to learn in ways and places that work for them.

My Administration supports educational freedom by opposing one-size-fits-all Federal regulations, restoring decision-making authority to State and local leaders, and empowering families and students. This year, we proposed a transformative new tool for students to access the right education for them: Education Freedom Scholarships. These scholarships will provide up to \$5 billion annually in Federal tax credits for voluntary donations to State-based scholarship programs. This program is a bold and necessary step to ensure every family has the freedom to pursue the educational options that are best for them, regardless of zip code. We look forward to the Congress taking action to approve these privately-funded scholarships and to free millions of students of all ages to learn in new and innovative educational settings, without taking a penny from public schools.

In order to successfully prepare students for the jobs and economy of the future, education must be dynamic and forward-thinking in its scope and focus. This September, my Administration announced \$123 million in new funding to dozens of school districts, nonprofit organizations, and State educational agencies across the country as part of the Department of Education's Education Innovation and Research (EIR) competitive grant program. These grants will create new, innovative, and personalized ways for students to learn. To help the next generation maintain America's leading role in the global marketplace, more than \$78 million will fund projects focused on innovations in science, technology, engineering, and math (STEM) education.

This week, we recognize the power of education and pay tribute to the educators and role models who shape the students of today into the leaders of tomorrow. Their efforts help provide a high-quality education to millions of students, build strong communities, and ensure that America maintains its standing in an increasingly competitive world. Education in America is as important today as it ever has been,

and we remain committed to providing teachers and students with the freedom and resources they need to be successful.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 17 through November 23, 2019, as American Education Week. I commend our Nation's schools, their teachers and leaders, and the parents of students across this land. And I call on States and communities to support high-quality education to meet the needs of all students.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of November, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9967 of November 22, 2019

National Family Week, 2019

By the President of the United States of America

A Proclamation

The strength of our Republic is not measured only by our military might and robust economy but also by the strength of our family bonds. Families shape our values, develop our character, and teach us to love, forgive, and become productive citizens and responsible members of society. During National Family Week, we pause to reflect on the importance of the family—the bedrock of our Nation.

Since I took office, my Administration has empowered families. We are currently in the midst of the longest economic recovery in our Nation's history, which is improving quality of life and stability for families of all types. Thanks to our economic policies, which include eliminating unnecessary and burdensome regulations and the enactment of the Tax Cuts and Jobs Act, we have seen the unemployment rate drop to a half-century low, real median household income reach a record high, and the poverty rate fall to its lowest level since 2001. We have fought for families by securing a doubling of the Child Tax Credit, preserving the Child and Dependent Care Credit, signing into law the largest ever increase in child care and development block grants—a major new investment in child care affordability—and developing a tax credit for employers who offer paid family and medical leave. We continue to call on the Congress to pass a nationwide paid family leave program.

Last year, I signed into law the Family First Prevention Services Act, which reimagines and reorients our Nation's child welfare system toward keeping at-risk families intact in their own homes and communities and minimizing the need for foster care. This legislation provides funding for mental health therapy, family counseling, addiction treatment, and parenting classes. Additionally, we are working to expand adoption providers so that children of all ages in the foster care system can experience what every child deserves—a loving family in a forever home.

For some of our Nation's families, the incarceration of a loved one is a tremendous challenge. My Administration is proud that the reunification and strengthening of families is one of the many benefits of our criminal justice reform efforts. Since maintaining family and community ties is key to the successful reentry of prisoners into society, the bipartisan First Step Act, which I signed into law in 2018, includes provisions that allow inmates to be placed closer to their home communities, which facilitates family visitation. Further, it includes reasonable sentencing reforms that make our criminal justice system fairer by reducing excessive penalties for certain drug offenders, which allows families to reunify more quickly.

This week, we vow always to cherish, honor, protect, and respect the incredible gift of family and renew our commitment to strengthening and celebrating all of our Nation's families. A stable, loving family is one of life's greatest blessings. It provides support, comfort, guidance, acceptance, and joy.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 24 through November 30, 2019, as National Family Week. I invite communities, churches, and individuals to observe this week with appropriate ceremonies and activities to honor our Nation's families.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of November, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9968 of November 27, 2019

Thanksgiving Day, 2019

By the President of the United States of America

A Proclamation

On Thanksgiving Day, we remember with reverence and gratitude the bountiful blessings afforded to us by our Creator, and we recommit to sharing in a spirit of thanksgiving and generosity with our friends, neighbors, and families.

Nearly four centuries ago, determined individuals with a hopeful vision of a more prosperous life and an abundance of opportunities made a pilgrimage to a distant land. These Pilgrims embarked on their journey across the Atlantic at great personal risk, facing unforeseen trials and tribulations, and unfortold hardships during their passage. After their arrival in the New World, a harsh and deadly winter took the lives of nearly half their population. Those who survived remained unwavering in their faith and foresight of a future rich with liberty and freedom, enduring every impediment as they established one of our Nation's first settlements. Through God's divine providence, a meaningful relationship was forged with the Wampanoag Tribe, and through their unwavering resolve and resilience, the Pilgrims enjoyed a bountiful harvest the following year. The celebration of this harvest lasted 3

days and saw Pilgrims and Wampanoag seated together at the table of friendship and unity. That first Thanksgiving provided an enduring symbol of gratitude that is uniquely sewn into the fabric of our American spirit.

More than 150 years later, it was in this same spirit of unity that President George Washington declared a National Day of Thanksgiving following the Revolutionary War and the ratification of our Constitution. Less than a century later, that hard-won unity came under duress as the United States was engaged in a civil war that threatened the very existence of our Republic. Following the Battle of Gettysburg in 1863, in an effort to unite the country and acknowledge “the gracious gifts of the Most High God,” President Abraham Lincoln asked the American people to come together and “set apart and observe the last Thursday of November next as a Day of Thanksgiving and Praise to our beneficent Father who dwelleth in the heavens.” Today, this tradition continues with millions of Americans gathering each year to give their thanks for the same blessings of liberty for which so many brave patriots have laid down their lives to defend during the Revolutionary War and in the years since.

Since the first settlers to call our country home landed on American shores, we have always been defined by our resilience and propensity to show gratitude even in the face of great adversity, always remembering the blessings we have been given in spite of the hardships we endure. This Thanksgiving, we pause and acknowledge those who will have empty seats at their table. We ask God to watch over our service members, especially those whose selfless commitment to serving our country and defending our sacred liberty has called them to duty overseas during the holiday season. We also pray for our law enforcement officials and first responders as they carry out their duties to protect and serve our communities. As a Nation, we owe a debt of gratitude to both those who take an oath to safeguard us and our way of life as well as to their families, and we salute them for their immeasurable sacrifices.

As we gather today with those we hold dear, let us give thanks to Almighty God for the many blessings we enjoy. United together as one people, in gratitude for the freedoms and prosperity that thrive across our land, we acknowledge God as the source of all good gifts. We ask Him for protection and wisdom and for opportunities this Thanksgiving to share with others some measure of what we have so providentially received.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Thursday, November 28, 2019, as a National Day of Thanksgiving. I encourage all Americans to gather, in homes and places of worship, to offer a prayer of thanks to God for our many blessings.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of November, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9969 of November 27, 2019**National Impaired Driving Prevention Month, 2019**

By the President of the United States of America

A Proclamation

Every day, lives are shattered and lost on our Nation's roadways as a result of alcohol, drugs, and distracted driving. The statistics are alarming: In 2018, impaired driving took more than 10,000 lives in the United States—almost 30 of our fellow Americans each day. During National Impaired Driving Prevention Month, we reaffirm our commitment to preventing tragedies from impaired driving by making the responsible decision to drive sober. We also remember the victims of impaired driving, pray for the grieving families of those whose lives have been taken, and honor the law enforcement professionals who work to keep our roads safe.

Irresponsible and impulsive choices that interfere with the ability to drive can irrevocably destroy hopes, dreams, and families. The influence of alcohol, illicit drugs, and some over-the-counter and prescription medications diminishes judgment, negatively impacts motor coordination, and decreases reaction time necessary to safely operate a motor vehicle. Innocent drivers, passengers, cyclists, and pedestrians are endangered when impaired individuals get behind the wheel. We can and must prevent this senseless loss of life and property.

My Administration will continue to raise awareness nationwide of the importance of personal responsibility and the dangers of driving while impaired by alcohol or other drugs, including marijuana, opioids, and certain medications. Since the first day of my Administration, addressing substance use disorder and helping the millions of Americans affected by addiction find pathways to recovery have been high priorities. We support health professionals treating Americans struggling with substance use disorder and faith-based and non-profit organizations that address this critical issue through outreach and support of individuals seeking recovery. By eliminating unnecessary and burdensome regulations, we are supporting the creation of innovative technologies that help to reduce impaired driving on our roads, such as ride-sharing services and Advanced Vehicle Technology. Additionally, we are improving data collection and toxicology practices and continuing to provide vital resources to our Nation's law enforcement officers and public safety professionals, bolstering their efforts to reduce the number of crashes, injuries, and fatalities caused by impaired driving.

Our Nation has lost too many lives to substance use, yet every day impaired drivers recklessly put others and themselves at risk. Driving sober is non-negotiable. This holiday season, and every day, I urge all Americans to choose wisely, act responsibly, drive sober, and implore friends and loved ones not to get behind the wheel while impaired. We must all commit to confronting this careless behavior, which inflicts unnecessary suffering and senseless loss, stealing the lives of our fellow Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Decem-

ber 2019 as National Impaired Driving Prevention Month. I urge all Americans to make responsible decisions and take appropriate measures to prevent impaired driving.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of November, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9970 of November 27, 2019

World AIDS Day, 2019

*By the President of the United States of America
A Proclamation*

Our Nation unites on World AIDS Day to show support for people living with human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS). We also pause to solemnly remember those worldwide who have lost their lives to HIV and AIDS-related illnesses. As we mourn this tragic loss of life, we acknowledge the remarkable advancements in medical care, treatment, acceptance, and understanding surrounding the virus. While admirable progress has been made, it is not enough, and we must continue to work toward a vaccine and a cure. Today, we reaffirm our commitment to control this disease as a public health threat and end its devastating impact on families and communities worldwide.

Approximately 1.1 million people in the United States and 38 million around the world are living with HIV. While we have made tremendous strides through American ingenuity and innovation in combatting HIV/AIDS over more than three decades, infections unfortunately persist. Thankfully, due to the availability of antiretroviral therapy, HIV is now considered a manageable chronic condition rather than a fatal diagnosis. New laboratory and epidemiological techniques allow us to identify where HIV infections are spreading most rapidly so health officials can respond with resources to stop the further spread of new infections. Proven interventions, including pre-exposure prophylaxis (PrEP) and syringe services programs, are assisting in preventing new HIV transmissions. Still, a combination of prevention and treatment approaches is needed to integrate and implement our most effective biomedical and socio-behavioral tools. In addition, increased efforts are necessary to reach those populations disproportionately affected by HIV.

To strengthen our response to the HIV/AIDS crisis, my Administration launched an unprecedented initiative, *Ending the HIV Epidemic: A Plan for America*, to eliminate at least 90 percent of new HIV infections in the United States within 10 years by focusing on diagnosis, treatment, prevention, and response. Through this initiative, we will continue to lead the charge in applying the latest science to better diagnose, treat, care for, and save the lives of individuals living with HIV by focusing on the cities and States most impacted by the disease. The Department of Health and Human Services is coordinating this cross-

agency initiative to include efforts from the Centers for Disease Control and Prevention, the National Institutes of Health, the Health Resources and Services Administration, and the Indian Health Service to bring us closer than ever to ending the HIV epidemic.

American leadership in the global response to HIV/AIDS is clear and as strong as ever through the President's Emergency Plan for AIDS Relief (PEPFAR). The United States has invested more than \$85 billion in the global HIV/AIDS response—the largest commitment made by any nation to address a single disease. Overseen by the Department of State, PEPFAR's life-saving work in more than 50 countries is made possible through our country's unwavering commitment to the program and the American people's compassion and generosity. These efforts have saved more than 18 million lives, prevented millions of new HIV infections, and moved the HIV/AIDS pandemic from crisis toward control—community by community. Several PEPFAR-supported countries have either approached or exceeded targets for HIV/AIDS epidemic control, putting them on pace to reach this critical milestone by 2020. For millions of men, women, and children around the world, PEPFAR has replaced death and despair with vibrant life and hope.

On World AIDS Day, we are reminded that no challenge can defeat the unyielding American spirit. As a Nation, we must come together to remove the stigma surrounding HIV and to address disparities facing people living with this disease. Our success is contingent upon collaboration across all levels of government here in the United States and around the world, community interaction and outreach to people with HIV and at-risk populations, and a citizenry motivated by compassion for the suffering of humankind and hope for the future. Together, we will continue to make progress in our efforts to find a cure for HIV/AIDS and to ensure that all Americans live healthier and happier lives.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 1, 2019, as World AIDS Day. I urge the Governors of the States and the Commonwealth of Puerto Rico, officials of the other territories subject to the jurisdiction of the United States, and all Americans to join me in appropriate activities to remember those who have lost their lives to AIDS and to provide support and compassion to those living with HIV.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of November, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9971 of December 6, 2019**National Pearl Harbor Remembrance Day, 2019**

By the President of the United States of America

A Proclamation

Seventy-eight years ago today, the course of our Nation's history was forever altered by the surprise attack at Pearl Harbor on Oahu, Hawaii. On National Pearl Harbor Remembrance Day, we solemnly remember the tragic events of that morning and honor those who perished in defense of our Nation that day and in the ensuing 4 years of war.

Just before 8 a.m. on December 7, 1941, airplanes launched from the Empire of Japan's aircraft carriers dropped bombs and torpedoes from the sky, attacking our ships moored at Naval Station Pearl Harbor and other military assets around Oahu. Following this swift assault, the United States Pacific Fleet and most of the Army and Marine airfields on the island were left decimated. Most tragically, 2,335 American service members and 68 civilians were killed, marking that fateful day as one of the deadliest in our Nation's history.

Despite the shock of the attack, American service members at Pearl Harbor fought back with extraordinary courage and resilience. Sprinting through a hailstorm of lead, pilots rushed to the few remaining planes and took to the skies to fend off the incoming Japanese attackers. Soldiers on the ground fired nearly 300,000 rounds of ammunition and fearlessly rushed to the aid of their wounded brothers in arms. As a solemn testament to the heroism that abounded that day, 15 American servicemen were awarded the Medal of Honor—10 of which were awarded posthumously. In one remarkable act of bravery, Doris "Dorie" Miller, a steward aboard the USS West Virginia, manned a machine gun and successfully shot down multiple Japanese aircraft despite not having been trained to use the weapon. For his valor, Miller was awarded the Navy Cross and was the first African-American recognized with this honor.

In the wake of this heinous attack, the United States was left stunned and wounded. Yet the dauntless resolve of the American people remained unwavering and unbreakable. In his address to the Congress the following day, broadcast to the Nation over radio, President Franklin Delano Roosevelt assured us that "[w]ith confidence in our armed forces, with the unbounding determination of our people, we will gain the inevitable triumph." In the days, months, and years that followed, the full might of the American people, industry, and military was brought to bear on our enemies. Across the Atlantic and Pacific, 16 million American servicemen and women fought to victory, making the world safe for freedom and democracy once again. More than 400,000 of these brave men and women never returned home, giving their last full measure of devotion for our Nation.

While nearly eight decades have passed since the last sounds of battle rang out over Pearl Harbor, we will never forget the immeasurable sacrifices these courageous men and women made so that we may live today in peace and prosperity. We continue to be inspired by the proud legacy left by the brave patriots of the Greatest Generation who served in every capacity during World War II, from keeping factories operating on the home front to fighting on the battlefields in Europe,

North Africa, and the South Pacific. Their incredible heroism, dedication to duty, and love of country continue to embolden our drive to create a better world and galvanize freedom-loving people everywhere under a common cause. On this day, we resolve forever to keep the memory of the heroes of Pearl Harbor alive as a testament to the tremendous sacrifices they made in defense of freedom and all that we hold dear.

The Congress, by Public Law 103–308, as amended, has designated December 7 of each year as “National Pearl Harbor Remembrance Day.”

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim December 7, 2019, as National Pearl Harbor Remembrance Day. I encourage all Americans to observe this solemn day of remembrance and to honor our military, past and present, with appropriate ceremonies and activities. I urge all Federal agencies and interested organizations, groups, and individuals to fly the flag of the United States at half-staff in honor of those American patriots who died as a result of their service at Pearl Harbor.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of December, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9972 of December 9, 2019

Human Rights Day, Bill of Rights Day, and Human Rights Week, 2019

By the President of the United States of America
A Proclamation

Nearly two and a half centuries ago, American colonists broke free of a tyrannical monarchy and rose from the shadow of oppression, creating a new Republic predicated on liberty and the rule of law. Innate to the identity of this new Nation was a revolutionary commitment to the preservation of individual rights. The Framers drafted a Constitution that would ensure the God-given rights of the people. Nevertheless, some of them believed more was needed and insisted upon the enumeration of a set of rights that would be protected from government interference. As a result, the United States ratified 10 Amendments to our Constitution, known as the Bill of Rights. On this day, we pay tribute to these profound protections provided to all Americans, and we reaffirm our commitment to safeguarding them.

James Madison, the “Father of the Constitution,” was once a skeptic of the need for a Bill of Rights, pondering whether such “parchment barriers” could prevent government intrusion on our liberty. After some persuasion from his friend Thomas Jefferson, however, Madison eventually supported the adoption of the Bill of Rights to achieve the compromise necessary to ratify the Constitution. Jefferson famously wrote to Madison: “A bill of rights is what the people are entitled to against every government on earth, general or particular, and what no

just government should refuse or rest on inference.” In the 228 years since the adoption of the Bill of Rights, it has continuously served as the guarantor of some of our most cherished freedoms: the right to practice the religion we choose, the right to speak freely and openly, the right to privacy, and the right to keep and bear arms.

Since taking office, I have worked to confine government authority to its proper, constitutional scope. In May of 2017, I signed an Executive Order defending religious freedom and freedom of speech to better protect the First Amendment rights of all Americans. I signed another Executive Order in March to promote free speech on college campuses, protecting free inquiry and open debate at universities across the country. These orders recognize that freedom of speech is a fundamental right that must always be guarded vigilantly.

Underlying our Bill of Rights is the understanding that all human beings are endowed with certain inalienable rights and that it is the duty of every government to protect these rights. On December 10, 1948, inspired by the Bill of Rights, the United Nations General Assembly adopted the Universal Declaration of Human Rights. This historic document drew global recognition of “the inherent dignity and of the equal and inalienable rights of all members of the human family.” Unfortunately, however, millions around the world still suffer from unjust imprisonment, religious persecution, and countless other human rights abuses. As part of my Administration’s efforts to protect human rights, in July, the Department of State hosted the second Ministerial to Advance Religious Freedom, and in October, I was honored to be the first President to host a meeting at the United Nations on religious freedom.

During Human Rights Day, Bill of Rights Day, and Human Rights Week, we celebrate the Bill of Rights for safeguarding our God-given rights and protecting us from the abuse of government power. We also acknowledge the truth that people around the world are empowered when human rights are protected by law. The United States has long been at the forefront of this effort, and we will always stand up for individual freedoms and against all forms of oppression.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 10, 2019, as Human Rights Day; December 15, 2019, as Bill of Rights Day; and the week beginning on December 8, 2019, as Human Rights Week. I call upon the people of the United States to mark these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of December, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9973 of December 16, 2019**Wright Brothers Day, 2019**

By the President of the United States of America

A Proclamation

On December 17, 1903, two visionaries, brothers from Dayton, Ohio, ushered in the dawn of the age of aviation on a wind-swept beach in Kitty Hawk, North Carolina. Wilbur and Orville Wright changed the course of history with the successful maiden flight of a manned, engine-powered aircraft. On Wright Brothers Day, we honor this remarkable achievement, commend the brothers' ingenuity, innovation, passion, and determination, and celebrate the incalculable contributions of aviation to our Nation and the world.

When the Wright Flyer safely landed near Kill Devil Hills, it marked the first step of an aviation journey of countless American pioneers to conquer the skies. In the 116 years since this groundbreaking flight, we have made revolutionary strides in aviation, such as Amelia Earhart crossing the Atlantic and Wiley Post circling the globe. This same fearless American spirit eventually propelled us beyond Earth's atmosphere into space and even placed humans onto the surface of the Moon in an ongoing pursuit of discovery and exploration. Earlier this year, our Nation commemorated the 50th anniversary of the Apollo 11 mission and remembered the triumphant courage and patriotism displayed by those intrepid astronauts. On that remarkable voyage, Commander Neil Armstrong carried a small patch of fabric from the wing of the Wright Brothers' 1903 "Flyer."

The progress and success of aviation are among our country's greatest achievements. Aviation connects people, commerce, and industry, not merely across the country but across oceans and continents. The economic, strategic, and social benefits of aviation are critical to our national security and prosperity. That is why my Administration is committed to ensuring that the United States remains the world leader in aviation and aerospace innovation. We are improving the design of supersonic jets, for example, and preparing for their reintroduction to civilian flight while also embracing the growth and potential of unmanned aircraft. By working with leaders in the industry, we are advancing the exploratory and commercial capabilities of space technology and cultivating ideas that could revolutionize the future of transportation, enhance national security and defense, and increase efficiency in commerce and emergency management.

Throughout our history, our Republic has been characterized by great men and women, like Wilbur and Orville, who dared to push boundaries, challenge traditional thinking, explore uncharted paths, and embrace the power of possibility. The Wright Brothers' airborne adventure into the North Carolina sky is one of our Nation's seminal milestones and a shining example of the power of the indomitable American spirit, which continues to fuel the next chapter of our history at sea, on land, and in the skies and beyond.

The Congress, by a joint resolution approved December 17, 1963, as amended (77 Stat. 402; 36 U.S.C. 143), has designated December 17 of each year as "Wright Brothers Day" and has authorized and requested the President to issue annually a proclamation inviting the people of

the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim December 17, 2019, as Wright Brothers Day.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of December, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9974 of December 26, 2019

To Take Certain Actions Under the African Growth and Opportunity Act and for Other Purposes

By the President of the United States of America

A Proclamation

1. In Proclamation 7350 of October 2, 2000, the President designated the Republic of Cameroon (Cameroon) as a beneficiary sub-Saharan African country for purposes of section 506A(a)(1) of the Trade Act of 1974, as amended (the “Trade Act”), as added by section 111(a) of the African Growth and Opportunity Act (the “AGOA”) (title I of Public Law 106–200, 114 Stat. 251, 257–58 (19 U.S.C. 2466a(a)(1))).

2. Section 506A(a)(3) of the Trade Act (19 U.S.C. 2466a(a)(3)) provides that the President shall terminate the designation of a country as a beneficiary sub-Saharan African country for purposes of section 506A if he determines that the country is not making continual progress in meeting the requirements described in section 506A(a)(1) of the Trade Act.

3. Pursuant to section 506A(a)(3) of the Trade Act, I have determined that Cameroon is not making continual progress in meeting the requirements described in section 506A(a)(1) of the Trade Act. Accordingly, I have decided to terminate the designation of Cameroon as a beneficiary sub-Saharan African country for purposes of section 506A of the Trade Act, effective January 1, 2020.

4. I have determined that the Republic of Niger (Niger), the Central African Republic, and the Republic of The Gambia (The Gambia) have not established effective visa systems and related customs procedures meeting the requirements of section 113 of the AGOA (19 U.S.C. 3722), which are required in order for a beneficiary sub-Saharan African country to receive the preferential treatment provided for under section 112(a) of the AGOA (19 U.S.C. 3721(a)). Therefore, Niger, the Central African Republic, and The Gambia are not eligible for the treatment provided for under section 112(a).

5. Section 112(c) of the AGOA, as amended in section 6002 of the Africa Investment Incentive Act of 2006 (division D, title VI, Public Law 109–432, 120 Stat. 2922, 3190–93 (19 U.S.C. 3721(c))), provides special rules for certain apparel articles imported from “lesser developed beneficiary sub-Saharan African countries.”

6. I have determined that Guinea-Bissau and Niger satisfy the criterion for treatment as “lesser developed beneficiary sub-Saharan African countries” under section 112(c) of the AGOA.

7. On April 22, 1985, the United States and Israel entered into the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel (the “USIFTA”), which the Congress approved in section 3 of the United States-Israel Free Trade Area Implementation Act of 1985 (the “USIFTA Act”) (Public Law 99–47, 99 Stat. 82 (19 U.S.C. 2112 note)).

8. Section 4(b) of the USIFTA Act provides that, whenever the President determines that it is necessary to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, the President may proclaim such withdrawal, suspension, modification, or continuance of any duty, or such continuance of existing duty-free or excise treatment, or such additional duties, as the President determines to be required or appropriate to carry out the USIFTA.

9. In order to maintain the general level of reciprocal and mutually advantageous concessions with respect to agricultural trade with Israel, on July 27, 2004, the United States entered into an agreement with Israel concerning certain aspects of trade in agricultural products during the period January 1, 2004, through December 31, 2008 (the “2004 Agreement”).

10. In Proclamation 7826 of October 4, 2004, consistent with the 2004 Agreement, the President determined, pursuant to section 4(b) of the USIFTA Act, that, in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, it was necessary to provide duty-free access into the United States through December 31, 2008, for specified quantities of certain agricultural products of Israel.

11. Each year from 2008 through 2018, the United States and Israel entered into agreements to extend the period that the 2004 Agreement was in force for 1-year periods to allow additional time for the two governments to conclude an agreement to replace the 2004 Agreement.

12. To carry out the extension agreements, the President in Proclamation 8334 of December 31, 2008; Proclamation 8467 of December 23, 2009; Proclamation 8618 of December 21, 2010; Proclamation 8770 of December 29, 2011; Proclamation 8921 of December 20, 2012; Proclamation 9072 of December 23, 2013; Proclamation 9223 of December 23, 2014; Proclamation 9383 of December 21, 2015; Proclamation 9555 of December 15, 2016; Proclamation 9687 of December 22, 2017; and Proclamation 9834 of December 21, 2018, modified the Harmonized Tariff Schedule of the United States (the “HTS”) to provide duty-free access into the United States for specified quantities of certain agricultural products of Israel, each time for an additional 1-year period.

13. On December 4, 2019, the United States entered into an agreement with Israel to extend the period that the 2004 Agreement is in force through December 31, 2020, and to allow for further negotiations on an agreement to replace the 2004 Agreement.

14. Pursuant to section 4(b) of the USIFTA Act, I have determined that it is necessary, in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for

by the USIFTA, to provide duty-free access into the United States through the close of December 31, 2020, for specified quantities of certain agricultural products of Israel, as provided in Annex I of this proclamation.

15. On September 16, 2019, in accordance with section 103(a)(2) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (the “Trade Priorities Act”) (title I of Public Law 114–26, 129 Stat. 319, 333 (19 U.S.C. 4202(a)(2))), I notified the Congress that I intended to enter into an agreement regarding tariff barriers with Japan under section 103(a) of the Trade Priorities Act. On October 7, 2019, the United States and Japan entered into the Trade Agreement between the United States and Japan.

16. Section 103(a)(1) of the Trade Priorities Act authorizes the President to proclaim such modification of any existing duty as the President determines to be required or appropriate to carry out a trade agreement entered into under section 103(a). The President generally may proclaim such modification provided that the modification does not reduce the rate of duty to a rate that is less than 50 percent of the date of such duty that applied on June 29, 2015; does not reduce the rate of duty below that applicable under the Uruguay Round Agreements or a successor agreement on any import-sensitive agricultural product; and does not increase the rate of duty above the rate of such duty that applied on June 29, 2015.

17. Pursuant to section 103(a) of the Trade Priorities Act, I have determined that it is required and appropriate to modify existing duties with respect to certain goods to carry out the Trade Agreement between the United States and Japan.

18. In Proclamation 6763 of December 23, 1994, the President established a tariff-rate quota for beef. Section 404(d)(3) of the Uruguay Round Agreements Act (title IV of Public Law 103–465, 108 Stat. 4809, 4960 (19 U.S.C. 3601(d)(3))) authorizes the President to allocate the in-quota quantity of a tariff-rate quota for any agricultural product among supplying countries or customs areas and to modify any allocation as the President determines appropriate. Pursuant to section 404(d)(3) of the Uruguay Round Agreements Act, I have determined that it is appropriate to modify the tariff-rate quota allocation for beef by providing that the tariff-rate quota allocation for Japan will become part of the total tariff-rate quota allocation for other countries or areas.

19. Section 1206(a) of the Omnibus Trade and Competitiveness Act of 1988 (the “1988 Act”) (title I of Public Law 100–418, 102 Stat. 1107, 1151 (19 U.S.C. 3006(a))) authorizes the President to proclaim modifications to the HTS based on the recommendations of the United States International Trade Commission (the “Commission”) under section 1205 of the 1988 Act (19 U.S.C. 3005) if the President determines that the modifications are in conformity with United States obligations under the International Convention on the Harmonized Commodity Description and Coding System (the “Convention”) and do not run counter to the national economic interest of the United States.

20. In Proclamation 9549 of December 1, 2016, pursuant to section 1206(a) of the 1988 Act, the President proclaimed modifications to the HTS to conform it to the Convention, to promote the uniform application of the Convention, to establish additional subordinate tariff categories, and to make technical and conforming changes to existing pro-

visions. These modifications to the HTS were set out in Annex I of Publication 4653 of the Commission, which was incorporated by reference into the proclamation.

21. Proclamation 7746 of December 30, 2003, implemented the United States-Chile Free Trade Agreement (the “USCFTA”) with respect to the United States and, pursuant to the United States-Chile Free Trade Agreement Implementation Act (the “USCFTA Act”) (Public Law 108–77, 117 Stat. 909 (19 U.S.C. 3805 note)), incorporated in the HTS the schedule of duty reductions and rules of origin necessary or appropriate to carry out the USCFTA.

22. In order to ensure the continuation of such staged reductions in rates of duty for originating goods of Chile in tariff categories that were modified to reflect amendments to the Convention, Proclamation 9549 made modifications to the HTS that the President determined were necessary or appropriate to carry out the duty reductions proclaimed in Proclamation 7746. The United States and Chile are parties to the Convention.

23. Section 201 of the USCFTA Act authorizes the President to proclaim such modifications or continuation of any duty, such continuation of duty-free or excise treatment, or such additional duties, as the President determines to be necessary or appropriate to carry out or apply Articles 3.3, 3.7, 3.9, Article 3.20(8), (9), (10), and (11), and Annex 3.3 (including the schedule of United States duty reductions with respect to originating goods) of the USCFTA.

24. I have determined that, pursuant to section 201 of the USCFTA Act and section 1206(a) of the 1988 Act, modifications to the HTS are necessary or appropriate to ensure the continuation of tariff and certain other treatment accorded to originating goods under tariff categories modified in Proclamation 9549 and to carry out the duty reductions proclaimed in Proclamation 7746.

25. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including sections 506A(a)(1) and 506A(a)(3) of the Trade Act; sections 111(a) and 112(c) of the AGOA; section 6002 of the Africa Investment Incentive Act of 2006; section 4(b) of the USIFTA Act; section 103(a) of the Trade Priorities Act; section 404(d)(3) of the Uruguay Round Agreements Act; section 1206(a) of the 1988 Act; section 201 of the USCFTA Act; and section 604 of the Trade Act, do proclaim that:

(1) The designation of Cameroon as a beneficiary sub-Saharan African country for purposes of section 506A of the Trade Act is terminated, effective January 1, 2020.

(2) In order to reflect in the HTS that beginning January 1, 2020, Cameroon shall no longer be designated as a beneficiary sub-Saharan African country, general note 16(a) to the HTS is modified by deleting “Republic of Cameroon” from the list of beneficiary sub-Saharan African countries. Note 7(a) to subchapter II and note 1 to subchapter XIX

of chapter 98 of the HTS are modified to delete “Cameroon” from the list of beneficiary countries. Further, note 2(d) to subchapter XIX of chapter 98 of the HTS is modified by deleting “Republic of Cameroon” from the list of lesser developed beneficiary sub-Saharan African countries.

(3) In order to provide the tariff treatment intended under sections 112(a) and 113 of the AGOA, note 1 to subchapter XIX of Chapter 98 of the HTS is modified by deleting “Niger”, “Central African Republic”, and “The Gambia” from the list of beneficiary sub-Saharan African countries. Further, note 7(a) to subchapter II of chapter 98 of the HTS is modified by deleting “Niger” from the list of beneficiary sub-Saharan African countries.

(4) For purposes of section 112(c) of the AGOA, Guinea-Bissau and Niger are lesser developed beneficiary sub-Saharan African countries.

(5) In order to provide for Guinea-Bissau and Niger the tariff treatment intended under section 112(c) of the AGOA, note 2(d) to subchapter XIX of chapter 98 of the HTS is modified by inserting in alphabetical sequence in the list of lesser developed beneficiary sub-Saharan African countries “Guinea-Bissau” and “Niger”.

(6) The modifications to the HTS set forth in paragraphs (1) through (5) of this proclamation shall be effective with respect to articles that are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2020.

(7) In order to implement United States tariff commitments under the 2004 Agreement through December 31, 2020, the HTS is modified as provided in Annex I of this proclamation.

(8) The modifications to the HTS set forth in Annex I of this proclamation shall be effective with respect to eligible agricultural products of Israel that are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2020.

(9) The provisions of subchapter VIII of chapter 99 of the HTS, as modified by Annex I of this proclamation, shall continue in effect through December 31, 2020.

(10) In order to modify tariffs on certain goods to carry out the Trade Agreement between the United States and Japan, the HTS is modified as set forth in Annex II of this proclamation.

(11) The modifications to the HTS set forth in Annex II of this proclamation shall be effective with respect to originating goods, as defined in the Trade Agreement between the United States and Japan, effective on the dates specified in Annex II and on any subsequent dates set forth for such duty reductions in Annex II.

(12) The Secretary of the Treasury shall use existing authority to issue any regulations necessary to implement the modifications made pursuant to paragraphs (10) and (11) of this proclamation.

(13) Additional U.S. note 3 to chapter 2 of the HTS is modified as specified in Annex III of this proclamation. The modifications to the HTS set forth in Annex III of this proclamation shall be effective with respect to goods that are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2020.

(14) In order to reflect in the HTS the modifications to the rules of origin under the USCFTA, general note 26 to the HTS is modified as provided in Annex IV of this proclamation.

(15) The modifications to the HTS made by paragraph (14) of this proclamation shall enter into effect on April 1, 2020.

(16) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of December, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

ANNEX I

**TEMPORARY EXTENSION OF CERTAIN PROVISIONS OF
THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES**

Effective with respect to eligible agricultural products of Israel which are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2020, and through the close of December 31, 2020, subchapter VIII of chapter 99 of the Harmonized Tariff Schedule of the United States is hereby modified as follows:

1. U.S. note 1 to such subchapter is modified by striking “December 31, 2019,” and by inserting in lieu thereof “December 31, 2020”.
2. U.S. note 3 to such subchapter is modified by adding at the end of the “Applicable time period” column in the table “Calendar year 2020” and by adding at the end of the “Quantity (kg)” column opposite such year the quantity “466,000”.
3. U.S. note 4 to such subchapter is modified by adding at the end of the “Applicable time period” column in the table “Calendar year 2020” and by adding at the end of the “Quantity (kg)” column opposite such year the quantity “1,304,000”.
4. U.S. note 5 to such subchapter is modified by adding at the end of the “Applicable time period” column in the table “Calendar year 2020” and by adding at the end of the “Quantity (kg)” column opposite such year the quantity “1,534,000”.
5. U.S. note 6 to such subchapter is modified by adding at the end of the “Applicable time period” column in the table “Calendar year 2020” and by adding at the end of the “Quantity (kg)” column opposite such year the quantity “131,000”.
6. U.S. note 7 to such subchapter is modified by adding at the end of the “Applicable time period” column in the table “Calendar year 2020” and by adding at the end of the “Quantity (kg)” column opposite such year the quantity “707,000”.

ANNEX II

**TO MODIFY THE HARMONIZED TARIFF SCHEDULE
OF THE UNITED STATES TO IMPLEMENT THE
TRADE AGREEMENT BETWEEN JAPAN AND THE UNITED STATES OF AMERICA**

Section A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2020, the Harmonized Tariff Schedule of the United States (“HTS”) is modified as set forth herein:

1. (a) General note 1 is modified by deleting “through 29” and by inserting in lieu thereof “through 36”.

(b) General note 3(c)(i) is modified by inserting in alphabetical sequence the following:

“Trade Agreement between the United States and Japan.....JP”

2. The following new general note 36 is inserted in numerical sequence:

“36. Trade Agreement between the United States and Japan.

(a) Originating goods under the terms of the Trade Agreement between the United States and Japan, entered into on October 7, 2019, are subject to duty as provided herein and in subchapter XXI of chapter 99 of the tariff schedule. For the purposes of this note, originating goods of Japan, as defined in Annex II of the Trade Agreement between the United States and Japan, that are imported into the customs territory of the United States and entered under a provision for which a rate of duty appears in the “Special” subcolumn of column 1 followed by the symbol “JP” in parentheses are eligible for the tariff treatment, and any applicable quantitative limitations, set forth in the “Special” subcolumn of Rates of Duty Column 1.

(b) Documentation and action upon claims under this note.

- (i) An importer may make a claim for preferential tariff treatment for a good under the terms of this note based on the importer’s knowledge or on information in the importer’s possession that the good is originating.
- (ii) For the purposes of claiming preferential tariff treatment, the importer shall make a statement, forming part of the import documentation, declaring that the good qualifies as an originating good.
- (iii) The importer shall be prepared to submit, upon request by the appropriate customs officer, a supporting statement setting forth the basis for its claim that the good qualifies as an originating good. The statement need not be in a prescribed form and may be submitted electronically, where feasible.

- (iv) The appropriate customs officer may conduct a verification for purposes of determining whether a good qualifies for preferential tariff treatment, by, for example, requesting that the importer provide additional information or other information relevant to that verification.
- (v) A claim for preferential tariff treatment may be denied if:
 - (A) U.S. Customs and Border Protection determines that the good does not qualify for preferential tariff treatment;
 - (B) pursuant to this note, U.S. Customs and Border Protection has not received sufficient information to determine that the good qualifies for preferential tariff treatment; or
 - (C) the importer fails to comply with the requirements of this note and applicable customs regulations.”

3. New subchapter XXI entitled “Trade Agreement between the United States and Japan” is hereby added at the end of chapter 99 of the HTS, including the following new notes and tariff provisions, and material in the new subheadings and superior text thereto is inserted in the columns entitled “Heading/Subheading”, “Article Description”, “Rates of Duty 1-General”, and “Rates of Duty 1-Special”, respectively.

4. New U.S. note 1 is hereby inserted in such subchapter XXI:

“1. The provisions of this subchapter contain modifications of the provisions of the tariff schedule established pursuant to the Trade Agreement between the United States and Japan, entered under the terms of general note 36 to the tariff schedule and described in subheadings 9921.01.01 through 9921.02.02, inclusive, in this subchapter. Unless otherwise expressly indicated herein, such subheadings apply to goods of Japan, under the terms of general note 36 to the tariff schedule for which a rate of duty followed by the symbol “(JP)” is herein provided. Originating goods of Japan described in such subheadings and entered into the customs territory of the United States shall be subject to duty as provided herein in lieu of the duty rates otherwise set forth in the tariff schedule.”

Section B. Effective with respect to goods of Japan, under the terms of general note 36 to the tariff schedule, entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01am Eastern Standard Time on January 1, 2020, the HTS is modified as follows:

1. For the following subheadings, the Rates of Duty 1-Special subcolumn is modified by inserting in alphabetical order in the parenthesis following the “Free” rate, the symbol “JP,”:

0602.30.00	0602.90.60	0810.70.00
0602.90.30	0807.19.50	1515.90.60

3403.19.10	8501.64.00
4009.11.00	8502.11.00
4016.93.50	8502.12.00
7318.29.00	8502.20.00
7320.90.50	8502.39.00
7326.90.86	8504.33.00
7410.11.00	8504.34.00
7410.12.00	8505.11.00
7410.21.30	8506.80.00
7410.21.60	8515.31.00
7410.22.00	8515.90.20
8207.19.60	8535.29.00
8207.30.60	8539.29.40
8207.70.60	8546.20.00
8301.60.00	8607.19.90
8411.99.90	8714.93.28
8414.10.00	9002.11.90
8423.90.90	9004.10.00
8424.89.90	9004.90.00
8424.90.10	9032.10.00
8465.92.00	9205.10.00
8465.93.00	9205.90.14
8501.51.20	9205.90.18
8501.51.40	9209.94.80
8501.51.60	
8501.62.00	

2. For subheading 8415.90.80, the Rates of Duty 1-Special subcolumn is modified by inserting, "See 9921.01.01-9921.01.02 (JP)".

3. Subchapter XXI of chapter 99 is modified by inserting the following new subheadings and superior text in the columns labeled "Heading/Subheading", "Article Description", and Rates of Duty 1-Special", respectively:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
	“Parts of air conditioning machines of heading 8415 (provided in subheading 8415.90.80), including parts of those machines in which the humidity cannot be separately regulated:			
9921.01.01	Of automotive air conditioners		1.4% (JP)	
9921.01.02	Other		Free (JP)”	

[illegible]

HTS Subheading	EIF	2021	2022	2023	2024	2025	2026	2027	2028	2029
0807.19.70	2.7%	2.7%	2.7%	2.7%	2.7%	2.7%	2.7%	2.7%	2.7%	2.7%
0807.19.80	25.2%	22.4%	19.6%	16.8%	14%	14%	14%	14%	14%	14%
0902.10.10	5.34%	4.27%	3.2%	3.2%	3.2%	3.2%	3.2%	3.2%	3.2%	3.2%
0902.20.10	5.34%	4.27%	3.2%	3.2%	3.2%	3.2%	3.2%	3.2%	3.2%	3.2%
1515.90.80	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free
1704.10.00	3.6%	3.2%	2.8%	2.4%	2.0%	1.6%	1.2%	0.8%	0.4%	Free
1704.90.10	4.05%	3.6%	3.15%	2.7%	2.25%	1.8%	1.35%	0.9%	0.45%	Free
1704.90.35	5.04%	4.48%	3.92%	3.36%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%
1704.90.52	10.98%	9.76%	8.54%	7.32%	6.1%	6.1%	6.1%	6.1%	6.1%	6.1%
1806.20.22	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free
1806.20.60	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
1806.20.67	9%	8%	7%	6%	5%	5%	5%	5%	5%	5%
1806.20.79	8.34%	6.67%	5%	5%	5%	5%	5%	5%	5%	5%
1806.31.00	4.67%	3.74%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%
1806.32.01	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free
1806.32.55	6.3%	5.6%	4.9%	4.2%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%
1806.90.01	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
2103.10.00	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free

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PROCLAMATION 9974—DEC. 26, 2019

133 STAT. 3553

ANNEX III

**MODIFICATIONS TO NOTE 3 TO CHAPTER 2
OF THE HARMONIZED TARIFF SCHEDULE**

1. Additional U.S. note 3 to chapter 2 of the Harmonized Tariff Schedule of the United States is modified by deleting from the table “Japan 200”; by deleting the quantity “64,805”; and by inserting in lieu of the latter quantity “65,005”.

ANNEX IV

**TECHNICAL RECTIFICATIONS TO THE RULES OF ORIGIN FOR THE
UNITED STATES-CHILE FREE TRADE AGREEMENT, AS REFLECTED
IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES**

Effective with respect to goods of Chile, under the terms of general note 26 of the Harmonized Tariff Schedule of the United States (“HTS”) that are entered for consumption, or withdrawn from warehouse for consumption, on or after the date announced by the United States Trade Representative and published in the Federal Register, general note 26(n) to the HTS is modified as follows:

1. Tariff classification rule (“TCR”) 7 to chapter 21 is modifying by deleting “2202.90” and inserting in lieu thereof “2202.99”.
2. TCR 8 to chapter 21 is modified by deleting “2202.90” at each instance and by inserting in lieu thereof “2202.99”.
3. TCRs 3 and 4 to chapter 22 are deleted and the following new TCRs are inserted in lieu thereof:
 - “3. A change to subheading 2202.91 from any other chapter.
 4. (A) A change to any single fruit or single vegetable juice of subheading 2202.99 from any other chapter, except from headings 0805 or 2009, or from fruit or vegetable juices of subheading 2106.90; or
 - (B) A change to mixtures of juices of subheading 2202.99:
 - (1) from any other chapter or from pineapple, banana or mango juices of heading 2009 or subheading 2106.90, but not from heading 0805 or from other juices or juice mixtures of heading 2009 or subheading 2106.90; or
 - (2) from any other subheading within chapter 22, heading 2009 or from mixtures of juices of subheading 2106.90, whether or not there is also a change from any other chapter, provided that a single juice ingredient, or juice ingredients from one non-Party, constitute in single strength form no more than 60 percent by volume of the good; or
 - (C) A change to beverages containing milk of subheading 2202.99 from any other chapter, except from chapter 4 or from dairy preparations containing over 10 percent by weight of milk solids of subheading 1901.90; or

- (D) A change to other goods of subheading 2202.99 from any other chapter.
- 5. A change to headings 2203 through 2209 from any other heading, except from another heading within that group.”
- 4. TCR 13 to chapter 28 is deleted and the following new TCR is inserted in lieu thereof:
 - “13. A change to subheading 2811.12 from any other subheading, except from subheadings 2811.19 or 2811.22.
 - 13A. A change to subheading 2811.19 from any other subheading, except from subheadings 2811.12 or 2811.22.”
- 5. TCR 84 to chapter 28 is deleted and the following new TCRs are inserted in lieu thereof:
 - “84. A change to heading 2847 from any other heading.”
- 6. TCR 48 to chapter 29 is modified by deleting “2914.70” and inserting in lieu thereof “2914.79”.
- 7. TCR 66 to chapter 29 is modified by deleting “2922.13” and inserting in lieu thereof “2922.12”.
- 8. TCR 3 to chapter 30 is modified by deleting “3002.10” and inserting in lieu thereof “3002.11”.
- 9. TCR 8 to chapter 30 is modified by deleting “subheading 3003.40” and inserting in lieu thereof “subheadings 3003.41 through 3003.49”.
- 10. TCR 9 to chapter 30 is modified by deleting “subheading 3003.90” and inserting in lieu thereof “subheadings 3003.60 through 3003.90”.
- 11. TCR 15 to chapter 30 is modified by deleting “subheading 3004.40” and inserting in lieu thereof “subheadings 3004.41 through 3004.49”.
- 12. TCR 17 to chapter 30 is modified by deleting “subheading 3004.90” and inserting in lieu thereof “subheadings 3004.60 through 3004.90”.
- 13. TCR 11 to chapter 31 is deleted and the following new TCR is inserted in lieu thereof:
 - “11. A change to subheadings 3103.11 through 3103.19 from any other subheading.”
- 14. TCR 11 to chapter 38 modified by deleting “subheading 3808.50” and inserting in lieu thereof “subheadings 3808.52 through 3808.59”.

15. TCR 12 to chapter 38 is modified by deleting “3808.91” and inserting in lieu thereof “3808.61”.
16. TCR 28 to chapter 38 is modified by deleting “3824.83” at each instance and inserting in lieu thereof “3824.91”.
17. TCR 28A to chapter 38 is modified by deleting “3824.90” at each instance and inserting in lieu thereof “3824.99”.
18. TCR 121 to chapter 84 is deleted.
19. TCR 61 to chapter 85 is modified by deleting “8528.41” and inserting in lieu thereof “8528.42”.
20. TCR 62A to chapter 85 is modified by deleting “8528.51” and inserting in lieu thereof “8528.52”.
21. TCR 62C to chapter 85 is modified by deleting “8528.61” and inserting in lieu thereof “8528.62”.
22. TCR 79 to chapter 85 is inserted in numerical sequence.
 - “79. A change to subheading 8539.50 from any other subheading.”
23. TCR 95 to chapter 85 is deleted and the following new TCRs are inserted in lieu thereof:
 - “95. A change to subheadings 8541.10 through 8542.90 from any other subheading, including another subheading within that group.”
24. TCR 11 to chapter 90 is modified by deleting “subheadings 9006.10 through 9006.30” at each instance and inserting in lieu thereof “subheading 9006.30”.
25. TCR 4 to chapter 94 is modified by deleting “9403.80” at each instance and inserting in lieu thereof “9403.89”.
26. New TCR 27 to chapter 96 is inserted in numerical sequence.
 - “27. A change to heading 9620 from any other heading.”

Proclamation 9975 of December 31, 2019**National Slavery and Human Trafficking Prevention Month, 2020**

By the President of the United States of America

A Proclamation

Human trafficking erodes personal dignity and destroys the moral fabric of society. It is an affront to humanity that tragically reaches all parts of the world, including communities across our Nation. Each day, in cities, suburbs, rural areas, and tribal lands, people of every age, gender, race, religion, and nationality are devastated by this grave offense. During National Slavery and Human Trafficking Prevention Month, we reaffirm our unwavering commitment to eradicate this horrific injustice.

Trafficking crimes are perpetrated by transnational criminal enterprises, gangs, and cruel individuals. Through force, fraud, coercion, and sexual exploitation of minors, traffickers rob countless individuals of their dignity and freedom, splinter families, and threaten the safety of our communities. In all its forms, human trafficking is an intolerable blight on any society dedicated to freedom, individual rights, and the rule of law.

Human trafficking is often a hidden crime that knows no boundaries. By some estimates, as many as 24.9 million people—adults and children—are trapped in a form of modern slavery around the world, including in the United States. Human traffickers exploit others through forced labor or commercial sex, and traffickers profit from their victims' horrific suffering. The evil of human trafficking must be defeated. We remain relentless in our resolve to bring perpetrators to justice, to protect survivors and help them heal, and to prevent further victimization and destruction of innocent lives.

This year marks nearly 20 years since our Nation took decisive steps in the global fight against human trafficking by enacting the Trafficking Victims Protection Act of 2000 (TVPA) and nearly 15 years since the United States ratified the United Nations' Palermo Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol). Both the TVPA and the Palermo Protocol established a comprehensive framework for combating human trafficking by establishing prevention programs, creating victim protections, and advancing prosecutions under expanded criminal statutes to usher in the modern anti-trafficking movement domestically and globally. These two measures illustrate a global consensus on the issue, and yet as a Nation we must continue to work proactively to foster a culture of justice and accountability for this horrific crime.

My Administration is committed to using every available resource, strengthening strategic partnerships, collaborating with State, local, and tribal entities, and by introducing innovative anti-trafficking strategies to bring the full force of the United States Government to help end this barbaric practice once and for all. In January 2019, I was proud to sign both the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act and the Trafficking Victims Protection Reauthorization Act, reaffirming our commitment to preventing trafficking in all forms.

With my resolute support, executive departments and agencies are steadfastly continuing the battle to abolish this form of modern slavery. In October 2019, the 19 members of my Interagency Task Force to Monitor and Combat Trafficking in Persons convened to highlight significant accomplishments in our sustained, whole-of-Government fight against human trafficking. The Anti-Trafficking Coordination Team (ACTeam) initiative, led by the Department of Justice, more than doubled convictions of human traffickers in ACTeam districts. Additionally, the Department of Homeland Security initiated more than 800 investigations related to human trafficking and the Department of State launched its Human Trafficking Expert Consultant Network, comprised of survivors and other subject matter experts, to inform its anti-trafficking policies and programs. The Department of Health and Human Services continues to provide funding for the National Human Trafficking Hotline, and in Fiscal Year 2018 it funded victim assistance programs that provided benefits and services to more than 2,400 victims. For the first time, the Department of Transportation committed \$5.4 million in grants to the prevention of human trafficking and other crimes that may occur on buses, trains, and other forms of public transportation. The Office of Management and Budget also published new anti-trafficking guidance for Government procurement officials to more effectively combat human trafficking in Federal contracting.

The inherent dignity, freedom, and autonomy of every person must be respected and protected. Despite the progress we have made and the momentum we have built toward ending human trafficking, there is still more to be done. This month, we renew our resolve to redouble our efforts to deliver justice to all who contribute to the cruelty of human trafficking, and we will tenaciously pursue the promise of freedom for all victims of this terrible crime.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 2020 as National Slavery and Human Trafficking Prevention Month, culminating in the annual observation of National Freedom Day on February 1, 2020. I call upon industry associations, law enforcement, private businesses, faith-based and other organizations of civil society, schools, families, and all Americans to recognize our vital roles in ending all forms of modern slavery and to observe this month with appropriate programs and activities aimed at ending and preventing all forms of human trafficking.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of December, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

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